

**MINUTES
TOWN OF BARNSTABLE
PLANNING BOARD
July 27, 2009**

A regularly scheduled and duly posted meeting of the Barnstable Planning Board was held on July 27, 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
Dave Munsell
Paul Curley
Matthew Teague

STAFF

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

OTHER BUSINESS

The Nominating Committee consisting of Raymond Lang as Chairman, Paul Curley and Matthew Teague nominated Felicia Penn as Chairman, Raymond Lang as Vice Chairman, and Matthew Teague as Clerk, this was seconded by Felicia Penn and voted unanimously to be effective as of this meeting.

Felicia Penn steps in as Chairman, as do the other newly appointed officers.

APPROVAL NOT REQUIRED PLANS

WRIGHT

The following was read into the record by Matthew Teague, Clerk:

“Plan of Land 4308 Route 6A, Cummiquid (Barnstable), MA” prepared for Whitney P. Wright, dated June 22, 2009, scale 1” = 40’: prepared by Canal Land Surveying & Permitting Inc., Sandwich, MA Map 351, Parcels 29 & 30. Zoning Residence F-1 and Residence F-2. Received 7/21/09 + 21 days = 8/11/09.

No one was present to speak for the plan, and the memorandum by GMD staff, Jackie Etsten was referenced. The plan before the board had been revised in accordance with Ms. Etsten’s suggestion. Report suggested endorsement of the revised plan as an ANR.

Motion was duly made by David Munsell and seconded by Raymond Lang to endorse the plan as an ANR plan. So voted unanimously.

SUBDIVISIONS

Open Space Definitive Subdivision Plan 818 - Gimbel, Trustee

Letter to request the extension of time to record open space deed and conservation restrictions was received. E-mail dated July 27, 2009 requested continuance to August 10, 2009 agenda which was granted.

Gonsalves Road, Hyannis - Cape Cod Hospital, Inc.

Covenant Modification Request review of draft Development Agreement. Request for continuance to August 10, 2009 agenda was granted.

7:00 P.M. Public Hearing - Superior Hotel Management Corp. SP for Signage > 50 s.f.

The following was read into the record by Matthew Teague, Clerk:

Special Permit Application 2009-02 pursuant to Section 240-93(B) Nonconforming Building or Structure

Not Used as a Single or Two-Family Structure to allow replacement signage to be in excess of the 50 s.f. allowed as of right in the Hyannis Village Business District. Applicant proposes to replace existing 200 s.f. signage with approx. 95 s.f. signage. Applicant is Superior Hotel Management Corp. d/b/a Heritage House Hotel and the property location is addressed 259 Main Street and 540 Old Colony Road, Hyannis, MA and shown respectively on Assessor's Map327 as Parcels 127 & 128 in the Hyannis Village Business District.

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

Mr. Peter Martino, President of Superior Hotel Management Corp. d/b/a Heritage House Hotel addressed the Board. He stated that the signage that existed was 200 s.f. which was allowed under previous by-laws that were in place at the time of construction in 1969. During the process of updating the entire property, he proposes to replace the existing signage with approximately 95 s.f. of signage which represents half of the existing s.f. and also to distribute the signage to the sides of the building. The lighting of the signs are part of the architectural design of the building and the aesthetics of the gooseneck lighting and signage received approval from the Hyannis Main Street Waterfront Historic District Commission.

Public comment was requested and no one spoke for or against the application.

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

Motion was duly made by Matthew Teague and seconded by Raymond Lang to make and accept the three findings as detailed in GMD staff report dated July 24, 2009. So voted unanimously.

VOTE:

Based upon the findings, motion was duly made by Raymond Lang and seconded by Paul Curley to grant Special Permit 2009-02 with the six conditions as detailed in GMD staff report dated July 24, 2009.

By Roll Call Vote:	Raymond Lang	Yes
	David Munsell	Yes
	Patrick Princi	Yes
	Felicia Penn	Yes
	Paul Curley	Yes
	Matthew Teague	Yes

Special Permit 2009-02 is granted with conditions.

CON'T PUBLIC HEARING REGULATORY AGREEMENT 2009-01- 46 North Street, LLC

Draft Regulatory Agreement had been distributed to the Board. Letter dated July 27, 2009 was received from Attorney Charles M. Sabatt, attorney for Patrick Donovan of 59 Louis Street, Hyannis requesting specific language to be included in the final Regulatory Agreement.

Attorney David Lawler addressed the Board. He stated that the applicant is anxious for a vote tonight. Relief is only for the addition of medical and or dental use, all other aspects of the project can be accomplished as of right. Commercial abutters as well as the BID are excited for the proposed improvements to the property. The parking lot plan has been provided by Brian Yergasian of BSC Group. According to by-law, there are proposed 14 spaces in excess of what is required. Mr. Lawler has addressed most of the concerns of the neighborhood that were raised:

- Continuing the access of certain homes across the parking lot
- Hedgerow Condominium will maintain the hedge and will be allowed access to do so.

- After much examination, the location of the smaller building elsewhere on the lot as requested by neighbors, resulted as not being a feasible plan due to drainage issues, setbacks, etc.
- The rear of the building facing the neighborhood was given architectural upgrades in order to appear more pleasing.

Brian Yergasian of BSC Group presents the parking plan with explanation regarding access and egress from North Street.

- Utilities will be placed underground.
- The ITE Manual does not contain a comparison for traffic counts.
- Right turn only onto North Street proposed.
- Resurfacing of lot maintaining the drainage incorporating rain gardens and plantings and vegetative buffers and will work with the neighbors regarding plant selection.

Public comment was requested and the following came forward and spoke:

- Elizabeth Madden, 55 Louis Street, Hyannis, MA expressed concern for the future possibility for residential use of the smaller building that will abut her property. Also traffic should exit out the back instead of North Street. She stated that she objects to the building at the rear of the property, however if built, would like to ban residential use in perpetuity.
- Patrick Donovan, 59 Louis Street, Hyannis, MA stated that he is in favor of renovation of the North Street building. Suggested separating the permitting of the two structures to have better control.
- Barbara Donovan, 59 Louis Street, Hyannis, MA stated that she objects to the building in the rear because it is on top of her backyard. She suggests another onsite location on the lot for the building. Brian Yergasian explained that the FD ladder truck turning radii cannot be met and also the natural low spot on the site is in the area where the rain garden is being created which uses the existing drainage.
- Manager of Hedgerow Complex spoke in favor of the project, however suggested that the back building be placed on top of the existing building instead.

Motion was duly made by Paul Curley and Seconded by Patrick to close the Public Hearing.

AYE: Raymond Lang, David Munsell, Patrick Princi, Paul Curley, Matthew Teague

NAY: None

ABSTAIN: Felicia Penn

OTHER BUSINESS

Rusher Hostel Landscape Plan Review

Representative from A & E Architects explained the proposal for the landscape plan that required Planning Board approval as a condition of Regulatory Agreement for the hostel.

Motion was duly by David Munsell and seconded by Raymond Lang to accept the landscape plan as presented. So voted unanimously.

REVIEW OF DRAFT REGULATORY AGREEMENT 2009-01 - 46 North Street, LLC

Attorney Lawler, Board Members and GMD Interim Director, JoAnne Buntich reviewed the draft regulatory agreement that was provided and also Site Plan Review comments previously provided were discussed

- Conduit on the property will either require an easement or be removed.
- Computer room will not require sprinkler
- One way access onto the site

- Water hook ups and sewer need to be added to the plan
- Fully screened dumpster need to be added to the plan
- Limit hours of dumpster activity to not prior to 7:00 a.m. or after 10 p.m.
- Washington Avenue will not require repaving as suggested by SPR as newly done.

Attorney Sabatt addressed the Board regarding the requested language in his letter dated July 27, 2009:

- Vegetative buffer shown northerly of the proposed building to be maintained together with the fence separating 46 North Street and the properties on Louis Street.
- Proposed building shall not be used for residential use without approval by the Barnstable Planning Board.
- Rear elevation of the proposed building shall be constructed and maintained as shown in the elevation plans submitted to the Planning Board.

After discussion, it was decided that the language proposed by Attorney Sabatt would be acceptable.

Motion was duly made by Raymond Lang and seconded by David Munsell to choose to recommend this Regulatory Agreement to the Town Council and a draft Regulatory Agreement will be reviewed and approved at a later date. So voted unanimously.

OTHER BUSINESS

Motion was duly made by Raymond Lang and seconded by David Munsell to accept the minutes of the Planning Board dated September 8 & 22, October 27, November 10 & 24, and December 8, 2008 with minor corrections. So voted unanimously.

LCP - Implementation Plan Discussion was postponed until August 10, 2009 meeting.

Committee reports included:

- HB district on Route 132 where one parcel of land is residential and surrounded by commercial.
- Willow Street improvements
- Regulatory Agreement Process
- OM District, 2nd proposal for Medical Services - GIZ zoning.

Motion was duly made by David Munsell and seconded by Raymond Lang to adjourn. So voted unanimously.

Respectfully submitted,

Ellen Swiniarski, Recording Secretary
 Site Plan/Regulatory Review Coordinator
 Growth Management Department