



Town of Barnstable Planning Board



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Board Members
Paul Curley – Chair Stephen Helman – Vice Chair Felicia Penn – Clerk Patrick Princi Mark R. Ferro Raymond Lang David Munsell
John Norman – Town Council Liaison

Staff Support
Art Traczyk – Design/Regulatory Review Planner – art.traczyk@town.barnstable.ma.us
Karen Herrand – Principal Assistant - karen.herrand@town.barnstable.ma.us

TOWN OF BARNSTABLE
TOWN CLERK
367 MAIN STREET
HYANNIS, MA 02601

Town of Barnstable Planning Board Minutes February 9, 2015

2015 MAR 10 PM 1:43

Paul Curley – Chairman	Present
Stephen Helman – Vice Chairman	Present
Felicia Penn – Clerk	Present
Raymond Lang	Present
David Munsell	Present
Patrick Princi	Not Present
Mark Ferro (new member)	Present

Also in attendance Art Traczyk, Regulator Planner, and JoAnne Buntich, Director, Growth Management.

Call to Order: Introduction of Board Members – All members present introduce themselves

Notice of Recording: This meeting is being recorded and broadcast on Channel 18 and in accordance with MGL Chapter 30A §20. The Chair must inquire whether anyone else is taping this meeting and to please make their presence known.

Approval Not Required Plans:

Coombs - A plan entitled “Plan of Land in Barnstable, MA (Osterville) prepared for Steven E. Coombs” dated November 26, 2014 as drawn by Down Cape Engineering, Inc., has been submitted for endorsement as an Approval Not Required Plan. The plan intends to divide 0.19-acres (shown as Parcel D on the plan) from an existing 3.39-acre parcel and convey the divided parcel to abutting property. No new developable lots are to be created by the plan. The subject property is addressed 0 Old Mill Road, Osterville, MA and is shown on Assessor’s Map 114 as parcel 010-004. The property is zoned Residential C and is in the Resource Protection Overlay District.

Dan Ojala, of Down Cape Engineering in attendance, representing the applicant. He makes reference to the plan Exhibit A. He explains the division of land. Parcel D is a non buildable parcel to be conveyed to an abutter. A piece of the land to be conveyed to the Applicant’s brother. It meets the frontage requirements.

Ray Lang asks why is this being done?

Dan Ojala replies that bottom line is there is a wood pile in the area and they would like to keep using it.

Motion made by Stephen Helman to endorse/approve this ANR, moved by Ray Lang, seconded by Felicia Penn, so voted unanimously.

Signage Special Permit:

7:00 PM - Public Hearing – Continued

**Mariana P. Costa, Dream Homes & Estates
Petition No. 2015-001 for Hardship Location Sign**

The Planning Board acting under Chapter 40A, Section 9, and all amendments thereto of the General Laws of the Commonwealth of Massachusetts and the Town of Barnstable Zoning Ordinances, specifically Section 240-24.1 Hyannis Village Zoning Districts - this Public Hearing will consider the Special Permit Petition of Mariana P. Costa, Dream Homes & Estates seeking to locate an A-Frame sign at 569 Main Street, Hyannis. The permit is being sought pursuant to Section 240-71(E)(3) Hardship Location Sign - Hyannis Village Business District. The subject property is addressed Unit D3 of the Hyannis Oaks Condominium, 569 Main Street, Hyannis, MA and is shown on Assessor's Map 308, Parcel 111 and identify as Unit 00F.

No one in attendance for this matter.

Art Traczyk suggests that we carry it over and continue it one more time, to March 9th, meeting.

Motion entertained by Chair Paul Curley to continue to March 9, moved by Felicia Penn, seconded by Stephen Helman, so voted unanimously.

Zoning Map Amendment:

7:00 PM - Public Hearing - Continued

**TC Item No. 2015-048 - To Extend the HB Highway
Business District along Route 132 & Adjust the B
Business District**

The Planning Board of the Town of Barnstable, acting under Chapter 40A, Section 5 of the General Laws of the Commonwealth of Massachusetts, will hold a public hearing to take comment on a proposed zoning map amendment to extend the HB Highway Business District along Route 132 (Iyannough Road) to Attucks Lane and adjust the abutting B Business Zoning District to follow property lines.

The proposed changes are to rezone three parcels, addressed 1582 Iyannough Road (Route 132) Barnstable, MA, 1520 Iyannough Road (Route 132), Barnstable, Hyannis & Centerville, MA and 131 Attucks Lane, Barnstable MA, from Residence D-1 and Residence F-1 to HB, Highway Business, and to adjust the Business B zoning line on two neighboring parcels, addressed 1470 Iyannough Road (Route 132), Barnstable MA and 241 Attucks Lane, Barnstable MA, such that the Business B Zoning District encompasses all of the lots and the Business B zoning line follows existing property lines. This amendment was referred to the Planning Board for a public hearing by Town Council Item No. 2015-048.

Chair Paul Curley asks if there is anyone present in regards to this? Also directs to Staff and asks how long can we keep this item open on the Agenda?

Chair Paul Curley asks for public comment. No public comment.

Art Traczyk answers that it can remain open on the Agenda.

Ray Lang asks if Cape Cod 5 has a vested interest in the rezoning?

Art Traczyk replies that it is his understanding they own two of the lots/properties that are proposed to be rezoned and they will be developing these for banking purposes.

Felicia Penn states that she would be in favor to rezone to HO (Highway Office) because it has better setbacks, more greenery, no retail allowed. She would not want to see any future use of retail in this area. Highway Business (HB) allows retail and pretty much anything in the way of commercial development. Highway Office is much more towards the economic development goals, it also benefits the people who have the interest in this. She would be in support of the HO for rezoning but not HB.

Paul Curley clarifies that HO also allows medical and dental.

Felicia Penn refers to the memorandum dated January 21, 2015, from JoAnne Buntich, Exhibit B. She reviews the setbacks as listed.

Ray Lang states that landscaping needs to be considered.

David Munsell comments that he wouldn't like to see another zone put in here. He would like to allow the HB area and eliminate spot zoning.

Ray Lang agrees with Felicia Penn and would like to look more closely at the HO, rather than the HB.

Stephen Helman would go along with HB, but not opposed to HO.

Chair Paul Curley would go with the HB, the opportunities to develop the area are better for the public and also would like to see some decent landscaping.

Stephen Helman suggests sending something to Town Council with our comments reflecting the Board's strong sentiment towards the HO.

Chair Paul Curley confirms that the Board seems to be 3 HB and 2 HO.

Motion made by Stephen Helman to send a report to Town Council that by a narrow margin they recommend the HB but with strong sentiment to look at HO as well - note (this motion was not finalized).

Felicia Penn would like to have input from the Cape Cod 5 as to why they want to go with the HB zoning change as opposed to the HO zoning and their opinion/stand on this. They weren't prepared to discuss that the last time they were before our Board.

Motion made by Stephen Helman to report to Town Council that the Planning Board narrowly supports the HB zoning change and would strongly recommend that Town Council look into the HO zoning change on these lots, seconded by David Munsell, Felicia Penn abstains/opposes. The vote is 4 to 1.

Motion entertained by Paul Curley to close the Public Hearing moved by Ray Lang, so voted unanimously to close the public hearing.

Discussion: Attorney Paul Revere III has requested a discussion with the Board on modification of Subdivision No. 350, Dillon Lane, West Barnstable. This is a 1974 subdivision that created Dillon Lane as a 600-foot long way ending in a cul-de-sac and providing access to 1 new developable lot.

Attorney Paul Revere III in attendance, representing the property owners. He gives a brief explanation of the subdivision plan. His clients would like to build a home on the southern lot. The subdivision requires an 18 ft. roadway. He makes reference to the plan, Exhibit C. His client is proposing the following:

1 – Rather than an 18 ft. bituminous roadway suggests that a 14 to 15 ft. wide roadway be put in, 30 to 40 ft. from Rte 6A to be concrete and then the remainder to be a gravel driveway. This is only serving one home and there is also a stone wall that is in the roadway. If the width of the roadway can be reduced the stone wall may be able to stay as is.

2 – The 1974 subdivision has the roadway in the middle, if this is done the road will have to go through the stone wall. Note – This subdivision predates Old King's Highway regulations.

3 - The drainage structure would be right in the middle of the stone wall. Would like to move drainage into a drainage easement.

4 - Rather than build a cul de sac, suggests building an apron, like a turning area, solely on the Dillon Lane lot.

These are some conceptual ideas.

David Munsell asks for clarification of what properties are owned by the Quinn's? Asks about the Assessors map and the layout shown.

Attorney Revere answers the two lots, 59 Dillon Lane and 2159 Main St. Reference is made to Exhibit C. Points out a shed located in the roadway layout.

Art Traczyk interjects that the Assessors maps may or may not be accurate, they are rubber sheeted from earlier maps. The plan of record is correct. Reference is made to the plan, Exhibit C. The way apparently goes between the two houses.

Attorney Paul Revere states that his clients would like to consider a smaller road, that would have to go before Old King's Highway to get approval and then could build on the back 3.5 acre lot.

Paul Curley comments that you could get 4 lots here.

Attorney Paul Revere replies/clarifies that the covenant recorded with the subdivision plan states that only one building permit can be issued for property off of Dillon Lane. There is some question regarding subdividing property from the east.

David Munsell states that they could come before the Board at a later date and do an ANR.

Attorney Paul Revere states they need a roadway to have frontage for the lot. They would have to get ZBA relief to build.

David Munsell asks what about a porkchop lot?

Art Traczyk states that this district does not allow for 20 ft. frontage, RF district and requires 125 ft. frontage. You cannot porkchop off of this.

Felicia Penn states that she likes the fact of preserving the stone wall. Confirms that the owner will be building on lot 2, southern lot. Her concern is the apron area if it doubles as a driveway and parking vehicles, this might be obstructed and not fully available for emergency vehicles, strange configuration, she would look forward to the Fire Dept's. comments regarding this. Reference is made to Exhibit D, Background Report.

Attorney Paul Revere refers to the plan Exhibit A and the aerial photograph and the lot to the east, this is subject to a conservation restriction. To the south of all lots is Cape Cod Community College.

David Munsell refers to Exhibit A, he agrees that smaller roads are better, but if there is an entryway they are opening up an area for another lot.

Attorney Paul Revere states that the neighboring lot to the east, both houses on the north side property have driveways on Rte 6A, if they build a new roadway it will only serve this new home lot.

Ray Lang clarifies that nothing has been built yet and are the lot lines curved or straight? Were the lot lines changed? Asks for clarification of the driveway lines and lot area. Reference is made to Exhibit A.

Attorney Paul Revere answers that the Quinn's have filed a perimeter plan that defines the lot to the east based on this subdivision plan, reference is made to Exhibit A, clarifies that his client owns a total of 5 acres total (2 lots), western half, they could not make another lot, it's a 2 acre lot minimum in the RPOD.

David Munsell would tend to approve these modifications, but not sure about a gravel driveway.

Attorney Paul Revere stated his client would come back with a professional plan, if they decide to move forward which would include all items discussed tonight.

Paul Curley would like to see asphalt, the complete length, not gravel, save the stone wall and curb cuts off of Rte 6A and onto Dillon Lane. The turnaround would have to be the Police and the Fire Dept's say.

David Munsell asks if the two existing houses could enter and have one curb cut instead of three?

Attorney Paul Revere answers that the Quinn's home existing driveway is to the west of the house, not sure if topography can do this way, needs an engineering plan done.

Felicia Penn refers to the aerial photo, Exhibit A (Powerpoint display) and asks how many trees would be affected by this?

Attorney Paul Revere believes maybe one large tree at the entrance. His client wants his utilities underground.

Attorney Paul Revere states that this would be Barnstable Fire District not West Barnstable. This property is just on the edge.

Art Traczyk clarifies.

Approval of Minutes: Approval of January 12, 2015, Board Meeting Minutes – *copy previously distributed*

Stephen Helman makes a motion to approve the minutes, seconded by Ray Lang, so voted unanimously.

Ray Lang clarifies the Cape Cod Commission notice regarding Wilkens outpatient extension is an extension to the existing agreement.

Paul Curley entertains a motion to adjourn, moved by Ray Lang, seconded by Stephen Helman, so voted unanimously.

Future Meetings: Regularly Scheduled Meetings: March 9 & 23, 2015 @ 7:00 PM.

The meeting adjourned at 8:11 p.m.

Respectfully Submitted



by Karen A. Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on

March 9th, 2015

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 -** Plan of Land in Barnstable MA, Steven E. Coombs – File ANR Map/Par 114/010-004
- Exhibit B -** Memorandum dated January 21, 2015 – File Item No. 2015-048 Zoning Map Amendment to extend the HB Highway Business District along Iyannough Rd. (Rte 132 to Attucks Ln and adjust the B Business District to follow property lines
- Exhibit C -** Plans and Aerial photos – File proposed modification of Subdivision No. 350, Dillon Lane, West Barnstable
- Exhibit D -** Staff Background Report – File proposed modification of Subdivision No. 350 Dillon Lane, West Barnstable

APPROVED AS AMENDED