



**Town of Barnstable
Planning Board
Agenda
September 10, 2012**

The following hearings will be held at Barnstable Town Hall, 367 Main Street, Hyannis, MA, Hearing Room,
2nd Floor.

Meeting notice previously filed with Town Clerk - Revised as of; 09-04-12

Approval Not Required Plans:

High Noon & Judith Eve - Plans entitled "Plan of Land in Centerville, (Barnstable) MA on High Noon Drive Prepared for Estates of David and Joanne Goldman" and "Plan of Land in Centerville, (Barnstable) MA on Judith Eve Lane Prepared for Estates of David and Joanne Goldman", dated August 8, 2012, as drawn by Down Cape Engineering Inc., has been submitted for endorsement as an Approval Not Required Plans. The plans submitted propose to combine undersized lots that were created by Subdivision 405 "Goldman" to establish developable 1-acre lots.

Subdivision: **Subdivision No. 405, Goldman - High Noon & Judith Eve
Lot Release Request**

A letter dated August 23, 2012, from Daniel A. Ojala, has requested the release of the remaining thirteen lots under covenant. The thirteen lots are numbered Lot No's. 1 to 7, 9 to 11 and 15 to 17.

- *Staff Report, Application and Plans for both the ANRs, and Draft Lot Release Request enclosed.*
- *Lot Release Request Report and Photos from Steve Seymour, dated September 4, 2012, enclosed.*

Subdivision: **Subdivision No. 792, Hallett Woods
Lot Release Request**

William Charlie Hallett has requested the release of Lot No's. 2 & 4 from the covenant recorded March 18, 2002, in Book 15017, page 282 and the "full release" of Lot No. 3 from the restriction imposed when it was released from the Covenant on March 12, 2010, and recorded in Book 24425 page 291. The request represents the release of all remaining lots in the subdivision.

- *Staff Report, Plan, Lot Release/Addendum dated March 12, 2010, and Draft Lot Release Request enclosed.*
- *Lot Release Request Report from Steve Seymour, dated September 4, 2012, enclosed*

**7:00 pm Public Hearing Proposed Zoning Amendment
Groundwater Protection Overlay Districts**

The Planning Board of the Town of Barnstable, acting under Chapter 40A, Section 5 of the General Laws of the Commonwealth of Massachusetts, will hold a public hearing on Monday, September 10, 2012, at 7:00 p.m. in the Hearing Room of the Barnstable Town Hall, 367 Main Street, Hyannis, MA. The purpose of this hearing is to take

comment upon a proposed amendment to the Code of the Town of Barnstable, Chapter 240, The Zoning Ordinance, Article III, District Regulations, Section 240-35, Groundwater Protection Overlay Districts.

The proposed amendment is to add a new subsection (v) to paragraph F, subsection (2) Prohibited Uses to read;

“(v) Storage of commercial fertilizers, as defined in MGL c 128 section 64, unless such storage is within a structure designed and engineered to prevent escape or transport of commercial fertilizers to the groundwater under any circumstances.”

This amendment was referred to the Planning Board for a public hearing by Town Council Item No. 2013-001 on July 12, 2012.

- *Copy Town Council Item No. 2013-001 enclosed.*

**7:10 pm Public Hearing - Continued Special Permit Application No. 2012-03
 Cotuit Solar/John T. Peck Wind Energy Conversion Facilities**

The petitioners, Cotuit Solar LLC, and John T. Peck, are seeking a special permit pursuant to Section 240-44.1 Land Based Wind Energy Conversion Facilities. The petitioners seek to reuse the existing 100-foot mono-pole and reinstall a new wind turbine upon it to generate electrical power for use on the property. The subject property is addressed 3800 Falmouth Road (Route 28), Marstons Mills, MA and commonly known as “Peck’s Boatyard”. The property is shown on Assessor’s Map 058 as parcel 001 and is zoned SD-1 Service and Distribution Zoning District.

- *Opened April 23, 2012, continued, May 14, July 23, August 13, and to September 10, 2012 – continued for further review. Staff Report, Application and relevant materials previously distributed.*
- *Enclosed: correspondence dated August 18, 2012, from Richard Lesniewicz - e-mail dated August 28, 2012, from Frank & June Holt 81 Acadia Drive, Marstons Mills, in opposition.*
- *Copy of request to continue Public Hearing from Attorney Caroline Schmittiel for Cotuit Solar, dated August 31, 2012.*

**7:15 pm Public Hearing – Continued Subdivision No. 821 - Francis Lahey and Sheila R. Lahey
 Discontinue an Unnamed Way and Adjust Alignment of Laurel
 and Circuit Avenues, Craigville (Barnstable), MA**

Continuation of the Public Hearing to consider eliminating a 25-foot unnamed and undeveloped Way that is situated between 145 and 151 Ocean Avenue and extends between Ocean and Laurel Avenues, and to make adjustments in the alignment of Laurel Avenue and Circuit Avenue as it abuts 10 Laurel Avenue and 153 Ocean Avenue in Centerville (Craigville), Barnstable, MA .

The subject Ways were created and delineated by an 1872 Subdivision Plan recorded at the Barnstable Registry of Deeds in Plan Book 24 Page 49. This hearing is being held to discontinue the unnamed Way and merge the underlying land with 151 Ocean Avenue and to adjust the layout of Laurel and Circuit Avenues. This modification request was submitted by Francis Lahey and Sheila R. Lahey with the assent of the Christian Camp Meeting Association. The proposed alignment and reconfiguration of the lots is shown on a plan entitled “Plan of Land at 151 & 153 Ocean Avenue in Craigville Beach, MA prepared for Francis Lahey and Sheila R. Lahey”, dated June 29, 2012. The parcels affected by this realignment and reconfiguration are 151 & 153 Ocean Avenue and 10 Laurel Avenue. They are shown on Assessors Map 227 as parcels 7, 8 and 6.

- *Opened August 13, 2012 and continued to September 10, 2012. Continued for Board of Health Recommendation and decision. Staff Report, Application, Plan and relevant materials previously distributed.*
- *Copy of Board of Health Recommendation, dated August 27, 2012, received from Board of Health Director Thomas McKean.*
- *Copy of revised plan from JC Engineering, Inc., dated August 28, 2012, enclosed.*
- *Copy of a Follow-up Staff Report and a Draft Decision enclosed.*

Discussions:

- **Annual Nomination and Election of Board Officers**

Correspondence: The following correspondence and items were received at the Planning Board's Office

- Cape Cod Commission notice dated August 10, 2012, for Minor Modification to the Development of Regional Impact Decision for the Cotuit Landing Redevelopment and Expansion project.

Approval of Minutes: Approval of August 13, 2012, Board Meeting Minutes - *Copies of minutes attached.*

Future Meetings: Regularly Scheduled Board Meetings: September 24 and October 22, 2012 @ 7:00 p.m.