



# Town of Barnstable Planning Board



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Board Members

Mary Barry – Chair    Stephen Helman – Vice Chair    Steven Costello - Clerk    Paul R. Curley    Fred LaSelva    Jeffrey Swartz    Patrick Foran  
John Norman – Town Council Liaison

Planning & Development Dept. Staff Support

Elizabeth Jenkins, AICP, Director  
Paul Wackrow, Principal Planner  
Karen Herrand – Principal Assistant - [karen.herrand@town.barnstable.ma.us](mailto:karen.herrand@town.barnstable.ma.us)

2021 APR 13 PM 4:01

**Town of Barnstable  
PLANNING BOARD  
Minutes  
August 27, 2018**

BARNSTABLE TOWN CLERK

Mary Barry – Chairman	Present
Stephen Helman – Vice Chairman	Present
Steven Costello - Clerk	Present
Paul Curley	Present
Fred LaSelva	Present
Jeffrey Swartz	Present
Patrick Foran	Present

Also in attendance were Elizabeth Jenkins, Director, Paul Wackrow, Principal Planner and Karen Herrand, Principal Assistant, Planning & Development Dept.

**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:**

Application for an Approval Not Required Plan entitled “Proposed 3 Lot Subdivision (Form A-Approval Not Required) 900 Phinney’s Lane in Hyannis, (Barnstable) Massachusetts” dated July 23, 2018, prepared for Thomas E. Driscoll, prepared by Matthew C. Costa, PLS.

No one in attendance - Applicant not here.

Paul Wackrow gives an explanation of the proposed ANR. Division has 3 lots only 1 lot would be buildable, just lot 1 would have the frontage. Lots 2 and 3 would be non buildable.

The Planning Board did approve first time re adequate access.

Jeff Swartz asks about panhandle definition.

Paul Wackrow replies that lot 2 has some dotted lines on plan, Exhibit A. 120 ft. needed for frontage.

Paul Curley comments that the way set up, Longview or Phinney’s, can a possible purchaser combine lots to make frontage?

Paul Wackrow replies yes, but this is for conveyance purposes.

Stephen Helman comments that he is pleased with this development/version.

**Chair Mary Barry entertains a motion to approve/moved by Stephen Helman, seconded by Jeff Swartz, so voted unanimously.**

**Subdivisions**

**Subdivision No. 802 Shearwater** – Bayside Building has requested release of security for this subdivision per completion of work.

No one in attendance for this matter.

Elizabeth Jenkins explains that this was a modification to a subdivision, improvements made to meet frontage and turnaround requirements. Bayside submitted the modification to make the lot buildable. They put in a T turnaround and approved as such for development of 1 lot. Board has to vote to release the security. This was completed and Engineer report was recommended that was completed and no issue with release of security. Did another inspection. Staff recommends full release of 24,000 security.

**Chair Mary Barry entertains a motion to approve, moved by Stephen Helman, seconded by Steven Costello, so voted unanimously.**

**Special Permits:**

**Special Permit No. 2018-03** – 49 Ocean St., Hyannis - Verizon New England, Inc. has submitted an application to reinforce and extend the existing tower to a new tower height of approximately 155 feet – modification to ZBA Special Permit No. 2013-002. *Continued from March 26<sup>th</sup>, April 9<sup>th</sup>, May 14<sup>th</sup>, June 11, and July 23, 2018.*

Attorney Michael Ford in attendance. He gives a review of the last information/public hearing/meeting that was held. There was a request for visual impact study. Refers to pictures of tower and other 6 locations, Exhibit B. Locations that are visual/visible and each one of these locations would be visible and it is already visible as is existing. Tower is already visible.

There was also some discussion regarding 911 system. There have been affidavits submitted, Exhibit C. Copy of Affidavit of Mr. Baker. Also Affidavit of Michael Shea, Exhibit D. This has information regarding calls down from Nantucket and information how the calls work. Verizon is not 911 provider for Cape & Islands, this is part to improve reliability from the increased height. This will enable 911 to work continuously. Raise tower to 150 ft. with lightning rod. No other equipment is to be moved. They will also need a certificate of appropriateness from Hyannis Main Street Waterfront Historic District Commission (HHDC). Looking for some direction for any additional information needed from the Applicant. Looking for a vote at the next meeting. Not sure of how many Planning Board members will be here when they come back Sept. 24<sup>th</sup>.

Chair Mary Barry states that Pat would not be able to vote.

Steve Costello asks about/refers to the Peer Review report, doesn't think it is helpful/confusing. It doesn't change his opinion.

Paul Curley comments that this has gone on long enough. He is in favor of this. Suggests prepare draft findings and conditions.

Fred LaSelva thinks the height is ugly, doesn't reflect the nature of the town.

Jeff Swartz comments that he spoke with someone in Nantucket Hospital that stated this is definitely a problem with 911 system. Peer Review was confusing. He thinks that it is necessary and would like to see it done.

Stephen Helman directs to Staff, asks if prepared to make a recommendation?

Chair Mary Barry comments that it's like the report is unfinished, info from Isotrope.

Attorney Ford agrees that it doesn't seem like a finished product. His understanding is that the work done to date is over their contract – per Verizon paying \$5,000 for the Peer review.

Elizabeth Jenkins concurs with Attorney Ford's assessment and a lot of back and forth with technical issues, justification of the need/improvement to existing service/and visual impact. There is a need for this and Nantucket's service. The original scope of work were the proposed improvements necessary, hard to answer with this report, unfinished nature.

Steven Costello states that at the last meeting the Peer Reviewer had differences of opinion. This report, Exhibit E is more confusing.

Chair Mary Barry asks/suggests if a conversation with Isotrope and Verizon and staff needs to take place regarding the outcome.

Attorney Ford states that there was a technical review at the last meeting and it also went into zoning, this original report took up their \$5,000, needs additional funding to continue on.

Stephen Helman states that the picture of tower is offensive, he hears the need though. He would feel better about voting yes, if Staff had come to a conclusion/re talks with Isotrope and Verizon. If they can all have conversation he would come back on Sept. 17<sup>th</sup> to have a meeting and have some closure.

Steven Costello asks/directs to Staff - about affidavits/Exhibit C and D.

Elizabeth Jenkins states good to have on record, but we don't have the technical knowledge so hard to evaluate this. Cannot assess, again the more evidence the better.

Discussion regarding the Peer Review that was hired did not have adequate knowledge per this tower.

Jeff Swartz comments that he read the Isotrope review again, he agrees that the report is confusing. He is in support.

Fred LaSelva doesn't see this as a contract issue. Towers are ugly and distraction/not visually indicative of what the town should be. Let's pay for another report. Affidavits are self serving. Looking for independent clarity on this issue.

Paul Curley comments that the company is looking to do something for the public welfare. Peer reviewer didn't do his job, but who do we trust and how far are we going to go to delay this. Thinks Staff should prepare findings and conditions so have something to work with, let's move forward.

Chair Mary Barry comments that the technicalities aren't under the expertise of the Planning Board.

Elizabeth Jenkins comments that the obligation under Special Permit Findings for expansion/non conforming structure, will it not be more substantially detrimental to the neighborhood. At the end we are looking at the detrimental task, this is the ultimate finding.

Steven Costello agrees that this had become adversary – visual impact, not attractive. Clearly there is a need for the technicalities.

**Motion entertained by Steven Costello, seconded by Paul Curley, to have Staff produce draft findings.**

Motion on the floor is to have Staff make a recommendation on the Findings, Sept. 24<sup>th</sup>.

Stephen Helman would like to have a meeting sometime before the next meeting to discuss this. Chair Mary Barry would also like to see this.

Elizabeth Jenkins states that the funding would have to be in place for Verizon to come up with the additional funding for another report. Preliminary work: conference call and draft, revised final report, range of \$1,000 she thinks for the work. Preliminary, half day of work, additions 1,800 for meeting preparation.

Attorney Ford states that the bills to date are about \$5,000. Could we ask if the peer review person could come and have a meeting/maybe Staff take from that, as opposed to coming out with another product.

Fred LaSelva asks about HHDC and their objection to this?  
Attorney Ford clarifies that yes, they need their approval.

Attorney Ford consults with his client and they are willing to commit to an additional in person meeting of up to \$1,000 with all.

**Motion on floor amended that the Staff give a conclusion after this meeting between Isotrope and Verizon so that Planning Board can make a decision at Sept. 24<sup>th</sup> meeting, seconded by Fred LaSelva.**

Elizabeth Jenkins clarifies that we need an extension to extend the time limit for filing a decision for this Special Permit, an additional amount of time, to Oct. 22<sup>nd</sup> to allow for public hearing and rendering a decision.

Attorney Ford states that he will execute this extension of time.

**Chair Mary Barry entertains a motion to continue to Sept. 24<sup>th</sup>, 2018, seconded by Paul Curley, so voted unanimously.**

**Correspondence:**

Chapter 91 Notice – 50 Fox Island Rd., Marstons Mills – pier, ramp and float – O’Brien

Chapter 91 Notice – 624 Poponessett Rd., Cotuit – pier, ramp and float – Embree

Chapter 91 Notice – 45 Hornbeam Lane, Centerville – pier – Kouri

**Matters Not Reasonably Anticipated by the Chair:**

Elizabeth Jenkins informs the Board that they have received a Regulatory Agreement application for 720 Main St., Hyannis, this has been vacant for 10 years. Informs that there would be 44 rental

apartments/units. Mr. Williams is participating in Mass Housing workforce initiative program. 20% would be deed restricted at 80%, all at 120%. Can't get guarantee until shovel ready and permitted. He will be seeking a waiver to do 8 units at 80%. If no funding he would comply with the ordinance.

Fred LaSelva asks about the other buildings surrounding the vacant lot.

Elizabeth Jenkins clarifies no, just the vacant lot. Topography dips down.

Discussion - submission of this application.

Also, Elizabeth Jenkins updates re Chapter H, Zoning and Reg. Committee. Town Council did ask Staff to look at Cape Cod Commission (CCC). Chapter H allows to look at modifying CCC thresholds. Like the GIZ. Looking at Rte 132, retail and industrial service area, Independence Park. Modest threshold revisions, commercial areas, raising from 10,000 to 15,000. Comprehensive package for this being put together.

**Chair Mary Barry entertains a motion to adjourn, moved by Stephen Helman, seconded by Paul Curley, so voted unanimously to adjourn.**

**Future Meetings:** Sept. 10<sup>th</sup> 2018, has been cancelled. Next meeting: Sept. 24<sup>th</sup>, 2018, @ 7:00 p.m.

The meeting adjourned at 8:06 p.m.

Respectfully Submitted

Karen Herrand, Principal Assistant, Planning Board

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 – ANR plan – 900 Phinney's Lane

Exhibit B – Special Permit No. 2018-03 – 49 Ocean St., Hyannis - Verizon New England, Inc. – pictures of tower from the Visual Impact Study

Exhibit C – Special Permit No. 2018-03 – 49 Ocean St., Hyannis - Verizon New England, Inc. – Affidavit of Mr. Baker

Exhibit D – Special Permit No. 2018-03 – 49 Ocean St., Hyannis - Verizon New England, Inc. – Affidavit of Mr. Shea

Exhibit E – Special Permit No. 2018-03 – 49 Ocean St., Hyannis - Verizon New England, Inc. – Peer Review report