



Town of Barnstable Planning Board



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Board Members

Steven Costello – Chair Jeffrey Swartz – Vice Chair Patrick Foran - Clerk Mary Barry Walter Watson Stephen Robichaud
Mathew Levesque – Town Council Liaison

Planning & Development Dept. Staff Support

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

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TOWN CLERK

Town of Barnstable PLANNING BOARD Minutes September 23, 2019

Steven Costello – Chairman	Present
Jeffrey Swartz – Vice Chairman	Present
Patrick Foran – Clerk	Present
Marry Barry	Absent
Walter Watson	Present
Stephen Robichaud	Present

Also in attendance were Paul Wackrow, Senior Planner, Planning & Development, Elizabeth Jenkins, Director of Planning & Development and Karen Herrand, Principal Assistant, Planning & Development.

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.

Regulatory Agreements:

Regulatory Agreement No. 2019-02 – 268 Stevens Street, Hyannis, Massachusetts, Map 308 Parcel 017 - Laham Management & Leasing, Inc. seeks to enter into a Regulatory Agreement with the Town of Barnstable to develop the former site of an automobile dealership into a carwash with two residential apartments for employees and office space on the second floor. The Regulatory Agreement seeks waivers from the Zoning Ordinance, specifically Section 240-24.1.6 OM Office/Multi-family to allow for a “carwash” use in the OM Zoning District. A carwash is not a permitted use in the OM Zoning District. – *Continued from February 25, 2019; March 25, 2019; April 22, 2019; and June 10, 2019. Request received to continue to September 23, 2019.*

Request received from Applicant to Continue the Public hearing to October 28, 2019, Exhibit A.

Chair Steven Costello entertains a motion to continue, moved by Jeff Swartz to continue to October 28, 2019, 7:00 p.m. at the Hearing Room, seconded by Walter Watson, so voted unanimously.

Elizabeth Jenkins relays that the Zoning Board of Appeals (ZBA) has taken an application and approved this for an alternative proposal for this car wash, this relieved some of the wastewater concerns as well.

Chair Steven Costello replies that they are aware of this.

Zoning Amendments:

ZA 2020-019 – Amending the Code of the Town of Barnstable, Part I, General Ordinances, Chapter 240 Zoning, Article II, Section 9 to remove seasonal restrictions on the erection of tents as temporary accessory structures to existing permanent businesses

Chair Steven Costello entertains a motion to open public hearing. Moved by Jeff Swartz, seconded by Patrick Foran, so voted unanimously.

Elizabeth Jenkins explains Barnstable Economic Development Task Force, sub-committee implemented by Town Council. Identification of barriers to development and job growth in Barnstable and new growth. This is a 9 member group. Planning & Development (P & D) had meeting with the group, recommendations from the group were: a few minor zoning changes. Year round business owners had difficulties with temporary tent permitting. This is why this temp tent requirement changed in order for this Zoning Amendment to be done.

Chair Steven Costello asks for any public comment – None.

Chair Steven Costello entertains a motion to close the public hearing, moved by Jeff Swartz, seconded by Walter Watson, so voted unanimously.

Jeff Swartz clarifies that applicants still need to be reviewed by regulatory process?

Elizabeth Jenkins replies yes.

Patrick Foran asks about size limit/limitations?

Elizabeth Jenkins replies that they have to meet regulations by the Building codes and site plan and safety regulations. Does have to keep it as a temp tent/structure.

Chair Steven Costello entertains a motion, moved by Jeff Swartz to recommend to Barnstable Town Council as written, seconded by Patrick Foran, so voted unanimously.

ZA 2020-020 – Amending the Code of the Town of Barnstable, Part I, General Ordinances, Chapter 240 Zoning, Article VII, Sign regulations to eliminate the location hardship requirement for A-Frame Signs in the Hyannis Village Business District

Chair Steven Costello entertains a motion to open the public hearing, moved by Jeff Swartz, seconded by Walter Watson, so voted unanimously.

Elizabeth Jenkins explains that the hardship sign is a cumbersome process, A frame sign for Hyannis Main Street businesses, like to have as much flexibility as possible. Limited to only small portion of businesses. This eliminates the requirement for businesses to meet certain criteria in order to obtain. Obstruction of sign/safe for pedestrians/Town manager sign off as well re insurance/liability. Eliminate the hardship – There is only so much physical space. Mini site plan review process needed to make sure in safe locations. This would make a more fair set of rules and will monitor compliance.

Chair Steven Costello asks for Public Comment - None.

Chair Steven Costello entertains motion to close the public hearing, moved by Jeff Swartz, seconded by Patrick Foran, so voted unanimously.

Stephen Robichaud asks about regulations regarding permitting for these types of signs.

Elizabeth Jenkins clarifies, Site Plan and the Bldg. Dept. is responsible for permitting and monitoring these signs.

Jeff Swartz asks for clarification about whom is overseeing now? Planning Board is being taken out of this. Doesn't want Main Street to be overwrought with A Frame signage. Need to start eliminating illegal signs as well.

Elizabeth Jenkins states that it only eliminates the Planning Board Special Permit process. The Bldg. Dept. will be responsible for permitting, and ADA safety. This would be a more streamlined process for the applicant. These are only permitted in the HVB District, eliminates businesses on South St. and the Harbor, limited area.

Chair Steven Costello entertains a motion, moved by Jeff Swartz to recommend to Town Council as written, seconded by Patrick Foran, so voted unanimously.

ZA 2020-021 – – Amending the Code of the Town of Barnstable, Part I, General Ordinances, Chapter 240 Zoning, to update and standardize requirements for exterior lighting in Article III District Regulations, Section 24.1.3 “Hyannis Village Business District”; Article III District Regulations, Section 24.1.11 “Site Development Standards”; Article IX “Site Plan Review”, Section 103 “Site Development Standards”

Chair Steven Costello entertains a motion to open the public hearing, moved by Jeff Swartz, seconded by Walter Watson, so voted unanimously.

Elizabeth Jenkins explains that presently the standards are inconsistent, different for downtown to other locations. Some unexplainable regulations in the language of the ordinance. To promote consistency to allow/create standards that are clearly enforceable. Persons can technically comply with and some locations are appropriate to have more lighting than others, i.e., entrances and entrances to properties. Worked with town of Yarmouth which recently updated their ordinance for this, also the new Cape Cod Commission (CCC) regulations/requirements for exterior lighting, group called the Dark Sky society that looks at residential lighting protects against lighting/pollution. Clean up the ordinance and to make practical and enforceable to have/create appropriate lighting.

Chair Steven Costello asks for any public comment – None.

Chair Steven Costello entertains a motion to close public comment, moved by Jeff Swartz, seconded by Walter Watson, so voted unanimously.

Stephen Robichaud comments that he thinks this is great and less confusing for all involved.

Jeff Swartz comments that he had heard about this/familiar with this being done and safety needs for, asks for clarification of non residential.

Elizabeth Jenkins replies yes, appropriate exterior lighting is important for non-single family residential developments. These need adequate lighting.

Chair Steven Costello asks if this is exclusively for the Hyannis Village Business District (HVB) or town wide?

Elizabeth Jenkins replies that this would update two standards, within the Downtown Growth Incentive Zone (GIZ) and also for Site Plan Review which applies to all standards around town – this would amend them both and give the same language.

Chair Steven Costello asks if the CCC standards have they adopted a new standard/more relevant current standards?

Elizabeth Jenkins replies they have adopted guidance and this was modeled off of the new guidance from them. This does comply with the language and the new RPP.

Chair Steven Costello entertains a motion to recommend to Town Council, moved by Jeff Swartz to recommend this ZA 2020-021 as written, seconded by Walter Watson, so voted unanimously.

Correspondence:

Chapter 91 Notice – 114 Pinquickset Cove Circle – Scullin – boardwalk, pier, ramp and float

Matters Not Reasonably Anticipated by the Chair:

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

The meeting adjourned at 7:35 p.m.

Future Meetings: October 28, 2019 and November 25, @ 7:00 p.m.

Respectfully Submitted


By Karen Herrand, Principal Assistant, Planning & Development

Approved by vote of the Board on

Oct. 28, 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 – Reg. Agrmnt No. 2019-02 – 268 Stevens St., Hyannis Map/Par 308/017 – Request to continue from Attorney Ford, dated Sept. 18, 2019