



**Town of Barnstable  
Planning Board  
Agenda  
June 10, 2013**

Barnstable Town Hall, 367 Main Street, Hyannis, MA, Hearing Room, 2<sup>nd</sup> Floor.  
Meeting notice previously filed with Town Clerk - Revised as of; 06-05-2013

**Approval Not Required Plans:** None

**Subdivisions:** None

**Zoning Amendment:**

**7:00 P.M. Public Hearing – New**

**Zoning Amendment – TC Item No. 2013-126  
Personal Wireless Communication**

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 hearing to take comment on a proposed amendment to the Code of the Town of Barnstable, Chapter 240, The Zoning Ordinance, Article X, Personal Wireless Communication, Sections 240-108 & 240-109.

The amendment proposes to allow in all zoning districts additional communication antennas to be installed on existing communication towers by special permit from the Zoning Board of Appeals, and to allow as-of-right co-location of additional communication antennas on existing communication towers lawfully permitted for the purpose of supporting FCC-licensed antennas.

This proposed amendment was referred to the Planning Board for a public hearing by Town Council Item No. 2013-126.

- *This amendment was introduced in Town Council on April 25, 2013. Notice of Planning Boards public hearing published May 24 & 31, 2013. Public hearing scheduled for June 10, 2013. Planning Board Recommendation to Town Council due within 21 days after close of the Public Hearing.*
- *Copy of proposed amendment and rationale attached.*

**Regulatory Agreement:**

**7:00PM Public Hearing - Continued**

**Regulatory Agreement No. 2013- 03  
Hyannis Harbor Suites Hotel, LLC or Nominee & Harborview  
Hotel Investors, LLC**

Regulatory Agreement No. 2013-03 is the application of Hyannis Harbor Suites Hotel, LLC or Nominee & Harborview Hotel Investors, LLC, seeking to enter into an agreement with the Town of Barnstable to construct and operate at 213 Ocean Street, Hyannis, MA a new four (4) story year-round hotel with up to sixty-eight (68) rooms, each room containing its own kitchen facility. This proposed hotel building is in addition to the existing 136 room Hyannis Harbor Hotel situated on the 3.4 acre lot. The subject property is located in the HD-Harbor District of the Hyannis Village Zoning Districts and is shown on Assessor's Map 326 as Parcel 035.

The Regulatory Agreement seeks waivers from the Barnstable Zoning Ordinances, specifically:

Section 240-24.1.7.A – Harbor District, Permitted uses to allow hotel rooms with kitchens.

Section 240-24.1.7.C – Harbor District, Dimensional, bulk and other requirements, including maximum building height, to allow 4-stories where only a 2.5 story buildings are permitted, waivers of the 10-foot minimum side and rear setbacks, waiver of the 70% maximum lot coverage and waiver of the 10-foot front yard landscape setback.

Section 240-24.1.10 - Site Development Standards and Section 240-53 – Landscape Requirements for Parking Lots, including waivers from the following; the 6-foot minimum setback for parking lots, 10% interior parking lot landscaping, required minimum number of trees, dumpster setback from lot line and any other necessary relief.

Section 240-56 - Schedule of Off-Street Parking Requirements to allow a reduction in the required on-site parking.

In addition, the Regulatory Agreement seeks relief from the general ordinances of the Town, Chapter 112, Article III, Hyannis Main Street Waterfront Historic District seeking the Planning Board to act on behalf of the Hyannis Main Street Waterfront Historic District Commission.

- *Opened April 8, 2013, continued to June 10, 2013- for further review.*
- *Application and plans previously distributed to the Board.*
- *New plan submitted, copy enclosed.*

**7:00pm Public Hearing - Continued**

**Regulatory Agreement No. 2013- 01  
Cape Cod Distillery LLC**

Regulatory Agreement No. 2013-01 is that of Cape Cod Distillery LLC seeking to enter into an Agreement with the Town of Barnstable to reuse the properties located at 411 Barnstable Road, Hyannis for a small scale distilling of alcoholic spirits and accessory retail sales of spirits distilled on-site. The property is zoned HG – Hyannis Gateway District and is shown on Assessor’s Map 311, as Parcel 033.

The Regulatory Agreement seeks waivers from the Barnstable Zoning Ordinances, specifically: Section 240-24.1.8.A - Hyannis Gateway Permitted Principal Uses to allow a distillery, Section 240-24.1.8.C - Dimensional, bulk and other requirements, to allow the existing non-conforming setbacks for the proposed new use of the site, and additionally, applicant seeks any necessary relief from applicable parking requirements.

- *Opened February 11, 2013, continued March 11, 2013, April 8, 2013, May 13, 2013, and to June 10, 2013. Continued for further review and finalizing of the Regulatory Agreement.*
- *Application and plans previously distributed to the Board.*
- *Correspondence received from Greater Hyannis Civic Association, dated May 13, 2013, copy enclosed.*

**Request:**

An April 29, 2013 letter from F. Thomas Fudala, Mashpee Town Planner, has requested the Barnstable Planning Board issue a letter waiving the requirements for proper notice pursuant to MGL Chapter 40A Section 5 with respect to Mashpee’s Planning Board public hearing on a zoning article to establish a temporary moratorium on Medical Marijuana Treatment Centers.

- *Copy of Mr. Fudala’s request letter and a proposed draft response letter enclosed.*
- *Staff recommends the Board vote favorable on the request*

**Correspondence:**

Federal Emergency Management Agency (FEMA) notification dated May 3, 2013, Re: Updated Preliminary Flood Insurance Rate Maps (FIRMs) and Updated Preliminary Flood Insurance Study (FIS) Report for Barnstable County, Massachusetts

Federal Emergency Management Agency (FEMA) notification dated May 30, 2013, Re: Updated Coastal Flood Insurance Rate Map-Announcement for the Barnstable County Meeting on June 17, 2013

Cape Cod Commission notice dated May 29, 2013, Minor Modification to the Development of Regional Impact Project of Community Benefit Hardship Exemption Decision for Cape Cod Hospital Emergency Center Expansion Project.

**Future Meetings:** Regularly Scheduled Board Meetings: June 24, 2013, and July 8, 2013, @ 7:00 p.m.

**Please Note:** The list of matters are those reasonably anticipated by the chair, which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Committee may go into executive session. The Committee may also act on items in an order other than they appear on this agenda.

\* Public files are available for viewing during normal business hours at the Growth Management Department, 200 Main Street, Hyannis, MA