



**Town of Barnstable
Planning Board
Agenda
January 14, 2013**

The following hearings will be held at Barnstable Town Hall, 367 Main Street, Hyannis, MA, Hearing Room, 2nd Floor.
Meeting notice previously filed with Town Clerk - Revised as of; 1-9-2013

Subdivisions:

Whistleberry Subdivision No. 454

Update on status of subdivision and potential transfer of development agreement and release of lots from covenant

- *Status Report dated January 7, 2013, from Stephen Seymour, Senior Engineer, enclosed.*

Preliminary Subdivision No. 822

**Plan Prepared for William Riley
Property at 2519 Main Street (Route 6A), Barnstable**

Review of Preliminary Plan for Subdivision No. 822 entitled; "Preliminary Subdivision Plan of Land in Barnstable, MA, 2519 Main Street (Route 6A), Prepared for William Riley". An Application for Tentative Approval of a Preliminary Plan to divide a 9.25 acres parcel into 6 lots has been submitted for consideration to the Planning Board. The subject property is located south of Route 6A just west of the railroad overpass in Barnstable Village. The property is shown on Assessors Map 257 as Parcel 010. The property is zoned Residential F-1 for the first 500 feet fronting Main Street (Route 6A) and the remainder of the lot is Zoned Residence G. (Precinct 1)

- *This preliminary plan that was presented to the Board for consideration at the December 10, 2012, meeting and continued to January 14, 2013.*
- *A Request to Further Extend the Preliminary Plan Decision period through February 4, 2013, was received from Dan Ojala on January 7, 2013. The Extension was necessary to allow sufficient time for Staff review. Staff recommends continuation to January 28, 2013.*

Public Hearings:

**7:15 pm Public Hearing Third Modification to Regulatory Agreement 2007-02,
89 Lewis Bay LLC - Property at 89 Lewis Bay Road and 42
South St., Hyannis**

89 Lewis Bay, LLC has filed an application to modify and amend the existing Regulatory Agreement No. 2007-02, as modified. The applicant seeks to modify and amend the existing Regulatory Agreement authorizing the rehabilitation and expansion of a structure at 89 Lewis Bay Road with related parking at 42 South Street, Hyannis. The existing Regulatory Agreement granted relief from density, parking, setbacks, building height and lot coverage requirements to allow 42 residential units in ±60,000 sq.ft and ±20,000 sq.ft of ground floor space for medical offices and all other uses permitted in the Medical Services District. A modification of the Regulatory Agreement was granted to allow educational uses, including culinary arts, in 8,000 sq.ft of ground floor space. The Applicant presently seeks to modify the Agreement to construct an accessory one-story 12-bay detached garage of ±2,960

sq.ft. The accessory garage is proposed to be located at the rear west end of the parking lot on 42 South Street. The subject properties are addressed 89 Lewis Bay Road and 42 South Street, Hyannis, MA as shown on Assessor's Map 327 as Parcels 223 and 241. The property is zoned Hyannis Village Medical Services District and Harbor District. (Precinct 9)

- *Public Hearing opened on November 26, 2012, and was continued to January 14, 2013.*
- *At the request of the Applicants Attorney, David Lawler has requested this hearing be continued to January 28, 2013. Staff recommends the continuance.*

7:30 pm Public Hearing

**Zoning Amendment 2013-055
Medical Marijuana Treatment Centers**

The Planning Board of the Town of Barnstable, acting under Chapter 40A, Section 5 of the General Laws of the Commonwealth of Massachusetts, will hold a public to take comment upon the following proposed amendment to the Code of the Town of Barnstable, Chapter 240, the Zoning Ordinance.

Amendments to Chapter 240 include: Section 240-6 Zoning Map to include a Medical Marijuana Treatment Centers Overlay District; adding to reserved Section 240-30 Medical Marijuana Treatment Centers Overlay District Special Permit; and Section 240-128 Definitions to add definitions pursuant to the Medical Marijuana Treatment Center Overlay District.

- *In addition to this proposed Amendment, Town Council has transmitted a proposed Zoning Amendment Item No. 2013-065 that proposes to establish a temporary moratorium on establishing and permitting of medical marijuana treatment centers and associated activities. This amendment has been noticed for a Planning Board public hearing on January 28, 2013.*
- *Staff is recommending that the Planning Board open tonight's noticed public hearing and continue it to January 28th at 7:30 PM so that both proposals can be discussed at that time and public testimony taken with respect to both proposals. (Staff Memorandum and associated materials enclosed)*

Discussions:

Amendment to cell tower ordinance to allow antenna co-location

- *Copy of current ordinance, Section 240-106 to 109, Personal Wireless Communication, Article X enclosed*

Correspondence: Correspondence received from Hans Keijser dated December 11, 2012, in response to the Planning Board's questions raised at the Sept. 14, 2012, meeting re the GPOD, Storage of Commercial Fertilizers, Town Council Item No. 2013-001
(copy enclosed)

Cape Cod Commission notice for Minor Modification (Type 1) to Cotuit Landing Redevelopment and Expansion Development of Regional Impact Decision that was approved on January 3, 2013. *(Any Member wishing a full copy of the document please contact the office)*

Approval of Minutes: Approval of November 26, 2012 and December 10, 2012, Board Meeting Minutes – *Copy of minutes attached.*

Future Meetings: Regularly Scheduled Board Meetings: January 28th, 2013, and February 11, 2013, @ 7:00 p.m.