



Town of Barnstable Planning Board



www.town.barnstable.ma.us/PlanningBoard

Board Members

Mary Barry – Chair Stephen Helman – Vice Chair Steven Costello - Clerk Paul R. Curley David Munsell Fred LaSelva Jeffrey Swartz

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

Town of Barnstable PLANNING BOARD Minutes January 8, 2018

19 JAN 15 P2:45

BARNSTABLE
TOWN CLERK

Mary Barry – Chairman	Present
Stephen Helman – Vice Chairman	Present
Steven Costello - Clerk	Present
Paul Curley	Present
David Munsell	Present
Fred LaSelva	Present
Jeffrey Swartz	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 Plans:

Application for an Approval Not Required Plan entitled "Approval Not Required Plan at 49, 51, & 61 Parker Road Osterville, Massachusetts", dated December 4, 2017, prepared for Laurel Welch and Mary Jane Tardanico, by Stephen J. Doyle, PLS.

Attorney Albert Schulz in attendance for the Applicant. Explains division from 3 lots into 2 for conveyance purposes. Both have minimum frontage. Parcel B to be with 61 Parker Rd. and Parcel A with 49 Parker Rd.

Motion entertained by Chair Mary Barry to approve/endorse, moved by Jeff Swartz, seconded by Paul Curley, so voted unanimously.

Application for an Approval Not Required Plan entitled Plan of Land in West Barnstable, MA, prepared for Karl Maki, dated November 28, 2017, prepared by Dan Ojala, P.E., P.L.S. of Down Cape Engineering, Inc., for 1700 Main Street, Route 6A, West Barnstable, Map 197 Parcel 35.

Dan Ojala from Downcape Engineering in attendance for the Applicant. He explains the division of 12.37 acre into two lots. There is some wetland in the back, has frontage on rte 6A.

Motion entertained by Chair Mary Barry, moved by Stephen Helman to approve/endorse this ANR, seconded by David Munsell, so voted unanimously.

Special Permits:

A Special Permit Application has been submitted by Duffy Health Center, Inc. for 94 Main Street, Hyannis, as shown on Assessor's Map 327 as Parcel 195. The applicant seeks to modify Special Permit No. 2008-02 to convert two (2) residential apartments on the 3rd floor to medical office use. Accordingly, the applicant seeks to modify 2008-02 consistent with condition No. 4, which requires an amendment for any change to building use, including a change in the percentage of medical office and/or residential use at the 94 Main Street.

Chair Mary Barry entertains a motion to open the Public Hearing, moved by Stephen Helman, so voted unanimously.

Attorney Andrew Singer in attendance for the Applicant, Duffy Health Center Inc., also a member of the Board of Directors of Duffy Health Center. He hands out a supplement to the parking, Exhibit A.

Heidi Nelson, CEO of Duffy Health Center in attendance and Evan Cohen, representative of the landlord of the property.

Attorney Singer gives a history of the original special permit issued, condition 4 of this states that any changes to the special permit will need to come before the Planning Board. They are proposing to renovate the interior space. They would like to remove the two apartments from the building and make the entire bldg. office medical use. He refers to the parking inventory, see Exhibit A.

The use requires 50 spaces. He explains that now there are 38 on site used by Duffy and 9 used by Urology Associates, original approval in 2008, 9 were for 69 Camp St., since then Duffy has also leased 15 spaces from Realty Group across the street. There are a total dedicated – 63 parking spaces, 52 are required to make the whole bldg. commercial. Condition 4 only will need the amendment/change. The proposal does meet the standards.

No exterior changes, all interior. Third floor will be changed from apartments to commercial use. No additional density, same traffic flow. They do have approval from Site Plan Review.

Paul Curley asks what the current housing situation is there now – bedroom configuration?

Evan Cohen in attendance. He replies that currently there are 2, 1 bedroom units, market rate, one is occupied.

Paul Curley's only concern is that they would be taking needed housing away.

Attorney Andrew Singer replies that the owner, does have other housing that is available in the area. It is understood that the current tenant would be provided with housing.

Evan Cohen confirms/replies that they will be adding other units at 69 Camp St. to compensate, residential units, more of a residential area to.

Fred LaSelva asks how long has the other occupied unit been off the market?

Even Cohen replies that he has not been able to get a tenant in there, it's been empty a little less than a year.

Fred LaSelva asks about the Seaport Realty spaces, this area is very busy. Is this the only alternative to add these spaces at this location? This is not contiguous space, it creates a safety hazard. Are these spaces for employees or patients?

Heidi Nelson replies these are for their employees, and they have stickers that employees have issued to them and each space is labeled with a D (Duffy) spaces.

Attorney Singer clarifies as well that all of the offsite parking is for employees/staff.

Jeff Swartz asks for clarification about adding units to 69 Camp Street. Wouldn't this be difficult to rent as well? Will this increase the amount of patients?

Evan Cohen replies they have been to informal site review and these apartments will not be as high end and would meet the needs in the area. Will be cheaper rents as well.

Heidi Nelson replies that they need to make their space more usable for staff. They have served 3,300 people last year and their max is about 3,450. Essentially they will be creating administrative spaces that are more separated/segregated. The entire first and second floor will be clinical space. The basement will be administrative.

Fred LaSelva asks when current existing tenant lease expires?

Evan Cohen answers that they are a tenant at will. He is helping with the relocation. Duffy paying expenses to move them.

Steven Costello asks why was this not done initially?

Evan Cohen replies that originally they only needed 14,000 sq. ft. at the time.

David Munsell comments Duffy has done good job here and doesn't think any problem with parking. He is in support.

Jeff Swartz asks for clarification of parking with additional units at 69 Camp St.

Evan Cohen replies that they will only be adding two residential units, the existing parking lot has 28 spots now. There is adequate parking.

Attorney Singer replies that the parking demand on 69 Camp St. is actually going down.

Chair Mary Barry asks for any Public Comment – NONE -

Chair Mary Barry entertains a motion to close the Public Hearing, moved by Paul Curley, seconded by Dave Munsell, so voted unanimously.

Stephen Helman reads Proposed Special Permit Findings into record:

Proposed Special Permit Findings

For all Special Permits, the Board is required to make general findings pursuant to § 240-125(C). The Board should review the evidence presented by the Applicant, staff, and members of the

public and, after weighing such evidence, is encouraged to articulate if and how the evidence contributes to each of the required findings:

1. *Duffy Health Center, Inc. is seeking to modify Special Permit No. 2008-02 to allow for the conversion of two (2) residential apartments on the 3rd floor to medical office use.*
2. *The subject property is addressed 94 Main Street, Hyannis, MA and is shown on Assessor's Map 327 as Parcel 195. It is in the MS – Medical Services District, medical/dental clinics as-of-right, and nonresidential developments with a total floor area of greater than 10,000 feet by special permit.*
3. *The revised plan has been reviewed and approved by the Site Plan Review Committee under an approval dated December 7, 2017, the conditions of that decision shall be incorporated by reference as conditions of this Special Permit*
4. *After an evaluation of all the evidence presented, the proposal fulfills the spirit and intent of the Zoning Ordinance and would not represent a substantial detriment to the public good or neighborhood affected.*
5. *The proposal meets Sec.240-24.1.2 E specifically in that the proposal continues to comply with the provisions of the zoning ordinance and is consistent with the applicable criteria for granting special permits.*

Chair Mary Barry entertains a motion, moved by Steve Costello to approve, seconded by Stephen Helman, so voted unanimously to approve the Proposed Findings.

Stephen Helman reads Draft Conditions into record:

1. *This Special Permit shall modify Special Permit No. 2008-02 subject to Condition #4, "Any change to the building use from that permitted herein shall require amendment to this special permit. This includes a change in the percentage of medical office and/or residential use at the 94 Main Street property and any change to the single family residence at the 26 Camp Street Property" to allow for the conversion of two (2) residential apartments on the 3rd floor to medical office use at 94 Main Street.*
2. *All conditions of the previous Special Permit shall remain in full force and effect.*
3. *The conditions of December 7, 2017 Site Plan Review approval shall be incorporated as conditions of this Special Permit.*
4. *This permit shall be recorded at the Barnstable County Registry of Deeds and copies submitted to the Planning Board and Building Division prior to commencement of the use.*

Chair Mary Barry entertains a motion to approve/grant the Special Permit based on the Draft Conditions, moved by Stephen Helman, all in favor by unanimous vote.

Discussion:

Subdivision 809 Audubon Acres

Request for an informal discussion by William and Mary Beth Eddy regarding proposed modification to the subdivision plan to add a third lot.

Attorney Eliza Cox, Nutter McClennan and Fish, in attendance, representing the Applicant.
John McElwee from Coastal Engineering also in attendance.

Attorney Cox refers to her letter dated Dec. 29, 2017, Exhibit B. She refers to the Plan, Exhibit C. Gives an explanation that they would like to modify. In 2006, definitive subdivision approval given by the Planning Board, 2 lots, 2A and 2B, road, Daffodil Lane. There is a condition that there be no further subdivision of this land. The proposed modification is to create three lots, Lot 1, Lot 2 and Lot 3, all of the lots have adequate frontage and an excess of one acre of upland. They would like this so that they may have one lot with their house and then a lot for each of their two children.

Looking for preliminary feedback from the Planning Board. There has been a review by the Fire Dept. and the Water Dept., refers to letter dated December 29, 2017, Exhibit B, A through G outlines the Fire Department's conditions:

Proposing a 16 ft. traveled way, except at the entrance, still 12 ft. relocating of utilities. Upgrade to 8 inch water main. Also a new waiver would request to be to paved with asphalt and on a T base. Some drainage modification, a fire hydrant for the end of Daffodil Lane. The turnaround on Daffodil Lane would be enhanced for a better turn around for the Fire Dept.

Steven Costello asks if they have approached abutters?

David Munsell asks why did the original plan stipulate no further development? Maybe some elevation problems?

John McElwee replies that the road has a descending grade, it is at 10% on the existing road.

Attorney Cox replies that she is not sure why, there was a 12 ft. waiver originally requested with the two lots.

Elizabeth Jenkins interjects that they did look into this and there was no clear reason why they didn't do 3 lots instead of the two. Road work is not done/complete yet.

Stephen Helman is the fact that there are wetlands there maybe the issue? Where is the turnaround?

Attorney Cox replies that she doesn't think so, it is enough upland. It was a T shape, but looking for a better turnaround.

Jeff Swartz asks if this is in the Old Kings Highway District (OKH)? I know this would also be a hurdle as well.

Attorney Cox replies yes, part of the procedure.

Fred LaSelva asks about maintenance of the road. Confirms that everything from the road, Daffodil and back is paid by the owners. What type of wetlands? The abutters, Mass Bay train in the back, will they need permission from them? Sewer?

Attorney Cox replies that this is now in the ownership of a trust. The two lot owners would own and maintain the road by a trust, private way. All the owner's expense. Yes, paid by the owners. Unless waivers granted by this Board. The Mass Bay will be notified as an abutter.

John McElwee answers that the wetlands are wooded wetlands. This will have a private on-site septic.

Fred LaSelva asks where the proposed new houses would go? An approximate placing of where they will go. Also, comments plowing and safety with the road change.

Attorney Cox replies that they can give a general sense of where these would go.

Paul Curley states that this is very do able, he thinks this should be fine with the appropriate documents/plans.

Jeff Swartz asks what the time frame would be for building the other two homes?

Attorney Cox thinks they will want to move quickly, other Boards have jurisdiction for what happens on the lots, OKH etc. Conservation, if it moves forward.

David Munsell asks if this would be a private road, gated?

Attorney Cox states there are no plans to put in gates, private subdivision road.

Update from Planning & Development Department on Reauthorization of Downtown Hyannis Growth Incentive Zone.

Elizabeth Jenkins gives a power point presentation re the Hyannis Growth Incentive Zone (GIZ) originally done in 2006.

Review/key points. New framework. Residential units/mixed use developments.
Have added 104 units in 10 years. What are the community goals now. Stakeholder meetings.

Cape Cod Commission and Town have been developing. Land use and zoning analysis. Infrastructure amenities. Benchmarking and performance.

Fundamental Services – Six systems:
transportation, water, community services, neighborhoods, utilities, and coastal resiliency.
No timeline, report on a 5 year at a time basis.

Proposed Review Schedule - Application draft posted for public comment
Jan. 16, 2018, Stakeholder meeting. Jan 29, 2018, Planning Board/Public Workshop
Feb. 1, 2018, Joint Planning Board/Town Council Hearing. April 6th 2018, deadline.

Chair Mary Barry asks for show of hands of who will be available for Public Hearing on Jan.29th,
No vote at that point. Five Planning Board members can attend Jan. 29th. Vote would be at the Feb. 1
Joint Public Hearing.

Discussion about locations for meetings.

More neighborhood thinking now. Downtown Hyannis and how relates to Downtown corridor.
Strategic Implementation Plan.

DISCUSSION RE SCHEDULING CHANGES.

Correspondence

Chapter 91 Notices
Cape Cod Commission Notices

Motion entertained by Chair Mary Barry to adjourn, moved by David Munsell, seconded by Paul Curley, so voted unanimously to adjourn.

The meeting adjourned at 8:36 p.m.

Respectfully Submitted Karen Herrand
By Karen Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on January 14, 2019

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 – Special Permit No. 2017-02 – 94 Main St., Hy – Map/Par 327/195 Duffy Health Center – Supplemental Parking Calculation document

Exhibit B – Sub No. 809 – Audubon Acres – letter dated Dec. 29, 2017

Exhibit C – Sub. No. 809 – Audubon Acres – Definitive Plan dated Jan. 9, 2006