

**MINUTES
TOWN OF BARNSTABLE
PLANNING BOARD
February 9, 2009**

A regularly scheduled and duly posted meeting of the Barnstable Planning Board was held on February 9, 2009 at 7:00 p.m. at the New Town Hall, second floor Hearing Room, 367 Main Street, Hyannis, MA.

The meeting was called to order at 7:00 p.m. with the following Members/Staff present:

PLANNING BOARD MEMBERS

Patrick Princi, Chairman
Felicia Penn, Vice Chairman
Ray Lang, Clerk
Marlene Weir
Dave Munsell
Paul Curley
Matthew Teague

STAFF

Ellen Swiniarski - Recording Secretary
JoAnne Buntich - Interim Director - GMD

7:00 p.m. Public Hearing - Special Permit 2009-01 - Saturn Realty Trust

The following was read into the record:

Special Permit Application 2009-01, Modification of Special Permit 2007-06 to modify said special permit by extending the validity of the special permit for one year and by extending the deadline contained in Condition 18 of the special permit by one year. Special permit 2007-06 had granted authorization to expand the existing non-conforming structure and use by constructing an addition consisting of 4,414 sq.ft. to be utilized for 8 service and 2 wash bays. The 3 existing service bays are to be converted to associated storage and ancillary use. Applicant is Ed Leslie, Trustee of the Saturn Realty Trust and the property location is addressed 141, 145 & 151 Stevens Street and 91 Bassett Lane, Hyannis, MA, and shown respectively on Assessor's Map 309 as Parcels 237, 238, 239; and on Map 308 as Parcel 042 in the Hyannis Village Office/Multifamily Residential Zoning District.

Motion was duly made by Ray Lang and seconded by Felicia Penn to open the Public Hearing. So voted unanimously.

- Attys. Darah Scholfield and Eliza Cox of Nutter, McClennan & Fish represented the applicant
- Background was provided to the Board regarding the original 2007-06 Special Permit
- Rationale for the need to extend the time was provided to the Board
- Findings and conditions were reviewed - no changes were proposed except for extension of validity of the entire special permit and condition #18 for one year.

Upon the request of the Chairman, no one from the Public spoke for or against the application.

Motion was duly made by Ray Lang and seconded by David Munsell to close the Public Hearing. So voted unanimously.

Motion was duly made by Ray Lang and seconded by David Munsell to grant Special Permit 2009-01 with conditions. So voted unanimously.

The vote was as follows:

AYE: Raymond Lang, David Munsell, Patrick Princi, Felicia Penn, Marlene Weir, Paul Curley and Matthew Teague.

NAY: None

LAND USE VISION MAP

- There was a short discussion with Board members to be sure that they had viewed the final version of the map and that interested parties had been notified. It was agreed that the Board was prepared to vote.

Motion was duly made by Felicia Penn and seconded by Paul Curley to adopt the Land Use Vision Map as distributed and forward same to the Cape Cod Commission. So voted unanimously.

7:15 Continued Public Hearing - Regulatory Agreement 2008-03 Impulse, LLC/Hilton Garden Inn

Continued Public Hearing for Regulatory Agreement Application 2008-03. The applicant is Impulse, LLC. The property is addressed 349 & 333 Iyannough Road (Rte. 28) Hyannis, MA and is shown on Assessor's Map 328 as Parcels 068 & 069 respectively in the Hyannis Gateway and Wellhead Protection Overlay Districts.

Cape Cod Commission Traffic Expert, Glenn Cannon, P.E. addressed the Board:

- Section of Route 28 where Hilton Garden Inn is proposed does not have an abundance of existing traffic information.
- Applicant's responsibility to submit traffic study.
- His trip generation report was based on straight hotel use not business hotel use
- Route 28 was not designed to Mass Highway standards.
- Cited Airport Rotary crashes as high crash area.
- Stated proposed sidewalks were a hazard because they do not continue the length of Route 28
- There were no previous traffic studies for this intersection so no specific data. Applicant must provide.

Questions and comments from the Board:

- Felicia Penn inquired how many intersections in the Town of Barnstable function with an F rating
- With regard to the end of sidewalk once off the property, Felicia stated that the sidewalk ends with a bus stop.
- Felicia inquired of Mr. Cannon what other hotel categories there were to choose: ans. business, resort and suite.
- Felicia requested that by-right uses of the property be analyzed as a comparison to the hotel use.

- Question was raised if studies are performed by Cape Cod Commission after a building is built to confirm estimations and determinations are correct.
- Mr. Cannon stated that the applicant has not submitted an adequate traffic study and that the infrastructure lags behind what the demands are.

Public Comment was requested:

John Doherty of Brookshire Road addressed the Board:

- Mr. Doherty stated that he felt that the CCC should be a party to this Regulatory Agreement.
- He reminded the Board regarding the petition of 50 signatures of the neighborhood and urged the Board to have concern for the abutters quality of life and the area. Restated the need for a barrier to his property.

Roy Fogelgren of Hyannis:

- Stated for the record if area is not rezoned to allow a hotel, all of the other details don't matter.

A Massing video was played on the screen for the Board in order to provide a visual.

John Doherty:

- Asked the Board to rule as if it were their own neighborhood.

Dan Ojula, Down Cape Engineering:

- Full studies are costly, hoped that through existing information a new study would not be needed.

Stuart Bornstein:

- Stated that he owns hotels that do not generate anywhere near the amounts of the ITE
- Year round occupancy is approx. 52%
- No amenities would be open to the public, just guests
- Has provided adequate off site parking spaces to meet demand
- Shadowing is away from the residences
- Screening plan for abutter has been filed dated Feb. 9, 2009

JoAnne Buntich:

- Need to demonstrate how the off site parking plan is to work.

Marlene Weir:

- Would like to ask applicant to do original traffic study.

New correspondence received regarding this Regulatory Agreement was entered into the record.

Matthew Teague:

- Felt that with the new accessory parking plan that there could be safety issues, however could possibly be addressed. Need to review all information.
- Unsure if traffic study will be entirely helpful. Would like to review new info before requesting this traffic study.

Dierdre Kyle of Holly Management:

- Cited sections of the Growth Incentive Zone and the reasons and purpose of a regulatory agreement.
- Spoke in favor of the project in this location and the need to keep pace with development.

Motion was duly made and seconded to continue to the Subcommittee meeting February 17, 2008. So voted unanimously.

PUBLIC HEARING (Continued from 9/8/08, 12/8/08) - Rules and Regulations of Barnstable Planning Board

Continued public hearing of the Planning Board as the designated Special Permit Granting Authority (SPGA) to establish and adopt rules and regulations under which the Planning Board will operate when applicants seek special permit approval under their authority.

Public comment from the Public was sought by the Chairman and no one spoke for or against.

Motion was duly made by David Munsell and seconded by Felicia Penn to close the Public Hearing. So voted unanimously.

Motion was duly made by David Munsell and seconded by Felicia Penn to adopt the rules as set forth in draft document and filed with the Town Clerk. So voted unanimously.

CORRESPONDENCE RECEIVED

Correspondence received was acknowledged by the Chairman for the record.

OTHER BUSINESS

Minutes of the Planning Board Meeting of January 26, 2009 were reviewed.

Motion was duly made by Felicia Penn and seconded by Ray Lang to accept the Planning Board minutes of January 26, 2009 as submitted. So voted unanimously.

Future meetings were discussed:

- Sign Codes and Banners - Public Hearing to be scheduled
- Zoning Ordinance to Extend Special Permits - Joint Hearing with Town Council will be arranged
- Open Meeting Law Training - February 12, 2009 reminder.

Motion was duly made and seconded to adjourn. So voted unanimously.

Respectfully submitted,

Ellen Swiniarski,
Recording Secretary