



**Town of Barnstable
Planning Board
Minutes
June 24, 2013**

BARNSTABLE TOWN CLERK

2013 OCT 30 PM 1:27

Matthew Teague – Chairman	Present
Paul Curley – Vice Chairman	Present
Patrick Princi - Clerk	Present at 7:31
Felicia Penn	Present
Raymond Lang	Present
David Munsell	Present
Stephen Helman	Present

Also in attendance were Art Traczyk, Regulatory Review Planner.

Approval Not Required Plans: - Barnstable Land Trust – A plan entitled “Plan of Land in Barnstable (Oyster Harbors) Massachusetts” dated June 10, 2013, Being a combining of Lots 243 & 246 as shown on LCC 15354-133, Petitioner, Barnstable Land Trust, Inc. Prepared by CapeSurv has been submitted for endorsement as an Approval Not Required Plan. The subject property is addressed as 19 and 21 Indian Trail, Osterville, MA. The plan proposes to combine Lots 243 & 246 as shown on LC Plan 15354-133 into a single Lot 295 as shown on the plan submitted.

Matt Teague directs/asks staff for briefing of Staff Report (Exhibit A).

Art Traczyk explains/refers to plan (Exhibit B) re the two separate lots being combined into one. The .96 acres of upland makes no buildable lot, this was transferred to the Barnstable Land Trust and it is also correcting an error in the drafting of an earlier plan that had dissolved Indian Trail, by accident, it is supposed to be connected. ANR plans do not remove ways.

Richard L’Heureux, from Capesurv and Attorney Sarah Alger in attendance, representing the petitioner. He explains that they are combining two lots into one and not intending to build.

Ray Lang asks where the frontage is?

Richard L’Heureux answers that the frontage is on Indian Trail, private road (Exhibit B). Width is 40 ft. at this point.

Matt Teague entertains a motion to endorse the plan, Paul Curley moves to endorse/approve this ANR plan, seconded by Felicia Penn, so voted unanimously.

Subdivisions:

To all persons deemed interested in the Planning Board acting under the General Laws of the Commonwealth of Massachusetts, Chapter 41, Sections 81A, through 81GG, Subdivision Control and all amendments thereto and the Town of Barnstable Chapter 801, Subdivision Regulations of the Code of the Town of Barnstable you are hereby notified of a Public Hearing to be held to consider Subdivision No. 820. The plan for this subdivision is entitled "Definitive Plan of Land in West Barnstable, MA "Wayside Lane Ext."" as prepared for Stephen E. Wallace et al. The plan proposes the division of 5.84 acres addressed 0 High Street, West Barnstable into two developable lots and the extension of Wayside Lane to serve the new lots. The subject property is shown on Assessors Map 110 as Parcel 007.

- *Opened February 25, 2013, continued April 22, 2013, and to June 24, 2013. Continued to provide time for: revised plans to reflect land ownership, detail alignment of pavement at "T" turn-around, draft Conservation Restriction for subdivision lots, Access Easement to Town (draft, review & approval), Barnstable Fire Department review, Engineering approval of road name, Draft Homeowners Association document.*
- *Application submitted January 15, 2013, extended 90-days – filing of Decision due July 12, 2013.*

Dan Ojala from Down Cape Engineering in attendance and Stephen Wallace. He refers to the revised plan (Exhibit C) dated June 17, 2013. Conservation has issued an Order of Conditions. Abandon cranberry bog is owners unknown, not much value. Existing Wayside Lane is a public way. He points out the information about the turning T. Fire Dept. has gotten information. Steve Seymour has addressed everything except the road layout. Wayside Lane Ext. will be a private way. Road name approval needed.

Explains the access easement and an offsite acre to be donated to Conservation, which is next to a conservation piece there now. This will give rights from Wayside Lane. Ext.

Matt Teague confirms that 350 Wayside Lane is a non-contiguous parcel, but it will have the easement going through the 20 ft. car path to get there.

Dan Ojala points out yes and that this can be seen on Plan Book 289, page 98, (Exhibit D). Homeowner document needed and is in the works.

Matt Teague asks if they are planning on paving up to the T?

Dan Ojala answers yes and the second T on lot 2 that runs up hill as well.

Matt Teague confirms what is needed; Fire Dept. and Steve Seymour's review, draft documents.

Ray Lang asks what the paved width of the road will be? How far will the paving go?

Dan Ojala answers that the paving will go all the way up (see Exhibit C, Sheet C, 3 of 5) and including the driveway, tapers from 18 to 16 ft.

Ray Lang asks about markings on the plan and what they represent, guardrail?

Dan Ojala explains/confirms what they are.

Ray Lang asks if conservation gave any stipulations?

Dan Ojala stated they did issue an Order of Conditions. Dan will get this information emailed to office.

Art Traczyk asks if they have issued the conditions yet?

Dan Ojala..yes, he has it.

David Munsell asks about Declaration of Conservation Restriction? Asks for clarification regarding the 20 ft. way to get to conservation land and access of. (Exhibit E). It look as if no one can go up through this area.

Dan Ojala states that this is in reference to the main body of land, to be conserved. Reserved from Wayside Lane Ext. There would be an exception to the restriction.

Ray Lang asks if there will be a gate on this road? He would like to make this a restriction.

Dan Ojala answers no.

Matt Teague asks for public comment. None.

Matt Teague entertains a motion to continue this public hearing to August 12, 2013, at 7:00 p.m., so moved by Ray Lang, seconded by Paul Curley, so voted unanimously.

Special Permit:

7:00 P.M. Public Hearing (Continued)

**Modification of PIAHD Special Permit Settler's Landing II -
Subdivision No. 812 - Martha M. Morin, Trustee of Settlers
Landing Realty Trust II**

The Planning Board acting under the General Laws of the Commonwealth of Massachusetts, Chapter 40A, Section 9, and all amendments thereto and the Town of Barnstable Zoning Ordinances will open a Public Hearing to consider an application for a fourth Modification for the Private Initiated Affordable Housing Development (PIAHD) Special Permit issued for Settlers Landing II - Subdivision No. 812. The Petitioner, Martha M. Morin, Trustee of Settlers Landing Realty Trust II, is seeking:

- To add two new house plans, identified as the "Dover Plan" containing approximately 2,051 square feet of living area and the "Chatham Plan" containing approximately 1,736 square feet of living area to the list of the 11 approved house design plans for the development and,
- To allow for up to five of the 29 dwellings to be built as four-bedroom homes provided the fourth bedroom is created within an approved house design plan.

The locus is the southern 7.75 acres of the subdivision commonly know as Settler's Landing located off Castlewood Circle in Hyannis, MA. The 29 parcels are shown on Assessor's Map 273 as Parcel 122, Lots 013 through 027 and Assessor's Map 272 as Parcels 212 to 225. The lots are addressed from 75 to 174 Settler's Landing, Hyannis, MA. The locus is Zoned Residential C-1.

- The hearing was opened May 13, 2013, at which time the Board decided to bifurcate the application into Part 1 and Part 2. Part 1 covered the request to allow two new house style plans to be introduced and Part 2 covered the request to allow up to 5 of the homes to be built as four bedroom single family dwellings. At

the May 13th hearing, the Board granted Part 1 allowing for a twelfth and thirteenth house plan to be used. Part 2 was continued to June 24, 2013 to allow further review of the issues.

Matt Teague asks if we have any response/reply from the Town Attorney's Office on this?

Art Traczyk answers no legal opinion as of yet.

Felicia Penn points out the Assessors email information (Exhibit F) and the past due taxes from fiscal year 2011 until present. She would like to suspend any discussion action until some proof is received that the taxes are paid.

Matt Teague directs to Staff on how to proceed in terms of the application process.

Art Traczyk replies that the application cannot be disband, it has already been presented/started.

Matt Teague concurs with Felicia Penn.

Matt Teague entertains a motion to continue this matter to August 12, 2013, at 7:15 p.m subject to verification from the tax collector that taxes have been paid and the opinion of the Town Attorney, so moved by Felicia Penn, seconded by Paul Curley, so voted unanimously.

Correspondence: Department of Environmental Protection notice dated June 11, 2013, Public Water System Sanitary Survey for Sandy Terraces Associates/Eastman.

Approval of Minutes: Approval of February 25, 2013, Board Meeting Minutes

Patrick Princi moves to approve the February 25, 2013, Board Meeting Minutes, seconded by Paul Culey, so voted unanimously.

Future Meetings: Regularly Scheduled Board Meetings: July 8, 2013, and July 22, 2013, @ 7:00 p.m.

Matt Teague questions/discusses if the July 8, 2013, meeting should take place, nothing on the Agenda at this time. This meeting may be cancelled.

Matt Teague suggests that an appointment committee/appointment of officers and nominations be discussed at the next meeting and be added to the Agenda as such, July 22, 2013.

Motion to adjourn entertained by Matt Teague, moved by Ray Lang, seconded by David Munsell, so voted unanimously. The meeting adjourned at 7:35 p.m.

Respectfully Submitted Karen A. Hertrand
by Karen A. Hertrand, Principal Assistant, Planning Board

Approved by vote of the Board on October 28, 2013

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

List of Exhibit Documents

Exhibit A – Staff Report, dated June 21, 2013 – ANR Barnstable Land Trust, 19 & 21 Indian Trail, Osterville

Exhibit B – Plan of Land, dated June 10, 2013, ANR Barnstable Land Trust, 19 & 21 Indian Trail, Osterville

Exhibit C – Plan of Land, dated, Revised June 17, 2013 – Sheet 1-5, Def. Subdivision No. 820, Wayside Lane Ext.

Exhibit D – Copy of Plan of Land as recorded, Book 289, Pg. 98, Def. Subdivision No. 820, Wayside Lane Ext.

Exhibit E – Declaration of Conservation Restriction, Def. Subdivision No. 820, Wayside Lane Ext.

Exhibit F – Email dated June 21, 2013 from Town Tax Collector, Special Permit Modification, Settler's Landing II, Subdivision No. 812

APPROVED