



BARNSTABLE
TOWN CLERK

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**Town of Barnstable
Planning Board
Minutes
February 27, 2012**

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

Also present were Art Traczyk, Regulatory/Design Review Planner.

A quorum being met, Chairman Matthew Teague called the meeting to order at 7:00 PM.

Approval Not Required Plans:

Thompson - A plan entitled "Plan of Division of Land in Barnstable, MA. (Marstons Mills) (C.O.M.M. Fire District) as prepared for Trust of Martha C. Thompson, Martha C. Thompson, Trustee", dated February 20, 2012, as prepared by Peter W. Soule, PLS has been submitted for endorsement as an Approval Not Required Plan. This ANR plan proposes dividing the 3.28 acre lot into two lots. Lot 1 is to be a 2.002-acre conforming lot that will preserve the existing single-family dwelling and Lot 2 is to be a vacant 1.275-acre 'not buildable' lot that is to be transferred to the Barnstable Land Trust for land preservation.

Peter Soule was present to address the plan. He noted that his client would like to give a parcel to the rear of the property to the Barnstable Land Trust and retain the 2 acres in the front. The frontage is in compliance. Will have a 10 foot walking access from Old Falmouth Rd.

Ray Lang asks where the frontage is?

Peter Soule states Heather Lane, this is meant to be non-buildable and to be conveyed to the Barnstable Land Trust.

David Munsell recommended approval of this ANR plan, seconded by Patrick Princi, so voted to be endorsed unanimously.

Motion by David Munsell to endorse the plan of entitled "Plan of Division of Land in Barnstable, MA. (Marstons Mills) (C.O.M.M. Fire District) as prepared for Trust of Martha C. Thompson, Martha C. Thompson, Trustee", dated February 20, 2012, as prepared by Peter W. Soule, PLS as an Approval Not required, seconded by Patrick Princi, so voted unanimously.

Approval of Minutes: Approval of February 13, 2012, Board Meeting minutes. Approval of May 11th, June 8th, June 22nd, July 13th, and September 14th, 2009, minutes.

Motion by Ray Lang to Approve the minutes of February 13, 2012, seconded, so voted unanimously.

Motion by Ray Lang to approve the minutes of May 11th, June 8th, June 22nd, July 13th, and September 14th, 2009, seconded by David Munsell, so voted unanimously.

Executive Minutes: Possible Report of the Chair on review of past Executive Session Minutes.

Matt Teague stated no update, no other approvals.

Discussions:

By-Right Accessory Apartment – A proposed zoning provision to authorize accessory apartments as-of-right to single-family dwellings.

Matt Teague stated he's looking for reaction/opinions to this issue.

Ray Lang has submitted some comments to the Chair. He comments that is personal concerns are that this type of building/renovation affect the whole area/neighborhood, i.e., parking of vehicles on the street thereby making roadways more narrow and somewhat impassible. Suggested square footage may be something to be addressed. A possible By law should state that there is not to be any violation of surrounding, existing areas/yardage.

David Munsell comments that he thinks it is a very aggressive approach. Maybe should be limited to size of lot and that the Board of Health will have restrictions as well. There is a need for this and would like to see it pursued further.

Patrick Princi agrees with Mr. Munsell, other towns have been doing. Would like to see a way of doing inventory and conformity, maybe this may fall into the regulatory dept. Suggests a smaller size 850 sq. ft size limit may be a good start. Also, continue to a full board discussion in hopes that Town Council would look at as well.

Matt Teague comments on provision 8, meeting the applicable bulk regulations. Do not want people overbuilding. Other towns' responses, the town of Sandwich, since 2006, have had less than 12 people apply for this. Reason being would be the cost/investment of. Good way to allow some regulatory compliance, for decent safe housing.

David Munsell suggests that the need for this should be explored as well. When the GIZ made approval for apartments to be built above businesses' on Main Street, very hopeful this would be done and there have not been any advances towards this as of yet.

Ray Lang responds that the conversion on Main Street was found to be very expensive.

Ray Lang makes reference to an Item No. 1 "Shall include a kitchen as defined in the existing by laws and also a separate bathroom, utilities can be shared including septic if approved by Board of Health, water, electricity and cable and telephone. Off street parking of cars should allow for at least 2 additional spaces for the rental unit if more than one person occupies the accessory apartment." This criteria is a strong indication that this would be used as a home/stability of occupant/renter.

Matt Teague reiterates that we will need to meet with the whole board in order to discuss in more detail.

Correspondence: The following correspondence and items were received at the Planning Board's Office.

On February 14, 2011, Town Attorney Ruth Weil forwarded a copy of a recent decision by the Commonwealth's Attorney General's Office, Division of Open Government, related to e-mail communication sent by a member of the Abington Planning Board to the other members of the Board. The communication was deemed to violate the Open Meeting Law as it expressed an opinion on a matter within the Boards jurisdiction to a quorum of the Board outside of the public meeting.

On February 14, 2011, an e-mail correspondence from Town Clerk, Linda Hutchenrider noted that the Open Meeting Law Guide had been updated. The Board Members should go to the Commonwealth's web site – www.mass.gov/ago/openmeeting for a review of the changes. Please note that with respect to remote participation the Town has not accepted remote participation as of this date.

A copy of the February 14, 2012, Minor Modification to the June 21, 2001 DRI Decision issued for the Cotuit Landing Redevelopment and Expansion Project. The modification involved a plan update to acknowledge a September 2000 grant of an easement to John T. Peck over lands shown on the approved DRI area.

February 10, 2012 correspondence from Patty Daley, Deputy Director, Cape Cod Commission notifying Cape municipalities of changes to this years Technical Assistance program and inviting municipalities to jointly apply for funding under the program.

Matt Teague states that the board has received correspondence from Whistleberry. A letter dated February 27, 2012, was delivered by Mr. McKeown, President Whistleberry Residents Association, Inc. Letter read into record as follows:

Mr. Teague,

We respectfully request that our subdivision be put on your Planning Board agenda as soon as possible for the update that we were promised by then Chairman Ray Lang at the 6/27/11 meeting. Mr. Lang had

instructed Mr. Seymour at that meeting to report back to the Planning Board with a firm schedule of the work to be done by the Hostetter's within 60 days which never happened.

As you will also see by the enclosed copies of e-mails and our formal written request to you as Chairman dated 9/14/11, we never even received the courtesy of a response from anyone in the Town or yourself. We have been diligently communicating with Ms. Buntich with copies going to her staff, the Town Attorney's, the Town Manager and our 2 Town Councilors who represent our residents in our development. We feel we have been more than patient during the almost 25 years we have been addressing this issue, and we feel it is time for the Town to enforce the regulations within the powers which are granted to your Board under the 1973 Town Regulations without any further delay.

Thanking you and your Board in advance for your attention to this matter, and we look forward to being in front of the Planning Board in a timely manner.

Additional correspondence (emails and a previous letter dated 9/14/11 in the packet as well).

Matt Teague asks Art if this could be scheduled for the next hearing?

Art Traczyk comments that there has been a previous meeting this past week with someone who is interested in Whistleberry and that there is hope that a package will be ready.

He does not want to make public comment as to who it is and the parties are most likely involved with the financial dealings/aspects of the project at this time. The Planning Board is aware of the situation. A potential developer is apparently working with the association and that there is further work to be done before a package is ready to be put in front of the board.

Ray Lang asks if Steve Seymour is involved?

Art Traczyk responds that yes he is and is probably more familiar with this project, as well as the town attorney's office.

David Munsell states the Mr. McKeown was in tonight and told him that nothing at all is being done.

Art Traczyk responds that he was under the impression that this potential developer has been in contact with the association discussing it with them.

David Munsell thinks this was in the past. He asks Mr. Teague if he got the letter dated September 14, 2011, addressed to the Chair?

Matt Teague stated that he never got that letter.

Art Traczyk states that he is sure this information (letter dated September 14, 2011) was listed on a previous Agenda. Any correspondence received at the Planning Board Office gets put on the board's agenda.

Matt Teague would like to schedule this matter for the first meeting in April. He would like a written update and suggests maybe coming into the Planning Board office to further discuss with Art.

Ray Lang suggests that the town's legal dept. be involved in this matter as well. The legal council can possibly set some completion deadline dates.

Art Traczyk comments that Charlie from the legal department has been sitting in on the meetings along with Steve Seymour and himself as well.

Ray Lang (refers back to the accessory apartment discussion) would like a current accessory apartment (the new in law and affordable apartment) inventory, in order to possibly change one or two of the criteria for these rather than writing something new.

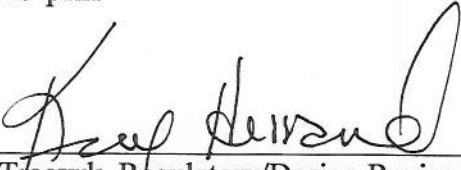
Future Meetings:

Regularly Scheduled Planning Board Meetings: March 12, 2012, and March 26, 2012, @ 7:00 p.m.

Matt Teague entertains a motion to adjourn, seconded by David Munsell, so voted unanimously.

The meeting adjourned at 7:29 p.m.

Respectfully Submitted


Art Traczyk, Regulatory/Design Review Planner & Recording Secretary
Transcribed by Karen A. Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on

March 26, 2012

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