

**MINUTES  
TOWN OF BARNSTABLE  
PLANNING BOARD  
August 24, 2009**

A regularly scheduled and duly posted meeting of the Barnstable Planning Board was held on August 24, 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**

Felicia Penn, Chairman  
Raymond Lang, Vice Chairman  
Matthew Teague, Clerk  
Paul Curley  
Patrick Princi  
Marlene Weir

**STAFF**

Ellen Swiniarski - Recording Secretary  
Jackie Etsten - Principal Planner - GMD  
JoAnne Buntich- Int. Director - GMD

**APPROVAL NOT REQUIRED PLANS**

**MYSTIC REALTY TRUST**

Letter from Brian Cuddy, Trustee of Mystic Realty Trust and dated August 17, 2009 from Trustee of Mystic Realty Trust requesting withdrawal of February 2009 ANR plan for Mystic Realty Trust was read into the record by Matthew Teague, Clerk.

In his letter to the Planning Board, Mr. Cuddy requested withdrawal of the ANR application because he is intending to convey the entire parcel without subdividing for use as a working cranberry bog. Cape Cod Commission has requested that this ANR application also be withdrawn at the local level in coordination with withdrawal from the Commission.

Jackie Etsten provided background regarding criteria for mandatory referral to the CCC for a DRI due to this ANR plan application proposing to divide more than 30 acres. The Legal Department has recommended that the application should instead be denied because the Planning Board does not have jurisdiction to allow withdrawal. JoAnne Buntich also provided clarification regarding M.G.L. that an ANR is either endorsed or denied with no provision for withdrawal.

**Motion was duly made by Patrick Princi and seconded by David Munsell to deny endorsement of the February 2009 Approval Not Required application submitted by Mystic Realty Trust. So voted unanimously.**

**SUBDIVISIONS**

**Gonsalves Road, Hyannis - Cape Cod Hospital, Inc. -Covenant Modification**

Attorney Eliza Cox represented the application and provided background and referred to staff reports provided by Jackie Etsten and Steve Seymour dated August 19, 2009 which provided review of the modification document under review. Copy of minor changes to the document were distributed at the meeting. Changes were previously

reviewed by staff and Atty. Cox identified the changes for the board members. The first two pages of the document provide background. Page 3 included a request to extend the timeframe for construction of Gonsalves Road. The present covenant requirements are for construction to commence by July 7, 2010. Phase 1A for the building is expected to commence this Fall and construction of the portion of the roadway will begin subsequent to this. The construction time period is 12 -14 months. A one year extension for construction of the road to commence to July 7, 2011 is requested. Request was also made that the timeframe for construction of the entire Gonsalves Road coincide with when the Development Agreement with the Cape Cod Commission which expires in 2015. The existing drainage easement needs to be modified due to other changes that are being made. Snow removal was also addressed. Paragraph 6 reflects Chief Crosby of Barnstable Fire Department's request for specific language stating that the hospital must record a temporary easement between the hospital property and BJ's property until Gonsalves Road is constructed in its entirety.

The Board requested further clarification and Atty Cox confirmed that before an occupancy permit can be issued, the first building (Phase 1) on the campus, the beginning portion of Gonsalves Road must be completed. Construction of Gonsalves Road would need to be commenced by July 7, 2011. The hospital alone owns the fee in the road. Jackie Etsten stated that the revised document is clear and contains all necessary information. Chairman Penn expressed gratitude to Jackie Etsten and Steve Seymour for their reports regarding this agenda item.

**Motion was duly made by Raymond Lang and seconded by David Munsell to accept the modification of covenant document as provided. So voted unanimously.**

## **OTHER BUSINESS**

### **Minutes**

**Motion was duly made by Patrick Princi and seconded by Raymond Lang to accept draft Planning Board minutes of the August 10, 2009 meeting as submitted. So voted unanimously with David Munsell abstaining.**

### **Schedule**

Scheduling change for cancellation of September 28, 2009 was proposed. It was identified that the replacement with October 5 and 18, 2009 as originally proposed could cause conflict. Accommodation for a quorum could be made if found necessary between Planning Board meetings.

**Motion was duly made by Raymond Lang and seconded by David Munsell to cancel the regularly-scheduled Planning Board meeting of September 28, 2009. So voted unanimously.**

## **REPORTS**

Marlene Weir - LCP Chairman referred to JoAnne Buntich - Interim Director, Growth Management Department who reviewed the draft LCP - One Year Action Plan with the Board. Plan is not yet certified, however much of it is being implemented. Felicia Penn requested a column added to the right which identified status of corresponding item. Goal is to get revised draft plan before the Town Council by end of 2009 and before the budget process begins.

Ray Lang reported that the Subcommittee on Zoning meeting is scheduled for 4:30 p.m. tomorrow, August 25, 2009. Planning Board members, Atty Ruth Weil and JoAnne Buntich will review revised DCPC to fully understand it before returning to Town Council in September. Future dates for Tuesday Subcommittee meetings will be scheduled.

**Motion was duly made by Patrick Princi and seconded by Paul Curley to adjourn.  
So voted unanimously.**

Respectfully submitted,

Ellen Swiniarski, Recording Secretary  
Regulatory Review Coordinator- GMD