

**MINUTES
TOWN OF BARNSTABLE
PLANNING BOARD
APRIL 12, 2010**

A regularly scheduled and duly posted meeting of the Barnstable Planning Board was held on April 12, 2010 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. by Chairman, Felicia Penn, with the following Members/Staff present:

PLANNING BOARD MEMBERS

Felicia Penn, Chairman
Raymond Lang, Vice Chairman
Mathew Teague, Clerk
David Munsell
Marlene Weir
Patrick Princi
Paul Curley

STAFF

JoAnne Buntich, Director, Growth Management Dept.
Jacqueline Etsten, Principal Planner ACIP, GMD
Elizabeth Jenkins, Principal Planner, GMD
Ellen Swiniarski, Regulatory Review Coordinator, GMD

Approval Not Required Plans

LANGER

Matthew Teague, Clerk, read the following into the record:

“Division Plan of Land Prepared for #95 Great Marsh Road, Centerville, MA” prepared for Alexander H. Langer dated March 10, 2010, by Yankee Land Survey Company, Inc., Marstons Mills, MA. Scale 1” = 30’, Map 210, Parcel 127. Zoning: RC. Received April 2, 2010 + 21 days = April 22, 2010.

The applicant was represented by Sarah Hinoush of Yankee Survey. She stated that this ANR was filed to clear up title confusion in order to convey 95 Great Marsh Road (Lot 1B & Lot 2) and retain the remaining land.

Motion was duly made by David Munsell and seconded by Matt Teague to endorse the plan as an approval not required plan. So voted unanimously.

Subdivisions

Subdivision #454 - Whistleberry

Letter from Whistleberry Resident Association, Inc. had been received requesting update regarding completion of this development.

Mr. Thomas McKeon, President of the Whistleberry Resident Association addressed the Board:

Background Info:

- Residents Association formed 1987 and was working with Mr. Hostetter who is now deceased.
- Road was never completed.
- Over the years, lots were released from security and conveyed.
- At a 1989 Planning Board meeting, Attorney Jones who represented Mr. Hostetter at the time, stated that Mr. Hostetter was prepared to complete subdivision with 8 lots held as security.

- In 1992 and again in 1995, Mr. Hostetter came back to the Planning Board because he had no money to complete the subdivision. Planning Board released a lot, which the Association went along with, so that the profit could be used to complete the development. The lots were sold, but very little work was done to complete the subdivision.
- Only 4 lots in the development remain held as security and may have conservation issues, etc.

Comments from the Planning Board:

- Is there \$15,000 retainage with the town?
- What is the status of the Development Agreement?
- Board requests report from staff, engineering, legal etc. regarding Development Agreement and what has been done and what is outstanding.
- Continue to 2nd meeting in June (June 28, 2010) to allow time for staff to meet and review.
- Need to contact the other signers to Development Agreement

Jackie E:

- Lot 47 release (Form G) not recorded - may need to reissue.
- A new covenant was not recorded and this new covenant had been a condition of the Lot 47 release.
- Will not sign off on Lot 47 for building permit as it stands.

Dave M.

- Are all four lots buildable?

Tom M.

- The lots have conservation issues and would require relief. There are also drainage problems. He stated that he feels that the four lots being held for security would more than pay for finishing of the road if they were to be sold.
- Would like the road to be finished to Town specifications.

Jackie E:

- Some lots could be buildable - there is upland on each lot that is accessible from the road, however wetland goes right across the "sales lot".
- Development Agreement was not executed properly.

Matt Teague

- Is the only surety the covenant itself? Or is \$15,000 held as well?

Jackie E:

- The \$15,000 was not submitted because this amount was supposed to guarantee the work after it was complete.
- Each of the lots contain upland and are accessible from the road and could probably be buildable.
- The upland on the "Sales Lot" (across from Lot 1) is cut off from access to Whistleberry Road by wetland.

Other Business

Open Space Plan Discussion

Elizabeth Jenkins addressed the Board:

- Current Open Space Plan expires in July of this year.
- This current plan is being reviewed and updated to meet current needs.
- Update information obtained by outreach to community through the Town website via survey and outreach to Town Boards and Commissions.
- Conservation inventory is also being updated.
- A draft updated plan will be proposed and public hearing will be held.
- Have met with LAPC, Conservation and Recreation Commissions.
- Survey closes April 30, 2010
- Draft to be available to boards and commissions Mid-May
- Public Hearing will be June, 2010

Board Comments:

- Plan was referenced in the Local Comprehensive Plan as the Open Space and Recreation Section and the updated plan will replace the outdated section in the LCP.
- What is being included as open space?
 - Land that the Town owns
 - Land that the Town has conservation restrictions on
 - Community Preservation land
 - Water/Fire District land
 - Tax Title
- A committee of people who had an interest in tax title property for affordable housing, conservation and municipal uses were to review and designate their recommendations as to the best use for tax lots in accordance with the LCP. This committee was not formed. Given the competing interests in tax lots this may still be the best way to approach the best use for tax lots.
- Pathways projects in the county have made good progress these should also be considered.
- Best use practices recommendations from experts should also be considered along with recommendations of boards and commissions.

Hyannis Village Business District Signs

Felicia Penn provided background regarding the experimental use of A-frames and other signage not allowed by the sign code in the downtown Hyannis area at the request of the merchants approximately 2 years ago. The recent requests of downtown merchants has prompted a review of the sign code for amendment.

Elizabeth Jenkins provided an overview of the seminar she attended that was sponsored by the Massachusetts Housing and Community Development which covered the following:

- Signage and facades and how they impact the downtown and environment
- Discussion of how to attain expectations for design and funding programs for signage and facades.
- Continuity is important - the 60 foot rule - if there is a dead space of 60 ft, customers will hesitate to continue down the street.

Public Comment

Amanda Converse, Development Director, Hyannis Main Street BID and Chair of the Economic Development Commission

- Working on signage issue with Growth Management Department and Regulatory Services for over two years.
- BID was asked to inform members that Regulatory Services was going to enforce the sign code. This is when most of the business owners realized that their supplementary signage such as a-frames, open flags, etc. were actually illegal.
- Most business owners feel that the illegal supplementary signage is essential to the survival of their business.
- The BID wants also to preserve historic character of Main Street.
- Main Street is one way and can be hard to read signs flat on a building. Varying facades and setbacks and the presence of outdoor dining and other signage can block visibility of some businesses.
- BID was informed that A-frame signs were not going to be allowed; proposed open flags and signs. All to be approved by Hyannis Main Street Historic.
- Businesses report that they are finding it difficult to locate in Barnstable due to regulations.

Jane Walsh owner of Red Fish Blue Fish

- Shared photos with the Board of her store location on Main Street from different approaches and circumstances to demonstrate the need for supplemental signage.
- Would like A-frames to be allowed on a special permit basis after design approval from the Historic Commission.
- Abutting awning blocks visibility of regular signage and started to use A-frame.
- Customers complained of inability to find the store when the A-frame sign was not out.
- Felt she needed to keep using the A-frame sign, violation tickets were issued.
- Wants to legalize her A-frame sign with a special permit as is available in neighboring towns.

Felicia Penn:

- Stated that the sidewalks vary on Main Street as to ownership, some are Town property and some have portions that are owned by the business. Liability may be one of the issues.

Sheila Stagman owner of Islands

- Has been in business for 22 years.
- Shark statue lets people know that they are open has been outside door for 10 years attracts customers.
- Signs make the street look alive. Would like to work together with the Town to legalize supplemental signage.

John Terry, Pastor of Federated Church

- A lot of activities are held at the church as well as non-profits each puts up signs for them.
- What provision is there in the Town for temporary signage?

Felicia Penn:

- The sign code has a provision for a special permit for temporary signage.

JoAnne Buntich:

- Reminds the public that enforcement issues are not the purview of the Planning Board should not be discussed without Regulatory Services being represented.

Megan Kenney business owner in Historic District and Hyannis Historic District
Commission Member:

- Amendments to sign code needed.
- Subcommittee regarding enforcement is needed.
- Prefers business status flags to neon.
- Changes to the sign code cannot conflict with Historic Commission standards.

Matt Teague:

- Could Business District Guild signage/flag be considered?
- Town could be added to liability insurance if A-frame is located on Town property.
- Could an as-of-right criteria be developed?

Amanda Converse:

- Not looking for uniformity, would like to see varied styles to keep it interesting.

Solstice Day Spa:

- Has sidewalk sign - appointment based business with 30 employees - A-frame sign is invaluable and wants to be able to legalize it.

Betsey Young - SoHo Arts Company - Board of Directors of the BID

- A-frame sign has saved her business due to location of tree and setbacks.
- Would like to know why A-frame signs are not open for discussion.

David Munsell:

- A-frame seems to be the contention.
- Building Commissioner has stated that A-frames are unsafe and blow over.
- Need to find a way to secure A-frames to make safe, but they should not be off the table.

Patrick Princi:

- Town leaders want to see year round business on Main Street.
- During the winter months, customers need to be able to look down the street to see what is open without having to walk there only to find the store closed.

Debra Converse - Hyannis Chamber of Commerce:

- Hard to tell what is open during the off season - 60 foot rule - people will not continue down the street unless they can visually confirm that something is open.
- Uniformity is not what is wanted for downtown
- Follow code where you can, but come up with something tasteful that satisfies everyone's needs.

James Tinsley - Hyannis resident:

- Town Attorney has brought up about private vs. Town ownership
- Other towns in Massachusetts will not issue A-frame permits without proof of liability insurance.

Julie - Katie's Ice Cream:

- Open 5 months of the year
- A-frame does make a difference for seasonal business owners as well.

Jim Sherman - Hot Diggity Dogs:

- A-frame sign is photographed by people all the time
- The A-frame contains the menu. They come inside after taking photos next to the sign. This is where 50% of business is coming from.
- Where else can I put my menu?
- Perhaps the base of the A-frame should be uniform to ensure sturdiness.

Paul Curley:

- Timing is important - it seems that something should be done quickly for the upcoming season.

Local Comprehensive Plan Sent to the Cape Cod Commission

- David Munsell and Felicia Penn were present at the Town Council meeting where the Local Comprehensive Plan was sent to the CCC for approval.
- Thanks to Marlene Weir for her work.

Motion to adjourn was duly made and seconded. Adjourned.

Respectfully submitted,

Ellen Swiniarski,
Regulatory Review Coordinator