



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 Planning Board Minutes June 8, 2015 – 6:30 p.m.

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 were JoAnne Miller Buntich, Director and Karen Herrand, Principal Assistant, Growth Management Dept.

Call to Order: Introduction of Board Members

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.

Cape Cod Commission Regional Policy Plan Update

<http://www.capecodcommission.org/rppupdate/> : Regional Policy Plan Update Process; Overview of Historic Chronologies and Aerial Imagery; Overview of Community Characteristics; Introduction to Scenario Planning; Cape Cod Transects and Envision Tomorrow

Patty Daly in attendance, Deputy Director, Cape Cod Commission.

Introduction of all attendees from Cape Cod Commission;

David Still, Communications Coordinator, Cape Cod Commission

Sharon Rooney, Chief Planner, Cape Cod Commission

Jennifer Clinton, Special Projects Coordinator.

Regional Policy Plan Review - Hand out – See Exhibit A (5 handouts);

The Cape Cod Commission Act/Goals and Objectives

The Cape Cod Commission Act/An Overview

***Envision tomorrow, Cape Cod Commission Regional Policy Plan Update, Quick Reference:
Development Types***

Community Characteristics Cape Cod Commission Regional Policy Plan Update

Trend Scenarios, Quick Reference Cape Cod Commission

A Powerpoint presentation is presented to the Planning Board.

Patty Daly states they will have a draft in September/fall time frame and that will be brought for public meetings and hearings.

David Still presents information re Chronology Viewer: use of data tool, navigation of site, chronology, development, statistics, erosion of land.

Jen Clinton presents information re Community Characteristic tool. GIS story map information, economy, demographics, development patterns, population, Mass Maritime had highest population density because of student base, distances, differences and comparisons for each town.

Sharon Rooney presents information re Envision Tomorrow. Use of data tool. Cape Cod Transect, development descriptions and patterns, 8 districts/zones across the Cape, Regional Planning, scenarios for future development or not under existing zoning, economy/fiscal outlooks, environment information.

This will be available in the coming weeks. New RPP over the summer.

Felicia Penn comments that the RPP has been updated several times, but this is the most creative and interactive that she has seen yet. Wonderful use of technology.

Patrick Princi comments that this is invaluable to the community, very nice work.

Ray Lang asks if they would define stakeholders, is the Planning Board to be considered a stakeholder and is Planning Board considered a stakeholder? Is there a plan besides this that has future information?

Patty Daly answers that the Planning Board is a stakeholder. We are reaching out to all. They are looking for input now. They will put a draft together and get out to the Planning Board. Prior to drafting this draft it would be good to get involved with the envision tool/process. Submit scenarios.

JoAnne Buntich interjects that if any Board Members don't have optimum computer/internet access kiosks can be provided so they can come in and use these tools.

Chair Paul Curley asks what is the commitment to updating the policy, annually?

Patty Daly typically every five years, but if things come up we can go through County ordinance process at any time.

Approval Not Required:

Plan of Land in Barnstable (Cotuit)

**135 Putnam Ave Map/Par 036/040
Barzun et al and Lowell et al**

A plan entitled "Plan of Land in Barnstable (Cotuit) Massachusetts being a Division of Lot shown on LCC4235A" dated April 22, 2015, has been submitted for endorsement as an Approval Not Required Plan. The plan proposes the division of 25.85-acre parcel of land into two lots. Lot 1 is proposed to contain 11.78 acres (11.51 acres upland / .27 acres wetland) and Lot 2 is proposed to contain 14.07 acres (13.37 upland, 0.7 wetland). The proposed parcels have greater than 150 feet of frontage, each on Putnam Avenue, a public way. Lot 2 has additional frontage on Old Post Road.

Attorney Michael Schulz in attendance for the Applicant. He gives a brief description of the application presented.

Ray Lang asks about the rights of way. Will building that is to be moved meet zoning bylaws for setbacks and side yards? Confirms total number of dwellings to be on Lot 2.

Attorney Schulz replies that there is an easement over Lot 1 that will be retained for Lot 2, no other easements that he knows of. A Zoning Board of Appeals decision was issued in May, and one of the conditions for special permit approval to continue non-conforming use that it shall conform to all setback requirements, the line bisects the building that's why it's being moved to Lot 2, as one single family home.

Motion made by Patrick Princi to endorse/approve this ANR, seconded by Stephen Helman, so voted unanimously.

Plan of Land in Barnstable (Centerville)

**0 Summerbell Ave Map/Par 226/196
Christian Camp Meeting Association**

A plan entitled "A Plan of Land in Barnstable, MA – 0 Summerbell Avenue" dated May 20, 2015, has been submitted for endorsement as an Approval Not Required Plan. The plan proposes a division of a 2,850 ft. parcel into two lots. The land is a former way, established by the original Christian Camp Meeting Association plan, recorded in Plan Book 24, Page 42.

Michael Green in attendance for the Applicant. He gives a history/explanation of the property. For conveyance purposes only.

Ray Lang asks for clarification of location. Is it part of Methodist Church campgrounds? Is there a right of way? Stone walls? What is the purpose of this ANR, to add real estate or to protect some other part of the lot?

Michael Green confirms it was developed by Christian Camp Meeting Association (CCMA). Paper street that was abandoned in 1984 by the CCMA. Congestion in the street as their family has grown. It will be a separate lot, non buildable. The title is registered land, have to go to land court to combine the lots, plan indicates it will be two separate lots. CCMA is free to deed out property. There is a right to maintain a telephone pole, recorded easement, this transfer wouldn't effect this.

Motion made by Stephen Helman to endorse/approve the ANR, seconded by Felicia Penn, so voted unanimously.

Subdivisions:

Preliminary Subdivision No. 824

**Plan Prepared for Shirley E.
Peterson, TR. Property at 536 River
Rd., Marstons Mills MA**

Review of Preliminary Plan for Subdivision No. 824 entitled; "Subdivision No. 824 Preliminary Plan of Land in Marston Mills (Barnstable, MA) Prepared for Shirley E. Peterson, TR. An Application for Tentative Approval of a Preliminary Plan to divide a 5.9 acre parcel into 2 lots has been submitted for consideration to the Planning Board. The property is shown on Assessors Map 61 as Parcel 02. The property is zoned Residential RF, RPOD, WP and is located within NHESP, Priority Habitats of Rare Species. Two Waivers are being requested.

- *This is a preliminary plan being submitted to the Board for consideration. Copies of application, plan and associated documents enclosed*
- *Copies of request to continue to June 22, 2015, and updated waiver request, dated June 2, 2015, received via email from Dan Ojala enclosed.*

JoAnne Buntich explains that the Applicant's representative, Dan Ojala and she have spoken regarding a request to continue in order to secure and provide professional engineer services for peer review. We will continue this on June 22, 2015.

Continued Special Permit Hearing:

**Special Permit No. 2015-002
(modification)
Map/Par 308/195**

Jason T. Ethier, Trustee, 445 South St., Hyannis

Jason T. Ethier, Trustee, Tajmahal Realty Trust is seeking a Special Permit pursuant to Section 240-94(B) – Expansion of a Preexisting Nonconforming Use and modification of the conditions of Special Permit Nos. 1955-9 and 1956-6, as necessary. The Applicant seeks to construct a third building on the property. The building would contain a two-car garage and one-bedroom apartment on the first floor; a three-bedroom apartment on the second floor; and a game room with a roof deck on the third floor. The subject property is addressed 445 South Street, Hyannis, MA Assessor's Map 308, parcel 195. It is zoned SF Single Family Residential District.

Attorney John Kenney in attendance for the Applicant.

Ray Lang clarifies that we are in receipt of the legal opinion regarding the Planning Board's authority for this matter.

Chair Paul Curley clarifies that the legal opinion does state the Planning Board has the authority to modify the Special Permit originally issued by the Zoning Board of Appeals., see Exhibit B.

Attorney Kenney states that there is one Planning Board member missing tonight, David Munsell, he needs five out of the five members here tonight to make the vote,

JoAnne Buntich clarifies that David Munsell could Mullin in and then on June 22, 2015, meeting there could be six members available to vote.

Patrick Princi will be at the last meeting on June 22, 2015.

Attorney Kenney gives a review of the two issues:

Does Planning Board have the authority, and do we have a legal pre existing non conforming use to request to expand. Both issues have been stated in the legal opinion that this can be done, see Exhibit B, legal opinion.

Attorney Charles Sabbatt and Attorney John Kenney have been working out a potential settlement for this.

Attorney Charles Sabbatt states they have been back and forth with negotiations/resolution, he represents Sandra Williams a direct abutter on Oak Neck Rd. He thinks they have a meeting of the minds. But need to put in writing to state what is agreed to.

JoAnne Buntich recommends to allow the Applicant's to enter anything they have tonight and continue to the June 22nd hearing to enter an updated draft decision and/or any other documents at that time to be finalized.

Attorney Kenney agrees and will submit information to Staff.

Stephen Helman confirms that we raise any concerns/questions now.

Ray Lang would rather not see a new building go in on this property. Only one abutter that said they thought this land is not suitable for this kind of expansion. He would want to discuss it as a board.

Attorney Kenny explains that the GIZ is where the infrastructure is and the housing needs assessment has identified the lack of housing needs, both affordable and market rate in the area, this addresses both of these concerns.

Stephen Helman comments that he is pleased to hear there is a possible resolution/negotiation.

Patrick Princi states his only concern is the neighbors, looking forward to seeing what the negotiation is.

Mark Ferro agrees that his concern was with the abutter, but if they have had a meeting of the minds he's willing to hear this.

Chair Paul Curley states that any increase in housing in this area is critical and he would support this.

Ray Lang comments that when the GIZ was originally done, there was a lot of time spent on South Street as a buffer, but at the time we said that South Street is a special place, it's in the Historical jurisdiction as well.

Chair Paul Curley states/confirms that the Special Permit Granting Authority in the GIZ doesn't change from parcel to parcel. This has to be looked at for benefits and detriments individually.

Motion made by Patrick Princi to continue this public hearing for Special Permit No. 2015-002 to June 22, 2015, at 7:00, seconded by Mark Ferro, so voted unanimously to continue.

Taken out of context/Agenda listing:

JoAnne Buntich interjects that a vote is needed for acceptance of the extension request for the Preliminary Subdivision No. 824, Peterson, timeline.

Motion entertained by Chair Paul Curley, moved by Stephen Helman, seconded by Mark Ferro, so voted unanimously to grant the extension request to July 31, 2015.

Felicia Penn, as Chair for the Nominating Committee for the Planning Board. She reports that for the 2015-2016 year a nomination be made to elect Stephen Helman as Chair, Raymond Lang as Vice Chair and David Munsell as Clerk.


Chair Paul Curley states that this will be on the June 22, 2015, Agenda. He thanks Felicia Penn for her service.

Future Meetings: June 22 and July 13, 2015, @ 7:00 p.m.

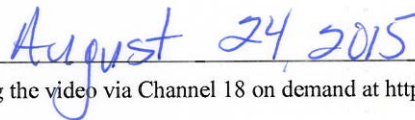
Motion to adjourn made by Ray Lang, seconded by Stephen Helman, so voted unanimously.

The meeting adjourned at 10:00 p.m.

Respectfully Submitted


by Karen A. Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on



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 -** Cape Cod Commission Act (5 handouts) Regional Policy Plan Update
- Exhibit B -** Legal opinion dated June 6, 2015 – File – Special Permit No. 2015-002, Ethier, 445 South Street

APPROVED