



**Town of Barnstable
Planning Board
Agenda
September 23, 2013**

Barnstable Town Hall, 367 Main Street, Hyannis, MA, Hearing Room, 2nd Floor.
Meeting notice previously filed with Town Clerk - Revised as of; 09-16-2013

Approval Not Required Plans: *None*

Subdivisions: *None*

Zoning Amendments:

**7:00 P.M. Public Hearing - Continued Zoning Amendment - TC Item No. 2013-055
Medical Marijuana Treatment Centers**

The Planning Board of the Town of Barnstable, acting under Chapter 40A, Section 5 of the General Laws of the Commonwealth of Massachusetts, will continue the public hearing to take comment upon the following proposed amendment to the Code of the Town of Barnstable, Chapter 240, the Zoning Ordinance. Amendments to Chapter 240 include: Section 240-6 Zoning Map to include a Medical Marijuana Treatment Centers Overlay District; adding to reserved Section 240-30 Medical Marijuana Treatment Centers Overlay District Special Permit; and Section 240-128 Definition to add definitions pursuant to the Medical Marijuana Treatment Center Overlay District.

- *This hearing opened January 14, 2013, continued January 28, 2013, February 25, 2013, May 13, 2013, and to September 23, 2013 for further review and update.*
- *Final Mass Department of Public Health regulation have been approved and issued. Phase 1 of the Commonwealths application process has been initiated and those applications are presently being reviewed to determine which applications will be invited to proceed to Phase 2 of the application process.*
- *The Board and Town Council held a joint public hearing on Extension of the Temporary Moratorium on Establishing and Permitting of Medical Marijuana Treatment Centers and Associated Activities.*

Regulatory Agreement:

**7:30 PM Continued Hearing Regulatory Agreement No. 2013- 03
Hyannis Harbor Suites Hotel, LLC or Nominee & Harborview
Hotel Investors, LLC**

Regulatory Agreement No. 2013-03 is the application of Hyannis Harbor Suites Hotel, LLC or Nominee & Harborview Hotel Investors, LLC, seeking to enter into an agreement with the Town of Barnstable to construct and operate at 213 Ocean Street, Hyannis, MA a new four (4) story year-round hotel with up to sixty-eight (68) rooms, each room containing its own kitchen facility. This proposed hotel building is in addition to the existing 136 room Hyannis Harbor Hotel situated on the 3.4 acre lot. The subject property is located in the HD-Harbor District of the Hyannis Village Zoning Districts and is shown on Assessor's Map 326, Parcel 035.

The Regulatory Agreement seeks waivers from the Barnstable Zoning Ordinances, specifically:

Section 240-24.1.7.A – Harbor District, Permitted uses to allow hotel rooms with kitchens.

Section 240-24.1.7.C – Harbor District, Dimensional, bulk and other requirements, including maximum building height, to allow 4-stories where only a 2.5 story buildings are permitted, waivers of the 10-foot

minimum side and rear setbacks, waiver of the 70% maximum lot coverage and waiver of the 10-foot front yard landscape setback.

Section 240-24.1.10 - Site Development Standards and Section 240-53 – Landscape Requirements for Parking Lots, including waivers from the following; the 6-foot minimum setback for parking lots, 10% interior parking lot landscaping, required minimum number of trees, dumpster setback from lot line and any other necessary relief.

Section 240-56 - Schedule of Off-Street Parking Requirements to allow a reduction in the required on-site parking.

In addition, the Regulatory Agreement seeks relief from the general ordinances of the Town, Chapter 112, Article III, Hyannis Main Street Waterfront Historic District seeking the Planning Board to act on behalf of the Hyannis Main Street Waterfront Historic District Commission.

- *Opened April 8, 2013, continued June 10, 2013, July 22, 2013, August 12, 2013, August 26, 2013 and to September 23, 2013 - continued for further review and finalizing of a Regulatory Agreement*

Special Permit:

7:30 PM New

**Modification PIAHD Special Permit Schooner Village
Subdivision No. 813 - Jacques N. Morin, Trustee**

To all persons deemed interested in the Planning Board acting under the General Laws of the Commonwealth of Massachusetts, Chapter 40A, Section 9, and all amendments thereto and the Town of Barnstable Zoning Ordinances you are hereby notified of a Public Hearing to be held to consider an application for a Modification for the Private Initiated Affordable Housing Development (PIAHD) Special Permit issued for Schooner Village - Subdivision No. 813. The Petitioner, Jacques N. Morin, Trustee of Schooner Village Realty Trust, is seeking to allow a new house plan “The Belmont”, a one-story, three-bedroom single-family dwelling of 1,709 sq.ft., with an attached two-car garage to be built at 49 Schooner Lane, Hyannis, MA.

The PIAHD locus is 8.58 acres in area, consisting of 29 lots identified as; Assessor’s Map 273, Parcel 204 and Parcels 204-001 through 204-017, and Map 272 Parcel 056-006 and Parcels 203 through 211. The property is addressed 5 through 150 Schooner Lane Hyannis, MA. The property is in a Residential C-1 Zoning District.

- *Staff Report and Application Materials attached*

Procedural Matters:

Subdivision No. 820 – Plan Endorsement:

Wayside Lane Extension - Stephen E. Wallace et al.

On August 12, 2013, the Board voted to approve Subdivision No. 820, Wayside Lane Extension, for Stephen E. Wallace et al. That plan involved extending Wayside Lane approximately 203 feet into a 5.9-acre parcel and dividing that parcel into 2 developable lots. The decision was signed and filed with the Town Clerk’s Office on August 15, 2013, and the 20 day appeal period has elapsed. The Town Clerk has certified the decision and plan and the Board may now endorse the plan for recording. *Copy of plan to be endorsed by Board enclosed.*

Correspondence:

Cape Cod Commission notice Cape-wide Fertilizer Management District of Critical Planning Concern Acceptance of Designation Decision (sent previously to board members via email on 9/9/2013), received 9/6/2013.

Approval of Minutes: Approval of May 13, 2013, Board Meeting Minutes – *copy enclosed*

Future Meetings:

Regularly Scheduled Meetings: October 28, 2013 & November 25, 2013, @ 7:00 PM.

Please Note: The list of matters are those reasonably anticipated by the chair, which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Committee may go into executive session. The Committee may also act on items in an order other than they appear on this agenda.

* Public files are available for viewing during normal business hours at the Planning Board, Growth Management Department, 200 Main Street, Hyannis, MA