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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 June 13, 2016

Stephen Helman – Chairman	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, 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.

Approval Not Required Plans: A plan entitled “Approval Not Required Plan Being a Subdivision of Lot 38 Land Court Plan 11542-Z & Lot 43 Land Court Plan 11542-3, 340 Vineyard Road, Cotuit MA, dated May 12, 2016, Petitioners: Vineyard Road Trust” has been submitted for endorsement as an Approval Not Required Plan (ANR). The plan proposes to divide Lot 38 and Lot 43 into three new lots (Lot 71, 72, and 73)

Shane Mallon of Baxter Nye Engineering in attendance. He gives an explanation of the proposed application, reference to the plan, Exhibit A. There is a shed on Lot 71. Lot 72 has house, shed and barn. All meet frontage.

Ray Lang asks about land court, are all easements and rights of way recorded at Registry of Deeds? Shane Mallon answers yes, to his knowledge everything is of record, being depicted.

Motion made by Paul Curley to endorse/approve this ANR, seconded by David Munsell, so voted unanimously.

Maushop:

Lot Release Request: Request to Release Covenant on Lot 10 of Subdivision No. 362/658 (137 Maushop Avenue, Assessor's Map 278/046/001).

JoAnne Buntich explains that we need a status report from the Town's Engineer in order to proceed with this, we can continue to the next meeting.

Planning Board agrees to move to the next meeting, July 11, 2016 meeting.

Zoning Amendment: Proposed Zoning Amendment TC Item No. 2016-154 – Commercial Vehicle Storage in Residential Areas to add a new section 240-43.1 entitled Commercial Vehicles Accessory to Principal Residential Use to allow for the continued and regular parking of one (1) commercial vehicle owned or operated by a resident of the premises by right in all zoning districts, subject to conditions and exemptions; and to amend Article V Accessory Uses 240-46, Section B(12) Home Occupation to add a sentence so the section reads: "There are no commercial vehicles related to the customary home occupation, other than one van or one truck not to exceed one-ton capacity, and one trailer not to exceed 20 feet in length and not to exceed four tires, parked on the same lot containing the customary home occupation. In no case, shall there be more than one commercial vehicle per lot."

Town Councilor Will Crocker in attendance. He explains the proposed amendment, he is speaking for citizens regarding not wanting to have commercial vehicles in the residential areas, i.e., dump trucks, heavy equipment and commercial.

Ray Lang comments that a lot of subdivisions have their own regulations. Does this take away from any of those rights? Will this supersede?

JoAnne Buntich interjects that Ray may be referring to Homeowners Association and the rights that are involved with a subdivision that has one.

Town Attorney Ruth Weil, comments states that restrictive covenants are separate from any zoning amendments, this would be a case by case basis, applicable restrictions will be enforced by HOA.

Stephen Helman asks for clarification.

Ruth Weil states that the zoning in town would not enforce if HOA restrictions in effect.

Paul Curley asks about construction vehicles with bldg. permits and the need for contractual trucks what would happen in that type of temporary basis?

Town Councilor Crocker replies that this ordinance would allow this to continue.

JoAnne Buntich clarifies that the section that explains this is: is 240-43.1, E, "vehicles temporarily on the premises due to permitted building or site work that is continuing in good faith are allowed" Exhibit B.

Commissioner Tom Perry wanted this phrase "continue in good faith" and the Building Commissioner determines if in good faith or not.

Ray Lang confirms that it would be construction trailers?

Councilor Crocker replies yes, less than 20 ft. in length.

Motion entertained by Chair Stephen Helman to recommend to Town Council, moved by Paul Curley, seconded by Ray Lang, so voted unanimously.

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 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 and re-divide the existing three lots into two lots. *Public Hearing Continued from May 9 and May 23, 2016.*

Attorney Eliza Cox in attendance. Plans handed out, Exhibit D. She gives a brief review of the previous meeting.

David Roche, Mark Investments in attendance.

Randy Hart, VHB, Traffic Engineer in attendance.

Josh Swerling, Bohler Engineering in attendance.

Michael Scott, Esq. from Nutter, McClellan and Fish in attendance.

Chair Stephen Helman refers/reads memo from Roger Parsons, dated June 10, 2016, into record:

"After review of site plans, application and in particular the Traffic Impact and Access Study prepared by VHB dated March 2016, the "Peer Review" of the traffic study performed by VAI dated April 29, 2016, together with the response to the "Peer Review" from VHB dated May 5, 2016 – the DPW concurs with the overall analysis of traffic impacts, safety resolutions and mitigation achieved by the project.

The DPW would however recommend that the more northerly access from the proposed development onto Bearse Road be removed from the plan and modified signage and line messages within the site be installed to accommodate this change. It is our opinion that removal of the westerly access will allow more space to stack drive-through vehicles on site as well as reduce the congestion at the approach to Route 28 from Bearse Road." Noted: westerly means northerly

Exhibit C.

Ray Lang asks for clarification of the revised site plan (hand out), pg. 4, Exhibit D. Asks for clarification re traffic flow, parking changes? Bldg. location change?

David Roche states that they are proposing to remove curb cut at the location, Bearses Rd. there is a common sewer line, would not need an easement, now separate sewer lines.

There was a curb cut, but now just single curb cut.

David Munsell comments that the plans are great, this will enhance the area, however his concern is that this is in the wrong location, the rotary, he is not in support for this reason.

Mark Ferro comments that the entrances at the rotary now are a traffic concern. The rotary has been gridlock for a very long time here, he thinks excellent project, but has a hard time supporting it with this location.

Chair Stephen Helman comments that his first reaction was not in favor, but two traffic studies have been done and he is comfortable with the results now.

Paul Curley comments that people are scared about development, we are doing a disservice to the Town, this project is a plus. The traffic has to be addressed by both the State and the Town. This project needs to happen. He is in favor of this project.

Chair Stephen Helman asks if the Planning Board feels that they have enough information?

David Munsell comments that there was an intensive study done at the rotary some time ago. He's disappointed that they didn't see reports for this.

David Roche replies that they have seen these plans, and have considered and there are two small slivers of property that this involved, this does not impact the project

JoAnne Buntich interjects/confirms that this information did get sent to the Planning Board, a line for the Hyannis Access Study.

Ray Lang comments that they need to see a draft regulatory agreement. Public comments for this project stick in his mind. Needs to review all.

Mary Barry would like to see a draft regulatory agreement in its entirety, we cannot and should not stop improvement, thinks this is a good project.

Randy Hart comments that there is a wide opening into the rotary today that can be closed due to this project. This is an opportunity to fix and have a safety benefit. There are now eight points of access and consolidating brings this to three. This results in less trips, this project would contribute to the betterment. Peer consultants did agree with this as well.

Mark Ferro states that the curb cut is used for entry only, he has made this observation.

Attorney Eliza Cox states that there is a draft regulatory agreement that she can go over with all tonight, Exhibit E, pgs. 1-17. She reviews the outline of the agreement, conditions 1 - 27, plan insertions, waivers. Reference to (Exhibit A) of Exhibit E, (ANR plan), Exhibit F.

Holly Brockman-Johnson asks for clarification about the proposed CVS, will it be open 24 hours? Attorney Eliza Cox replies, just the drive up window at CVS will be open 24 hours.

Ray Lang states that he needs time to review the draft regulatory agreement, he will write down his comments/questions and work from that.

David Munsell states that he would like to review the draft regulatory agreement as well.

Attorney Eliza Cox clarifies that they have reviewed with the Legal Dept. and Growth Management in order to write and present this draft regulatory agreement correctly.

Chair Stephen Helman asks for any public comment

Attorney Michael Ford in attendance, representing abutter Joel Laham, car dealer, who is in favor of this project. He agrees with the DPW and the curb cut information. The private sector is willing to invest millions of dollars, this plan has taken into account what may happen with the rotary. There is a peer review. His client strongly urges to recommend favorably. He agrees the Agreement should be looked at carefully, these are contractual agreements that are enforced. The Planning Board has an opportunity to send a message and to get this area fixed up.

Attorney David Lawler in attendance, for Prime Realty, Wendy's restaurant. This would be a tremendous improvement for the area. The Applicant has listened and implemented changes that the Planning Board has asked for. Not one of the rotary businesses has opposed this. This area needs to be developed.

Attorney Eliza Cox asks if the Planning Board would entertain hearing this in two weeks to keep the project moving forward, as opposed to another month?

Discussion regarding the schedule and Staff possibly meeting individually with Planning Board members.

Motion entertained by Chair Stephen Helman to continue this public hearing to June 27th, 2016 at 7:00 p.m., moved by Paul Curley, seconded by Ray Lang, so voted unanimously.

Correspondence:

(Any Member wishing a copy please contact the office)

Zoning Board of Appeals - Comprehensive Permit (40B) for Habitat for Humanity: 536 River Rd., Marstons Mills - Public Hearing scheduled on June 22, 2016, 7:00 PM

Matters Not Reasonably Anticipated by the Chair:

JoAnne Buntich reviews and clarifies the Planning Board's schedule for the next two months, i.e. workshop attendance and Joint Public Hearing with Town Council.

Approval of Minutes: October 26 and November 9th, 2015

Motion made by Paul Curley to approve the minutes as presented for October 26, 2015, seconded by Holly Brockman Johnson, so voted unanimously.

Motion made by Paul Curley to approve the minutes as presented for November 9, 2015, seconded by Holly Brockman Johnson, so voted unanimously.

Future Meetings: Regularly Scheduled Meetings: July 25, August 22, 2016 @ 7:00 PM.

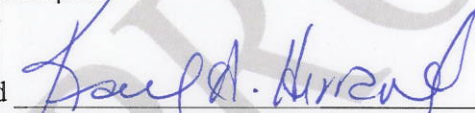
Paul Curley asks about the Leadership Nominating Committee: They are nominating the following: Chair Ray Lang, Vice Chair Mary Barry, Clerk Holly Brockman Johnson.

Chair Stephen Helman states that they will vote at the July 11th 2016 meeting for these nominations.

Motion entertained by Chair Stephen Helman to adjourn, moved by Holly Brockman Johnson, seconded by Paul Curley, so voted unanimously.

Meeting adjourned at 8:15 p.m.

Respectfully Submitted



by Karen A. Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on

March 27, 2017

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 – Plan – ANR dated May 12, 2016 – 340 Vineyard Rd., Cotuit – Map/Par 016-028

Exhibit B - ZA TC Item No. 2016-154 – Summary - Commercial Vehicles

Exhibit C – Memorandum dated June 10, 2016 from Roger Parsons – Reg. Agrmnt No. 2016-01 – 411 & 417 Barnstable Rd., Hyannis

Exhibit D – Site Development Plans dated December 1, 2015 – Reg. Agrmnt No. 2016-01 411 & 417 Barnstable Rd. & 42 Bearse Rd., Hyannis

Exhibit E – Draft Reg. Agrmnt. No. 2016-01 – 411 & 417 Barnstable Rd. & 42 Bearse Rd., Hyannis

Exhibit F - Draft Reg. Agrmnt. No. 2016-01 – 411 & 417 Barnstable Rd. & 42 Bearse Rd., Hyannis