



Town of Barnstable Planning Board



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Board Members

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Karen Herrand – Principal Assistant - karen.herrand@town.barnstable.ma.us

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BARNSTABLE
TOWN CLERK

Town of Barnstable PLANNING BOARD Minutes January 13, 2020

Steven Costello – Chairman	Present
Jeffrey Swartz – Vice Chairman	Present
Patrick Foran – Clerk	Present
Marry Barry	Present
Walter Watson	Present
Stephen Robichaud	Present
Aimee Guthinger	Present

Also in attendance were Paul Wackrow, Senior Planner, and Karen Herrand, Principal Assistant, Planning & Development Department.

Call to Order: Introduction of Board Members and Staff 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.

Approval Not Required:

Edward F. Gaulin, in representation of: Jason Potteiger, Annmarie Gallagher, and Barry Priest, Map 142 Parcels 008 & 047-000, have submitted a plan entitled “Plan of Land at of #240 & 256 Tower Hill Road, Osterville, MA prepared for Edward Gaulin dated July 11, 2019, revised December 10, 2019 (ZBA Variance Reference)” prepared by Down Cape Engineering, Inc., Daniel A. Ojala, PLS, dated December 10, 2019, for endorsement as an approval not required plan.

Edward Gaulin in attendance. He gives an explanation of the proposed ANR plan. Exchange of property, parcel C conveyed. Reduces size of lot 1, agreement to portion of land on Tower Hill Rd.

Chair Steven Costello entertains a motion to approve this ANR, moved by Mary Barry, seconded by Jeff Swartz, so voted unanimously.

486 Parker Rd., Osterville - Revised plan - The Parker Road Family Limited Partnership, Lawrence Hollings, 486 Parker Rd., Osterville, MA has submitted a plan entitled "Plan of Land at 486 Parker Rd., Barnstable (Osterville) Massachusetts" drawn and stamped by Richard R. L'Heureux, P.L.S, of CapeSurv dated December 2, 2019

Richard L'eurex in attendance. This is due to some Land Court requests, add text, revisions to plan. And needs to be re approved. Changes are minimal. The intent is the same.

Chair Steven Costello entertains a motion to approve, moved by Mary Barry, seconded by Jeff Swartz, so voted unanimously.

Subdivisions:

Sub. No. 814 – Request for Lot Release – 0 Plum Street, W. Barnstable
Attorney Michael Princi, representing Stephen H Rowland, has requested a release of covenant for Lot #2 in subdivision No. 814, "Plum Street" recorded in Book 21143, Page 193, dated. June 29, 2006

Jeff Swartz recuses himself.

Attorney Michael Princi in attendance for the applicant. He gives a history of the proposal/release of covenant. There was a presentation in 2006 where vote taken to approve road and release of covenant. They are requesting to have it done/approved now.

Chair Steven Costello entertains a motion to approve, moved by Mary Barry, seconded by Patrick Foran, so voted unanimously.

Sub. No. 819 – Request for Lot Release – Lot 2, 10 Maki Hill Lane, W. Barnstable
Susan A Maki and Christopher Maki, have requested a release of covenant for Lot #2 in subdivision No. 819, "Maki Hill Lane" recorded in Book 27958, Page 141, dated January 28, 2014.

Paul Wackrow comments - This will come back on Jan. 27th. Other issues need to be addressed.

Regulatory Agreements:

Regulatory Agreement No. 2019-03 – 451 & 467 Iyannough Rd., and 400 Barnstable Rd., Hyannis, Massachusetts, Map 311 Parcels 082, 081 and 030-001 - Airview LLC seeks to enter into a Regulatory Agreement with the Town of Barnstable to redevelop three parcels with two new retail structures. The development would also include an access easement over property shown on Assessor's Map 311, Parcel 030/001 (400 Barnstable Rd.). It is zoned HG – Hyannis Gateway District; Groundwater Protection Overlay District; and Well Protection Overlay District. *Continued from December 9, 2019.*

Attorney John Kenney in attendance.
Matt Eddy in attendance.
Randy Hart in attendance.

Jeff Swartz returns.

Aimee Guthinger recuses herself.

Attorney Kenney – recap; some revisions have been done to the plan. Unidentified tenant concerns, for Bldg. B and traffic concerns. Bldg. A, 10,000 sq. ft. Walgreens proposed. Don't want to have to come back for Bldg. B, would disrupt Bldg. A and development of the project.

Matt Eddy in attendance. Suggestions, include, shift bldg. in back area, refers to plan C3.0, Exhibit A. Bldg. B reduced by about 250 sq. ft. to assist for parking. Parking revised, landscape island. 81 spaces required and will have 81, eliminates this waiver. Slightly below, directed by staff, wanted more green space. Islands

wider, 10 ft. separation of bldg., loading areas, drive thru area, not quite 6 ft. Eliminated the 6 ft. parking buffer, perimeter, sides and rear. Reduction in impervious coverage. Modified the easterly entrance that was a full access, now right in and right out entrances/exits. Looked at Rte 28 proposed improvements were looked at to see how correspond, probably two lanes, based on info received at present.

The site – a lot of it is based on the way that zoning ordinance is written, multiple references. Only two waivers requested: impervious coverage and front yard landscape set back which zoning wants 60 ft. GP Overlay – the parent Hyannis Gateway, allows 80% impervious our site is below this. Reduction from prior as well – GP overlay requires 50%. The vast typically existing impervious is already in excess of 50% - more often than not – site grandfathered based on the prior . Wastewater collect runoff goes through pretreatment and underground stone water systems, 25 year storm run off is collected and infiltrated into the ground - Groundwater recharge.

Front yard setbacks – 60 ft., provided 10. There was no buffer there prior. 3 undefined entrances. Have provided 10 ft. HG requires a 10 ft. setback. If Rte 28 corridor that's what makes it go to 60 ft., still falling under what's allowed by parent zoning district. Floor area ration/lot coverage of the buildings is inline or less than other developments done. Zoning ordinance allows a floor area ratio of 80% for this area. 17.2 % from the bldg. sq. footage, well in line with what zoning allows.

Chair Steven Costello – per Town Engineer's letter, he reads his comments into record, Exhibit B. Email from Griffin Beaudoin, received today – *"We offer the following comments:*

- 1. We recommend removing the westernmost curb-cut on Iyannough Rd (closest to rotary).*
- 2. All two-way traffic aisles should be modified to 24' travel width.*
- 3. Curbing for westerly parking area appears to be within 6' landscape buffer.*
- 4. Relocate proposed transformers on south property line so it is outside the 6'landscape buffer.*
- 5. When will sewer camera/jetting inspection be completed?"*

Matt Eddy replies to this, refers to plan, C3.0, Exhibit A. He has reviewed these with Town Engineer. Standard practice provide double loading parking. 22 ft. is standard practice. Points out all areas for maneuvering in the area, aisle widths. Balance of reduction of impervious. Curbing – refers to plan. The curb itself is in the buffer. Transformer locations, dumpster location. Camera lines. New connections.

Randy Hart, VHB in attendance. Access, refers points out traffic majority areas. Right in only at western location. Circulation patterns. Bldg. B, when - don't know tenant, look at land use codes and look at best umbrella, land use code 820 is most used, did for Target. This could help to estimate/conservative way to look at.

Mary Barry – thanks for storm water/drainage information. Bldg. design, is this set in stone from Walgreens or can it get changed? Site design/layout – westerly – clarifies in and out, island locations.

Matt Eddy shows the right in and leaving also would be a right with an island in between. Right onto Barnstable Rd. is right in and out as well. Curb areas. They would reconfigure to make sure only right in and right out.

Jeff Swartz asks about specialty use, Bldg. B? Comparisons to previous project and same waivers being requested. Storm water wants it to meet Mass DEP standard. Refers to Griffins's list, Exhibit B. Consideration taken in for land widening, will town or state put in a median?

Matt Eddy – absolutely not. He has looked at the CVS previous project. There are less waivers at this site, now. He refers to the plan, C5.0, Exhibit C. Shows where sewer lines are. Can use the line if in good shape, camera this, if line inadequate it will be replaced as part of this project/construction. Shows service connection.

Randy Hart – replies to Jeff. He doesn't know yet, it depends on what happens to the rotary. There were medians at several concepts.

Patrick Foran to Attorney Kenney – looking at design does Bldg. B have to be freestanding, will it be separate?

Attorney Kenney – this did come up, but no place to put the loading zone. They do need the separation of the two buildings.

Matt Eddy, shows loading area, if buildings are combined you'd have to relocate the loading area, safety aspect is there. They could cross stripe the loading area and make 12 ft. off the bldg. to help with pavement markers.

Steven Costello asks for distance between the 2 buildings.

Matt Eddy, 24 ft. anybody can utilize this lane, it's for Fire Dept. and/or loading. The look of the building wouldn't have a need for people to go in this area.

Patrick Foran – raised median on Route 28, unless something there to stop it people will take the wrong way in.

Randy Hart replies, this is an expensive proposition, 6 ft. probably the minimum, would need extra width. Barnstable Rd. is local.

Walter Watson – Clarifies no drive through now. New exits and entrances make a lot of sense. The efforts to make changes are good.

Chair Steven Costello clarifies that the Greater Hyannis Civic Association letter is entered into the record. Thinks it is critical to know what type of tenant is going into Bldg. B. He doesn't like the buildings so far apart. The entrance facing west there is no pedestrian access. Maybe a more connected area. Maybe have loading off of Barnstable Rd. Make more pedestrian friendly.

Matt Eddy confirms no sidewalk being proposed here. They could do a striped cross walk.

Attorney Kenney – refers to his list of waivers, Exhibit D, 16 waivers now. He reviews the Waiver Requests Due to Pharmacy Drive-Through, Location of Parking, Groundwater Protection Overlay District, Signage Waivers, three waivers for signage in total, Other Waivers. These are low impact/nominal waivers.

Jeff Swartz – concerns with the size of the signs , 24 ft. makes more sense, why need larger? It doesn't go with character of the area. Keep all signs in the area the same size.

Attorney Kenney – possibly 3 tenants would be 10 sq. ft. each. Want people to be able to see the sign. Specialty uses – ITE category that was eliminated., was adopted where Kappy's is, specialty use, mall.

Mary Barry comments that there is one sign on this rendering, refers to power point picture with Red Walgreens sign on the building.

Chair Steven Costello confirms the picture of Walgreens and the signage and two buildings. Matt Eddy confirms it is to scale.

Chair Steven Costello opens up public comment.

Deb Krau of Greater Hyannis Civic Association (GHCA). They have reviewed. She refers to her letter, Exhibit E. She reads into record:

"A subcommittee of the Greater Hyannis Civic Association met with Mr. Bornstein. Their findings were presented to the GHCA board meeting on January 7th. After much discussion, the Board voted to support the project with the following comments, reservations and requests:

We are only supporting the part of the project that applies to Walgreen's. We cannot support a building for an unknown tenant at this location. We want the applicant to come back when a proposed tenant is known for the rest of the property.

The proposed design is too much of a box store design with little softening from landscaping. We have seen on the web other Walgreen stores in areas such as Naples, FL and Westport CT that have designs more in sync with their area. We ask the applicant's designer to go back and look at the Town of Barnstable's Design and Infrastructure Guidelines which are in place to maintain our area's culture and charm. We need to enforce them. We believe that a more significant community contribution to the future of Hyannis is in order. Instead of or in addition to Walgreen's education offerings, we would like to see a \$100,000 contribution made to the Hyannis Library Capital Campaign for its building upgrade, which would benefit more residents of the town. It is essential that we have a Cape Cod atmosphere on all gateways in Hyannis. With the above being addressed, we look forward to having Walgreen's join our business community as a neighbor that recognizes our unique architecture and style.
Sincerely Deborah L Krau, copy Stu Bornstein"

Jeff Swartz asks how did the \$100,000 contribution to the library come about being? The Applicant does pay taxes, this doesn't seem appropriate.

Deb Krau replies they believe that it should get supported.

Todd Deluca in attendance, Hyannis Chamber of Commerce. He is in support of this project. This is an area of town where we welcome visitors, they appreciate the fact that Mr. Bornstein is redeveloping this. We encourage and would like an expedited way to see this project happen. The design of the building looks like it fits pretty well in the rotary area. It fits in with the character. We are not in favor of this type of mitigation, the \$100,000 for the library, building B and not knowing the tenant. Please consider this when take into approval.

Felicia Penn in attendance. Comments – signage states “exempt from Cape Cod Commission review”. This makes it more attractive for developers. Developer should not get a free ride. Need appropriate zoning, plans. RPP – regional plan. GIZ – Town now has responsibility for projects. Hyannis Gateway is new zoning. The CVS that was formally approved – use from the mistakes made from this project. Design and Infrastructure. Development in this area and Hyannis will look more like cities. Design and zoning standards are in place. Refers to Staff Report, Exhibit F. Draft regulatory agreement - Signs are visual pollution. Bldg. B. clarifies that two tenants will be here. This is a Gateway. More characteristics that are like the area. Should welcome people to the area.

Attorney Mike Ford in attendance – representing Joel Laham. Concerned with the addition of Bldg. B. Refers to staff report, Exhibit F. Consider eliminating or combining this building. Would allow more flexibility re parking and meet the landscape buffer. Does seem that there are some design changes/traffic issues addressed. The negotiation refers to pg. 3 of Staff report, Exhibit F – requesting some mitigation, this is part of the negotiation. Reviews the list for mitigation/negotiation/benefit – in exchange for waivers. The developer gives back to the community, something in exchange. If remove Bldg. B could get rid of the two lanes of parking and increase the landscaping, these are critical. Sign waivers – 170 sq. ft. where 50 is allowed and 150 sq. ft. of signage for building B, way to much. Ask for a design that incorporates Bldg. B into the main building. Approve phase 1, do not approve phase 2 until they have a tenant. The use for building B doesn't even exist.

Attorney Kenney – without Bldg. B doesn't make economic sense. GIZ – part of that is the regulatory process whereby you can grant waivers. Refers to Draft Reg. Agrmnt, Exhibit G. He reads some points of his draft reg. agreement.

Presentation of pictures of other businesses with modern look and as shown about town. Airport terminal is also a modern look. This type of design fits with the neighborhood. Worked with staff and a lot has gone into this project. This would be a vast improvement.

Mary Barry thinks the building design is sterile, not so much modern.

Stephen Robichaud comments he would like to see more in the design with an old Cape Cod feel. He doesn't see much character at all in Bldg. B. Recommends working on the design.

Jeff Swartz would like to see design improvements. Is Walgreen's holding to a type of design? Any options? Bldg. B, progress on parameters of what may go in here/tenant. Contribution/would like monies to go to housing.

Stuart Bornstein in attendance. This was purchased from the Cobb Trust. They paid \$400,000 more, told this was for the children/school. They had to cut the water lines, and running to Route 28. They have not advertised Bldg. B. They get calls from potential people for a use for a potential building B. Willing to discuss what people would want to see in the design. Willing to modify. Important to build all at same time, inclusive of a building B. This is the design being used in the Northeast. Need signs for direction.

Patrick Foran comments is this the design that Walgreen's adheres to, their design? He likes the Bldg. B design better – would like both buildings to be together. Possibly flip the buildings.

Stuart Bornstein replies, yes, and we have modified it with them as well, several times to fit more in the Cape character. If buildings are together there would be more square feet, but doesn't work on this site correctly. We have loading areas that need to exist.

Chair Steven Costello states that he understands the economics of it. Suggests move easterly, slide Bldg. B and prohibit traffic flow through the two buildings. Would create a wider traffic flow to the east of the building, a concept, maybe? Some pedestrian access.

Matt Eddy replies that they would have to see how feasible this would be for fire and truck circulation – if buildings put together. Maybe make the 24 ft. aisle a bit narrower, maybe make it one way, could possibly make some adjustments.

Walter Watson – comments that a loading truck would have a hard time if too narrow, you'd create more problems with the traffic flow.

Mary Barry asks if would consider Westport Connecticut design type style? Bldg. A is as it stands, no changing.

Walter Watson states that there is a balance with the look of the area. Signs – seems like too much signage.

Stuart Bornstein replies he can see what they can do about reduction of signage.

Chair Steven Costello entertains a motion to keep public hearing opened, moved by Jeff Swartz to continue to February 10, 2020, seconded by Mary Barry, so voted unanimously.

List to concentrate on:

Parking lot drive aisle width

Request to combine buildings – pedestrian friendly environment

Concerns with the design – more compatible consistent with traditional of Hyannis, maybe Bldg. B

Consideration of how to condition approval of tenancy with Bldg. B

Exploring ways to reduce signage

Stephen Robichaud asks if staff can share examples of what previous regulatory agreements have done in the past regarding mitigation etc.

Approval of Minutes: November 18, 2019 and December 9, 2019 Draft Minutes

November 18, 2019 – Chair Steven Costello entertains a motion to approve the minutes, moved by Jeff Swartz, seconded by Patrick Foran, Mary Barry and Aimee Guthinger abstain. Motion passes.

December 9, 2019 – Chair Steven Costello entertains a motion to approve the minutes, moved by Jeff Swartz, seconded by Patrick Foran, Mary Barry and Aimee Guthinger abstain. Motion passes.

Correspondence:


Chapter 91 Notice – 23 Atlantic Ave., Hyannis Port – BW Residential LLC – timber boardwalk
ENF Notification re – Mid Cape Reliability Project/NSTAR Electric Co – Switching Station to W. Barnstable
Chapter 91 Notice – 21 Arlington St., Hyannis Inner Harbor – Dredge Project - Kurker
Chapter 91 Notice – 24 Bay Rd., Barnstable, Shoestring Bay – Myer – maintain boardwalk/pier/ramp/float

Matters Not Reasonably Anticipated by the Chair:

Future Meetings: January 27, and February 10, 2020, @ 7:00 p.m.

The meeting adjourned at 9:20 p.m.

Respectfully Submitted



By Karen Herrand, Principal Assistant, Planning & Development

Approved by vote of the Board on February 10, 2020

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** – Reg. Agreement No. 2019-03 – Layout and Dimension Plan, C3.0
- Exhibit B** - Reg. Agreement No. 2019-03 – email from Griffin Beaudoin, DPW – dated Jan. 13, 2020
- Exhibit C** - Reg. Agreement No. 2019-03 – Utilities Plan – C5.0
- Exhibit D** - Reg. Agreement No. 2019-03 – List of Waivers – revised to reflect Site Plan Revision
- Exhibit E** – Lt. from GHCA – dated January 10, 2020 - Reg. Agreement No. 2019-03
- Exhibit F** – Reg. Agreement No. 2019-03 - Staff Report Update
- Exhibit G** - Reg. Agreement No. 2019-03 – Draft Regulatory Agreement