



Town of Barnstable
Planning Board
Minutes
January 13, 2014

BARNSTABLE TOWN CLERK

2014 FEB 25 PM 1:32

Matthew Teague – Chairman	Present
Paul Curley – Vice Chairman	Present
Stephen Helman - Clerk	Present
Felicia Penn	Present
Raymond Lang	Present
David Munsell	Present
Patrick Princi	Present

Also in attendance were Art Traczyk, Regulatory Review Planner.

Approval Not Required Plans: None

Subdivision: None

Special Permit:

7:00 PM Continued

**Modification of PIAHD Special Permit Settler's Landing II
Subdivision No. 812 - Martha M. Morin, Trustee of Settlers Landing
Realty Trust II**

This Public Hearing is to consider the second part of an application of Martha M. Morin, Trustee of Settlers Landing Realty Trust II, seeking a Modification for the Private Initiated Affordable Housing Development (PIAHD) Special Permit issued for Settlers Landing II - Subdivision No. 812. This part of the petitioner is seeking:

- To allow for up to five of the 29 dwellings to be built as four-bedroom homes provided the fourth bedroom is created within an approved house design plan.

The locus is the southern 7.75 acres of the subdivision commonly known as Settler's Landing located off Castlewood Circle in Hyannis, MA. The 29 parcels are shown on Assessor's Map 273 as Parcel 122, Lots 013 through 027 and Assessor's Map 272 as Parcels 212 to 225. The lots are addressed from 75 to 174 Settler's Landing, Hyannis, MA. The locus is Zoned Residential C-1.

- *This hearing was opened May 13, 2013, at which time the Board decided to bifurcate the application into Part 1 and Part 2. Part 1- allowing the introduction of a twelfth and thirteenth house plan was granted.*
- *Part 2 was continued; June 24, 2013, August 12, 2013, September 9, 2013, and to November 25, 2013 to allow for Review and Opinion of the Town Attorney Office. Opinion was issued August 8, 2013.*
- *At the June 24th meeting, the Board voted a continuance with the requirement that all back taxes owed on the subdivision lots would be paid in full and verification from the Tax Collector's Office that all taxes on the Applicant's lots are current.*

Jacques Morin in attendance. He gives a brief history/review of the previous hearing(s).

He makes reference to the Stipulation of Remand/Stipulation of Settlement and Stay Agreement of 2004/2005, paragraph K, pg. 2, (Exhibit A).

He makes reference to the Stipulation of Remand/Stipulation of Settlement and Stay Agreement, paragraph 7, pg. 4, (Exhibit A):

“The parties agree that this Stipulation of Settlement will act as a full and complete resolution of the current matter as docketed above and the pending matter of Schooner Village Appeal No. 2004-009. In the event that any of the following take place, however, this matter will be deemed to be unresolved and the Appellant may resume the ongoing litigation and hearings before the Housing Appeals Committee and the Appellant and Appellee will subject themselves to the jurisdiction of the Housing Appeals Committee just as if this matter had not been suspended and mediation undertaken. The resumption of this original matter before the Housing Appeals Committee may result if any of the following events occur:....”

He makes reference to Exhibit F attachment of Stipulation of Settlement Agreement, Sewer Easement Agreement, paragraph 15, pg. 4, (Exhibit A):

“Under no circumstances shall the Grantee construct, erect, or install on the Proposed Site any more than 49 single family homes. Forty-four of the homes shall consist of no more than 3 bedrooms each. The remaining five homes may contain more than three bedrooms subject to all applicable local, regional, state, or federal laws, statutes, regulations, by-laws, or ordinances, provided that such five homes shall not be placed upon lots that abut one another.”

The neighbors, the Housing Committee, and the Applicants are in favor of this modification. He doesn't know of any agreement that precludes from seeking a modification for this special permit.

There have been requests for a 4th bedroom unit and he has had to turn people away.

Patrick Princi asks would one of the 5 units be an affordable unit/home?

Jacques Morin answers none, all of the 5 would be market value homes. They have not had any affordable requests for 3 or 4 bedroom homes. Not requesting to change the footprint.

Patrick Princi replies that it would make sense to have at least one of these be an affordable unit.

Jacques Morin answers that this may not be able to be done in order to meet the minimum codes for square footage by Health and State.

Paul Curley suggests designating one of the other 3 bedroom market rate units and making one affordable in lieu of this.

Jacques Morin answers that this would not be economical, but if Planning Board thinks this would make a substantial difference for a potential family and it went through the lottery process, he would be willing to do.

Felicia Penn asks how many actual models are there, 11, and 2 of these are allocated for affordable units? Nantucket and the Vineyard, these are 3 bedroom units? How can you fit the 4th bedroom into an existing model and which models would you be using for an affordable?

Jacques Morin answers that the Nantucket design could get a 4th bedroom in it, on the second floor, over the garage, but they are not required to do any garages on affordable units, however, he has done garages on these anyway.

Felicia Penn states that she thinks it would be best to know which models would be suggested/used/identified that would have a 4th bedroom in it and how this bedroom would fit.

Jacques Morin answers that any of the Cape designs and not the ranch designs, any 2 story could accommodate the 4th bedroom being added.

Felicia Penn asks about intensity of parking/traffic?

Jacques Morin answers that not all have a requirement for parking. The permit speaks to parking, off street. Garage is considered a parking space, and driveway a parking space.

Felicia Penn asks if there would be any objection if there be a stipulation that the 4 bedroom units didn't abut each other? Parking issues may occur. How many lots available?

Jacques Morin answers he doesn't think this would make any difference, not changing foot print. The limitation comes down to the lot and then the house design. There are 18 lots remaining out of the 29.

Ray Lang asks how many lots are in Settler's I and how many at Settler's II? Will the appearance of the homes change with 4th bedroom built over the garage? Are all the lots about the same size? Will the 4 bedroom units all be built together/same area?

Jacques Morin answers 20 lots at Settler's I and 29 at Settler's II. It will not change the look much, maybe a dormer. The lots are all about the same size, all have same setback requirements. The foot print will not change. They will not all be built in the same area.

David Munsell clarifies that this is a fourth modification to the Special Permit. Once home bought is the owner free from this fourth bedroom agreement? Will it prevent him from adding a fourth bedroom on his own? He doesn't see any problem with this modification because it is within the footprint.

Jacques Morin replies that he is not sure, it may, it may follow with the land by the decision that was originally made. He is happy to add a 4th bedroom over the garage to the Nantucket design.

Felicia Penn clarifies/confirms that it would be nice to have one of the 4 bedroom units be an affordable unit, no cape styles/2 floor units are affordable units now so, it would have to be done over the garage in one of the ranch style units whereby the garage is attached.

Matt Teague asks of the 29 units, 6 of these being affordable, how many affordable units are built as of today? He is inclined to approve 4 units to be built with the 5th being offered as an affordable through the lottery.

Jacques Morin answers that there are 2 built and sold and one with building permit and foundation in, for a total of 3 as of today.

Matt Teague refers to information regarding the \$5,000 road inspection fee (Exhibit B, email from Steve Seymour) to be paid, which this approval will be made contingent upon payment of those funds.

Matt Teague asks for public comment. No public comment.

Matt Teague refers to correspondence from Housing Committee, dated April 18, 2013, (Exhibit C). Is the MEPA issue being addressed?

Jacques Morin answers yes. The additional flow isn't an issue.

Stephen Helman asks for clarification that if approving up to 4 does that mean that at least one would be affordable? No requests for 4 bedroom housing, are people aware these are available? If there is an interest we should make an affordable available.

Jacques Morin explains to Stephen Helman the process that an applicant goes through and the determinations re the income and family size in order to qualify to purchase one of these affordable homes.

Patrick Princi comments that there are families that may be in need of this and confirms the increase in value by adding a 4th bedroom over the garage.

Matt Teague entertains a motion to allow the Petitioner to be authorized to construct up to 5, 4 bedroom homes within the same footprint of the existing, approved plans, given that the Applicant shall solicit during the next lottery of 2014, applicants for a 4 bedroom home and the results of said letter shall be provided to the Planning

Board, should no applicant seek a 4 bedroom home than there will be no further requirement to build a 4 bedroom affordable home under this modification, furthermore that this modification will be held, if approved by the Growth Management Dept. pending payment of the \$5,000 inspection fee referenced by Steve Seymour, moved by Ray Lang, seconded by Stephen Helman...

Art Traczyk refers to the Follow-up Staff Report, pg. 2, the last paragraph (Exhibit D). Suggests adding the wording; "provided that the last affordable unit within the PI-AHD development shall be built and an occupancy permit issued prior to the last group of market rate units receiving building and occupancy permits."

Felicia Penn makes a motion to amend the motion on the table and add this statement, so moved by Ray Lang, seconded by Stephen Helman..

Jacques Morin refers/requests a change be made to the motion, that the lottery applicant be described as approved.

Matt Teague suggests using the word "qualified applicant" in the motion.

Jacques Morin refers to Follow-up Staff Report, pg. 2, last paragraph (Exhibit D), he would like to change the wording.

Matt Teague suggests modifying this sentence to remove/strike the word building, Follow-up Staff Report, pg. 2, last paragraph (Exhibit D) "provided that the last affordable unit within the PI-AHD development shall be built and an occupancy permit issued prior to the last group of market rate units receiving building and occupancy permits."

Matt Teague entertains a motion to change the amendment to read; "provided that the last affordable unit within the PI-AHD development shall be built and an occupancy permit issued prior to the last group of market rate units receiving building and an occupancy permits." Motion moved by Felicia Penn, seconded by Stephen Helman, so voted unanimously.

Regulatory Agreement:

7:15 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.

Matt Teague entertains a motion to continue this Public Hearing to January 27, 2014, at 7:00 p.m., moved by Ray Lang, seconded by Felicia Penn, so voted unanimously.

Definitive Plan Endorsement:

Subdivision No. 819 - Maki Hill Lane

On December 9, 2013, the Board voted to approve Subdivision No. 819, Maki Hill Lane, 0 Oak St., West Barnstable, for Maki Realty Trust, Susan A. Maki, Trustee. That plan involved the development of a 3 lot subdivision of a 6.94-acre parcel. The decision was signed and filed with the Town Clerk's Office on December 16, 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.

The plan is endorsed/signed by Board Members.

Approval of Minutes: Approval of Board Meeting Minutes for November 25, 2013, and December 9, 2013

Patrick Princi makes a motion to approve the minutes of November 25, 2013, and December 9, 2013, as presented, so moved by Stephen Helman, so voted unanimously.


Future Meetings: Regularly Scheduled Meetings: January 27, 2014 & February 10, 2014 @ 7:00 PM.
Joint Public Hearing with the Town Council: February 6, 2014, at 7:00 P.M.

- *This Hearing is to consider a Proposed Medical Marijuana Overlay District*

Matt Teague entertains a motion to adjourn, moved by Stephen Helman, seconded by Felicia Penn, so voted unanimously.

Meeting adjourned at 7:58 p.m.

Respectfully Submitted



by Karen A. Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on

February 24, 2014

Further detail may be obtained by viewing the video via Channel 18 on demand at
<http://www.town.barnstable.ma.us>

List of Exhibit Documents

- Exhibit A** – Stipulation of Remand from Town of Barnstable Legal Dept., dated October 12, 2005 – File Sub. No. 812, Modification of PIAHD Special Permit Settler's Landing II (No. 4)
- Exhibit B** – Email correspondence dated October 17, 2013, from Stephen Seymour – File Sub. No. 812, Modification of PIAHD Special Permit Settler's Landing II (No. 4)
- Exhibit C** – Letter from Housing Committee, signed by Paul Hebert, dated April 18, 2013 - File Sub. No. 812, Modification of PIAHD Special Permit Settler's Landing II (No. 4)
- Exhibit D** - Follow-up Staff Report, dated January 9, 2014 – File Sub. No. 812, Modification of PIAHD Special Permit Settler's Landing II (No. 4)

APPROVED