



BARNSTABLE
TOWN CLERK

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**Town of Barnstable
Planning Board
Minutes
October 24, 2011**

Matthew Teague – Chairman	Present
Paul Curley – Vice Chairman	Present
Patrick Princi - Clerk	Present
Felicia Penn	Not Present
Raymond Lang	Present
Cheryl Bartlett	Present
David Munsell	Present

Also present were JoAnne Miller Buntich, Director, Growth Management; Art Traczyk, Regulatory Review Planner. A quorum being met, Chairman Matthew Teague opened the meeting at 7:00 PM.

Approval Not Required Plans:

A plan entitled; “Plan of Land in Barnstable MA prepared for CSR Management, Inc.” dated August 19, 2011 has been submitted to the Board for endorsement as an Approval Not Required Plan. The plan proposed to reconfigure two existing lots fronting on Hyannis Road into two new lots. The existing lots are addressed 1534 & 1550 Hyannis Road, Barnstable, MA and are owned by the Applicant CSR Management, Inc.

Applicant Daniel Ojala in attendance.

Paul Curley asked if both lots are buildable? Mr. Ojala stated yes.

Raymond Lang asked if Lot 2 is close to wetlands?

Mr. Ojala stated no wetlands in this area.

A Motion was duly made by Cheryl Bartlett to approve and endorse, seconded by Ray Lang, unanimously voted.

Security and Lot Releases:

Subdivision #305, Rue Michelle

Request to extend Development Agreement and Subdivision Bond Surety for completion of Subdivision #305 Rue Michelle. Amount of surety being maintained remains at \$34,687.50.

Applicant, Marcia Elliott in attendance. She stated her reasons for extension/modification request.

Cheryl Bartlett was confused as to the extension request of time.

Art Traczyk stated that there was an attempt to do the extension administratively for three years but that it could only be an extension for one year due to the bond security.

Raymond Lang questioned when initial approval took place? Mentioned possible utility and cutting into roadway issues.

Jo Anne Buntich explained that this subdivision needs a topcoat on the roadway, and issues with the burial of utility lines and crossing of the pavement.

Raymond Lang stated that utilities should be placed in a subdivision when the road is placed into the subdivision.

David Munsell interjected that Ms. Elliott is having set backs due to improper pre-existing conditions of this subdivision.

Motion entertained by Matthew Teague to authorize entering into an extension for a modification of the development agreement, so moved by David Munsell, seconded by Cheryl Bartlett, and opposed by Raymond Lang.

Public Hearing

Regulatory Agreement of Alan Granby and Janice Hyland for property at 37 and 53 School Street, Hyannis, MA

This public hearing was noticed for the September 26th public hearing. However, due to an error in the posting this hearing was moved to the October 24th meeting of the Board.

This will constitute the first public hearing of the required two hearings.

To all persons deemed interested in or affected by the actions of the Planning Board acting under Chapter 168, Regulatory Agreement of the General Ordinances, of the Town of Barnstable, Massachusetts you are hereby notified of a Public Hearing to consider an amendment to the August 28, 2011, Regulatory Agreement between the Town of Barnstable and Alan Granby and Janice Hyland. The amendment seeks to modify provision number 4 of the Agreement. That provision limits the period of time in which a building permit must be obtained to implement the development rights granted therein to 3 years from the effective date of the Agreement. The amendment seeks an additional 3 year extension of the Regulatory Agreement. When the Agreement was entered into in August of 2008, the subject property consisted of three lots addressed 37, 49 and 53 School Street, Hyannis, MA. Since then, 49 School Street has merged into 37 School Street and today the subject property is addressed 37 and 53 School Street, Hyannis, MA, and is shown on Assessor's Map 327 as Parcels 146 and 257. The property is within the MS - Medical Services District of the Hyannis Village Zoning Districts.

Motion to open the public hearing made by Matthew Teague, seconded by Cheryl Bartlett, so voted unanimously.

Attorney for the Applicant, John Kenny, Esq. requests a 3 year additional extension of the Regulatory Agreement due to economic conditions.

Raymond Lang asked what is the change in the lot(s)?

Art Traczyk stated that one of the back lots was vacant and the Assessors has merged it with the front lot.

David Munsell stated that there was a significant amount of time spent on the project.

Raymond Lang asked if any specific monies were spent on the approval of the plan.

Attorney Kenny stated no site work done, no changing conditions.

Raymond Lang asked if this would be a final extension for this project and suggests this be the last request.

Matthew Teague asked for confirmation that the applicant has not applied for building permits, only the Regulatory Agreement.

Attorney Kenny stated that was correct.

Motion entertained by Matthew Teague to continue to November 14, 2011, so moved by Paul Curley, seconded by Cheryl Bartlett, unanimously voted.

7:00 PM Public Hearings Regulatory Agreement 2011- 03 - Beech Tree Alley, LLC

Filed June 23, 2011 - (180 Day Extension) – 1st Hearing July 11, 2011 - continued to August 8, 2011, and to October 24, 2011, Decision Due February 17, 2012.

Members: Paul R. Curley, Patrick Princi, Felicia R. Penn, Cheryl A. Bartlet, Raymond B. Lang, and Matthew K. Teague

This is the second public hearing on this Regulatory Agreement.

E-mail correspondence from Attorney Steven J. Pizzuti dated October 12, 2011, requesting that this hearing be further continued as major revisions of the plans may be forthcoming (copy enclosed). Staff recommends moving this hearing to December 12, 2011, at 7:00 PM.

Beech Tree Alley, LLC is seeking a Regulatory Agreement to develop the properties located at 434 and 438 South Street, Hyannis MA as a parking lot to be used as accessory parking for the development at 599 Main Street, Hyannis MA. Included in the proposal is a pedestrian walkway connecting South Street with 599 Main Street. The 434 and 438 South Street lots are the lots to be regulated through this proposed Agreement. Those lots are located in the SF - Single Family Residential District of the Hyannis Village Zoning District and are shown on Assessor's Map 308 as parcels 280 and 123. The 599 Main Street lot is commonly known as the Beech Tree and is shown on Assessor's Map 308 as parcel 118 and is zoned Hyannis Village Business. The Regulatory Agreement seeks waivers from a number of sections of the Barnstable Zoning Ordinances.

Motion entertained by Matthew Teague to extend the public hearing date to December 12, 2011, so moved, seconded by Cheryl Bartlett, so voted unanimously.

Chair's Discussion: Process for review and release of Executive Session Minutes for resolved matters.

Process for cleaning up and review of old executive session minutes presented.

Board delegates town attorney and town clerk to review and determine the release and approval of Executive Session Minutes.

Motion made by Cheryl Bartlett for chair to review past minutes and bring public, seconded by Raymond Lang, so unanimously voted.

Reconfiguration of Business B distribution at Bj's Wholesale Club site at the request of the Director of Growth Management.

Jo Anne Buntich explained that this is a zoning change. Bj's asking to move a boundary line. To be submitted to council in November by the Applicant (sponsor). This matter is not proposed for a sub-division.

Approval of Minutes: Approval of September 12 and 26, 2011, minutes and past minutes covering 9 Board Meetings held from January 2011, to June 2011.

Board members did not have 9 Board Meeting Minutes covering January 2011 to June 2011. These are to be redistributed for the next meeting.

Motion duly made by Raymond Lang, seconded by Cheryl Bartlett, to approve the minutes of September 12, 2011, David Munsell and Paul Curley abstained.

Motion duly made by Raymond Lang, seconded by Matthew Teague to approve the minutes of September 26, 2011, so voted unanimously.

Correspondence Received:

Letter dated September 23, 2011, from Barbara Ford regarding Paul Curley's appointment as Planning Board representative on the Community Preservation Committee for a term expiring 6/30/2013.

Notice of Chapter 91 Waterway License Application for Christopher H. Babcock to construct and maintain a timber boardwalk, pier, ramp and float in Warrens Cove at 109 Marquand Drive, Marstons Mills, MA.

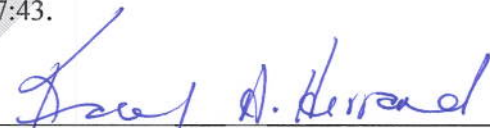
Future Meetings:

Regularly Scheduled Planning Board Meetings – November 14 & 28 @ 7:00 p.m.

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

The meeting adjourned at 7:43.

Respectfully Submitted



Karen A. Herrand, Principal Assistant

Approved by vote of the Board on

Dec. 12, 2011

Further detail may be obtained by viewing the video via Channel 18 on demand at <http://www.town.barnstable.ma.us>