

**MINUTES
TOWN OF BARNSTABLE
PLANNING BOARD
April 13, 2009**

A regularly scheduled and duly posted meeting of the Barnstable Planning Board was held on April 13, 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
Jackie Etsten - Principal Planner - GMD
Steve Seymour - Senior Engineer -GMD

APPROVAL NOT REQUIRED PLANS

WILSON AS TRUSTEE OF 155 IRVING AVENUE REALTY TRUST

The following was read into the record:

“Land Court Subdivision Plan, Being a Division of Lots 4 and 7 Shown on L.C. Pl. 4223-I, Creating 4 Lots”, prepared for John B. & Leslie Q. Wilson, Trustees, The 155 Irving Avenue Realty Trust, dated January 12, 2009, scale 1” = 30’; prepared by Baxter Nye Engineering & Surveying, Hyannis, MA. May 287, Parcel 068, Zoning: Residence F-1.

Attorney Eliza Cox presented the ANR application to the Board. Stated that both of the buildable lots meet the requirements for frontage and access for the zoning district, and the two beach lots will be retained in the same ownership as the house lots. Zoning Board of Appeals decision for variance for minimum lot size for the house lots had been granted. Requests endorsement as an ANR as suggested by staff report by Jackie Etsten.

Motion was duly made by Felicia Penn and seconded by David Munsell to endorse the plan as an ANR plan.

Discussion regarding easements and setbacks that were granted in the ZBA variance.

So voted unanimously.

MYSTIC REALTY TRUST

The following was read into the record:

“Plan of Land, Tracts B & C Bog Road, Marstons Mills, MA 2 Sheets”, prepared for Mystic Realty Trust, dated February 13, 2009, scale 1”=200 ft; prepared by Patrick C. Garner Co., Inc., Northborough, MA. Map 045, Parcel 017-001, Zoning: Residence F, RPOD.

Jackie Etsten, GMD spoke regarding the application, stating that this is a 60 acre parcel. This is being divided so that 11 acres can be deeded to the person who manages the bogs. Because this is an application dividing land greater than 30 acres in area, it requires a mandatory referral to the Cape Cod Commission for a DRI. Recommends that the Planning Board refer development to the CCC through the Town Manager.

It was confirmed that the problematic road, Whistleberry Drive is not a part of this ANR application.

Motion was duly made by Ray Lang and seconded by Felicia Penn to refer the ANR application to the Cape Cod Commission through the Town Manager for a mandatory DRI. So voted unanimously.

CONTINUED PUBLIC HEARING REGULATORY AGREEMENT 2008-04 GREENERY DEVELOPMENT. Attorney Lawler submitted a letter requesting a continuance to May 11, 2009.

Motion was duly made by Felicia Penn and seconded by Ray Lang to continue Regulatory Agreement 2008-04 until May 11, 2009. So voted unanimously.

OTHER BUSINESS

Appointment of Nominating Committee for FY 2010 officers.

Chairman Princi appointed Matthew Teague, Ray Lang and Paul Curley to the nominating committee.

Correspondence received was acknowledged.

Motion was duly made by David Munsell and seconded by Felicia Penn to approve the minutes of May 12, June 9 & 23, 2008 with minor corrections. So voted unanimously.

CONTINUED PUBLIC HEARING REGULATORY AGREEMENT 2008-03 IMPULSE LLC/HILTON GARDEN INN.

Chairman Princi stated for the record that his father, Atty. Mike Princi, has represented the applicant in the past as an attorney at the Law Office of Wynn & Wynn, however his father does not represent the applicant for this Regulatory Agreement application.

Steve Seymour, Senior Engineer, GMD, provided handouts and addressed the Board regarding a parking lot analysis:

- Look at timeframe of the longevity of the proposed building.
- Route 28 does not work well, especially in the area of the proposed hotel.
- Access study was done and concluded that the road needed to be widened quite a bit, pedestrian sidewalks will also be a part of what will be required in the future.
- Original calculation (sheet 3) for parking. 168 spaces were required.
- Discussed how he calculated how much parking will be required.
- Noted that only 115 parking spaces are being provided onsite.
- Access (sheet 4) busses coming out onto Spring Street would still have difficulty and appears that they would block traffic both ways while pulling onto Spring Street.
- One way movement in front of the building causes someone to leave the site and come back onto the site if there is not a parking spot at the front. This causes site to utilize public roads for internal movement. This is indicative of the small size of the site.
- Potential to have offsite parking was reviewed in site plan review for overflow parking lot on Ridgewood Avenue. This lot is ¼ mile walking distance. Sidewalks are also not available the full distance. Will require lighting in this auxiliary lot.
- Widths of curb entrances and exits are large. The usual maximum width recommended is 24 ft.
- Bus parking area will not exist after road widening. Site will need to work without it. As it is the bus stop is undersized. RTA should be consulted to coordinate bus stops in the area. Perhaps this is to be used for the private Hilton shuttle?

Board Members expressed the following concerns and opinions regarding Steve Seymour's report:

- Expressed concern that GMD Engineering report was negative. Would like to receive suggestions as well.
- Project has caused uneasiness within the Planning Board, however the majority of the Planning Board members expressed that they wanted the project to continue forward.
- Would like to hear something that has been found to be good about the project.
- Steve provided a professional, objective opinion.
- Site is being overbuilt, the opinion that the site lacks space, and lacks parking concerns her.
- A truly adjacent lot for parking may alleviate that need. However, will not help regarding Rte. 28
- Radisson was not mentioned to be used as overflow as this was to be the first choice for overflow from the onsite parking lot.
- Guests themselves will not be parking and walking back from off site lots, employees will do this by a valet service. Also a shuttle bus will be available which is a key component to this project.
- Future built out for Route 28 with a median strip was rejected because there is not enough room to put sidewalks on both sides of the road. That plan has not been accepted yet and this is why. Viable alternatives are in the works.
- Worried about the flow within the site. Applicant has stated that it is a deal breaker if space for portico is needed for added parking instead.
- Dumpster location proposes problem for truck delivery/loading area.
- 40 ft bus takes up a lot of space. The Radisson would be best for bus parking. Busses take up 12 spaces or so. Would need to be deduced.
- Signalization at Spring Street was suggested.
- Ray attended Route 132 Committee meeting: 3 areas discussed, each depends on the other for solving the traffic problems. Hilton project will exasperate traffic problem before having a chance to fix. Plans for the 3 areas not finalized.
- It was noted that if only 12 spaces were available at the Radisson for bus parking, one bus would take up all 12 spaces.

Steve Seymour:

- Traffic is a big issue that is difficult to work around.
- With the number of rooms, many parking spaces are needed on a relatively small site.
- Reducing the size of the of the project could alleviate both traffic and parking.
- Planning Board may entertain the project, opinion is to how the site will or will not work.
- Parking underneath the building had been discussed at site plan review.
- There is a high occupancy rate in the hotels in the summer months, however it is not steady.
- Should perhaps do traffic count to make determination.
- It appears that the portico is a needed area.
- Route 28 study being revisited because of access control. Need to have an 80 ft right of way. Access study requires a detailed corridor study. All of the entrances and exits along Route 28 to the rotary slow traffic.
- Site plan review looks at the width of the curb cut at the street line. Usually these are kept to 24 ft. for a two way.
- Ridgewood Avenue may be better place than Spring Street for a signal.
- After researching site plan review files for the Radisson, the parking calculation by staff was that 283 spaces were needed and 295 were provided. Since this time, a number of spaces have been taken up and are not really available. Need to look again at that site to determine how many spaces are available for off site parking for the Hilton.
- One bus may or may not require 12 parking spaces, depending upon the configuration of parking. Agreement for parking at the Radisson would need to be documented for future use as well.

Deputy Chief Dean Melanson: Hyannis FD

- Refers to his letter to the Planning Board and summarizes:
- Additional water flow testing has been done at the site this week
- There are 2 different code generating groups: National Fire Protection Association which is used regarding the building code aspect of a project. They look at if the fire fighting flows are adequate if a structure were to be built. The low end is 750 gpm and the high end is 1000 gpm to meet the NFPA requirements. Flow test this week at the site was 1400 - 1500 gpm. Maximum capability is 1500 gpm. According to NFPA standards for project as it is now, there should be sufficient water from a building permit aspect.
- Insurance Service Offices (ISO) - This office reviews for setting fire insurance rate. They would set the rate for Hyannis Fire District. They would require between 1000 as a low and 1500 gpm as a high. With the worst case scenario, there is no margin. If this were to be built, there are no reserves for fighting a fire. The longer view needs to be taken into consideration. Existing empty structure has demand of 5000 gpm and FD cannot provide good service as it is. Need to improve the water system. A building permit could be signed today, however very worried about tomorrow's water needs. ISO works with town boards and water company in charting potential improvements. Hyannis is a class 3 rating which is good. Inability to respond due to traffic ruins good rating. If road is a 4 lane, would need hydrants both sides. This road is also where ambulances come into town from other towns to the hospital. Project as proposed would get permitted.
- ISO ratings are made every ten years. If some places within a district do not meet the flows, it can effect the whole district rating.
- A three story wood frame structure with an as of right use could also max out the water system and concern for fire flows for tomorrow would be the same.
- Any changes to the proposed materials will put the structure outside the fire flow capacity. Ie: cedar shingle, moving closer to another structure.

Hans Keiser - DPW Superintendent Hyannis Water

- Water Dept. concerned with development
- Materials proposed in the Wesson and Sampson letters are of very high fire rating - low flammability. These materials must be used in order to meet the 1500 gpm capacity required by NFPA.
- Very close to the edge of what the system can handle. Concerned with ISO rating of system.
- ISO rates could be raised in the area surrounding the structure and also the fire district.
- Fire flows at the site would be deficient in the summer months.
- Water is available, distribution is the problem. 12" main from airport rotary down to Mary Dunn is the only way to increase flow.
- The area of this project is not listed to be improved on the master (water) plan.

Bruce Adams of Wesson and Sampson:

- Evaluation covered availability of network for domestic demand and fire flow.
- Hyannis Water Department makes sure that the needed fire flow is met at any location
- Pressure is down in the tanks in the summer. Summer daytime need is 1100=1300 gpm
- 132 room motel maxes out the system. Eventually need to widen the water main to solve the problem.

Tony Capudo

- Served for years for NPPDA writing CMR and building code.
- Structures must comply with state code for sprinkling and standpipes. 300 gpm are required for a room fire, 1000 gpm for a larger fire.

- The existing buildings on the site are wood, empty not sprinklered and would require 5500 to 6000 gpm. This site as it is today is severely deficient now.

Public Comment:

- David Corcoran - Owned and worked in subject building. Supports the Hilton Garden Inn project. Business owner and operator on Route 28 when it was a viable stretch and an integral part of town. Project will help area and tax base for the greater good.
- John Julius of Precinct 13 also in support of this development. Traffic on Cape Cod is a good thing!
- John Doherty - direct abutter - Regulatory Agreement is improper, should fit with the GIZ guidelines. Also in the wellhead protection area. Greater good is not served in this location. Asks that the public hearing not be closed tonight so he can review reports and respond.
- Steven Peckum - Letter in favor of the project read into the record.
- Randy Hart, Traffic Expert - BHB stated that IT calc are vastly different. There are differences of land use codes. Hilton has no amenities or banquet facilities. Without overflow parking 115 spots would be tight. Shuttle could be provided. Existing curb cuts will be greatly improved. Right in right out can be proposed.
- Stuart Bornstein - with a bus, there is 20 less cars in the parking lot. Radisson overflow parking is adequate to back up Hilton. Will shuttle throughout the town as needed. Hotel stock is over 40 years old, some closer to 60 years old. Roots are in tourism this would create jobs constructing, running the hotel. Tax base is great. Town needs a signature property.

Letters from the Public:

- Letter from Greater Civic Association in favor.
- Paul - Precinct 3 - in favor of project.
- Christy Mihos - will help tourism - in favor, creates jobs
- TSC Realty Trust - in favor
- E-mail Kathleen Benson general comments
- New England Supply - in favor
- Hyannis Main Street BID - in favor
- Mr. Columbo - in favor
- E-mail - Melody Massi - opposed to project
- Jim Hinkle - opposed - location unsuitable

Dan Ojula, Down Cape Engineering:

- Busses will be parked at the Radisson not at the Hilton.
- Shuttle service will be provided for clients.
- Radisson is the 1st overflow lot and Ridgewood Avenue is to be the 2nd.
- Off season months would not require any offsite parking.
- Dumpster will be emptied in the morning before traffic. Could adjust the buffer for the abutters.
- Massing examples: 84 feet CC Hospital; Greenery 71 feet; Cape Cod Community College is higher; school administration is the same.

Cape Cod Commission Expert Glenn Cannon is absent tonight and will necessitate continuing the Public Hearing.

Felicia Penn ran a power point presentation highlighting points of the project with the CD entered into the file:

- Revenue to the Town
- Better road access, improves blight, beautifies the area

- Any building under zoning will impact the neighborhood
- Concern the neighbors for noise and lights
- FAA height is not problem - 58% decrease of coverage, improved landscaping
- Sufficient water at this time.
- Should zoning on Rte 28 be revisited? There have not been new projects in the HG. Are the by right uses in the HG appropriate?
- Why has this application been treated differently?
- Prepared by Felicia Penn and supported by others.

Motion was duly made by Ray Lang and seconded by David Munsell to continue the public hearing to April 27, 2009 at 7:15 p.m. So voted unanimously.

Reports

Ray Lang reported that at the last Zoning Subcommittee meeting release the covenant for developer.

Meeting with Counselor Ann Canedy on definition of "restaurant". Looking at villages regarding sizes of restaurants needed.

Discussion regarding meeting with Steve Seymour and others before the next public hearing for the Hilton to iron out differences. It was agreed this would be scheduled if possible.

Motion was duly made by David Munsell and seconded by Felicia Penn to adjourn. So voted unanimously.

Respectfully submitted,

Ellen Swiniarski, Recording Secretary