



# Town of Barnstable Planning Board

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Board Members  
Mary Barry – Chair   Stephen Helman – Vice Chair   Steven Costello - Clerk   Paul R. Curley   David Munsell   Fred LaSelva  
John Norman – Town Council Liaison  
Planning & Development Dept. 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)

BARNSTABLE TOWN CLERK

2017 SEP 28 AM 8:31

## Town of Barnstable PLANNING BOARD Minutes August 28, 2017

Mary Barry – Chairman	Present
Stephen Helman – Vice Chairman	Present
Steven Costello - Clerk	Present
Paul Curley	Present
David Munsell	Present
Fred LaSelva	Present

Also in attendance were Elizabeth Jenkins, Director and Karen Herrand, Principal Assistant, Planning & Development Dept.

**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.

### Subdivisions:

**Subdivision No. 825 - Modification of Subdivision Nos. 536 & 431/Road Rescission  
74 Summerbell Ave. Centerville - Christian Camp Meeting Association -  
Applicant: John & Sheree Kay**

The plan for this subdivision modification is entitled “Definitive Plan of 74 Summerbell Avenue, Centerville, MA prepared for John & Sheree Kay” dated February 21, 2017. The subject property is shown on Assessors Map 226 as Parcel 064. This is a request to rescind a portion of Spring Avenue.

Attorney David Lawler in attendance. He is representing Mr. Kay, the Applicant. Technical notice requirement. Explains that this is a simple request, used to be a road and asking to be combined with their existing parcel. There is some confusion with the path that abuts it. They are not doing anything with the path. This has no effect to this path.

### **Chair Mary Barry invites Public Comment.**

Reverend Joanne Hartunian. She is on Christian Camp Meeting Association (CCMA) Board, as well as a resident for 10 years and abutter. She is concerned that the 10 ft. path not be referenced as abandoned, this is maintained and not abandoned. Wants this to go on record that the extension from

Ocean Ave, crossing Summerbell, has never been an abandoned path. They saw this in an email from Craig at Downcape.com.

Dan Ojala in attendance. He explains that this is a misunderstanding, only the blue portion was abandoned. There has been some confusion. Reference to the Amended Staff Report, Finding No. 5., see Exhibit A, read into record: *The subject 20 foot portion of the way was deeded from Christian Camp Meeting Association to the owner of 74 Summerbell Ave in 1960. That deed is recorded in Book 1229 as Page 436. An adjacent 10 foot portion of Spring Street remains under the control of the Christian Camp Meeting Association.*

Attorney Lawler reiterates this and confirms that their pathway is not in any way abandoned.

**Motion made by Stephen Helman to close the Public Hearing, seconded by Paul Curley, so voted unanimously.**

The Findings are read into record by Steven Costello – Exhibit A:

1. *The Application was submitted by John and Sheree Kay as owners of 74 Summerbell Avenue, with consent of the Bristol County Savings Bank. The Kay's title to the property is recorded in Deed Book 29342 Page 108.*
2. *This application proposes to eliminate a 20-foot portion of Spring Avenue and incorporate that land with an abutting lot at 74 Summerbell Avenue.*
3. *The plan for this subdivision is entitled "Definitive Plan of 74 Summerbell Avenue, Centerville, MA" prepared for John & Sheree Kay drawn and stamped by Down Cape Engineering, Inc., dated February 21, 2017. The plan proposes to eliminate a 20-foot portion of Spring Avenue and incorporate that land with an abutting lot at 74 Summerbell Avenue.*
4. *The subject lots and ways were created prior to subdivision control and are shown on an 1872 Subdivision Plan entitled "Perry's Plan of Cottage lots No 1 Christian Camp Grounds at Centerville Barnstable Co. Mass" recorded at the Barnstable Registry of Deeds in Plan Book 24 page 1 (a copy of which is also recorded in Plan Book 24 page 49. The subject lots are shown on that plan as Lot Nos. 142 and the southern half of 145.*
5. *The subject 20 foot portion of the way was deeded from Christian Camp Meeting Association to the owner of 74 Summerbell Ave in 1960. That deed is recorded in Book 1229 as Page 436. An adjacent 10 foot portion of Spring Street remains under the control of the Christian Camp Meeting Association.*
6. *The fact that Spring Street is shown on official town maps and that the plan proposes a change in the layout of the ways triggers Subdivision Control Law pursuant to MGL Chapter 41 Section 81-Q.*
7. *There is no new roadway or utility construction or improvements being proposed by this subdivision plan and the plan does not propose to create any new developable lots.*

**Motion made by Stephen Helman to approve the Draft Findings as read, seconded by Fred LaSelva, so voted unanimously.**

**Motion made by Stephen Helman, based on the information presented and findings of the Board, I move to approve the subdivision modification application No. 825 and to endorse the plan entitled "Definitive Plan of 74 Summerbell Avenue, Centerville, MA prepared for John & Sheree Kay" dated February 21, 2017, drawn and stamped by Down Cape Engineering, Inc upon the expiration of the appeal period of this decision, seconded by Paul Curley, so voted unanimously.**



**Lot Release**

Subdivision No. 657. Request by Attorney Eliza Cox to release covenant for lots, 6, 7, 8 and 9.  
Address: 90, 110, & 130 Merchants Way and 20 Business Lane, Barnstable.

**Motion made by Stephen Helman makes motion to continue from August 14, 2017, to September 11, 2017, at the Applicant's request, seconded by Paul Curley, so voted unanimously to continue.**

**Zoning Amendments:**

Zoning Amendment Town Council Item No. 2017-159 - Order, Pursuant to M.G. L. Chapter 40A Section 5, submitting Proposed Zoning Amendment Prohibiting the Establishment of Group Homes to the Planning Board - 95 Chase Street, Hyannis. *Continued from July 10, 2017.*

Chair Mary Barry explains that the Petitioner would like to continue the hearing to sometime in October/November.

**Motion entertained by Chair Mary Barry to continue to October 23, 2017, moved by Stephen Helman, seconded by Paul Curley, so voted unanimously.**

John Julius, resident of Chase Street, Hyannis, in attendance. Complex matter in dealing with Chapter 40A, section 5. Statement: Thank you for your consideration in granting us the opportunity to request a continuance for the hearing scheduled for this evening. We respectfully ask for an extension for at least a 60 day time frame to allow ample time to work with Town officials to create the necessary wording and legal form for our Petition in this matter. This is a complex issue and deals with statutory requirements, with regard to citizen's rights under section 5 of MGL 40A. We must all have these requirements in accordance with the Commonwealth's desires and regulations. He is representing the 12 designated/registered Petitioners. Requests that all of the requests from the original Petition remain intact until a vote by Planning Board be allowed to take place.

**Approval of Minutes:** August 14, 2017

**Motion entertained by Chair Mary to approve the minutes of August 14, 2017, as presented, moved by Stephen Helman, seconded by Paul Curley, so voted unanimously.**

**Motion entertained by Chair Mary Barry to close the Public Hearing and adjourn, moved by Stephen Helman, seconded by Paul Curley, so voted unanimously.**

The meeting adjourned at 7:17 p.m.

**Correspondence:**

Chapter 91 – 157 Pleasant Street, Hyannis Inner Harbor, Barnstable – Robert Goodwin – re: access to navigable waters

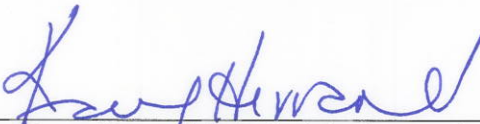
Chapter 91 – 107 Sea View Ave., Osterville – Wianno Club – beach nourishment, repairs and maintenance on existing revetment and groins

**Matters Not Reasonably Anticipated by the Chair:**

**Future Meetings:**  
PM.

Regularly Scheduled Meetings: September 11 and September 25, 2017 @ 7:00

Respectfully Submitted

  
By Karen Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on

Sept. 25, 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** – Staff Report – Sub. No. 825, modification 74 Summerbell Ave., Centerville