



Town of Barnstable Planning Board



www.town.barnstable.ma.us/PlanningBoard

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

Town of Barnstable PLANNING BOARD Minutes September 9, 2019

19 OCT 31 P 1:23
BARNSTABLE TOWN CLERK

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

Also in attendance were Paul Wackrow, Senior Planner, 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.

In the absence of Chairman Steven Costello, Vice Chairman Jeff Swartz is acting Chair at this meeting.

Subdivisions:

Subdivision No. 822 Covenant Release Request for Lot # 6

Attorney John W. Kenney, representing William A. Riley and Kenneth D. Polivy, has requested a release of covenant for Lot #6 in subdivision No. 822, “Aberle Way” recorded in Book 27827, Page 179 dated November 6, 2013.

Attorney John Kenney in attendance, representing the applicant William A. Riley/Kenneth D. Polivy. He reads from the Decision, Condition No. 15, Exhibit A:

The proposed Lots numbered 2, 3, 4, 5 and 6 created in this subdivision shall be held in covenant as surety for completion of the subdivision including construction of Aberle Way and installation of all utilities. The lots shall only be released upon submission of as-built plans for the subdivision and issuance of a Certificate of Completion for the subdivision unless surety, in a form approved by the Town Attorney’s Office and in an amount satisfactory to the Board’s Engineer, is posted with the Town of Barnstable after consent of the Planning Board.

All work done except the final coat on road. The Town Engineer has inspected and believes this is sufficient for the release of Lot 6. There is a restriction regarding the stone walls along the back of property and within, whereby he has submitted a draft deed that states that the perimeter stone walls cannot be altered or

removed and any interior walls must have prior written consent from the Old King's Highway Historic District Commission. This will be put into each deed so that the property owners are aware, it is also in the Declaration of Protective Covenants. Lots 2, 3, 4 and 5 will remain as collateral and this is for the release of Lot 6, and the collateral is more than enough to finish the road.

Vice Chair Jeff Swartz clarifies that this is correct information with Staff/Paul Wackrow – yes, per Condition No. 16 of the 2013 Decision, Exhibit A.

Walter Watson asks about stone walls and reconstruction/repair.

Attorney Kenney clarifies that if something needs repair it can be put back. You cannot alter.

Vice Chair Jeff Swartz entertains a motion, moved by Mary Barry to release Lot 6 from covenant and keep Lots 2, 3, 4 and 5 under covenant as surety for the completion of the road, seconded by Walter Watson, so voted unanimously.

Subdivision No. 809 Covenant Release for Lots #4 and #5 and Certificate of Completion

Mary Beth Eddy, on behalf of William Eddy and Mary Beth Eddy, has requested a release of covenant for Lots #4 and #5 recorded in Book 31693, Page 174 dated November 29, 2018 and the issuance of a Certification of Completion for Subdivision No. 809, "Audubon Acres". Audubon Acres is a 3-lot subdivision endorsed by the Board on November 26, 2018, as modified. It is located north of Main Street/Route 6A in Barnstable Village.

Applicant, Mary Beth Eddy in attendance. She explains that the subdivision is complete and is also ready to release covenants. The Town Engineer has inspected and everything has been completed.

Vice Chair Jeff Swartz entertains a motion, moved by Mary Barry, concerning Subdivision No. 809 "Audubon Acres" construction of the way entitled Daffodil Lane and installation of utilities in the subdivision have been fully and satisfactorily completed in accordance with the Subdivision Rules and Regulations, the Development Agreement and approved subdivision plan; therefore pursuant to Section 81-U of Chapter 41, M.G.L., the Town of Barnstable, a Massachusetts municipal corporation, acting through its Planning Board, hereby declares the above-mentioned subdivision to be complete, seconded by Patrick Foran, so voted unanimously.

Motion entertained by Mary Barry to release Lots 4 and 5 from covenant, seconded by Walter Watson, so voted unanimously.

Approval of Minutes:

July 22, 2019, Draft Minutes – September 12, 2016, November 14, 2016, and November 28, 2016 Draft Minutes

Vice Chair Jeff Swartz entertains a motion to approve July 22, 2019 draft minutes, moved by Mary Barry, seconded by Patrick Foran, so voted unanimously.

Paul Wackrow explains that over the next couple of meetings we will be looking at older draft minutes. He clarifies that you can vote on minutes as long as they are read (you read).

Vice Chair Jeff Swartz entertains a motion to approve Sept. 12, 2016, draft minutes, moved by Mary Barry to approve, seconded by Patrick Foran, so voted unanimously.

Vice Chair Jeff Swartz entertains a motion to approve Nov. 14, 2016, draft minutes, moved by Mary Barry to approve, seconded by Patrick Foran, so voted unanimously.

Vice Chair Jeff Swartz entertains a motion to approve Nov. 28, 2016, moved by Mary Barry to approve, seconded by Walter Watson, so voted unanimously.

Paul Wackrow – Opportunity Zone Workshop. Census tracks capital gains, identified by the IRS. Barnstable was selected by Locus and Smartgrowth of America, brand new program from Federal Government. Downtown Hyannis projects. Board of Realtors putting this on. – October 15, 2019, date discussed.

Correspondence:

Chapter 91 General License Certification – 312 Holly Point Rd., Centerville – Polivy – seasonal pier
Chapter 91 Notice – 35 Short Beach Rd., Centerville – Noelle
Chapter 91 – 58 Nyes Point Way, Centerville – Larsen – aluminum pier
Chapter 91 – 44 Johnson Ln., Centerville – Geller – aluminum pier
Chapter 91 – 94 Waters Edge, Marstons Mills – aluminum pier
Chapter 91 Notice – 773 South Main St., Centerville – proposed pier, etc. in Centerville River
Chapter 91 Notice – 90 Bayshore Rd., Barnstable – O’Brien – pier, maintenance, dredging
Chapter 91 – 1112 Craigville Beach Rd., Centerville – Drake – pier, ramp and float

Matters Not Reasonably Anticipated by the Chair:

Future Meetings: September 23, and October 28, 2019 @ 7:00 p.m.

Mary Barry will not be able to attend on Sept. 23, 2019. Discussion re meeting dates through the end of the year. Mary Barry will not be able to attend November 25th and December 9th, 2019.

Vice Chair Jeff Swartz entertains a motion to adjourn, moved by Marry Barry, seconded by Patrick Foran, so voted unanimously.

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 – Sub. No. 809 – Recorded Decision Document