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# Town of Barnstable Planning Board

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## Board Members

Raymond B. Lang – Chair Mary Barry – Vice Chair David Munsell – Clerk Paul R. Curley Stephen Helman Mark R. Ferro Steven Costello  
John Norman – Town Council Liaison

## Staff Support

Elizabeth Jenkins, AICP, Director  
Anna Brigham, Principal Planner  
Karen Herrand – Principal Assistant - [karen.herrand@town.barnstable.ma.us](mailto:karen.herrand@town.barnstable.ma.us)

## Town of Barnstable PLANNING BOARD Minutes June 12, 2017

Raymond B. Lang – Chairman	Present
Mary Barry – Vice Chairman	Present
David Munsell, Clerk	Present
Paul Curley	Present
Stephen Helman	Present
Steven Costello	Present
Fred LaSelva	Present

Also in attendance were Elizabeth Jenkins, Director and Stacey Hurwitz, Administrative Assistant, Planning & Development Department.

**Notice of Recording:** This meeting is being recorded and broadcast on Channel 18 and in accordance with MGL Chapter 30A §20. The Chair must inquire whether anyone else is taping this meeting and to please make their presence known.

Chair called the meeting to order at 7:02 pm. Members introduced themselves including new member, Fred LaSelva.

**Approval Not Required Plans (ANR):** Thomas E. Driscoll - 900 Phinneys Lane, Centerville – Map 251 Parcel 104-H00 and T00 has submitted a plan entitled “Proposed 3 Lot Subdivision (Form A – Approval Not Required), 900 Phinney’s Lane in Hyannis, (Barnstable) Massachusetts, dated October 22, 2016” drawn by Matthew C. Costa, P.L.S., Cape & Islands Engineering, Inc. *Continued from April 24, May 8, 2017 and May 22.*

Atty. Peter Freeman & Matt Costa from Cape & Islands Engineering representing the Driscolls.

Atty. Freeman we were here a month ago – there is a big change because there is a guard rail. Planning Board had concerns regarding the guard rail that was at the second entrance and we did not have a permission to remove the guardrail for the second guardrail. You had concerns of illusory use because the driveway at that time was a shared driveway. We have obtained a second permit on the second guardrail/curb cut and we sent in the plan for the curb cut and second driveway. Both driveways now have their own curb cut. It is not illusory because permission to remove the guardrail has been given.

Atty. Freeman passes out a composite plan, not the actual plan because the board already had the actual plan. The two driveways are 145 feet apart. Case Law 2 major pertinent cases were Fox vs Planning Board of Milton and Pulos vs Planning Board of Braintree. Cases reviewed. We are now squarely within both of their cases because we have both curb cuts so there is nothing that can stop us from access to Phinney’s Lane. It is significantly different

from what we submitted before. I thought it made more sense for us to go to Engineering & DPW with this. Other cases referenced unconstructed ways. We have the curb cuts that have been approved by the departments, which they do not usually have on an ANR.

Chair Lang asks the Board for questions:

Curley: Can you explain how you access the wetlands from the property? The shared driveway?

Freeman: There are no wetlands. Explains the curb cuts, the common driveway and the second curb cut for driveway two. The shared driveway is owned by Mr. Driscoll because it is all one lot when it is divided it will still be owned by Mr. Driscoll but there will be an easement that allows our access.

Curley: The shared driveway bothers me – it would be considered a way and a subdivision.

Freeman: If that is an issue, we could then just have two curb cuts and then it could be a separate driveway.

Munsell speaks to common driveway: I have one and it works out very well as long as there is an understanding and an agreement on who will take care of it and maintain the driveway. Looking at the paperwork it meets our standards of an ANR plan and that is what we have to go by.

Lang: Each lot, lot 1 and lot 2 have the required frontage and you are still saying you want to have a shared driveway. The actual access to the lots would be 'real'. DPW suggested the fire chief okay the turn in necessary for fire trucks.

Freeman: The fire department approved the turning radius 24 ft. which was plenty of access for the fire vehicle. Freeman sent that Monday or Tuesday.

Lang: As far as I am concerned it is a caution to the Board. We want the firetruck to be able to turn properly.

Helman: Clarifies Deputy Fire Chief Melanson states the driveway is acceptable per submitted documents.

Lang reads the statement from Deputy Chief Melanson into record which is included in the meeting materials giving the Fire Department Approval of Fire Truck access.

Matt Engineer: Gives assurance that the curb cuts will be installed properly to allow proper Fire access.

LaSelva: The guardrail that you are removing, is it going to be replaced? Where are the hydrants?

Freeman: The ANR plan has no requirements for hydrants. The guardrail is not being replaced because the Planning Board wanted to know there would be a cut through. The plan shows it will be graded properly.

**Motion to approve the plans as an Approval Not Required Plan was entertained by Chair Ray Lang, moved by Steven Costello, seconded by Mary Barry. All in favor – AYE by 6 votes; Lang, Helman, Barry, Munsell, Costello & LaSelva. NAY Vote Curley. Approval not required passes with a 6 to 1 vote.**

Paul Curley reads Approval Not Required into record: Lyndon Paul Lorusso Charitable Foundation of 2002, Mark Thompson, Trustee – Maps 314 & 315 Parcels 036, 037, 038, 042 044, 045, 046, 047, 048 & 049 (10 lots) Communication Way and Independence Drive, has submitted a plan entitled "Approval Not Required Plan of Land at Communication Way in Barnstable Massachusetts (Barnstable County)" prepared by JC Engineering, Inc, stamped by John L. Churchill, JR. P.L.S. and dated May 12, 2017. This is a request to consolidate 10 existing lots into 3 new lots. Copy of staff report, application, plan and associated documents enclosed

Ed Pesci of Pesci Engineering representing Graystar and the Lorusso Charitable Foundation  
We are consolidating lots. In December you approved an ANR plan almost the same in every way. Clarifying the area of Communication Way - to clarify maintenance in the future. We are about 48 hours out from an agreement on this property later this month or in July they will begin construction.

Chair Lang asks for comments from the Board.



Munsell: Comments it is great to see that the project is going to start and he wishes them Good Luck.

**Chair Lang entertains a motion to endorse the plan for the Approval Not Required. Moved by Paul Curley and seconded by Stephen Helman to approve the ANR for Maps 314 & 315 Parcels 036, 037, 038, 042 044, 045, 046, 047, 048 & 049 (10 lots) Communication Way & Independence Drive, to consolidate 10 existing lots into 3 new lots. All Aye.**

#### **Special Permits:**

#### **Special Permit No. 2017-002 - Modification to Special Permit No. 2015-003 – Wayne Kurker, Trustee – 232 Main Street, Hyannis**

Mary Barry reads aloud; Wayne Kurker, Trustee of 232 Main Street Realty Trust seeks to modify Special Permit No. 2015-003, granted pursuant to Section 240-24.1.3.HVB, Hyannis Village Business District, (B) Special Permits, (1) Parking facilities, to allow for an increase in parking spaces from 77 to 106, 29 additional paid public parking spaces to be utilized within the existing paid parking lot of 232 Main Street, Hyannis. The subject property is addressed 232 Main Street, Hyannis, MA and is shown on Assessor's Map 327 as Parcel 160. Property is located in the HVB - Hyannis Village Business District with a portion of the property located in the WP, Wellhead Protection Overlay District.

Atty. Mike Ford representing Wayne Kurker.

At the time Wayne Kurker first came before the Planning Board and given the current use of the building there are 77 spots in the parking lot which are not being used. The Planning Board issued a special permit in 2015 for an outdoor public paid parking with outdoor kiosk and 77 spaces that were not required for the existing businesses and were really never used. From Wayne's perspective the parking lot has worked well. What's changed, one of the tenants – the Bank of Cape Cod, has left the building. Wayne is looking for a tenant (priority to rent the space which is where the value is) but until those spaces are needed by a tenant, he would like to use the 29 spaces as public parking spaces, with the same kiosk.

Condition: That the spaces are re-dedicated to parking until such a time when a tenant moves into the building.

Ford speaks to the staff report: apart from the town not wanting parking spaces along Main Street. Mr. Kurker wants to get a tenant, the 29 spaces will not deter Mr. Kurker from looking for a tenant. With respect to the draft conditions in the staff report. I have a revised condition and an additional proposed condition. There is a scribner error in the conditions – please scratch out 26 spaces and insert the 29 spaces. The revision is a Sunset Condition: the terms of the special permit would expire in 2 years unless the applicant will need to come back to re-apply. It seemed more reasonable to me that this special permit amendment would stay in effect (revised condition #4) until those spaces are re-dedicated to serve a tenant of the 5500 square foot building. Additional Condition #9 It is not the applicant's intention not to waive his rights to the drive through special permit that was previously granted if he is successful in getting the same type of tenant.

Chair Lang asks the Board for questions or comments:

Barry ask for clarification. You have a church behind there and then marine parking there? The 29 already exist?

Ford: There is a church. They have a Sunday & Weds. evening service. Wayne gives them a slip of paper to put on their dashboard showing they can park there. Marine use – very little parking demand which is Wayne's parts & supply. That is provided for outside these spaces on the plan. Yes. If he puts a tenant in there it is automatic that the 29 spaces get automatically re-dedicated back to the tenant as worded in the amendment. The amendment would not be in effect once re-dedicated to a new tenant.

Costello: the spaces are not being used now, so I think it is a good idea.

Lang asks about church use and if a new kiosk would be needed?

Ford: Most parking for the church is used by vans (groups come together) there were no problems last summer. The kiosk will serve the additional 29 spaces, which is all that is necessary - the parking lot stays the same.

Lang: What if a new business comes in and then they need 56 spaces, not 29?



Ford: If the new tenant needs more spaces. Mr. Kurker would have to come in to amend the original special permit and the amendment as well. It would be back in front of the Planning Board at that point.

LaSelva: What happens to the amendment if the tenant is a benign user with only 1-2 spaces?

Ford: The way I have written it if only 5 spots needed, the amendment would continue to allow for 24 additional spots up to the 29 spots this special permit would allow for. We are requesting the sunset clause be replaced with this condition.

Lang asks for clarification that the agreement be flexible up to the 29 spaces and then if there is a use that goes over 29 they would have to come back. Ford responds - Yes.

Jenkins: Asks for clarification. I have never had experience with a condition that changes the permissions over time in such a flexible way. If we could change the language to make sure we are very clear on what is being asked for here. Space could be divided, there could be multiple tenants that go in there there are a lot of variables. We need to give a little thought to conditions permitted over time for those who need to enforce this in the future.

Lang suggests a draft agreement and come back to review that.

Ford asks that we not do not wait for a draft agreement. The parking spaces are just sitting there in the summer season and we asks that we work through the language now.

Barry: His concern is that it sits in perpetuity and how does this work out with all the possible variations that might happen with this lot.

Costello: Whatever that 5500 sq ft. is the cause of the additional parking spaces. If you get one tenant that takes half of the building. It seems a lot more streamlined. We are talking about parking spaces, not building space. We already know what they have to agree to for parking to accommodate those businesses.

Lang: That is true. Each business that goes in there will need to outline the need for parking spots. If we get retail in there – if he doesn't have the spaces what does he do?

Ford: If he doesn't have the spaces, he can't have the use.

Jenkins: We have proposed conditions that state any additional land use in that might occupy that tenant space would have to meet parking requirements with that parking being unrestricted and unpaid. If he fills the tenant space they have to meet parking requirements. The permissions granted by this special permit for those spaces to be used as paid parking spaces shall there and after lapse. Additionally clarify that if the tenant space is subsequently vacated then no rights granted under this permit shall be permitted to be re-established in the future without a future modification of the permit.

Ford: She would like to see language that if the 29 spaces are re-dedicated to tenant space, then we don't have a right to come back, if we lose a tenant, and say the amendment is in effect again.

Jenkins: Two things – we should give definition to what is municipal approval. We should establish a process if the applicant get another tenant then they present it to the building commissioner approval of spaces. They could get a bank in there and not need municipal approval for that use.

Lang: In terms of the church, you could hand out parking passes. I hope it doesn't become a way you get extra parking because you hand out extra parking passes. Maybe we could say this is what we are doing with the church now and will continue that way until the church is no longer there.

Kurker: If I have a tenant, I have to provide them with parking. When we get a tenant, we have to get it approved municipally, I will have to provide parking spaces. I will have to guarantee those spaces.

Jenkins: We should write it in, you must provide adequate unrestricted parking for tenants. At the same time those Parking spaces are only being provided to the church where they are getting permission or pass to park. In terms of

enforcement I want there to be no confusion. You have a church tenant in there that technically requires an X number of parking spaces.. It would be favorable to the applicant to put some clarity on how the arrangement with the church is being provided. That is not what is happening today with the church, they are paying rent and they do not have spaces – we should add clarity so there is not any confusion in the future.

Ford: So would it suffice if we added a finding to the Special Permit, Elizabeth?

Jenkins: Is there a site plan review approval that documents the arrangement with the Church? (No)

Kurker: I do have a year and a half of history that shows there hasn't been an issue. If I get a tenant and they require 29 spots, I can just do business without being bogged down with more hearings and public notice.

Ford: If I understand her correctly, both Elizabeth and the Chair are looking to codify the arrangement you currently have with the church, in some way.

Jenkins: Perhaps we add a finding that says that the building is currently occupied by a church. Parking for this land use is accommodated through a pass system where in-which the tenant is allowed to utilize the paid parking spaces free of charge on Sunday mornings and Wednesday evenings.

Ford acknowledges the changes to the conditions. Lang asks Jenkins for clarification.

Jenkins: Yes, just so it's very clear when a tenant space is leased the parking that is required by the zoning ordinance permissions granted under this permit for those spaces to be paid parking shall lapse and shall not be re-established thereafter and the applicant shall provide notice to the Building Services Department & Planning & Development Department when he enters into a lease with a new tenant so we can establish proper parking requirements.

Ford: Clarifies this is an Amendment to an existing Special Permit with Conditions.

Jenkins: Boards are required to make special permit findings regarding the allowance of the request under the ordinance which he has met, requirement to get site plan approval, which he has met. A finding regarding whether or not a The GIZ there and after add some additional findings. Staff has proposed some findings that reflect the original findings. You will find draft findings 1-6 in your draft staff report as well as the 7<sup>th</sup> finding we have discussed regarding the church parking arrangement that adds wording on the church and revision to finding 4 and Attorney Ford has added an additional condition – finding #9 which staff did not have a problem with. If you would like to move forward with action on the permit I would suggest a motion to enter the findings of facts 1-7 into the record. We are looking at the staff report that is dated 6/12/17. (Exhibit A)

The Board discusses voting on the Amendment of Special Permit with conditions. The consensus of the Board is they would like to move forward with a motion.

Jenkins is in agreement. We need a motion to make the findings into fact.

Helman makes a motion to make the following findings a fact .... (cut and paste the findings) 1-6 (where are the findings) All findings are as written.

Ford suggests finding #7 which would state the members of the church be provided with a parking pass (at no charge) for Sunday mornings and Wednesday evenings.

Jenkins is in agreement of a motion.

**Stephen Helman moves to make the following findings a fact for Special Permit all findings as written with Conditions as discussed and as drafted;**



### **Findings of Fact**

At the hearing on June 12, 2017, the Board unanimously made the following findings of fact for Appeal No. 2017-02, a request to amend a special permit filed by Wayne Kurker, Trustee of the 232 Main Street Realty Trust to allow for an additional 29 paid parking spaces at 232 Main Street, Hyannis:

1. Wayne Kurker, Trustee of 232 Main Street Realty Trust is seeking to modify Special Permit No. 2015-03 to allow an increase in the number of spaces in a short-term paid public parking lot operated within the existing parking lot at 232 Main Street, Hyannis.
2. The subject property is addressed 232 Main Street, Hyannis, MA and is shown on Assessor's Map 327 as Parcel 160. It is in the HVB - Hyannis Village Business District and a portion of the subject property is in the WP Wellhead Protection Overlay District.
3. The request to operate a paid parking lot falls within a category specifically excepted in the ordinance for grant of a special permit; the Applicant seeks to modify a Special Permit issued under Section 240-24.13 HVB, Hyannis Village Business, (B) Special Permits, (1) Parking Facilities.
4. The revised plan has been reviewed and administratively approved by the Site Plan Review Committee under an approval dated May 12, 2017.
5. This Special Permit application is being requested based on the current vacant status of the 5,500 tenant space at 232 Main Street, formerly occupied by a branch bank. The occupancy status of this tenant space may be subject to change over time.
6. After an evaluation of all the evidence presented, the proposal fulfills the spirit and intent of the Zoning Ordinance and would not represent a substantial detriment to the public good or neighborhood affected and meets Sec.240-24.1.2 E (1)(b) and (d) as the proposed parking facility use will be conducted within an existing parking lot which is currently underused, the parking will be within walking distance of the ferry terminals to the islands and Hyannis Harbor thereby obviating the need for vehicle shuttle service to the harbor and encouraging pedestrian access in this area, and the parking will serve a present need for such in this area of the east end Hyannis.
7. The Applicant provides members attending the existing church occupying the building with parking passes to allow them to park in paid spaces at designated times without charge.

### **The vote to accept the findings was:**

**AYE: Ray Lang, Mary Barry, Paul Curley, Steven Helman, David Munsell, Stephen Costello, Fred LaSelva**

**NAY: None**

### **Decision**

Based on the findings of fact, a motion was duly made and seconded to grant Special Permit No. 2017-02 subject to the following conditions:

1. This Special Permit shall modify Special Permit No. 2015-03, granted to 232 Main Street Realty Trust to allow an additional 29 spaces to be added to the self-service paid parking lot at 232 Main Street, Hyannis, MA. The total number of permitted spaces shall be 106.
2. All conditions of Special Permit No. 2015-03 shall remain in full force and effect.
3. The subject property shall be improved and the parking shall be located as shown on the plan entitled "Site Plan prepared for 232 Main Street Realty Trust" dated (last revised) May 10, 2017 as drawn by Braman Surveying and Associates, LLC, and as modified by this decision.
4. The permissions granted by this Special Permit to use 29 additional existing spaces for paid parking shall lapse upon rededication of spaces as necessary to meet the parking requirements for tenant(s) of the 5,500 square foot tenant space. The lapse shall be effective at the time of final municipal approval for such tenants; there shall be no occupancy of the tenant space without municipal approval. Once the permissions granted herein lapse, they shall not be reestablished.
5. The Applicant shall provide notice to the Building Commissioner and Planning & Development Department Director when they enter into a lease with a tenant for any portion of the 5,500 square foot tenant space.
6. The operation of the parking lot shall be subject to approval(s) of an amended license(s) from the Town Manager's Office as necessary.
7. The conditions of May 12, 2017 Site Plan Review approval shall be incorporated as conditions of this Special Permit.



On-site parking, without fee or restriction, shall be provided for all permitted uses on the property in compliance with parking requirements of the Zoning Ordinance and in accordance with the findings and conditions herein. This permit shall be recorded at the Barnstable County Registry of Deeds and copies submitted to the Planning Board and Building Division prior to commencement of the use.

The granting of this Amendment and the exercise of the rights hereunder shall not affect the right of the Applicant to exercise the right(s) granted under Special Permit No. 2006-02 which approved the drive-through component of the prior bank use of the now vacant 5,500 square feet of building.

**Motion to approve the motion that was made above, brought by Stephen Helman, seconded by Paul Curley.**

**Vote: AYE: Ray Lang, Mary Barry, Paul Curley, Steven Helman, David Munsell, Stephen Costello, Fred LaSelva**

**NAY: None**

**Motion entertained by Chair Ray Lang, moved by Stephen Helman, seconded by Paul Curley, All in favor: AYE, so voted unanimously, to make the findings a fact with conditions on Special Permit 2017-002.**

**Second motion: Based on those findings of fact the Planning Board chooses to grant Special Permit Application 2017-002 subject to Conditions as discussed and outlined above, Steven Costello makes the motion, seconded by Stephen Helman. Vote: All Aye, so voted unanimously.**

**Regulatory Agreements:**

Application No. 2017-02

Rockland Trust Company

Rockland Trust Company seeks to enter into a Regulatory Agreement with the Town of Barnstable to use the existing structure at 765 Main Street, Hyannis as a branch bank with drive through. The property is shown on Assessor's Map 290 as Parcel 098. It is zoned OM. The Applicant proposes to renovate the existing building, reconfigure the parking to eliminate the spaces that back out into the street, and upgrade landscaped areas and the stormwater system.

In Attendance: Attorney David Lawler on behalf of Rockland Trust, from Baxter Nye; Shane Mallon and John Lavelle and the Architect, Gerry Blake.

For the record Attorney Lawler points out that he and member, Steven Costello, are friends.

Proposing a Regulatory Agreement on the Old Bank on the Rotary, from the 1940's-1950's until after 2000 it had been a bank. We are asking for quite a bit of relief on the application pre-existing / non-conforming. A bank is specifically defined and the legal consensus was that we would need your approval because banking was not included in the GIZ when it was created, which was likely an oversight. I am seeking relief to put a bank in, where a bank has always been. The bank has been vacant for at least 10 years, and after 3 years any pre-existing, non-conforming use would have expired. The owner upkeeps the property but the back of the area has been used as a homeless camp, for lack of a better terms it is a blighted property. Rockland Trust, a known commodity and good neighbor, is seeking to purchase this land and move its present location on Main Street, Hyannis a few hundred yards down the road to the rotary location. We have worked with Elizabeth Jenkins & Anna Brigham and have brought it forth through site plan with Deputy Chief Dean Melanson and engineering. We are here in front of you tonight for an initial meeting to present the plans.

Attorney Lawler reviews existing and proposed plans. Looks to eradicate the parking spaces that back up onto the rotary and Main Street. It has existing parking, drive through window in the back and no stand alone ATM. Relief requested is already pre-existing non-conforming. To be clear, we want to include what already exists on the property. Proposed: New elevations really clean up the property, increase row of street trees, close off the substantial open ended curb cut and reduced it down to 3 more efficient curb cuts, access from the rotary, add a stand alone ATM machine. Maintain the main parking field. Small portion of the building coming down to include an elevator. Window in bank would be operating via a teller on the second floor via video monitor and vacuum tube system. Added handicapped spaces and improved the property exponentially, parking and access. A lot of the details are worked out with the staff prior to this meeting.

Lang asks for questions from the board:

Costello: It has always been sort of a blighted building and that the frontage needs to be cleaned up and changed. States Rockland Trust usually does that in a positive way in the community.



Munsell: Your Regulatory Agreement application, did you mean to date it 2012? (Lawler to make it clearly 2017). I am not a big fan of buildings on rotaries. Seeing that this was a bank from the beginning, makes a difference.

Lawler: This building pre-exists for any allowable use at this location. The fact that the 10 or so spaces that back up onto the rotary, are going to be eliminated. It is an existing brick building, we are renovating and improving it, as how it relates to use on the rotary, I submit to you that the improvements are substantially greater than what exists. We will be redoing the interior. The exterior will be refurbished with minor amendments to the back of the building, an addition of a stand-alone ATM. The front will be reconfigured to improve handicap access.

Munsell: It will certainly be an improvement. In the last few years we have had good luck with the new roundabouts. This would be a good location for one of the new roundabouts.

Lawler: It is an important rotary and thinks this would be a positive improvement. Rockland Trust works is a very good corporate citizen and works well with the community (charitable events etc.) so it is also important to look who the applicant is.

Munsell states, Yes, no question about that.

Barry asks about the drive through at the back of the building and entrances/exits.

Lawler: We will expand it to two lanes. Lawler explains the plans to include traffic flow and parking access (all approved by the Fire District). It is clarified that the handicap access is on the left hand side of the building. Also clarified for Barry that there are 3 access points which have been approved through site plan; two in and outs and one in only. We wanted to put the exit points as far away from the rotary as possible. We spent a lot of time on the flow and parking. Points out the location of the stand alone ATM. This plan was worked through site plan.

Curley made a motion to open the public hearing. Vote: All Aye. Public Hearing was opened at 8:38 pm.

Curley: I think it's a great project. It's good to see someone working on blighted properties in town.

Helman states he thinks this is a good idea. He asks for clarification on traffic flow from Main Street.

Lawler one of the concerns was the middle curb cut would be accessed coming from Main Street towards Centerville so we extended the curb cut so you can't take a left hand turn from Main Street. People have two choices if there is a lot of traffic people would come around the rotary for access.

LaSelva: The logic looks wonderful. My question is safety - there is a lot of drug use at that building. What is the bank going to do to rectify that?

Lawler: Many of the projects I have been involved in have been blighted properties. Good lighting and activity eliminate those types of problems, by design. Homelessness is a problem and those individuals like to be left alone. The nature of investing of a property has the effect that these folks will move on to another property. The old Verizon building on North Street now is a medical building - lighting and activity substantially improved that property. The back of the building is also going to get light up and there will be activity.

LaSelva asks if there are plans for manned patrols for a year or so to clean it up?

Lawler: Doesn't think it is necessary. Security cameras are involved. Lighting is the big factor. We will be ripping out the old bushes and putting in new plantings (there will be nowhere to hide). Open lawns are not attractive place for people to be at night. No intention of having patrols.

LaSelva: Any consideration to water run offs?

Shane: There are two storm water management facilities that are proposed to retain the 25 year storm on sight. Stormwater events larger than 25 year storms there is a release to a head wall only on major storms. The volume and rate of run off is less on the existing conditions on all storms. We are also putting in a couple of Storm Filter 330 units to increase the water quality.



LaSelva: So what you saying is any run off that goes back into the estuary will be cleaner than it is now?

Shane: Correct and reduced in volume and rate of run off.

Lang: Suggests video cameras should be strategically placed throughout the lot. Are the sidewalks on your property? Lang asks for Access/ Egress – traffic flow clarification.

Lawler: Sidewalk presently exists. We are going to extend it where the curb cuts are to block the back out spots. They plan to keep the sidewalks in front of the building and block of the parking spaces/buffer. The access isn't interrupted, it's actually improved, it is safer for vehicles & pedestrians. Lawler explains the traffic flow for Lang. The curb cuts were proposed by DPW Engineering and Fire also had input on traffic flow and access.

It is established by Costello that the plans have already been approved by site plan review so the traffic flow issues are not as important as the Regulatory Agreement that is before the board.

LaSelva: Bank of America (BOA), a neighbor, has one entrance and exit. Why does this project need three?

Lawler: The topography of this lot. You have a 7-10 foot retaining wall here. The property already has many curb cuts. Lawler did not look at the BOA property but guesses they have a totally different topography.

Lawler speaks to a concern about Historical value. Due to the Regulatory Agreement process that lies with this board – we are not making too many changes to the building. It is a 1940's building, it may or may not classify as historic it is within this board's rights to stream line this type of permitting in the Growth Incentive Zone.

It is clarified for Chair Lang that the back is fenced & the fence will remain. The fence will be repaired or replaced.

Munsell: They have lost their protection from pre-existing conditions. We could eliminate curb cuts.

Lawler: We are eliminating 50-70 feet of curb cuts. There are some people that want to come in and park long term. This eliminates people slowing traffic on the rotary. Lawler reviews specific traffic flow based on bank uses.

Barry: On your third access would it be a hardship if the 3<sup>rd</sup> access was exit only?

Lawler will talk to his client and the engineer that designed it and address that on June 26<sup>th</sup>.

Lang asks for Comment. No public comment.

Lang entertains a motion to continue this public hearing to June 26<sup>th</sup> at 7 pm and at that time we will have an agreement to go over. Helman moves and Costello seconds. All Aye.

Lawler's intent is to have a draft Regulatory Agreement written up by the next meeting.

**Motion entertained by Chair Ray Lang to continue this public hearing to June 26, 2017 at 7:00 pm, moved by Steve Helman, seconded by Steve Costello. Vote: All Aye. So Voted Unanimously.**

Other Business:

*Offshoot Road Modification – No. 362 & 658 - Beach Point, LLC  
Plan Endorsement & Development Agreement signature*

Jenkins clarifies this is as an administrative task. The Offshoot Road Subdivision Modification that the board approved at a prior hearing, the decision is now final, un-appealed clearing the way for the board to endorse the plan & accept the development agreement. The subdivision rules and regulations note this should be done at a hearing of the Planning Board.

Munsell asks what did we work out with the neighbors on that agreement?

Jenkins: We approved it as requested. I will note that in concern to the neighbors comments there has already been initial patching of pot holes on Maushop Road and I suspect that contributed to that decision being un-appealed. In the conditions of the approval we fully addressed their obligation to repair the road.



Chair Lang asks for a motion to endorse and approve modification of Maushop 362 & 658 filed by Beach Point LLC, motion made by Steve Helman, and seconded by Paul Curley. Vote: All Aye. So Voted Unanimously.

Correspondence

Chapter 91 Application - 178 Bridge St., Osterville – E.M. Crosby – concrete boat ramp, timber pier and ramp/float.

Election of officers to be put on the next meeting agenda on June 26th .

Future Meetings: Regularly Scheduled Meetings: June 26 and July 10, 2017 @ 7:00 PM

Motion to adjournment by Chair Ray Lang, moved by Steve Helman, seconded by Steve Costello, so voted unanimously.

The meeting adjourned at 9:21 p.m.

Respectfully Submitted by Stacey Hurwitz, Administrative Assistant

Approved by vote of the Board on August 14, 2017  
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** – Correspondence Chapter 91 Application – 178 Bridge Street, Osterville, E.M Crosby