



Town of Barnstable Planning Board

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Board Members
Mary Barry – Chair Stephen Helman – Vice Chair Steven Costello - Clerk Jeffrey Swartz Patrick Foran Walter Watson Stephen Robichaud
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

Town of Barnstable PLANNING BOARD Minutes May 13, 2019

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BARNSTABLE
TOWN CLERK

Mary Barry – Chairman	Present
Stephen Helman – Vice Chairman	Present
Steven Costello - Clerk	Present
Jeffrey Swartz	Present
Patrick Foran	Present
Walter Watson	Present
Stephen Robichaud	Present

Also in attendance were 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.

Approval Not Required Plans:

Randall Chase Jr. of Chase Great Marsh LLC, 58 Calves Pasture Lane, has submitted a plan entitled "Plan of Pland in Barnstable, MA Prepared for Chase Great March LLC" drawn and stamped by Daniel A. Ojala, P.L.S., of Down Cape Engineering, Inc dated March 4, 2019

Dan Ojala from Downcape Engineering in attendance for the Applicant. Explanation of the proposed ANR. . Registered Land/Land Court. This is for conveyance purposes. Easement for a buffer. Note to be on the plan for conveyance purposes only. Left lot has plenty of frontage.

Future plans: They are thinking about taking one of the dwellings and moving it to the left, but will have frontage.

Motion made by Stephen Helman to endorse/approve this ANR, seconded by Jeff Swartz, so voted unanimously.

Subdivisions:

Whistleberry Subdivision No. 454 – Discussion and possible vote to approve a settlement agreement

Chair Mary Barry informs that the Town Attorney has requested to move this matter to June 10, 2019, Agenda for discussion.

Special Permits:

Special Permit No. 2019-004 – 25, 55 & 67 Iyannough Rd. AND 80 Cedar St., Hyannis, Massachusetts, Map 343 Parcels 002, 005, 006 & 008, D'Olimpio Realty Trust, FOGO Restaurant & GOL Market Café seek a special permit under Barnstable Zoning Ordinance Section 240-24.1.11.A(4)(b) Location of off-street parking to reduce or waive on-site parking requirements for new development located within 500 feet of leased parking.

Chair Mary Barry entertains a motion to open the Public Hearing, moved by Stephen Helman, seconded by Jeff Swartz, so voted unanimously.

Attorney David Lawler in attendance, representing the Applicant.
Vincent D'Olimpio in attendance – Applicant.

Attorney Lawler gives an explanation of the proposed special permit application and what Mr. D'Olimpio owns. Landscaping company on the property – tenant. There are some materials/heavy equipment that needs to be removed, just became aware of this. The Bldg. Inspector and Planning & Development may have to hold the finalization of this special permit/not record until such time that they are in complete conformance. Want to expand the business/café here. They will need additional parking. He refers to the plan, Exhibit A. Access easement to be granted/pedestrian access needed. Would like to add 10 parking spaces which will be designated for employee parking. They will cross over from the parking area. The existing lot to be upgraded, resurfaced, restriped.

Chair Mary Barry confirms the status of the restaurant/café in place currently. They have just received the easement information today.

Attorney Lawler replies that they are in process with licensing now. They will be increasing the seating in the restaurant. Open parking now. This is to ensure there will be ample parking here.

Chair Mary Barry asks about the designation of who is using the existing parking. Is there any construction equipment there now?

Attorney Lawler replies yes, heavy equipment all businesses use, but busy times for each business differ.

Walter Watson asks when anticipate having this equipment moved and problem resolved? Clarifies this issue needs to be resolved.

Attorney Lawler replies he doesn't know, but will do their best to get it resolved very soon. They will be in compliance. His client was unaware of this until today. Possibly conditional approval until they are in compliance?

Patrick Foran agrees with Walter Watson about having this equipment removed.

Steven Costello asks if there are pedestrian walkways now?

Attorney Lawler refers to plan C2.0 , Exhibit B, they need to construct. Landscaping needs to be done as well.

Steven Costello confirms no foot print/sq. footage changes to be done.

Stephen Helman asks about 35 and 55 Iyannough Rd. in between these – after walkway done will this be a road? What safety precautions are being done for the proposed employees that will be using this area to cross over? Will these restaurants be opened on Sundays/evenings, 25 Iyannough Rd. is there a church there, how would this impact church parking? How many parking spaces in this area now?

Mr. D'olimpio in attendance, he replies that the church meets Wed. and Sunday evenings.

Attorney Lawler, replies, yes, a private road there, Medeiros Way. This is a minimally operated dead end street. The safety issues have been viewed by Site Plan Review/Fire. The paint store is closed when church is in operation. There are a little over 30 spaces there currently.

Jeff Swartz directs to Planner/Paul Wackrow, can the Planning Board (PB) even do a conditionally accepted easement and with unresolved issues such as this?

Attorney Lawler interjects to answer that he believes this is sufficient/go to Town Attorney's office subject to approval as to the easement itself. As to the violation – thinks they have a reasonable plan to move forward.

Jeff Swartz clarifies that they want to take underutilized spaces and make more use here. How many restaurant seats are being added? Some signage may be needed. This is very congested. He has safety concerns.

Attorney Lawler replies approximately 60 additional seats. Site Plan review meeting, recommendations made from Fire Dept. and review of this did pass. They could do some signage.

Paul Wackrow interjects that the parking/seats ratio is one spot for every 3 seats.

Attorney Lawler thinks it's a mistake to designate/signage for the businesses due to the nature of the several different types of businesses here. Guaranteed Fresh hours are different from the other restaurants/businesses.

Jeff Swartz comments that he doesn't want to see over use here.

Steven Costello clarifies that the lot will be resurfaced/restriped, this would be more defining of the area now and make it more efficient.

Chair Mary Barry asks for the option to review the easement and straighten out the violation of landscaping equipment that is there now.

Attorney Lawler clarifies that the Bldg. Dept. would need to be notified.

Chair Mary Barry suggests having a usage plan in writing, some sort of a plan re designated spots.

Attorney Lawler states that this is not in the plan. He shows the areas in the lot and points out the buildings on the lot. Exhibit A, shows where the 10 spots would be going. They want to open the parking up not restrict it by designating areas/signage etc.

Attorney Lawler states the Wednesday Church service is very small, the main service is on Sunday, the market is closed when the church has their main service.

Chair Mary Barry asks for Public Comment – none.

Chair Mary Barry entertains a motion, moved by Stephen Helman to continue to June 10, 2019, at 7:00 p.m., to allow the applicant to clarify any outstanding issues/landscaping equipment moved, seconded by Jeff Swartz, so voted unanimously.

Approval of Minutes:

Electronic vs paper packet copies

All in favor of Dropbox packets and no hard copy packets to be mailed. Will be provided if requested.

Officer Nominations

Officer Nomination Report

Stephen Helman states that he would like to nominate: Steven Costello for Chair, Jeff Swartz for Vice Chair and Patrick Foran for Clerk.

Vote to be done at the June 10, 2019, meeting.

Correspondence:

Chapter 91 Notice – 4 Bay Shore Rd., Barnstable, Sands raze and reconstruct residence and deck

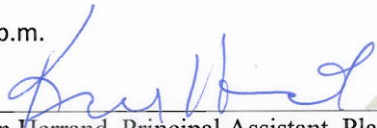
Matters Not Reasonably Anticipated by the Chair:

Future Meetings: June 10 and June 24, 2019, @ 7:00 p.m.

Chair Mary Barry entertains a motion to adjourn, moved by Steven Costello, seconded by Jeff Swartz, so voted unanimously.

The meeting adjourned at 7:55 p.m.

Respectfully Submitted


By Karen Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on

June 10, 2019

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 – Special Permit No. 2019-04 – D'Olimpio Realty Trust – Parking Lot Plan C2.1

Exhibit B – Special Permit No. 2019-04 – D'Olimpio Realty Trust – Master Parking Lot Plan C2.0