

**MINUTES  
TOWN OF BARNSTABLE  
PLANNING BOARD  
January 26, 2009**

A regularly scheduled and duly posted meeting of the Barnstable Planning Board was held on January 26, 2009 at 7:00 p.m. at the New Town Hall, second floor Hearing Room, 367 Main Street, Hyannis, MA.

The meeting was called to order at 7:00 p.m. with the following Members/Staff present:

**PLANNING BOARD MEMBERS**

Patrick Princi, Chairman  
Felicia Penn, Vice Chairman  
Ray Lang, Clerk  
Marlene Weir  
Dave Munsell  
Paul Curley

**STAFF**

Ellen Swiniarski - Recording Secretary  
JoAnne Buntich - Interim Director - GMD

**COMMITTEE REPORTS**

Mr. Raymond Lang stated that the water study for the Hilton Garden Inn has been ordered and will be completed in a timely manner. The study is to be paid for by the applicant.

**APPROVAL NOT REQUIRED PLANS**

**DALBY** - The following was read into the record:

“Plan of Land in Barnstable, (Centerville) MA”, prepared for Alan Dalby, Being a Division of Land Court Plan 11611-A2, dated February 27, 2008, scale 1” = 60’; prepared by Down Cape Engineering, Inc., Yarmouthport, MA. Map 211, Parcel 006, Zoning: Residence D-1. Clocked with the Clerk January 21, 2009 + 21 days = February 11, 2009.

The Dalby ANR proposes the division of land greater than 31 acres and triggers a mandatory referral to the Cape Cod Commission. Staff recommends the Planning Board refer the matter to the Cape Cod Commission.

**Motion was duly made by Felicia Penn and seconded by David Munsell to refer the Dalby ANR to the Cape Cod Commission due to the fact that it represents the division of land greater than 31 acres. So voted unanimously.**

**OTHER BUSINESS**

**Review of Draft Decision Subdivision #817 - Jenkins (Draft 2)**

- Copy of Attorney Dunning’s comments provided to the Board.
- Copy of David Munsell’s comments provided to the Board for consideration.
- Paved subdivision was the last plan reviewed by the Board, question was raised as to whether the full width needed to be paved.
- Only waiver requested is that the stonewall be preserved requiring a reduced width of the actual paved area to a 18 ft width at the entrance to the subdivision at Parker Road.
- A plan depicting a reduced width can be requested as a condition of the decision.

Attorney Dunning’s comments regarding the draft decision are discussed:

- The Planning Board’s site visit on March 27, 2007 was requested to be included in the findings of the decision and was agreed to do so.
- Finding #2 is to include that the Planning Board did not find the “open space” plan was more desirable than the grid subdivision plan.

- It was agreed that Lot 5 with existing dwelling and access need not be subject to the covenant.

Discussion of the Board:

- Prior to obtaining a building permit for Lot 1, review and approval by the fire chief and building commissioner will need to be obtained.
- The defining of the wetlands on the subdivision plan are those under the zoning ordinance and not the Conservation Commission.
- Ray Lang requests that a drainage plan and easement areas be added to the set of plans prior to endorsement.

**Motion was duly made by Ray Lang and seconded by David Munsell to approve Subdivision 817 - Jenkins, Off Parker Road with the following conditions:**

- 1) Subject to all of the Subdivision Rules and Regulations except as waived herein.
- 2) A completed Development Agreement and Covenant shall be submitted prior to the endorsement of the plan.
- 3) Submission of a Form S executed by the applicant and signed by all owners of the subject property shall be submitted prior to the endorsement of the plan.
- 4) Submission of a returnable check in the amount of \$1,000.00 payable to the Town of Barnstable which check to be held to assure recording of the decision, development agreement, covenant, Form S and plan.
- 5) The Development Agreement including a covenant or some other form of security shall be recorded at the Barnstable County Registry of Deeds with the definitive plan.
- 6) Copies of the Form S and Development Agreement and covenant shall be returned to the Planning Board within 30 days after the endorsement of the plan or this decision shall be null and void.
- 7) Prior to endorsement a full set of plans as required by the Subdivision Rules and Regulations shall be submitted.
- 8) Prior to endorsement, the applicant shall submit a road layout plan depicting the pavement widths to be 18 ft. wide. and drainage plan with easements.

Additions are to be made to the findings as discussed and agreed.

**So voted unanimously.**

**Land Use Vision Map**

JoAnne discussed the revisions to the map regarding the extension of the transportation corridors. To be placed on February 9, 2009 agenda for vote.

**Motion was duly made by Felicia Penn and seconded by David Munsell to approve the minutes of the Planning Board meeting of May 12, 2008 as submitted. So voted unanimously.**

**Motion was duly made by Felicia Penn and seconded by David Munsell to approve the minutes of the Planning Board meeting of January 12, 2009 as submitted. So voted unanimously.**

Correspondence received was read into the record.

**Motion to adjourn was duly made by David Munsell and seconded by Felicia Penn. So voted unanimously.**

Respectfully submitted,

Ellen M. Swiniarski  
Recording Secretary