



Town of Barnstable Planning Board

www.town.barnstable.ma.us/PlanningBoard

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 Planning Board Minutes April 13, 2015

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

Also in attendance Art Traczyk, Regulator Planner, JoAnne Miller Buntich, Director, and Karen Herrand, Principal Assistant, Growth Management Dept.

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: None

Discussion Items:

At the request of the Chair, a review of the Planning Board's report to Town Council regarding TC Item No. 2015-071 to amend the SCROD overlay district. This amendment is noticed for a public hearing at the Council meeting of May 7, 2015. The Board may wish to develop comments for submission or presentation to Town Council for their consideration as they deliberate the proposed amendment.

Chair Paul Curley gives a brief review. There were two Planning Board members who were not present when this zoning amendment proposal was first presented.

Stephen Helman also gives a review. At the public hearing (last Planning Board meeting of March 23, 2015) the attorney gave an explanation of what was being presented. He was under the impression that a decision had to be made at that time. This could have been delayed and there are Planning Board members that have questions.

Chair Paul Curley directs to Art Traczyk and asks for an update/briefing and what options does the Planning Board have?

Art Traczyk states that the public hearing has been closed and the Planning Board's report has been sent to Town Council. A hearing would need to be published again and proper notice given. He reviews dates that need to be adhered to in order to publish a public hearing and also Town Council's dates.

Chair Paul Curley asks if there is a possibility of having a joint public hearing with Town Council?

Art Traczyk reviews the dates and states it's possible if a legal publication is done timely, possibly with the Cape Cod Times.

Patrick Princi clarifies/comments that this process/issue needs to be taken at the Town Council level. It seems that there will be a review by Cape Cod Commission, ZBA and Growth Management as the project progresses.

Felicia Penn states that the Planning Board has a responsibility to appropriately represent documents/plans to this Town in a responsible way and to defend these documents when someone is asking for an exception, as what is happening in this case. The SCROD doesn't allow for drive through windows for any business, let alone a drive through fast food business and the HB only allows it for special permits.

We have a role, regardless of the process set up that Town Council has the ultimate say on zoning, to state we don't think this is in the highest interest and best use for this property and we are not in favor of special permits for this and we are not in favor of overriding what the SCROD laid out at least 12 years ago when the Cape Cod Mall expanded, there was a reason the zoning said no drive through windows. She would like the Planning Board to be able to reconsider this and retract the original report to Town Council and re publish notification for another hearing. In light of the fact that the Chair and the newest member of the Planning Board were not present at the initial hearing, she would like to wait until they have all their seven members present and given a chance to reconsider this. It is important and this is the busiest intersection on Route 132.

Felicia Penn makes reference to a newspaper article, front page of the Barnstable Patriot, dated April 10, 2015, Exhibit A. After reading and becoming informed regarding this article, perhaps they can make an educated decision now that they are informed. The article has a lot of support regarding a memo that she wrote and Stephen Helman signed, which they sent to the sponsoring councilors. She thinks that the Planning Board did not take into consideration all of what may be. A special permit to get this passed is 1960's thinking, we need to have an educated conversation and make an educated decision. Can we find a way to communicate with Town Council and have a do over/mulligan?

Ray Lang was under the impression that this had to be done quickly. We should go to Town Council and reopen our public hearing and have some time to study some of the information now and to make sure we are making the right decision.

Stephen Helman comments that he is uncomfortable with a fast food restaurant here and more so he has a problem with the process, whereby the Planning Board is not allowed to know what the details are. We should be able to ask questions so we can make an educated decision.

Patrick Princi clarifies/comments that the three issues we had before us were what needed to be addressed. This property is a wasted, decrepit parking lot and the applicant is trying to make good use of it. He is a little confused in that he did think that Planning Board would be a little more involved in the process. Wants to make sure traffic issues are addressed.

Mark Ferro comments that this is a major change of use and he agrees with the majority of what the Board has stated tonight. He does think the Board should have a little more input.

Chair Paul Curley suggests the possibility of having a joint public hearing with Town Council on this or discontinue Town Council's public hearing until the Planning Board has another public hearing.

Felicia Penn suggests that maybe Town Council could open their public hearing and then continue.

Chair Paul Curley states that the focal point here is the zoning.

Felicia Penn comments that if they had gotten the information at the Planning Board's public hearing firstly, when they had it (reference to the Barnstable Patriot article, see Exhibit A) it would have given them a better understanding and the information that they needed in order to realize why they need to rezone.

Ray Lang comments that a retraction may require information from and a legal opinion from the Town attorney. Also, Town Council may not want to delay.

Chair Paul Curley states that he would like to think that Planning Board could go to Town Council and ask them to delay the closing of their public hearing until the Planning Board has the opportunity to conduct their own public hearing and reconsider the issues that have come up.

Ray Lang agrees except he thinks there may be some legal ramifications.

Chair Paul Curley states that Staff could draft a letter to Town Council and also ask the Town Attorney if this is a possibility.

Motion made by Ray Lang to investigate a path to reconsider the previous Planning Board vote and to confer with Town Council and the Town Attorney and have the Planning Board Chair and Vice Chair and Growth Management Staff involved with the procedure, seconded by Stephen Helman. All members are in agreement except Patrick Princi is opposed.

Motion entertained by Chair Paul Curley to reopen/reconsider the Planning Board's previous vote on this zoning amendment and to have Staff draft a letter to Town Council requesting Town Council to delay the final closing of their public hearing and to allow the Planning Board to re advertise for a new public hearing in order to do a reassessment of their original vote, moved by Ray Lang, seconded by Felicia Penn. All members are in agreement except Patrick Princi is opposed.

At the request of the Chair, an update is provided on the Town's Downtown Hyannis parking activities.

Felicia Penn gives a brief history. The main issues are is there over parking, licensing issues and the need for enforcement for. Reference is made to Memorandum dated April 7, 2015 from Growth Management, Exhibit B, Downtown Hyannis Parking Update, she quotes "The Assistant Town Manager continues to work with Regulatory Services to facilitate this year's provisional parking licenses." What does this mean, to facilitate, does this mean to issue it, requests clarification for this? Need enforcement for these issues.

Reference made to Memorandum dated April 7, 2015, Exhibit B, 2nd paragraph;
The Town Attorney and the Growth Management Director have been asked to work with a Town Council subcommittee to explore responses to parking issues in downtown Hyannis

Reference to Memorandum dated April 7, 2015, Exhibit B, 3rd paragraph;
The Assistant Town Manager and the Growth Management Department Director in consultation with Regulatory Services are preparing an RFP to attract a highly qualified professional team to conduct a thorough civic engagement process, complete existing conditions inventory and analysis, analyze best practices, and develop a Parking Demand Management Implementation Action Plan product.

We will go yet another year with this problem. Is there any action being taken?

Chair Paul Curley interjects that we will not get an answer this year. The harbor area, CCRTA, the hospital and the downtown area parking is a massive issue/problem. As far as the current licenses go, the Assistant Town Manager and enforcement are trying to come up with an approach and how to avoid a massive problem until we come up with a solution for all of it. This will probably be a 3, 4, or 5 year estimate for solving. He thinks the Town is trying to solve all the parking issues at hand. Do we as a Board want to be planners or direct participants in the process?

Ray Lang makes reference to Memorandum from Growth Management, dated April 13, 2015, Exhibit C and refers to paragraph one, Licensing, comments that this would make less parking spaces, we are concerned about creating new parking for Barnstable and that is the Planning Board's effort and responsibility. Would like to create a group to work with the Town and be on a Subcommittee. Reference is made to Memorandum dated April 13, 2015, Exhibit C, paragraph at Solutions; "The Assistant Town Manager and the Growth Management Department Director in consultation with Regulatory Services are preparing an RFP to attract a highly qualified professional team to conduct a thorough civic engagement process, complete existing conditions inventory and analysis, analyze best practices, and develop a Parking Demand Management Implementation product."

Planning Board has in the past spent a lot of time on the Downtown zoning. We know how to do this.

Stephen Helman comments that he is comfortable with professionals doing the research and design, but Planning Board does Special Permits, it would probably be helpful that the Planning Board be familiarized and have some idea or direction we should go in.

Felicia Penn clarifies that the Planning Board did a parking plan/Gateway to Hyannis within the last two years?

Art Traczyk replies yes, volunteers, but this is a professional project.

Patrick Princi states that he thinks it's nice to know that the Town is moving forward and hiring of a consultant. It has been a major issue concern. There have been many other issues that have come before us regarding enforcement and parking issues. Suggests having Growth Management Director updating the Board on the progress as it moves forward.

Chair Paul Curley states that he knows this is frustrating, the public process makes it very difficult to get through. He is encouraged that they now have an RFP moving forward.

Ray Lang has interest and would be willing to serve on a committee for this.

Chair Paul Curley confirms that Ray and Felicia are representatives for Planning Board for this on any parking issues and this project. He would like to be kept informed with this effort. Have to see what the Town Manager's Office and enforcement will do.

Ray Lang asks for clarification of what the Regulatory Services are?

Art Traczyk explains the different divisions which are included with Regulatory Services and that Building is the enforcement agent for Zoning. Growth Management is a separate department and is not part of Regulatory Services. Planning Board is not Regulatory.

Correspondence:

Cape Cod Commission Minor Modification to the DRI Decision re: Barnstable Municipal Airport, dated March 25, 2015

Cape Cod Commission copy of correspondence sent to Francis Lahey re 151 Ocean Ave., Centerville, referral by the Barnstable Historical Commission dated March 26, 2015

Approval of Minutes: Approval of March 23, 2015, Board Meeting Minutes

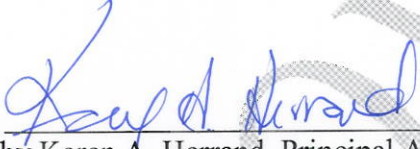
Motion made by Patrick Princi to approve the March 23, 2015, minutes as presented, seconded by Felicia Penn, so voted unanimously.

Motion to adjourn made by Stephen Helman, seconded by Paul Curley, so voted unanimously to adjourn.

Future Meetings: Regularly Scheduled Meetings: April 27 & May 11, 2015 @ 7:00 PM.

The meeting adjourned at 8:03 p.m.

Respectfully Submitted


by Karen A. Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on

April 27th, 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 - Barnstable Patriot's front page newspaper article, dated April 10, 2015 – File Zoning Amendment TC Item No. 2015-071 to amend the SCROD

Exhibit B - Growth Management's Memorandum re Downtown Hyannis Parking, dated April 7, 2015

Exhibit C - Growth Management's Memorandum re Downtown Hyannis Parking, dated April 13, 2015 (handed out at meeting)

APPROVED