



Town of Barnstable Planning Board

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Board Members

Stephen Helman – Chair Raymond Lang – Vice Chair David Munsell – Clerk Paul R. Curley Mark R. Ferro Holly Brockman-Johnson Marry Barry
John Norman – Town Council Liaison

Staff Support

Elizabeth Jenkins, Regulatory Review/Design Planner
Anna Brigham, Principal Planner
Karen Herrand – Principal Assistant - karen.herrand@town.barnstable.ma.us

Town of Barnstable Planning Board Minutes May 9, 2016

Stephen Helman – Chairman	Not Present
Raymond Lang – Vice Chairman	Present
David Munsell – Clerk	Present
Paul R. Curley	Present
Mark Ferro	Present
Holly Brockman-Johnson	Present
Marry Barry	Present

Also in attendance were JoAnne Miller Buntich, Director, Anna Brigham, Principal Planner and Karen Herrand, Principal Assistant, Growth Management Dept.

Call to Order: Introduction of Board Members and Staff Members

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.

Vice Chair Ray Lang sitting in as Chair for this meeting.

Informal Presentation: Zoning amendment requested by the Lorusso Charitable Trust and presented by the Trust for changes to the multi-family provisions in the IND District only for land subject to a Senior Continuing Care Retirement Community Overlay District zoning.

Brian Dugdale of Goulston & Storrs in attendance. He extends thanks Town Councilor Steinhilber and Wallace who sponsored the amendment and the Town as well. He gives a brief history on the project. No skilled nursing facility is being presented. This zoning amendment is needed for the phasing requirements. Subject to a Development agreement with the Cape Cod Commission.

Dan Lee Senior Director of Greystar in attendance. Extends his thanks to Mark Thompson and the Lorusso Foundation. Greystar is an International multi family development investment and management company. He gives a Power Point Presentation, see Exhibit A. The Village of Barnstable will be age restricted, 55 and over. This concept was developed 2 years ago.

There will be many amenities. We are expecting to close on the sale of the property around Thanksgiving of this year and expected to start construction early thereafter.

Ed Pesce, Pesce Engineering in attendance, he is the original project manager/engineer from 2009. He gives a Power Point Presentation, see Exhibit A (handout). Comparisons made to the original and the new design being proposed. The Active Adult is separated from the Assisted Living. Smaller footprint now. Will be in phase one (225 units) and phase two. 340 residential units total. Above and underground parking. Will be limited to Senior Continuing Care Retirement Community Overlay District (SCCRCOD) area. The Lorusso Charitable Foundation will be the beneficiary and they give back to the Community.

Ray Lang asks for clarification about the original foot print and skilled nursing facility.

David Munsell states that he is happy they are working with the Lorusso Foundation. Why is this a zoning change and not an amendment to the original project?

Ed Pesce answers that the original had a different concept. They have more of an active adult community. The permit would be only for senior living community. Wanted to see how active adult would fit and work. The proposed zoning amendment would allow a project that has now moved to another phase of design. The market has changed, want to allow to move forward without obligations to build a continuing care facility. The Dept. of Public Health said hold, moratorium on the skilled nursing facility. Skilled nursing may be more advantageous at a later time.

Paul Curley asks about subsidized housing on Falmouth Rd.? Any traffic studies done?

Ed Pesce replies that the off site affordable was presented originally, however, this is no longer a part of this project. Greystar will provide 10% of affordable units on this site. They will only be focusing on this parcel. This Falmouth Rd. property will be donated to the Town.

Traffic study was done and some mitigation was already done. The third turning lane in front of Sam Diego's is part of this, three lanes here now. The majority of the mitigation has already been done/paid for/installed.

Ray Lang asks if there is a written proposal for Town Council? Affordable housing units? Confirms financing in place?

JoAnne Buntich interjects/refers to New Business proposal as written, see Exhibit B. Item No. 2016-146.

Ed Pesce replies yes, see Exhibit B, introduced on May 5, 2016, to Town Council, first read.

JoAnne Buntich replies, affordable housing information, Chapter 9, Article 1 of the ordinance. In perpetuity, the restriction is on the income of the tenant, deed restricted, see Chapter 9, Article 1.

Ed Pesce, answers, yes, financing in place. Now they have good development partner/equity in order to proceed. We have procured financing, that was the missing piece previously. Hoping to have phase 1 done in a year and a half to two years.

Paul Curley would like to see an analysis for the affordable housing comparing what is being done now to what was originally proposed, numbers for this.

JoAnne Buntich explains the zoning amendment procedure/process for joint public hearing. May 19th this will be held in this room at 7 p.m. this meeting will have a presentation/questions. Public will have the opportunity to make questions. Once concluded, the Planning Board will take a vote on the recommendation to the legislation/Town Council.

Regulatory Agreement Public Hearing:

Mark Hyannis, LLC – 411 & 417 Barnstable Road and 42 Bearse Rd, Hyannis – Map 311 Parcels 033, 035-001 and 035-002. Proposal to demolish all three existing buildings and re-divide the existing three lots into two lots, and construct a two-story, 6,080 sq. ft. office/bank with a drive-through and an approximately 12,900 sq. ft. retail pharmacy with a drive-through and site improvements. Traffic presentation and discussion will be a focus this discussion.

Acting Chair Ray Lang has comments that he will bring forward and make of record tonight.

Attorney Eliza Cox, Esq. of Nutter, McClennen & Fish in attendance. Since the last mtg. they have spoken with Attorney Lawler and based on these discussions and peer review his client's position has changed. This is based on the Peer Review.

David Roche, Mark LLC. in attendance. He gives a Power Point presentation/Follow Up Items: Site lighting will be energy efficient, sensors site lighting will be new LED. Proposed property line division is explained (3 lots into 2 lots). Parking proposed is 82 spaces, 21 spaces on the Citizens bank lot and 61 spaces on the CVS lot.

Randy Hart, VHB, traffic consultant for the project. Power Point presentation/Peer Review Conclusions and Recommendations. Site access reviewed, points of access, curb cuts, eight points of access to be consolidated into four. Right turn movements only. He refers to the Peer Consultant's letter of April 29, 2016, *"The elimination of the curb-cut within the Airport Rotary represents a safety enhancement to the area. Furthermore, the elimination of four (4) curb-cuts does improve safety in the area over current conditions by reducing conflict areas between vehicles, pedestrians and bicyclists"*, Exhibit C.

Also, this will be a reduction in commercial space of over 9,000 sq. ft.

Bearse road modification to entrance. Stop sign placement as well on the three approaches onto the site. Made some configurations to the drive through lanes.

F. Giles Ham of Vanasse & Associate's Inc. in attendance. There is about 12,000 sq. ft. of vacant space now. Reduction of curb cuts will make this much safer. Reference to his letter of April 29, 2016, Exhibit C. Review of accident data at the rotary. Review of traffic generation/operations in the area. Added pedestrian and bicycle accommodations/bicycle racks. No left turn sign to be placed. After development information requested as well regarding the traffic flow etc.

Paul Curley comments that the original traffic report and peer review are very well done.

David Munsell comments/suggests extension of the median strip down through Bearse Rd. What is the increase in trips projection?

F. Giles Ham replies that it could this could be done, their thought process is that the accident on Falmouth Rd. is minimal. Congestion/traffic is really for two months out of the year. Seventy five new trips during the

Projection of trips: 75 during peak times and 70 during off peak. This is based on November 2015 traffic counts. July and August is increased by 42%.

David Munsell directs to Staff/JoAnne Buntich about any update from the State?

JoAnne Buntich replies to a point hat the peer review consultant made that there is an amount of development going on at the site which would also make a certain number of trips.

There is no movement, nothing from the State, but the Cape Cod Commission is engaged in the process to seek grant money to get design and then construction for this. Now, what is in progress is the intersection of Yarmouth Rd. and Iyannough Rd. and also on a portion of Falmouth Rd. near this project, through Phinneys Lane next to the DPW Bldg.

Mark Ferro asks for clarification about the 75 trips and the summer ratio. What percent is pass by traffic

F. Giles Ham replies that the existing counts are calculated and then it is assumed 47% to 49% is calculated to make net new numbers. This doesn't take into account that there is an excess of space. They go out and monitor the traffic, per the sq. footage, during peak hours, count cars that are out at similar facilities.

Holly Brockman Johnson asks if this will take away from the other CVS stores, mainly the North St. store.

David Roche answers that Mark LLC states that the CVS on North St. will not close, it is not their intention, this new CVS is meant to augment not to replace.

Ray Lang comments as to how many major stores are on rotary's probably not to many. Suggests one curb cut on Barnstable Rd. and one on Bearse Rd. He would have asked for this.

David Lawler, Esq. in attendance representing the owner of Wendy's, Botsini Prime.

They have been in discussions with Mark LLC. The peer review has answered a lot of their unanswered questions. They have changed their position and they are now in favor of the project. At present, there are no abutters in opposition he noticed. He would like the Planning Board to approve this project.

Joel Laham, owner of the Audi dealership in attendance. He doesn't think extending the island would be a bad idea, but there may be a problem whereas it's a State road. He didn't have any problems with Bearse Rd. The biggest problem regarding traffic, is that prior to them being there were no curb cuts, here, but since he has done his project, the Audi store. The traffic will be less because it will only be Audi dealership there now, BMW and Volvo are not here any longer. They have eliminated a lot of the congestion. The congestion has been self inflicted from other sources, but has now been resolved, i.e. Airport people parking here to avoid paying at the Airport. He is excited to see this project, they have been trying to get the State to clean up the mess of the rotary. This will improve the area.

JoAnne Buntich refers to the Draft Reg. Agreement, page 5, Exhibit D, submitted by the Applicant, points out the zoning relief being requested. This will be finalized for review.

Acting Chair Ray Lang reads his comments into the record: Exhibit E.

1. Comment #1 – In the Plan review I note that there is comment notices whereby the presenters are indicating that a division or setting of property ownership lines will take place after construction is completed on both buildings. Essentially they say that the ANR process will be brought into this step as Town procedures require. We should not do this step in this way. Ownership and lot lines should be determined before construction is begun or permitted.
2. Comment #2 – If we allow building of the Bank and CVS buildings, do we build both buildings on one lot, 2 lots or three lots? How do we or have we made decisions that allowed plans as submitted as being approved site plan submissions. Has any deed work on lot combinations

been done and by whom? Should the owner of the properties now be the person submitting the plans before us now? If not, why not?

3. Comment #3 – Will both buildings be owned by the builder and leased to both the Bank and CVS? Can we know the terms of the lease and the longevity of the leases?
4. Comment #4 – If either building were vacated and put up for sale, will the Planning Board or the Board of Appeals determine what business can go into either building? Will the Planning Board always be the Board charged with monitoring the use of these two buildings and the businesses that may go into them.
5. Comment #5 – If we require 9' x 20' parking spaces for both proposed buildings, what changes need to be considered to the current plans. CVS has curb stops in the parking spaces that face their building. That makes the current spaces smaller. Is that a CVS requirement?
6. Comment #6 – Discussion of Barnstable Road entrances and exits. Trace car entrances and exits after doing business at the site.

Eliza Cox, Esq. replies that they will review these comments. Her clients own these properties already. They think this is a terrific plan. Something is going to happen here. The curb cuts, aesthetics and much needed environmental improvements will be a significant enhancement.

Motion made by Paul Curley to continue this Public Hearing to May 23rd at 7 p.m., seconded by Mark Ferro, so voted unanimously.

Correspondence:

(Any Member wishing a copy please contact the office)

Chapter 91 Application – 81 & 86 Sand Point, Osterville – reconstruction/beach nourishment

Matters Not Reasonably Anticipated by the Chair:

JoAnne Buntich reviews the Planning Board's schedule. Request for a reduction (2 meetings) due to short staffing. Exhibit F. Elimination of the June 27th and August 8th meetings.

Ray has no problem with this.

Discussion of Joint Public Hearing. All can come but Mark Ferro is not sure.

Discussion of the July 11th workshop (policies and procedures Open Meeting Law) and who can attend.

David Munsell states that the zoning amendment, Hyannis Parking Overlay (HPOD) and the Town Council meeting on March 24th was not supported at that time, however later, the Town Council wanted to have another meeting for the HPOD.

JoAnne Buntich replies that there will be an Agenda item on the Planning Board's next agenda whereby the Town Attorney's will be coming to discuss this issue with the Planning Board.

Future Meetings:

Regularly Scheduled Meetings: May 23 and June 13, 2016, @ 7:00 PM.

Motion entertained by Ray Lang to adjourn, moved by Paul Curley, seconded by Holly Brockman Johnson, so voted unanimously.

Future Meetings:

Regularly Scheduled Meetings: May 23, and June 13, 2016, @ 7:00 PM.

The meeting adjourned at 8:59 p.m.

Respectfully Submitted

Karen A. Herrand
by Karen A. Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on

October 24, 2016

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 – The Village at Barnstable Project – Zoning Amendment 2016-146 informal presentation SCCRCOD - Power Point information Packet from Greystar

Exhibit B – Zoning Amendment Summary Item No. 2016-146 from Barnstable Town Council

Exhibit C – Regulatory Agreement 2016-001 Mark Hyannis, LLC – Traffic Engineering Peer Review letter dated April 29, 2016 from F. Giles Ham

Exhibit D – Draft Regulatory Agreement 2016-001 Mark Hyannis, LLC/ CVS Project – dated March 8, 2016

Exhibit E – Ray Lang's Comments to the Planning Board (my opinion) dated May 2, 2016

Exhibit F - Draft Planning Board Meeting Schedule