



BARNSTABLE  
TOWN CLERK

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**Town of Barnstable  
Planning Board  
Minutes  
June 11, 2012**

Matthew Teague – Chairman	Present
Paul Curley – Vice Chairman	Present
Patrick Princi - Clerk	Present
Felicia Penn	Present
Raymond Lang	Present
David Munsell	Present

Also present were Art Traczyk, Regulatory/Design Review Planner.

**Approval Not Required Plans:**

**Jansson** - A plan titled "Plan of Land in Barnstable, MA. (Cummaquid) prepared for Kenneth B. Jansson Et Al", dated May 31, 2012, as prepared by Eagle Surveying, Inc., has been submitted for endorsement as an Approval Not Required Plan. This plan proposes to transfer land from a 1.6-acre lot, addressed 1308 Mary Dunn Road, Cummaquid, to two abutting lots, 1324 Mary Dunn and 36 Dromoland Lane, Cummaquid. The plan is for conveyance purposes only and no new developable lots are being created.

Frank Whitting, Engineer with Eagle Surveying in attendance. He explains the plan for this ANR. The strip on the North to be conveyed to Kenneth Jansson and strip on the East, Lot C to be conveyed to Ron Jansson and the remaining Lot B with existing house to remain the same.

David Munsell asks if this is the same piece done previously for Ron Jansson?

Mr. Whitting states that he is not familiar with that.

Ray Lang makes a motion to endorse/approve this ANR plan, seconded by Paul Curley, so voted unanimously.

**NSTAR** - A plan titled "Approval-Not-Required Plan of Land Oak Street Barnstable, MA. (Barnstable County) prepared for: NSTAR Electric & Gas Corporation", dated April 25, 2012, as prepared by SMC Surveying and Mapping Consultants, has been submitted for endorsement as an Approval Not Required Plan. This plan proposes to divide a 5.37-acre, land-locked parcel, addressed 0 Oak Street, West Barnstable, into three lots. Each of those lots are to be annexed to an existing abutting lot that are addressed 661, 741 and another 0 Oak Street, West Barnstable. The plan is for conveyance purposes only and no new developable lots are being created.

Henry Oheim from NSTAR in attendance. Explains ANR plan, and history of the lots. This is a piece of property that NSTAR purchased for the purpose of complying with the Cape Cod Commission Regional Planning Policy for Land Use. A new substation is being constructed on the Oak Street property where there is an existing station and they will be using approximately 2.3 acres of wooded lands. This piece of property was bought for the purpose of dividing it. Lot No. 1 is being retained by NSTAR, Lot No. 2 is to be given to the Town of Barnstable as conservation property which adjoins existing conservation property at present and Lot No. 3 is being donated to the abutting property owner, Ms. Julie Rose Peterson, to accommodate some existing facilities on the lot.

Matt Teague entertained a motion to endorse this ANR, moved by Ray Lang, seconded by Felicia Penn, so voted unanimously.

**Subdivision:**

**Subdivision No. 792, Hallett Woods  
Lot Release & Completion**

William Charlie Hallett has requested a Certificate of Completion for Subdivision No. 792 and for the remaining 2 lots under covenant (Lot Nos. 2 & 4 ) and "full release" of Lot No. 3.

It appears this request may be premature. Staff has contacted the Applicant. Applicant has agreed to continue this item to a future date if it is not complete.

Art Traczyk explains that Mr. Hallett is not ready and he is not here tonight. Requests that this be deferred to another Agenda when information is received.

Matt Teague agrees that it be moved to another Agenda when Applicant is ready to present.

**7:00 pm**

**Subdivision 753, Cape Cod Healthcare, Inc.  
Road Name Change Gonsalves Road to  
Wilkins Lane**

To all persons deemed interested in the Planning Board acting under the General Laws of the Commonwealth of Massachusetts, Chapter 41, Sections 81A, through 81GG, Subdivision Control and all amendments thereto and the Town of Barnstable Chapter 801, Subdivision Regulations of the Code of the Town of Barnstable you are hereby notified of a Public Hearing to be held to consider the request of Cape Cod Healthcare, Inc. (Cape Cod Hospital) to change the name of Gonsalves Road to Wilkins Lane.



Gonsalves Road was designated as a part of Subdivision No. 753 and is traverse between Attuck's Lane Extension and Kidd's Hill Road in Barnstable MA. Only a small section of the Way, as it abuts Attuck's Lane Extension, has been improved to date.

This Public Hearing will be held at the Barnstable Town Hall, 367 Main Street, Hyannis, MA, Hearing Room, 2<sup>nd</sup> Floor, Monday, June 11, 2012, at 7:00 PM. Copies of the application are available for review in the Office of the Planning Board, Growth Management Department, 200 Main Street, Hyannis, MA between the hours of 8:30 AM to 4:30 PM, Monday through Friday.

Attorney Elixia Cox from Nutter McClennan & Fish in attendance, representing Cape Cod Health Care. Also present were Mr. Chris O'Connor, President of Cape Cod Health Care Foundation and Ed Brown, Executive Director of Facilities and Support Services for Cape Cod Health Care. Explains the documents that were submitted to the Planning Board and the history of the request for the name change. In 2003 Cape Cod Hospital purchased about 40 acres of land from Cape Cod Aggregates, including the way, Gonsalves Way. They would like to change the name of the road on behalf of the hospital in recognition of the transformational gift given to the hospital by Frank and Maureen Wilkens which enabled the commencement of this campus. Frank Schlegal from Engineering has verified that the proposed name change will not cause any EMS or driver confusion and that from the Engineering Dept. it is acceptable.

Felicia Penn asked what was the origin of Gonsalves Rd.?

Attorney Cox stated it originated from a former employee of Cape Cod Aggregates. He has since passed away and there is now another recognition being made for Mr. Gonsalves in Falmouth, where he had lived.

Matt Teague, as a formality, opens the public hearing, so moved by Ray Lang, so voted unanimously.

David Munsell stated that it is a beautiful job done here, no objections.

Patrick Princi wondered if it would create any problems as to people finding it with GPS/directional services to get to the road once the name is changed?

Attorney Cox answered that they would be working closely with the Town's Engineering Dept., and the hospital will be working with the State Dept. of Public Health for changing the records from the medical perspective and also they will be working with the Fire Dept.

Ray Lang asked if Kidds Hill Lane would remain the same? Will the Hospital donate street signs?

Attorney Cox, stated yes (hospital representatives nodding to the affirmative for this).

Matt Teague asks if there is any public comment?

Jim Kinsella from The Barnstable Enterprise asks when will the hospital complete the road?

Eliza Cox answered that there is a covenant that affects the property that requires the completion of the road at the earlier of March 2015 or before the first bldg. as part of phase 2 is occupied. Phase 2 is defined as the first bldg. over 86,667 sq. ft. of floor area on the campus, so the earliest of those two events as set out in the covenant.



James Kinsella asks for clarification, if the second of the conditions would be the completion of the 86,667 sq. ft. bldg. or a total of 86, 667 sq. ft. bldg. on the campus?

Attorney Cox, responded that it is the later.

Matt Teague entertained a motion to close the Public Hearing, so moved and seconded by Paul Curley, so voted unanimously.

Paul Curley moved to approve the name change to Wilkens Lane, seconded by Ray Lang, so voted unanimously.

**7:15 pm          Public Hearing**

**Modification of PIAHD Special Permit  
Settler's Landing II - Subdivision 812**

To all persons deemed interested in the Planning Board acting under the General Laws of the Commonwealth of Massachusetts, Chapter 40A, Section 9, and all amendments thereto and the Town of Barnstable Zoning Ordinances you are hereby notified of a Public Hearing to be held to consider an application to modify the Private Initiated Affordable Housing Development (PIAHD) Special Permit issued for Settlers Landing II - Subdivision 812. The petitioner is Martha M. Morin, Trustee of Settlers Landing Realty Trust II, seeking a modification of the house design plan for the subdivision. The applicant proposes to add two new housing designs to the existing 9 house plans approved for the dwellings to be built on the 29 PIAHD designated lots in the subdivision.

The locus is the southern 7.75 acres of the subdivision commonly known as Settler's Landing located off Castlewood Circle in Hyannis, MA. The 29 parcels are shown on Assessor's Map 273 as Parcels 122, 122-013 through 122-027 and Assessor's Map 272 as Parcels 212 to 225. The lots are addressed from 75 to 174 Settler's Landing, Hyannis, MA. The locus is Zoned Residential C-1.

- The hearing was opened May 14, 2012 and continued to June 11, 2012
- No testimony taken
- Application and Staff Report previously distributed to the Board members
- Please request any additional copy

Matt Teague opened the public hearing.

Jacques Morin and his wife Martha Morin in attendance. He explains the reason for the Special Permit Modification is for two additional house plans they wish to add, the "Belmont Plan" and "Newport Plan". He had been before the board previously for Schooner Village. The lot widths are not as wide, but they are deeper. They have had requests for additional types of first floor living/different layouts. Mr. Morin passes out plans for the board to review. He proceeds to explain the plan designs to the board for each. He refers to letters of support that were received.

Paul Curley asked how will he distribute these plans, different models?

Mr. Morin answers that these plans get allocated to wider lots that can receive them.

David Munsell states that he has done a nice job in the past and hopes he does the same with this modification.



Ray Lang asked if these would be affordable housing? Will the square footage be the same for these new houses?

Mr Morin stated these would not be affordable housing. He said that the square footage would be about the same.

Ray Lang asked if there is adequate frontage in order to accommodate a double car garage done as well as a single?

Mr. Morin replies the "Belmont" can accommodate a two car garage and that the "Newport" garage could on certain lots, be a double garage, not on all.

Matt Teague asks if there is any public comment?

Jim Kinsella from The Barnstable Enterprise asked how many houses have been completed at Settler's Landing and how many more before the project is completed?

Mr. Morin stated that it is comprised of 2 subdivisions, all act as one comprised of 49 lots. One home is completed, three under construction presently.

Matt Teague clarifies, that there are 25 left to go?

Mr. Morin replies yes.

Paul Curley asks for information about the buffer between the abutters.

Mr. Morin stated that there is an agreement with Cobblestone Landing Development for a 10 ft. buffer between their common property line and the rear of the lots within Settlers Landing. They would be planting evergreen trees 5 to 6 ft. in height, separation distance of 10 ft. and that is in the agreement.

Paul Curley asks for more information about the separation agreement.

Mr. Morin stated the agreement was about four years ago and he has met with the president of Cobblestone Landing Development and his understanding is that at this point they will not be going any further with it.

Paul Curley is not sure about that considering there are 25 more houses to be completed. He wants to know where the board would stand regarding the interpretation of this? Asks for clarification.

Art Traczyk replies that his interpretation is that plants be measured from center point of vegetation, not from the edge of branches. He would like to know if the Board's understanding is the same as what he has in the office? Would like to get confirmation that it is to be in a staggered row. The existing is now a single line of vegetation that is in a small arch, it is supposed to be staggered row of trees with a pattern for increased screening.

Mr. Morin stated he would be happy to address this question with the board? He hands out copies of the agreement in discussion "Neighborhood Settlement Agreement". This includes a sewer agreement/exhibit, zoning amendment, project performance conditions, and Settlers Landing Screening Agreement. He refers to Indexed Pg. 9 which indicates that the town did not want to be involved with adjudicating these agreements. He refers to Exhibit C, Pg. 30, paragraphs 11 and 12, and quotes "The applicant shall prepare and file with the Zoning Board of Appeals a screening plan to be entitled "Settler's Screening Plan" dated and signed by the Applicant. Trees in the Screening plan shall be installed as each lot is cleared, developed and landscaped. Said plan is to provide for evergreen plantings (white pines, hemlocks, spruce, arborvitae or combinations of the same) ordered at 5' to 6" height and to be planted at ten foot distance separation to be shown in said screening plan." He refers to Engineer's Landscape



Sketch Plan, showing the 10 ft. measurement separation between the trees. This is an agreement that was done 4 years ago and was not incorporated with the decision of the planning board, due to the fact that the town didn't want to be an adjudicator for these types of agreements.

Paul Curley stated maybe so with this one case/person, but there are more houses to be done. He agrees with Art's comments regarding the distance being from on center, the standard approach for this type of layout and design.

Mr. Morin stated that he has met with Steve Seymour within the last week or so about the distance of the trees. The Board at the Association understands what was entered into. The project performance standards are not in this decision. The Neighborhood Agreement provides relief for the neighbors in the event that there is a violation of the Agreement.

Matt Teague would like to clarify. Exhibit C is very poorly detailed, however the arrows/the graphic standard would cause one to assume that it is center to center spacing. This may be an issue of interpretation vs. what is actually written. If agreed upon and arrows showing it in the document, he doesn't particularly see an issue here.

Felicia Penn stated she would like to hear from Staff. She stated that she was part of the PIAHD negotiations and that they were long and quite contested. One of the biggest issues was the buffer zone being key to the success as part of the negotiations of getting lots and the development done behind them. She doesn't agree with Mr. Morin's interpretation of this issue not being the pervue of the Planning Board, she remembers hours of discussion regarding the public's reaction to clearing/trees coming down. She would like staff's comments on this.

Matt Teague asks Art to clarify this for Felicia Penn and the Board.

Art Traczyk replies. He refers to the performance standards in the application for Settler's Landing, Tab 15 & Tab 16, are incorporated into this Decision 100%. Suggests that some screening be done. Refers to pictures of the property as to how it presently looks and passes out to the Board members to review. He suggests that some screening be done.

David Munsell asks if there have been any formal complaints?

Art Traczyk replies that he has had two phone calls and several people have come in to look at the file. Carol Pucket also has received a phone call or two as well. Robin Anderson from the Building Dept. and Steve Seymour have been out. Steve Seymour went out on a completely different subject matter, for road construction, not plant issues.

David Munsell states that he thinks if there were a problem it would come up at the occupancy permit stage. How is the first section? Are there any problems with the screening there?

Mr. Morin answers/clarify's Schooner Village? That is not part of the project performance. This is specifically with Cobblestone Landing. The town did not want to be involved regulating this.

Felicia Penn comments that she finds it hard to believe that these basic interpretations of landscaping issues are holding this up. Compliance of these issues should be done and move on.

Mr. Morin states that there is probably about 4,400 linear ft. of property line so this is important. He explains the height/measurements and growing time for the trees to be put in this line. This is not a good practice to crunch the trees in.

Felicia Penn suggests that there is no request for linear plantings, the staggered plantings requested address the issue.

Matt Teague states that the issue may be the way the agreement is worded. He quotes "the trees in the screening plant shall be installed as each lot is cleared" In viewing the photos of the site, that may be the reason it has come to light. The only enforceable/compliance here is that the trees are planted when the lot(s) is cleared and that there is a 10 ft. distance separation. He does not think the Board can comment or have any means of enforcement on something that this Board is not party to.

Mr. Morin states that the Neighborhood Agreement does provide remedies in the event of default of the agreement and certain project performance standards

David Munsell suggests going back to the issue at hand, not the trees.

Matt Teague states he agrees, Mr. Morin may have to go to get approval from a different source of the Regulatory Department or at the occupancy stage. He does not see a problem with these new plans.

Ray Lang asks Art Traczyk if there were complaints from neighbors about loam/dirt removal being cleared?

Art Traczyk replies that it came to him as inadequate screening.

Ray Lang asks how would the Planning Board get involved with removal/clearing of land/dirt etc.?

Art Traczyk clarifies that he is referring to screening only.

Matt Teague suggests that they have Mr. Morin come back before the board for a discussion item for clarification regarding the plantings.

Matt Teague asks if there is any other public comment?

Stella Diffenderfer speaks. She lives on Castlewood Circle. Stated she has put her own trees up, and she is one of the closest abutters. She was previously opposed, but is pleased with how the project is turning out. She has written a letter to the Planning Board, dated May 10, 2012, which reflects the same.

Paul Curley moved to approve the two additional designs, seconded by David Munsell.

Felicia Penn was opposed stating that she is not opposed to the actual plans of the single floor living, but she sees a potential for future violation, therefore she is a little hesitant to vote in a modification to a special permit.



Matt Teague entertained a motion to close the Public Hearing, so moved by Ray Lang, seconded, so voted unanimously.

**Approval of Minutes:** Approval of May 14, 2012, Board Meeting Minutes.

Felicia Penn moved to accept the May 14, 2012, Board Meeting Minutes as presented, seconded by Ray Lang so voted unanimously.

**Discussion: Hyannis Harbor Hotel** – Attorney Michael D. Ford, on behalf of the Harborview Hotel Investors, LLC, has requested an informal discussion with the Board regarding a possible Regulatory Agreement. The proposal is to build a detached 4-story, 68-room addition to the existing Hyannis Harbor Hotel at 213 Ocean Street, Hyannis.

Attorney Mickeal Ford in attendance representing the Newport Hotel Group.

Doug Cohen, Principal of the Newport Hotel Group present to speak informally for this project.

Attorney Ford explains Mr. Cohen's property is at 213 Ocean St. Some years ago the Newport Hotel did apply for a special permit at 235 Ocean, on Nantucket St., intent on the acquisition of properties, which did not go forward, the regulatory agreement was withdrawn. There was support in the business community for a year round hotel at the harbor. This proposal is for a stand alone bldg. on 213 Ocean St. to the south of the existing hotel, 68 rooms, 4 stories, in the HD District, which does allow hotel use. The dimensional standpoint does have some restrictions, i.e., set backs, parking. He would like to proceed by filing a regulatory agreement. States that they have met with the town manager as well.

They would like initial feedback from the Planning Board for this for a formal submittal. They would file formerly with the Planning Board for a regulatory agreement under Ch 168 of the ordinances and have a public hearing and go to Site Plan Review for recommendation as well, as well as the Hyannis Historic District. Not formal but they would intend to make these steps. Filing with Conservation Committee at some point, regarding the flood plain, they would file formerly for this limited issue. Then would need to go before the full Town council, and would need a 2/3 vote to proceed with the project.

Doug Cohen introduced himself and history of his family and how he is familiar with the hotel business. They have 8 hotels in New England and are based out of Newport Rhode Island. They have purchased several hotels here on the Cape, Falmouth and Hyannis. He lists all the hotels that they own throughout New England, branded and non-branded types. They have just finished the Ocean Mist in Yarmouth MA. They have slowly been renovating the Hyannis Harbor Hotel. They like the thought of a year round hotel, building a 68 room addition to the Hyannis Harbor hotel, which is charming but needs renovations to bring updated and make year round, they also would have small kitchens.

Felicia Penn asks if Mr. Cohen could lead the board through the site plan?

Attorney Ford stated the site plan is not finished, it is a work in progress. Zoning table does not have application regarding the existing hotel or the proposed hotel. The site plan is very preliminary.



Mr. Cohen stated that this has been designed by Baxter & Nye Engineering. This is a blow up of the entire site, he apologizes that it should have been an overall site plan. They will be closing off one of the existing thru ways on Ocean St., and creating a two way entrance between the current hotel and the new bldg. They would use the existing drop off area and an additional 3 spaces for check in, this is still not figured out in final yet. Probably one front desk at the existing bldg. two way traffic coming in, close one of the exits in the back of the hotel. Parking lot is currently 162 parking spaces (almost 4 acres). Would have 136 guest rooms in the existing facility and 68 in the new bldg., for a total of 204 guest rooms. Every room would have a .8 parking ratio.

Felicia Penn states that does not include the additional required employee parking spaces, and what about busses?

Doug Cohen states that is the correct code, but it is not required for their facility. A bus would reduce the parking, it would be equal to 25 guest rooms. They are still working on this issue for parking.

Felicia Penn asks for clarification of some elimination of spaces. She does not oppose the hotel, but the parking in the summer is a massive issue as well as pedestrian safety. Parking is a major issue.

David Munsell asks if they would be combining two lots into one land mass?

Doug Cohen answers it is actually one lot and it will be a 3.78 acre lot, putting a bldg. on the existing lot.

David Munsell says that there has got to be some major work done on this design, there are no trees here as depicted in the design they are looking at now.

David Cohen states that this is an architect's creative rendition. They did meet with Historical last year. He would be happy to get the board some blow up pictures of their Newport Beach bldg., this is quite similar to what they propose to do here. The building will go linear, straight back so it will not appear as big.

David Munsell thinks it would be good if it were to be similar to the other hotels they have.

Ray Lang comments, you do need a regulatory agreement. What are the parameters that would cause concern and what would be the concerns of the Planning Board? Traffic etc.

Attorney Ford answers the Planning Board has authority to have input on all the areas as well as the Town Manager. He agrees parking and parking spaces will be an issue to be addressed. Did go to historic and get input and plan to be before them again. They see it as a process between these boards. This is a very preliminary stage.

Ray Lang asks if they would have meeting rooms, restaurants etc. in order to support the business of the hotel year round?

Doug Cohen states not enough rooms here for this type of amenity (meeting room). It will be very high quality, like the Newport Beach hotel that they own now. No restaurants, there are enough in the area, he doesn't wish to compete with these. Possibly free breakfast for guests.

Paul Curley, mentions, parking, traffic and pedestrian safety are the issues here.

Patrick Princi is happy to see this hotel happen, but they will have to be very creative with the parking issues here, mentions the water table in this area/underground parking possibilities. Would like them to work with staff regarding a green checklist when the infrastructure is designed.

Matt Teague reiterates that they need to work with staff on issues for parking. Would be nice to have a first class hotel in this area.

Ray Lang states he would be willing and happy to meet with them for this project.

Doug Cohen appreciates that and is very willing to work with the town on this project. He only wants to do what the community is interested in.

Matt Teague would like to meet again for another informal discussion before they come upon a formal and full application, this would be good to keep them updated on the progress and still keep the issue in the public form.

Attorney Ford states that he will work closely with Art. They would like to be here formerly in July. If they can get through the council in early fall, maybe start construction in the fall.

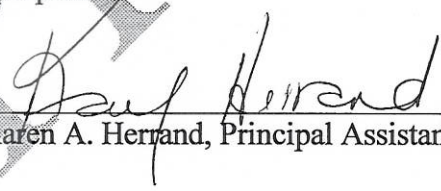
#### **New Appointment of Planning Board Member**

Art Traczyk informed the board that Stephen Helman was voted by Town Council to be appointed as a new Board Member on June 7, 2012.

**Future Meetings:** Regularly Scheduled Planning Board Meetings:  
June 25, 2012 and July 23, 2012 @ 7:00 p.m.

The meeting adjourned at 8:28 p.m.

Respectfully Submitted

  
by Karen A. Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on

July 23, 2012

Further detail may be obtained by viewing the video via Channel 18 on demand at  
<http://www.town.barnstable.ma.us>