



Town of Barnstable Planning Board



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Board Members

Mary Barry – Chair Stephen Helman – Vice Chair Steven Costello - Clerk Paul R. Curley Fred LaSelva Jeffrey Swartz Patrick Foran
John Norman – Town Council Liaison

Planning & Development Dept. Staff Support

Elizabeth Jenkins, AICP, Director
Paul Wackrow, Principal Planner
Karen Herrand – Principal Assistant - karen.herrand@town.barnstable.ma.us

BARNSTABLE TOWN CLERK
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Town of Barnstable PLANNING BOARD Minutes September 24, 2018

Mary Barry – Chairman	Present
Stephen Helman – Vice Chairman	Present
Steven Costello - Clerk	Present
Paul Curley	Present
Fred LaSelva	Present
Jeffrey Swartz	Present
Patrick Foran	Present

Also in attendance were Elizabeth Jenkins, Director, Paul Wackrow, Principal Planner 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.

Chair Mary Barry reviews the schedule for the remainder of the year and attendance of whom/what Board members will be in attendance.

Chair Mary Barry moves an item out of order. Re: Regulatory Agreement No. 2018-003

Regulatory Agreements:

720 Main Residences, LLC – seeks to enter into a Regulatory Agreement with the Town of Barnstable to redevelop the vacant former site of the “Hyport Brewing Co.” restaurant located at 720 Main Street, Hyannis, and is shown on Assessor’s Map 308 Parcel 003, with a mixed-use building. The property is zoned in the Office/Multifamily Residential District.

The Applicant proposes to construct a mixed use building consisting of 40 residential units to be offered for rent as moderately priced, workforce housing consisting of 1, 2, and 3 bedroom units, and 1 office unit, with parking located off-site and on-site, a portion of which will be located under the building at ground level, together with related landscaping and other site improvements. The total floor area of the proposed building will be 62,003 square feet. The Applicant seeks multiple waivers from the zoning ordinance and general ordinances. *Staff report, copy of application, plans and associated documents enclosed.*

Attorney Dan Creedon in attendance. He is asking for a different date for this to be heard and Board attendance. Asking for a continuance to October 22, 2018, reference to his letter dated September 24, 2018, Exhibit A. He would like to get to as close to a 7 member Planning Board as possible.

Elizabeth Jenkins replies that they can allow flexible membership to hear Regulatory Agreements.

Chair Mary Barry states they may have 4 members at the next meeting, Oct. 22, but could catch up if new member appointed in November.

Chair Mary Barry entertains a Motion to continue to Oct. 22, 2018, moved by Steven Costello, seconded by Stephen Helman, so voted unanimously to continue to Oct. 22, 2018.

Chair Mary Barry explains that a 7 member board, need 4 at minimum be in attendance, needs affirmative majority vote.

Steven Edwards, CPA, 720 Main Street in attendance. Would like clarity on the process. Asking about attendance of Planning Board members.

Chair Mary Barry explains that Paul Curley is leaving and we need to have in place the majority of 4 to hear the entire presentation. Confirms how many members at next meeting.

Elizabeth Jenkins interjects that the Planning Board will hold an initial public hearing and then subsequent meetings re debate/votes – she explains the process, public hearing/public comment. Planning Board then makes a recommendation which also gets a notice of public hearing.

Special Permits:

Special Permit No. 2018-03 – 49 Ocean St., Hyannis - Verizon New England, Inc. has submitted an application to reinforce and extend the existing tower to a new tower height of approximately 155 feet – modification to ZBA Special Permit No. 2013-002. *Continued from March 26th, April 9th, May 14th, June 11, July 23 and August 27, 2018.*

Paul Wackrow in attendance, he gives a history of what has happened since the last meeting. Isotrope LLC, draft findings, Sept. 10th met with Verizon and Isotrope. Reference to Staff Report (SR), Exhibit B. Loss of 2 GZ frequency – Hyannis to Nantucket micro link – loss was cited as reason for loss. Second issue re 911 calls how interact with the link, 911 network/public safety on Nantucket and Hyannis to Nantucket connection. Also reliability of the link – summarized in SR, link monitored by technicians/recommendation/affidavit. Isotrope cited need for history regarding this, not available. Future – link behavior – excessive antenna heights – still question re this. Alternatives/potential – frequency diversity – current link in place and add 18 GZ frequency which could lead to other. Also, different location – importance of the equipment that is existing already on Ocean St. Follow up document from Isotrope received.

Elizabeth Jenkins interjects that under 260. 94, this allows Planning Board for improvements/impact on neighborhood and surrounding properties. Discussed with Verizon that 240. 94, discussion to improve appearance/public, possibly mitigate the height of the tower, re SR, Exhibit B. Upgrade of sidewalk along the frontage of the property and Village green to build out the Hyannis Shanties project for this space. Verizon has consented to those conditions.

Attorney Ford in attendance. Pg. 3 of SR, Exhibit B, indicated that both Isotrope and Verizon, tower today would be built to current tower heights. Agreed upon at the meeting. There are land use considerations, right next to all the switching equipment is crucial. Verizon participate in mitigation, asked to fund phase 2 of the Hyannis Arts Shanty project. And both 6a and 6b to fund, Verizon happy to make contribution for this, pg.

Fred LaSelva states that he sent DRI info to Legal Dept. David Houghton, re 2006 verification process a DRI is definitely needed for this. He has not heard back from David Houghton.

Elizabeth Jenkins interjects that this evening Town Attorney David Houghton reiterated his reply re a DRI . This application and site plan review was filed when 2006 GIZ was still in effect, prior to the new GIZ, which does not include wireless towers. As she understands this would be categorized as non residential and not considered a DRI.

Fred LaSelva disagrees, asks why not for Hyannis?

Stephen Helman asks if Verizon is the only carrier on the Island, can another type of service be used?

Ellen Cummings in attendance. Clarifies that this is microwave service on the tower. Yes, there is another way to do if not a Verizon customer. This was the only alternative at the time.

Attorney Ford states that the tower is 5 years old. The tower had AT & T originally with special permit, it was because long distance service needed additional security/service. Toll service (long distance). The tower has its genesis from when President Kennedy was here, 56 yrs. Ago.

Steven Costello asks /reads from SR, Exhibit B: Item 9 of draft conditions, he reads out loud: *"The "NEC Path Calculation Design for Verizon Communications Hyannis to Nantucket" document prepared by NEC predicts the tower extension will bring the annual 2 way multipath availability to 99.99995%, equal to a total multipath unavailability of 14.78 seconds per year. Additional NEC calculations submitted by the applicant for peer review predict the existing link has a 99.99989% availability, equal to a total multipath unavailability of 34 seconds per year"*.

Is this the only reason to gain potentially 15 seconds per year?

Attorney Ford states, yes, part of the reason, all to make the system more reliable.

Steven Costello asks about documented complaints possibly? What is the impact of raising tower on the Island? Nantucket more access?

Ellen Cummings states that they don't track that type of data. Tech sees errors and packet loss, dropped conversations, this is what is useful for us/reliability on the network. Dire situations seconds do count. The tower on Nantucket, it's the line of site from here that's the problem, changing Nantucket will not help the problem.

Patrick Foran states that the first page of report (first report) references the Edgartown link? Why?

Ellen Cummings replies that Martha's Vineyard already has a microwave, which goes to Falmouth and West Falmouth.

Attorney Ford replies that the GIZ and this application refer to the rules before 2006, before the GIZ renewal.

Fred LaSelva refers to pg. 8 of the report, Exhibit C.

Attorney Ford is not the author of this report, but he states that this is a problem trying to prevent outages, services being unavailable. This is a project to make sure there are no outages, they are getting to a point where they are having problems. In an emergency you need a reliable system, that is what this project is all about, so that we don't have a situation.

Public Comment

Deb Krau, Greater Hyannis Civic Association in attendance. They have submitted a letter already. This would be a major setback for Hyannis. Cape Cod Commission (CCC) says that enabling regulation specify anything exceeding 35 ft. in height, reconstruction or replacement on same site is not DRI, provided that height does not exceed by more than 20 ft. This exceeds by 40 ft. Town is saying a bulk sq. footage, however design guidelines, infrastructure plan, a development near the harbor l – may be amended for a development of views by the water. Doesn't think the mitigation would balance out what this will look like. What other income can be brought to Verizon. Detrimental views. Does not support this.

Attorney Ford replies/asks about the letterhead on Deb Krau's letter and confirms her being from the Greater Hyannis Civic Association and that there is also a member of the Planning Board, Fred LaSelva who is also on this Association as well, is this correct? Please make this of record.

Fred LaSelva replies, yes, that is correct.

Attorney Ford gives a breakdown of the mitigation regarding the Shanties and that it is not just some small groundwork. Long history in this location and not something you can pick up and put somewhere else.

Deb Krau replies, that this is adding four more stories and in exchange make the ground look prettier. Clarifies her previous statement. Someone had suggested possibly making it look like a lighthouse.

Attorney Ford states that this is solely to maintain the service, not a revenue generator project.

Jeff Swartz states that his responsibility, he feels is to protect people.

Chair Mary Barry entertains a motion to close the public hearing, moved by Stephen Helman, seconded by Steven Costello, so voted unanimously.

Chair Mary Barry reads the Draft Findings and Conditions into the record:

1. *Verizon New England, Inc. has applied for a modification of Zoning Board of Appeals Special Permit 2013-002 to reinforce and extend an existing 105-foot-tall telecommunications tower with an approximately 45-foot-high extension with a 5 foot lightning rod for a new total tower height of 155 feet.*
2. *The subject property is located at 49 Ocean Street, Hyannis, MA as shown on Assessor's Map 326 as Parcel 025. It is located in the Hyannis Village Business Zoning District.*
3. *The existing telecommunications tower at 49 Ocean Street, Hyannis was permitted by the expansion of a preexisting nonconforming use under Zoning Board of Appeals Special Permit No. 1962-43 and further expanded under ZBA Special Permits 1998-43 and 2013-003.*
4. *This application seeks to modify a Special Permit decision previously rendered by the Zoning Board of Appeals pursuant to ordinance provisions authorizing expansion of a preexisting nonconforming use. Condition No. 3 of Special Permit 1998-43 states that additional equipment shall not be located on the tower without consent of the ZBA. (The Planning Board is now established as the Special Permit Granting Authority within the Hyannis Village Zoning Districts.)*
5. *A Site Plan approval letter dated January 22, 2018 was issued for the proposed installation.*
6. *The Applicant must obtain a Certificate of Appropriateness from the Hyannis Main Street Waterfront Historic District Commission for the proposed tower extension.*
7. *According to the Applicant, the extension is being proposed to raise the center lines of the existing Verizon antennas in order to eliminate repeated outages on the Hyannis to Nantucket Microwave Path.*

8. *Along with the application, the applicant has submitted several documents in support of the application, including an executive summary documenting the need to the tower height extension, "(RF) Power Density Calculations Proposed Microwave System Relocation Hyannis (KCL62)" by Comsearch; "Structural Analysis Report 103.6 ft Self Support Tower with Proposed Extension to 150 ft Hyannis MA (1004126), MA" by Structural Components, LLC; "NEC Path Calculation Design for Verizon Communications Hyannis to Nantucket" by NEC; and an August 22, 2018 letter from Attorney Michael D. Ford containing additional comments from Verizon, affidavits, and a Visual Impact Analysis prepared by Advanced Engineering Group, P.C.*
9. *The "NEC Path Calculation Design for Verizon Communications Hyannis to Nantucket" document prepared by NEC predicts the tower extension will bring the annual 2 way multipath availability to 99.99995%, equal to a total multipath unavailability of 14.78 seconds per year. Additional NEC calculations submitted by the applicant for peer review predict the existing link has a 99.99989% availability, equal to a total multipath unavailability of 34 seconds per year.*
10. *An affidavit from Michael Shea, Senior Manager of the E911 Customer Care Center for Verizon, submitted by the applicant indicates that under normal conditions, 911 calls are carried via the microwave transmission system, which includes the Nantucket-Hyannis link.*
11. *Regarding necessity of tower extension, the applicant has submitted an affidavit from Joseph Baker, a licensed radio technician holding an FCC General Radio Operator's License assigned to Cape Cod and the Islands for Verizon, which documents the Hyannis-Nantucket link's high susceptibility to atmospheric conditions. Mr. Baker concludes that reengineering the path to include an elevated position for the transmitters and receivers should avoid total network outages in the future with regards to path interference.*
12. *The "(RF) Power Density Calculations" document by Comsearch, submitted by the applicant examines possible adverse effects from radio frequency radiation associated with the microwave link and concludes that radiated power density levels will not exceed the Federal Communications Commission's Maximum Permissible Exposure Limit safety criteria for uncontrolled areas around Verizon's microwave installation.*
13. *In accordance with MGL Chapter 44, Section 53G, the applicant funded an independent consulting engineer who provided a peer review of the whether the proposal will fulfill the objectives outlined by the Applicant, an assessment that the proposed improvements to the tower are the minimum necessary to accomplish the Applicant's stated objectives, and an assessment of any available alternatives that would equally serve the Applicant's stated objectives. David Maxson, WCP, of Isotope, LLC, was the selected consultant. The consultants' initial report was issued May 31, 2018 followed by additional correspondence with the Board and applicant resulting in a Final Report issued on September 12, 2018. Mr. Maxson concludes that the Applicant's design approach would be typical of a new tower proposed for the first time, but states there is no pressing need for the tower extension with respect to either public safety or provision of Verizon's telecommunications service. Mr. Maxson's final report indicates that calculations submitted by the Applicant suggest the tower extension results in a nearly imperceptible increase in reliability of the Hyannis-Nantucket link. The report indicates it is best practice to study historical logs of link performance to assess the risk of subrefraction events that cause the link to degrade or fail, but "the applicant keeps no logs." The report also indicates that the estimation method used in computer modeling submitted by the applicant may result in excessive antenna heights.*

14. *The nonconforming use of the 49 Ocean Street for a communications tower is a lawfully-created preexisting nonconforming use.*
15. *The proposed expansion of a nonconforming use will not be more detrimental to the neighborhood.*
16. *The expansion conforms to established setbacks for the HVB District.*
17. *The proposed use is located on the same lot(s) as occupied by the nonconforming use on the date it became nonconforming.*
18. *The proposed use is not expanding beyond the zoning district in existence on the date it became non-conforming.*
19. *Section 240-94(4) – Expansion of a preexisting nonconforming use states that at the discretion of the [Planning Board], improvements may be required in order to reduce the impact of the nonconformity on the neighborhood and surrounding properties. Verizon has agreed to complete or fund improvements to the immediate area that will improve the quality of the pedestrian infrastructure and enhance the appearance and activity of adjoining public open space.*
20. *The continuation of structural nonconformities will not be substantially more detrimental to the surrounding neighborhood.*
21. *Section 240-24.1.2(E)(1) requires the Planning Board shall find issuance of the Special Permit is consistent with the Design and Infrastructure Plan. In this instance, the structure predates the Design and Infrastructure Plan and the Applicant is authorizing improvements to the surrounding area consistent the goals and objectives of the DIP to help mitigate the visual impact of the extension of the structure.*
22. *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 the neighborhood affected.*

Chair Mary Barry entertains a motion, moved by Paul Curley to accept the Findings as read;

Fred LaSelva interjects that this group, Condition No. 13 has no logs/no proof.

Mary Barry, Jeff Swartz, Stephen Helman, Steven Costello and Paul Curley – Aye.

Fred LaSelva - Nay.

Patrick Foran - Abstains.

Stephen Helman reads the Draft Conditions into record:

1. *This modification of Zoning Board of Appeals Special Permit 2013-003 is granted to Verizon New England, Inc. to allow the reinforcement and extension of an existing 105 ft tall telecommunications tower with an approximately 45 ft high extension with a 5 ft lightning rod and accessory equipment for a total new tower height of 155 feet at 49 Ocean Street, Hyannis as shown on the plans entitled "Verizon Hyannis" sheets T-1, Z-1, and Z-2, dated November 14, 2016, last revised October 20, 2017, drawn and stamped by James P. Stroke, P.E., Turning Mill Consultants, Inc.*
2. *The site shall at all times comply with all requirements of the Site Plan Review Committee as expressed in the January 22, 2018 Site Plan approval letter.*
3. *Verizon shall repair and/or replace the fence around the facility and maintain said fence in good condition in perpetuity.*

4. *No future extensions of height nor equipment located on the tower shall be permitted without application to and approval from the Planning Board.*
5. *All applicable regulations and permitting requirements of the Health and Building Divisions of the Town of Barnstable and Hyannis Fire District and the installation shall be in compliance with all applicable state and Federal Regulations*
6. *In order to reduce the impact of the tower on surrounding properties, the Applicant shall provide the following:*
 - a. *Upgrade the sidewalk along the length of the property frontage at 49 Ocean Ave with concrete sidewalks and vertical curb to match the sidewalk to the south along the Town Overlook property. The Applicant shall prepare an improvement plan for approval by the Director of Public Works and obtain all necessary Town approvals prior to start of work. The sidewalk installation shall be complete six months after issuance of building permit.*
 - b. *A contribution of \$116,393 by the Applicant to the Village Improvement Fund to support Phase II of the "HyArts" Artist Shanty project on the Overlook, adjacent to 49 Ocean Street. Said funds shall be paid to the Town prior to issuance of the building permit.*
7. *This decision shall be recorded at the Barnstable County Registry of Deeds/Land Court Registry and copies shall be returned to the Planning Board and Building Department files prior to issuance of building permits.*

Chair Mary Barry entertains a motion to grant Special Permit No. 2018-03 subject to Conditions read into record, moved by Paul Curley to approve, seconded by Stephen Helman.

Mary Barry, Stephen Helman, Jeff Swartz, Steven Costello, Paul Curley – Aye.

Fred LaSelva - Nay.

Patrick Foran - Abstains.

Special Permit No. 2018-07 – 141 and 157 Stevens Street and 91 and 105 Bassett Lane, Hyannis – Laham Management & Leasing, Inc. has submitted an application and seeks modification to Special Permit No. 2015-004. The Petitioner seeks to allow for a newly reconfigured building and site layout, with modifications to the approved building and modifications to the approved site parking layout and vehicle display area.

Chair Mary Barry entertains a motion to open the public hearing, moved by Paul Curley, seconded by Stephen Helman, so voted unanimously.

Attorney Ford in attendance. Jeff Ford in attendance. Joe Laham in attendance.

He hands out a plan of land, See Exhibit D. Explains the plan and the layout of this 3 pg. handout. What is allowed under previous Special Permit. Gives a history of the land being proposed to be used. The site, previous Salvation Army land has been purchased by Joel Laham. Site plan review has approved this. The OM District does not allow change on a Special Permit, so they got a use variance from the Zoning Board of Appeals (ZBA). This was granted unanimously.

New proposal has a substantial reduction in the sq. footage. 13,732 of gross bldg. on the site. This will have better access and be better looking. They did have one neighbor that came to ZBA, to the West of the right of way, she wanted to make sure that Mr. Laham would be responsible to keep the right of way in a good state, this is a condition of the variance from ZBA. The Planning Board should have this as a condition as well. He refers to SR, Exhibit E. He comments: Bldg. elevations, don't have them yet. Waiting for ZBA vote first. They can live with a condition regarding what staff thinks would be a guideline. \$10,000 donation per prior Special Permit project. So this is now Finding No. 12, Condition 17. He asks that the Planning Board allow this to be used for complete streets to help Mr. Laham, that when closes off curb cut, granite curbing, it exceeds the \$10,000, please consider whether maybe permit this for this condition instead. Other than that no problem with proposed now, Findings/Conditions.

Fred LaSelva asks if showroom to be made for this bldg. would the client consider donating to CORD instead of using for curb cut. He thinks this is a good project.

Chair Mary Barry clarifies that the donation is to be for the Town to decide where they want it to go.

Jeff Swartz asks if amend conditions to upgrade of curb cut would be good, can they override?

Attorney Ford replies that it is a requirement anyway, they have to do that.

Chair Mary Barry asks for Public Comment -

Stacey Mendes in attendance, abutter. Asks if the existing bldg. will be torn down?

Attorney Ford replies that this bldg. and the Salvation Army bldg. will be torn down.

Stacey Mendes is worried about the safety of the children in the neighborhood, noise regarding the demolition. HYCC has a lot of functions as well. There is a lot of public parking in the dealership. Problem with access/egress and blocking of her property.

Joe Laham in attendance. They maintain the right of way. There was an issue with a fence. They will be putting new asphalt. They have cameras on all the sites. They have not had any issues with any of the children in the neighborhood. The demolition is secured with a fenced in lot, during regular business hours, there will be some noise. The demo will take less than a week. They would like to start in the Spring of 2019, done full project in about 7 months.

Stacey Mendes replies how is the parking going to be, if they block the exits/entrance areas?

Joe Laham stated that they have not made an issue re the illegal parking, but the demo will fence off the lot. HYCC does have an overflow, they cannot fix this issue. They can put up a sign on the fence that states please do not block.

Stacey Mendes states, yes, that would be good.

Chair Mary Barry entertains a motion to close the public hearing, so voted unanimously.

Discussion - Add a condition re \$10,000 curbing request from Applicant.

Stephen Helman reads the **Draft Special Permit Findings** into record Exhibit E;

1. *In Petition No. 2018-07, Laham Management & Leasing, Inc. ("the Petitioner") seeks a modification to Special Permit No. 2015-004, which allowed for the Expansion of a Preexisting Nonconforming Use, Expansion of a Preexisting Nonconforming Structure, and modification to parking requirements. The subject properties are addressed 141 and 157 Stevens Street, and 91 and 105 Bassett Lane, Hyannis, MA and shown on Assessor's Map 309 as Parcel 237, Map 309 as Parcel 240, Map 308 as Parcel 042, and Map 309 as Parcel 236. They are zoned OM Office/Multi-Family Residential.*
2. *The subject four lots constitute 92,580 sq. ft. The 141 Stevens Street lot is developed with a 7,435 gross square foot building that is occupied by Premier Mazda facilitating an auto dealership showroom and 3-bay auto service and repair area. That lot, in combination with 157 Stevens Street and 91 Bassett Lane, provides outdoor auto displays, sales, storage, and customer and employee parking. The 105 Bassett Lane lot is developed with a 3,512 gross square foot building formerly occupied by Salvation Army. The building at 105 Bassett Lane is proposed to be demolished and the lot used in association with the auto dealership at 141 Stevens Street.*

3. *The Petitioner seeks to expand a preexisting nonconforming use and reconfigure the structure for a new gross square footage of 13,732 sq. ft, an overall reduction from what was previously approved; to alter nonconforming site development standards to allow 82.35% impervious surface coverage; and to allow for 34 designated parking spaces for use by customers and employees. The application falls within the following categories specifically excepted in the ordinance for a grant of a special permit:*
 - a. *Section 240-94(B) Expansion of a pre-existing nonconforming use*
 - b. *Section 240-93(B) Alterations or expansions in a preexisting nonconforming structure and site features*
 - c. *Section 240-24.1.11.A.4(a)[1]&[4] Site Development Standards, Off-street Parking Requirements.*
4. *The nonconforming use of 141 and 157 Stevens Street and 91 Bassett Lane property for automobile sales and service is a lawfully-created preexisting nonconforming use. The property at 105 Bassett Lane was granted a Use for relief from Section 240-24.1.6 OM Zoning District is granted for 105 Bassett Lane, Hyannis, on September 12, 2018 to allow the principal use of the property for an automobile dealership and surface parking (storage of automobiles) accessory to the automobile dealership located at 141 Stevens Street*
5. *The proposed expansion of a nonconforming use will not be more detrimental to the neighborhood; the expansion conforms to established setbacks for the OM District; the proposed use is located on the same lot(s) as occupied by the nonconforming use on the date it became nonconforming (with the exception of 105 Bassett Lane, which has the benefit of a use variance); the proposed use is not expanding beyond the zoning district in existence on the date it became non-conforming; and improvements to reduce the impact on the neighborhood and surrounding properties are proposed.*
6. *The continuation of structural nonconformities will not be substantially more detrimental to the surrounding neighborhood; the reconfigured building will conform to the established setbacks.*
7. *The number of parking spaces provided as shown on the plan is 144 and meets parking requirements under the Zoning Ordinance.*
8. *The existing lot coverage is 84.93% and the proposal is to reduce it to 82.35%. Although the proposed lot coverage still exceeds the maximum of 80%, it is an improvement over that which exists.*
9. *The proposed site plan will provide for enhanced on-site vehicular and pedestrian circulation.*
10. *The plan has been reviewed and found approvable by the Site Plan Review Committee, subject to conditions found in the approval letter dated August 22, 2018.*
11. *Issuance of the Special Permit is consistent with the Design and Infrastructure Plan. Landscaping improvements upgrade the appearance of the property from the street; lighting is contained on site; and stormwater is treated by on-site rain gardens. The development contributes to alternative transportation and travel demand management.*
12. *Before the issuance of a Certificate of Occupancy and/or Use, the applicant shall donate ten thousand dollars (\$10,000) to the Town of Barnstable as mitigation to be used to support the Town of Barnstable's efforts to design, construct, and promote the use of "complete streets" through efforts related to the Hyannis Village Downtown Lighting Initiative and/or the provision of bus shelters within the downtown Hyannis Village Zoning Districts.*
13. *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 the neighborhood affected. The project will improve building and site layout, add landscaping and pedestrian accommodations, and the new building configuration will be in compliance with current setback requirements.*

Chair Mary Barry entertains a motion to accept the Findings, moved by Steven Costello, seconded by Stephen Helman,

Paul Curley makes a motion to amend Special Permit Finding No. 12 to allow the \$10,000 to be used for the curb cut per the Applicant's request.

Steven Costello agrees.

Fred LaSelva is against this.

Stephen Helman also is against this motion. He doesn't believe this \$10,000 is going to hurt.

Pat Foran agrees with Paul Curley, like to encourage business growth.

Steven Costello asks Joe Laham what he would like to give to the community?

Joe Laham replies that they pay about \$20,000 a month in property taxes. Every dollar counts. We do for a lot of charities, in the thousands. They have made significant improvements everywhere they have gone and made change.

Jeff Swartz agrees with Paul, Pat and Steven C, new growth dollars are important. Allowing the Applicant to use this for the curb cut.

Chair Mary Barry agrees with Fred LaSelva and Stephen Helman that the \$10,000 has already been allocated. She thinks that Hyannis could benefit from this money.

Joe Laham replies that it will be invested into the project and the community will benefit.

Elizabeth Jenkins interjects /suggests: the original was to promote walkability and bike ability – bicycle rack already a condition.

Paul Curley's motion is to allow 10,000 to be applied: Amend No. 12 – to eliminate.

Paul Curley, Jeff Swartz, Steven Costello and Patrick Foran – Aye
Mary Barry, Fred LaSelva and Stephen Helman – Nay

Chair Mary Barry entertains a motion to approve the Special Permit Findings, moved by Paul Curley to amend Finding No. 12 as suggested. Motion passes to strike No. 12.

Fred LaSelva reads the Conditions into record:

1. *Special Permit No. 2018-07 is granted to Laham Management and Leasing, Inc for the expansion of a preexisting nonconforming automobile sales and service use, and the continuation of site nonconformities to allow a building with a total footprint of 11,498 sq. ft. sq.ft and a total gross floor area of 13,732 sq.ft.*
2. *The Applicant shall construct the project substantially in conformance with the plans entitled "Site Plans for Proposed Redevelopment of Premier Mazda" dated July 10, 2018, revised July 27, 2018, drawn and stamped by Atlantic Design Engineers, Inc., eleven sheets; Lighting design entitled "Premier Mazda – Hyannis, MA – R2" dated August 18, 2018 drawn by Cree, Inc.; and landscaping plan entitled "Premier Mazda 141 Stevens Street, Hyannis, MA" dated July 10, 2018, drawn by Michael Curadossi of ML Curadossi Landscape Design & 3D Imaging, sheet L1.0.*
3. *The building shall be constructed in substantial conformance with the plans entitled "Exterior Renderings" Premier Mazda Hyannis, MA dated September 2018, drawn by Change Up Inc.*
4. *The site and building shall comply with all applicable fire, health and building regulations. The building shall fully conform to all applicable building codes in effect at the time building permit application was made.*
5. *Use of the site shall be restricted to one auto dealership manufacturer only and the sales and service of that auto manufacture's vehicles. Sale of used vehicles is permitted as accessory to the sales of new vehicles. Sales and services of those used vehicles may include other manufacturer's vehicles. All vehicle sales shall comply with all applicable license requirements.*

6. Entrance to the site shall be from Bassett Lane only via the single curb cut as shown on the plan and from the way, off Stevens Street situated to the west side of the property. The existing curb cut at the end of the approximately 125' x 10.46' strip of land east of the proposed addition which extends to Bassett Lane, shall be closed off and replaced with granite curbing in coordination with the Town of Barnstable Department of Public Works. The approximately 125' x 10.46' strip of land shall be re-vegetated as shown on the landscape plan.
7. Vehicles shall not be parked closer than 10-feet to the right-of-way of Stevens Street and/or Bassett Lane. That 10-foot area is restricted to landscaping only.
8. All new site signage shall comply fully with the requirements of Section 240-67 for signs in the OM District.
9. All site lighting shall be located and shielded to prevent direct light or glare upon neighboring property. The height of all new lighting shall not be higher than 18 feet above grade.
10. All unloading of vehicles transported by truck shall be on-site and shall not be permitted in the public right-of-ways.
11. The total number of automotive service bays permitted shall not exceed seven (7), with no more than seven (5) bays committed to mechanical service; one (1) bay for vehicle washing and cleaning; and one (1) bay for alignment service.
12. The site shall at all times comply with all requirements of the Site Plan Review Committee as expressed in the August 22, 2018 Site Plan approval letter.
13. The applicant shall provide landscaping consistent with Condition 2. With regard to screening from the 244 North Street property, the applicant shall provide and maintain vegetative screening as shown on the plans referenced in Condition 2. All landscaping shall be installed prior to the issuance of a Certificate of Occupancy and/or Use. The applicant shall provide surety in a form acceptable to the Town in the amount of 150% of the value of landscaped materials which may be used by the Town to replace dead or dying plant material for a period of three years from the date of planting. After three years from the date of the last planting, the applicant may request the return of all remaining funds and/or release of the surety to the applicant. In addition, the applicant is encouraged to work jointly with the abutting condominium association to upgrade the fencing between these properties.
14. The 144 on-site spaces shown on the plan shall be used as follows:
 - 110 spaces for storage and display of vehicles being offered for sale;
 - 34 spaces for customer parking, vehicles that are being dropped-off for service, and employee parking.
15. The applicant shall install oil/water separators in all wash bays and shall install a water recycling system in the wash bays.
16. The Applicant shall reserve an adequate number of spaces for customer and employee parking on the site. All employee parking shall be on site.
17. Before the issuance of a Certificate of Occupancy and/or Use, the applicant shall donate ten thousand dollars (\$10,000) to the Town of Barnstable as mitigation to be used to support the Town of Barnstable's efforts to design, construct, and promote the use of "complete streets" through mitigation related to the Hyannis Village Downtown Lighting Initiative and/or the provision of bus shelters within the downtown Hyannis Village Zoning Districts.
18. The applicant shall obtain all necessary approvals, including approvals from the Land Court or otherwise, to combine Land Court portions of the subject property including: the 25 foot wide way running in an east-west direction and abutting lots E1, D1, G and F, as shown on Land Court plan 13609-F, into a single lot; and, the provision of a perimeter plan for all lots that are the subject of this application. Proof of this shall be submitted to the Planning Board within two years from the issuance of this special permit.
19. The applicant shall update its business licenses consistent with the plans submitted with this special permit application prior to the issuance of a Certificate of Occupancy and/or Use.
20. The Applicant shall provide a secure storage area or rack for bicycles.

21. *This decision shall be recorded at the Barnstable County Registry of Deeds/Land Court Registry and copies shall be returned to the Planning Board and Building Department files prior to issuance of building permits.*

Condition No. 17 has been deleted per the Special Permit Findings to amend Finding No. 12.

Paul Wackrow re iterates that also the maintenance of the right of way to be added into the Conditions. This would be No. 21, because we removed No. 17. The Applicant shall maintain the right of way as shown on the plan.

Also the signage to be added. A sign during demolition re the parking: Condition No. 22.
And consistency for staff review for the elevations to be reviewed by Staff for DIP consistency, Condition No. 23.

Ms. Mendes would like the condition to read: *No parking all the time not just during demo.*

Chair Mary Barry entertains a motion to approve the Conditions as amended , moved by Stephen Helman, seconded by Paul Curley, so voted unanimously.

Matters Not Reasonably Anticipated by the Chair:

Future Meetings: October 22nd and November 26, 2018, @ 7:00 p.m.

Chair Mary Barry entertains a motion to adjourn, moved by Stephen Helman, so voted unanimously.

The meeting adjourned at 9:15 p.m.

Respectfully Submitted
Karen Herrand, Principal Assistant, Planning Board

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 –720 Main Residences, LLC – Regulatory Agreement No. 2018-03, - Lt. dated Sept. 24, 2018.
- Exhibit B –Special Permit No. 2018-03 – 49 Ocean St., Hyannis - Verizon New England, Inc. – Staff Report
- Exhibit C – Special Permit No. 2018-03 – 49 Ocean St., Hyannis – Verizon New England, Inc. pg. 8 of the Isotrope report
- Exhibit D – Special Permit No. 2018-07 – 141 and 157 Stevens Street and 91 and 105 Bassett Lane, Hyannis – plan of land
- Exhibit E – Special Permit No. 2018-07 – 141 and 157 Stevens Street and 91 and 105 Bassett Lane, Hyannis – Staff Report