



Town of Barnstable Planning Board

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Board Members

Mary Barry – Chair Stephen Helman – Vice Chair Steven Costello - Clerk Paul R. Curley David Munsell Fred LaSelva Jeffrey Swartz

John Norman – Town Council Liaison

Planning & Development Dept. Staff Support

Elizabeth Jenkins, AICP, Director

Paul Wackrow, Principal Planner

Karen Herrand – Principal Assistant - karen.herrand@town.barnstable.ma.us

Town of Barnstable PLANNING BOARD Minutes April 9, 2018

18 DEC 14 P1:54

BARNSTABLE
TOWN CLERK

Mary Barry – Chairman	Present
Stephen Helman – Vice Chairman	Present
Steven Costello - Clerk	Present
Paul Curley	Present
David Munsell	Absent
Fred LaSelva	Present
Jeffrey Swartz	Present

Also in attendance were Elizabeth Jenkins, Director, Paul Wackrow, Principal Planner and Karen Herrand, Principal Assistant, Planning & Development Dept.

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.

Chair Mary Barry moves an item out of order on the Agenda. Subdivision No. 809 and a request to continue to next Planning Board meeting.

Subdivisions:

Modification to Subdivision No. 809 – Daffodil Lane, Barnstable – Eddy - Modification of Subdivision Plan - 2 lots into 3. Continued from March 26, 2018

Chair Mary Barry entertains a motion to continue this matter, moved by Jeff Swartz, so voted unanimously to continue to April 23, 2018, hearing.

Special Permits:

Special Permit No. 2018-03 – 49 Ocean St., Hyannis - Verizon New England, Inc. has submitted an application to reinforce and extend the existing tower – modification to ZBA Special Permit No. 2013-002. Continued from March 26, 2018, for peer review update.

Attorney Michael Ford in attendance, representing Applicant, Verizon. He is here regarding the Peer review recommendation and update from Staff. He has been informed by Staff/Town Planner.

Paul Wackrow replies that a request for quotes was sent out and a response received from Isotrope LLC, Medfield. They are also able to assess the microwave path requirements between Hyannis and Nantucket, which is a little different than looking at a wireless tower, estimated cost is \$3,500.00 and one to two weeks to complete for a time frame.

Attorney Ford states that Verizon is willing to fund a peer review up to \$5,000.00, and this is within the scope.

Chair Mary Barry states that we just received the scope today and asks if anyone has had time to review or questions?

Jeff Swartz comments that he has asked about and found out that Nantucket does have an issue. Would like to reach out to Police/Fire in Nantucket re any problems with the height, supporting documents.

Fred LaSelva states that he would like to make sure and see if there may be any health issues with this tower, is this part of the scope on this? Town employees effected? He also would like Fire/Police to be informed.

Paul Wackrow replies that this is not what the objectives/proposal request was per the last meeting. Just the scope approved.

Chair Mary Barry asks if there is any public comment - None.

Attorney Ford clarifies time frame.

Elizabeth Jenkins interjects/confirmes that this consultant was the only one that responded. This will likely be the only one and very reputable consultant. Would like to bring on board and commence this review.

Chair Mary Barry entertains a motion, moved by Steven Costello to accept the peer review proposal, seconded by Paul Curley. Fred LaSelva abstains. The motion passes 5 to 1.

Stephen Helman clarifies that this is a Special Permit application and they will not have 5 members when this comes on April 23rd.

Need at least 5 to be present to hold the hearing. This would have to be held/move to May 14th, 2018.

Attorney Ford asks if the report comes back, could proposed findings of fact for this be worked on as well/Staff maybe work on this at the same time?

Chair Mary Barry asks if this can be done? Clarifies the process in order to do the study and review of and finalize a draft.

Elizabeth Jenkins confirms, yes, we could have some basic findings/conditions.

Paul Curley asks about fast tracking/expediting this.

Elizabeth Jenkins clarifies that they will do everything in their power to move this along.

Fred LaSelva comments that maybe the Business Improvement District (BID) should be weighing in on this as well, from the visual impact point of view.

Elizabeth Jenkins replies she has not spoken to anyone on the BID about this.

Attorney Ford clarifies that they will also be filing with the Hyannis Main Street Waterfront Historic District Commission and having a public hearing with them as well, regarding their purview of the aesthetics.

Chair Mary Barry confirms that May 14th 2018, will be the continuation date.

Chair Mary Barry entertains a motion to continue to May 14, 2018, moved by Steven Costello, seconded by Jeff Swartz, so voted unanimously.

Special Permit No. 2018-04 – 0 Engine House Rd., Hyannis – Hyannis Harbor Tours, Inc. seeks a Special Permit for 0 Enginehouse Road and 183 Iyannough Road under Section 240-24.1.9.B.(1) for a pay to park parking lot with 111 spaces within the WP Overlay District which includes placement of parking kiosk machine, protective bollards, curb stops, fencing and signage, and Section 240-24.1.9.B.(2) for a public transportation maintenance facility with minor updates to a building on the site.

Attorney Dan Creedon in attendance for the Applicant, Hyannis Harbor Tours, Inc. Marty Riley also in attendance.

Attorney Creedon gives a history of the previous Special Permit done for Engine House Rd., another section of this parking lot. Explains that this is the former site of Pufferbellies nightclub, refers to letter submitted today from Hy Harbor Tours, Inc., Exhibit A, dated April 9, 2017, giving the standing of R.F. and R.M., LLP and authorization (they have a previously issued special permit on one side of this lot). Existing building would be used for dry storage, luggage carts/trolleys used by Hy Line. These are presented under Chapter 240 24.19, b1 and b2 for parking and transportation and maintenance facility. This site has impervious coverage in current condition. The bldg. is some hard packed dirt and pavement. There are 5 handicapped spaces, northerly portion of the bldg., rear bldg., makes reference to the plan, Exhibit B. Proposing to bring parking lot up to grade, H2O, place curb stops and have parking spaces in that location. This plan has been before Site Plan Review. There has been a lot of input/revisions made. He refers to the Staff Report, Exhibit C, review of pg. 3 and pg. 4. Proposing a mixed use development. Hy Line has invested in their own shuttle, service specifically to shuttle patrons to the Harbor front. This proposal meets all of requirements of 240. 52. Refers to Staff report, pg. 4. Sections 240-52 A-D. Drainage to be constructed and to be retained on site and treatment of, refers to Staff Report - Pg. 3, 240-24.1.9 Transportation Hub District. D, a-d.

Landscaping – asking for waiver re internal, no room on site to provide. This would truncate the number of parking spaces that could be provided. Addresses to be re designated. They will be coming to HHDC for signage approvals.

Chair Mary Barry entertains a motion to open the Public Hearing, moved by Stephen Helman, seconded by Paul Curley, so voted unanimously.

Jeff Swartz asks/clarifies what is meant by more or less vacant for the bldg.? The inside in good shape?

Marty Riley, representing Hy Line Cruises. He replies that the bldg. for portion of 0 Engine House Rd. has now been vacant since that time. Pufferbellies is now vacant. Not in existence any longer. They used to use the bldg. for storage for Toys for Tots. They are now requesting to solely use this for storage of dry goods and business related to the Hy Line Ferry. The inside of the bldg. is in good shape.

Jeff Swartz directs to Staff for clarification/confirmation of such.

Elizabeth Jenkins replies that the bldg. is not in tremendous condition. This interim use is a good way to make sure the bldg. not neglected over time. This seems entirely suitable.

Jeff Swartz asks if there is any plans to spiff up the bldg? It doesn't look good now, the exterior.

Marty Riley replies that we will work closely with the Town and CCRTA, they plan on putting exterior lighting on front and back of the bldg. and security cameras. Hy-Line's ongoing presence will be held up in better repair.

Fred LaSelva has many questions (25 to 30):

He would like to provide in written form to the Petitioner and let them respond? Is this appropriate?

Chair Mary Barry replies yes, send to her and to Staff.

Fred LaSelva asks about zoning/marine use/the difference between a ferry and an excursion. Would like to see some sort of joint venture for the parking structure and at the same time to recognize historic bldg., roundhouse, Pufferbellies bldg. would like it to be referenced as/called a roundhouse per the trains.

Marty Riley responds that they are trying to work as closely as they can with CCRTA, some may include this preservation of the roundhouse for that purpose. Hy Line's season will be commencing soon. Would like to get/answer questions as soon as possible, hopeful that they could get approval tonight.

Paul Curley asks if confirms that there will be exterior lighting?

Marty Reilly replies yes, 3 on front of bldg. and 3 on back with security cameras, as before.

Paul Curley asks what about current parking on Ocean Street, will they still use this?

Marty Reilly replies, yes, but need offsite parking as well. Town has limited some of their parking on Ocean Street. We will have the shuttle system implemented this season. There is a competing business in New Bedford which is taking some business away from this area.

Stephen Helman asks about shuttle from when to when, time of day?

Marty Reilly replies that it will run to coincide with the Hy Line schedule, from early morning until 10:30 11:00 p.m. They did a test run from lots at Christmas season, stroll in Nantucket.

Steven Costello asks about elimination of spots at the harbor?

Marty Reilly replies, yes, we have lost some spaces. Public parking garage and preliminary information reveals that the cost is not feasible. A report they had done showed it to be too costly.

Steven Costello asks about a designated spot to collect passengers?

Marty Reilly replies that they are still working on this, refers to the plan, Exhibit B. Ideally two portions of Engine House Rd. would like to build shelters to have in place for the customers, this is the intent, may not be done by Memorial Day.

Steven Costello asks about the access, will it change? Signage help?

Attorney Creedon answers that they are relocating to the north, relocating about 40 to 50 ft. north to facilitate the turning radius. This was at the Deputy Chief's request.

Marty Reilly interjects that they are working with Cape Cod Regional Transit Authority (CCRTA) that will go beyond ferry symbol and Ridgewood Ave. which would have signage as well. Hy Line logo to be used, effort in ticketing as well so people will know where the shuttle service is.

Steven Costello directs to Fred LaSelva that we are here to facilitate the Town. He thinks helpful to get questions out, but ultimately, to get this to be taken advantage of for the summer is important.

Chair Mary Barry asks what was the reason for not doing this last year when other portion of parking lot done for that particular special permit?

Marty Riley, replies that the tenant (Pufferbellies) was still there, now tenant gone, they have full control of the whole site, both 183 Lyannough and 0 Engine House. The state property/piece also has a site/road here, which they are looking to get this to the Planning Board for next year as well.

Chair Mary Barry asks what months shuttle service will/will not be operating? What are the limitations?

Marty Reilly replies, shortly after the end of October/Columbus Day. The only exception is the Christmas Stroll, we would use for this time as well. Parking is not limited to only ferry service, it is for all, general, Steamship and Main Street.

Jeff Swartz asks about the Pufferbellies sign, coming down? Likes this project, thinks should move forward.

Marty Reilly answers that they would like to preserve it but make it look better. The State has a major improvement project in the area as well. Site Plan would like to see different iterations/smaller for what signage Hy Line could do there. We will be going to HHDC, Historic review for this. This sign is in bad shape.

Fred LaSelva states that he agrees with not inhibiting ability to do business. Looking for clarification re adding another ferry to number of runs?

Marty Reilly states no, not true. They took a traditional ferry offline, that could take 800 people. Hy Line sold this traditional ferry of line and replaced with 500 passenger fast ferry. Also, did with Martha's Vineyard ferry, they have 4 high speed vessels. The carrying capacity is less.

Fred LaSelva thinks that the number of trips are increasing, it is still the same number of people traveling, maybe a little bit more, good revenue. If flat parking/spaces converted to an economic development engine, i.e., Mashpee Commons layout, the Town would get a lot of real estate tax revenue and benefit from something like this. He would like to see a temporary permit that lasts 5 years and then work with the Town to build the parking structure offsite, then build parking off site and get rid of flat parking. Redevelop the parking. He would like to have his questions answered.

Marty Riley suggests referring to the Town's Parking Study done. They are open to structured parking for all if the economics can work. He is familiar and it has to have viable economics. They are very open to this. Happy to work with the Town and CCRTA.

Fred LaSelva states that the Town's real estate revenue would increase substantially. He doesn't know what the cost is per car for unit, what is transferred to the Town each time a car parks?

Marty Reilly replies that they pay Federal, State and local taxes, they pay licensing fees to operate with the Steamship Authority, and the Steamship Authority does not pay any federal, state or local taxes

They are one of the largest employers in the Town and one of the biggest tax payers as well.

Motion made by Stephen Helman to close the Public Hearing, seconded by Steven Costello, so voted unanimously.

Stephen Helman reads the Suggested Special Permit Findings into record:

Suggested Special Permit Findings

1. Hyannis Harbor Tours, Inc. is seeking a Special Permit for "O" Engine House Road, Hyannis Map 328, Parcel 241, and 183 Lyannough Road, Hyannis Map 238, Parcel 201 under Section 240-24.1.9.B. (1) for a pay to park parking facility within the WP Overlay District with 111 parking spaces which includes placement of a parking kiosk machine, protective bollards, curb stops, and signage; and Section 240-24.1.9.B. (2) for a Public Transportation Maintenance Facility in the building at 183 Lyannough Road which formerly housed the Pufferbellies Nightclub, consisting primarily of dry storage of food stuffs and luggage carts/trolleys used in the Applicant's business known as "Hy-Line Cruises," with minor updates to the building to comply with building, fire and health codes and requirements.

2. The subject lot is located in the Transportation Hub District (TD) and Wellhead Protection Overlay District (WP). This Special Permit is granted for the eastern portion "O" Engine House Road, and the entirety of 183 Lyannough Road.

3. The plan has been found approvable in accordance with Section 240-98 through Section 240-105, Site Plan Review, by the Site Plan Review Committee under an approval dated February 20, 2018, subject to various conditions.

4. The landscaping shown on the record plan satisfies the requirements of the Design and Infrastructure Plan and the spirit and intent of Zoning.

5. The application falls within a category specifically excepted in the ordinance for grant of a special permit as the Applicant seeks a Special Permit under Section 240-24.1.9. Transportation Hub District B. Special Permits (1) Parking Facilities within the WP Overlay District; and (2) Public Transportation Maintenance Facilities.

6. After an evaluation of all the evidence presented, the proposal fulfills the spirit and intent of the Zoning Ordinance and would not represent a substantial detriment to the public good or neighborhood affected.

7. The proposal meets the special permit granting criteria of 240-24.1.2 E (1):

- a. The development maintains or improves pedestrian access and outdoor public spaces;
- b. The development contributes to the historic and maritime character of the Hyannis Village area;
- c. The development provides for or contributes to alternative transportation or travel demand management.

Section 240-24.1.11

8. Each off-street parking space is consistent with the dimensional parking requirements set forth in Section 240-104, Minimum parking lot design standards.

9. Parking lot is designed with enough maneuvering space so that vehicles need not back onto a public way

10. Drainage facilities are designed and constructed to contain storm water runoff on the premises

Chair Mary Barry entertains a motion to approve the Findings, moved by Steven Costello, seconded by Stephen Helman, so voted unanimously.

Chair Mary Barry entertains a motion to grant the Special Permit subject to Conditions 1- 12 from the Staff Report dated April 5, 2018, moved by Paul Curley, seconded by Steven Costello.

Fred LaSelva interjects that he would like to discuss granting a 5 year permit for this to allow the Town and the Applicant to investigate/work together and perhaps build a permanent parking structure on this area, looking for Planning Board input.

Elizabeth Jenkins answers that it has to be executed within two years from the date the Decision is filed with the Town Clerk, but once executed there is no time frame.

Attorney Creedon states that they would prefer that it be granted without a time limitation. Specific costs/improvements. He doesn't disagree with the bigger picture re parking/larger scope of. What is before us now is to do this project/at this site. This proposed use for the historic structure. Fairly limited site. The eastern portion has the majority. He would ask that the Planning Board consider granting this without a time limit.

Marty Riley also comments that a substantial investment has been made in the property and the buses for shuttle. Previous portion approved and they have ongoing discussions with CCRTA and the Town and Steamship Authority.

Motion made by Stephen Helman to accept the Findings of Facts and the draft Conditions and approve this Special Permit, seconded by Paul Curley. Fred LaSelva rejects the motion as stated. The motion passes 5 to 1.

Correspondence:

Notice from DEP – Chapter 91 General License Self-Certification

Approval of Minutes: March 12th and March 26, 2018, draft minutes

Chair Mary Barry entertains a motion, moved by Stephen Helman, seconded by Paul Curley, so voted unanimously to approve March 12th and March 26th, 2018, minutes.

Chair Mary Barry would like to have a special meeting on April 30th, 2018.

Chair Mary Barry entertains a motion to reschedule/move April 23, 2018, meeting to April 30, 2018, moved by Stephen Helman, seconded by Jeff Swartz, so voted unanimously.

Motion to continue Sub. No. 809 to April 23, 2018, hearing is amended to continue to April 30, 2018, meeting.

Matters Not Reasonably Anticipated by the Chair:

Future Meetings: Regularly Scheduled Meetings: April 23 (changed to April 30, 2018) and May 14, 2018, @ 7:00 PM.

Chair Mary Barry asks for motion to adjourn, moved by Jeff Swartz, seconded by Stephen Helman, so voted unanimously.

The meeting adjourned at 8:37 p.m.

Respectfully Submitted _____
By Karen Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on _____

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 – Special Permit No. 2018-04 - Letter dated April 9, 2018, Engine House Rd/183 Iyanough Rd.

Exhibit B – Special Permit No. 2018-04 –Parking plan dated Jan. 30, 2018, Engine House Rd/183 Iyanough Rd.

Exhibit C – Special Permit No. 2018-04 –Draft Staff Report dated April 5, Jan. 30, 2018, Engine House Rd/183 Iyanough Rd.