



Town of Barnstable Planning Board

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Paul Wackrow, Principal Planner
Karen Herrand – Principal Assistant - karen.herrand@town.barnstable.ma.us

Town of Barnstable PLANNING BOARD Minutes March 25, 2019

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BARNSTABLE
TOWN CLERK

Mary Barry – Chairman	Present
Stephen Helman – Vice Chairman	Present
Steven Costello - Clerk	Present
Jeffrey Swartz	Present
Patrick Foran	Present
Walter Watson	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.

Special Permits:

Special Permit No. 2019-03 – Hardship Sign – 39 North Street/ 376 Main Street, Hyannis - Sydney Milliken has applied for a special permit pursuant to 240-71(E)(3) Signs – Hyannis Village Business District, Location hardship sign. A-frame sign is to be located at 376 Main Street, associated with a business at 39 North Street, Hyannis. Both addresses are located at subject property shown on Assessor's Map 327 Parcel 001.

Continued from March 11, 2019.

Sydney Milliken in attendance.

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

Paul Wackrow gives an explanation for/of this type of application. Store does not have Main Street frontage.

Jeff Swartz directs to Staff, asks if there are specific hours for this type of signage?

Paul Wackrow replies that the Hyannis Village Business District (HVB) sign ordinance does have restrictions that only to be used during business hours.

Chair Mary Barry asks for public comment. None.

Chair Mary Barry entertains a motion to close the Public Hearing, moved by Stephen Helman, seconded by Jeff Swartz, so voted unanimously.

Stephen Helman reads into record: Exhibit A.

Findings of Fact

1. The application falls within a category specifically excepted in the ordinance for the grant of a Special Permit. The applicant seeks a Special Permit under Section 240-71.E(3) to allow a location hardship sign in the Hyannis Village Business District.
2. That after 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 the neighborhood affected,
3. Site plan approval is not required for Location Hardship Signs. The Building Commissioner has approved a sketch plan displaying the proposed sign location.
4. The issuance of this Special Permit is consistent with the Downtown Hyannis Design and Infrastructure Plan.
5. A permitted sign is not visible on Main Street due to substantial obstruction(s) outside the control or ownership of the business owner including. The unit where Just Breathe Salt Spa is located is at the rear of 376 Main Street, with no frontage and limited signage on Main Street.
6. The applicant has secured a Certificate of Appropriateness from the Hyannis Main Street Waterfront Historic District Commission for the proposed sign.
7. The proposal contributes to the historic and maritime character of the Hyannis Village Area.

Chair Mary Barry entertains a motion to approve Findings, moved by Jeff Swartz, seconded by Patrick Foran, so voted unanimously.

Chair Mary Barry entertains a motion to grant this Special Permit Findings with the conditions as read, moved by Stephen Helman, seconded by Jeff Swartz, so voted unanimously.

Regulatory Agreements:

Regulatory Agreement No. 2019-02 – 268 Stevens Street, Hyannis, Massachusetts, Map 308 Parcel 017 - Laham Management & Leasing, Inc. seeks to enter into a Regulatory Agreement with the Town of Barnstable to develop the former site of an automobile dealership into a carwash with two residential apartments for employees and office space on the second floor. The Regulatory Agreement seeks waivers from the Zoning Ordinance, specifically Section 240-24.1.6 OM Office/Multi-family to allow for a “carwash” use in the OM Zoning District. A carwash is not a permitted use in the OM Zoning District. – *Continued from February 25, 2019.*

Attorney Michael Ford in attendance, representing the Applicant, Laham Management Leasing Inc.
Joel Lahma in attendance.

Attorney Michael Ford gives a history of the last meeting and update that they have heard from various abutters since the last meeting. At the Volvo Dealership they held the meeting. The main concerns were traffic, noise and question with respect to the use, 3 things. There has been a redesign of the proposal.

Power Point presentation: shows the original site plan, 8 bays, access off of Stevens Street, second floor with two apartments and meeting space.

Revised site plan: reduce size of the building, eliminated 4 of the bays, which reduced by 800 sq. ft. and the upstairs by 700 ft. Kept both apartments, just smaller in size.

Advantage of reducing – look at trip generation numbers, reduced by half.

Second benefit is that they can get 2 lanes coming in off of Stevens Street, room for a queue now. Dedicated lane going out. Also revised plan addressed noise. Vacuums on the site, all motors located in the interior of the building, not outside. Carwash tunnel noise – is when exiting of the vehicle, last stage, blower/dryer. Shows a detail of the tunnel. Blowers will not be the last phase, not located at the end of the tunnel, acoustic panels all through the tunnel. They feel that this is a positive way to address noise issues.

Landscaping - new concept plans, new site plan picture. Property to the north, brick building that has existing offices in it. Heavy screening to be done at the boundary line to make a buffer.

The last time a car dealership there was in 2008, view of how the old building was situated. Three existing curb cuts now. Concept plan after meeting with abutters/comparison of. Shows the collision center that has already been approved at this site – Bldg. permit already issued for this use. Traffic memorandum done. This has received approval from Site Plan Review. Have met with DPW/Roger Parsons has done a preliminary review of the site, he feels that the VHB calculations are correct/close. Safety issues, get some crash data from the Police Dept. and get information as to why accidents have happened in this area. We will work with staff about that.

Crossman has also done a traffic study and Peer Review. Wastewater – connection goes across Stevens St., pertinent rights, runs out to the public main sewer. Propose to build a new private pump station for the property. DPW notice states that they are concerned about wastewater coming through, has concerns re backup in the area. They have met with DPW and there could be problems with back up on this property. Town could use a new pumping station in this area to be hooked into the sewer. Pumping could be built within the layout of Mitchells Way. Laham is willing to do that. Community benefits for sewer. Working with DPW to make this happen.

Chair Mary Barry asks/clarifies what waiver they are asking for.
Attorney Ford replies one waiver being asked, the use.

Walter Watson asks about noise outside door/tunnel, any work done on reflective sound? Greater distance?

Joel Laham replies that if you look at tunnel, blowers at the end, 50 ft. will be at 60 decibels. The actual sound deadening machine/buff and shine, door doesn't open until the car hits the end. Doors go up in 3 seconds. Only noisy if door opens all the time.

Jeff Swartz states that this could be a good use for the land. Existing community auto body shops may lose business if this is used for collision use.

Stephen Helman comments that car wash lines have cars right behind you as you travel through the tunnel. Refers to the rendering, Exhibit B, asks about the lane direction. Left turn coming out may be difficult.

Joel Laham replies that they will be using a different type of technology, decibel level is much lower than what is used in a typical car wash. Staging will be done correctly/speed of the belt. By reducing the size of the building, they have more flexibility. They can make this a right turn only.

Chair Mary Barry asks about schematic re the auto facility and what they have permission currently.

Attorney Ford replies that the non conforming is for auto, the variance dealt with the size of the bldg. need to be kept in play, it could expire if not used.

Chair Mary Barry, if not move forward with carwash would this be used for a collision center? What would the hours be, until 7 p.m.

Attorney Ford replies 8 a.m. to 7 p.m. – 7 days a week.

Steve Costello traffic seems like the main concern. Left hand turn may be a problem. Trip generation – reduction to 4 bays, this will cut traffic? No self service vacuums? Water usage.

Joel Laham shows that there are 5 vacuums on the outside, the motors are all on the inside of the building. We want the neighbors to be happy with the process, they are customers to. Bio water system, 100% recyclable. They will use less than 50% of water that other car washes use.

Patrick Foran asks if the 4 bays are professional or self use? Any other locations for a carwash? Would the auto body shop allow for washing of cars?

Joel Laham states that everyone makes an appt. no self use/self serve.

Attorney Ford replies that no, this is in an AP zoning district.

Walter Watson asks if the auto body shop comes with any information re noise etc.

Attorney Ford replies no.

Public Comment

Robert Patten, he attended the abutter meeting. He loves the bldg., just wishes it was something else being proposed. There are some homeless concerns in the area. This may effect value of properties. Radios playing in a carwash will be noisy. Intersection concerns/safety concerns – opposition.

Lisa Daluz in attendance, Pleasant Hill Lane, off of Stevens St. has trouble on the street due to the HYCC traffic. This will be noisy, plus seven days a week, traffic concerns, needs lighting desperately - opposition.

Maryanne Barboza, lives on Mitchells Way in attendance. In the summer, there are many traffic concerns, Melody Tent traffic, cars speed a lot on Mitchell's Way, no sidewalks in the area, no lights in the area – opposition.

Attorney Anthony Mazzeo, representing Jack Cotton in attendance, 248 Stevens Street. This is not a permitted use. He refers to the letter from Jack Cotton dated March 25, 2019, Exhibit C.

Maria Daluz Reid, Mitchells Way. Abutter listing clarification. Mitchell's Way is used as a cut through. Traffic concerns due to the Melody Tent and people cutting through. Bus stops at Chart House Village, HYCC traffic from sporting/games being held at the HYCC a/k/a Youth Center. Health Care Center parking has added to traffic as well. Closing of Main Street events add to traffic as well – opposition.

Tim Williams, abutter, he was not aware of the meeting that Joel Laham had. This is an industrial application, 52 apartments in the area. Concerns with the noise/blowers/traffic/high accident area/no signals. Easement/scope of the water would be burdensome, hasn't seen any specification. There are grease problems that need to be addressed – opposition.

Sandra Mallory, Mitchells Way, in attendance. This is used as a cut through. No sidewalks. Safety concerns. Motorized wheelchairs/elderly in the area – opposition.

Attorney Jeff Johnson, representing Bornstein entities. Traffic, noise and use. They would prefer the collision center. Would like some time to look at numbers for use of collision center in comparison.

Elizabeth McChesney, Crossman Engineering in attendance. Traffic Engineer. Trip generation information. Study Area - they looked at a larger area than the HB, cross streets, Stevens, Bassett, and roundabout. Accident data, site distance.

Chair Mary Barry clarifies that they have an employee who is doing a review.

Allan Johnson, Flagship Estates condominium resident, in attendance. A lot of traffic already in the area. Safety concerns. Left hand turn concern. Dangerous intersection already. Businesses on North St. Noise concerns, asks about apartments, clarifies 2 apartments, 1 bedroom – opposition.

Lisa Daluz asks who did the traffic study and what months was it done?

Chair Mary Barry clarifies and will get the full answer to this abutter.

Stuart Bornstein in attendance. He sold property to Mr. Laham, he thought that an auto body shop was what was going in here. There are 169 residents in this area. There is a huge back up on Stevens Street. Traffic concerns. There will be noise, this type of business is noisy – opposition.

Eddy Dowling, property manager and tenant at the Village Marketplace in attendance. Stevens Street is extremely busy. The Village Market place becomes a cut through when there is an accident at one of the connecting intersections – opposition.

Steven Kalella, Flagship Estates in attendance. Cape Cod Healthcare has 220 employees, new in the area. Wanted to be in the downtown area and a part of the GIZ. He reads Cape Cod Times article into record. Many Drivers Fear Hyannis Area – Harry's Bar, intersection. Traffic concerns with an increase in traffic – opposition.

Meg Burton in attendance, two year Flagship Estate resident. Has noise concerns. Did not get invited to abutters meeting. Traffic concerns, safety concerns – opposition.

Laura Cronin in attendance. Likes the design, but wrong use here. There are a lot more residential in the area now, traffic and safety concerns – opposition.

Heidi Coyle, Mitchell's Way in attendance. Traffic and safety concerns – opposition.

Elizabeth McChesney. VHB used different percentage growth, their numbers are higher because they are using more recent growth data/information. Disagrees that this will have a low impact. Detail bays, the largest percent is from the car wash, not the detail bays, there is no comparison re the trip generation. Different technology – re belt- stacking information. Need information regarding what the trip generation difference is for this land use in comparison to a collision center -opposition.

Attorney Ford asks Elizabeth McChesney - when was she retained and by whom?

Elizabeth McChesney replies that it was Jeffrey Johnson, looked at this in 2018 of November/December. VHB looked at 2019. Existing volumes look pretty close.

Attorney Ford clarifies hired in 2008.

Delores Daluz in attendance. This is a residential area. We need more green space in Hyannis – opposition.

Chair Mary Barry asks for applicant to get sewer information and get an updated draft regulatory agreement for April 22nd meeting.

Chair Mary Barry entertains a motion to continue the public hearing to April 22, 2019, meeting, moved by Stephen Helman, seconded by Jeff Swartz, so voted unanimously.

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

Correspondence:

Chapter 91 – 421 Main St. & 348 East Bay Rd., Osterville – Eskandarian – maintenance/dredging
Notice of Project Change from Dan Santos/DPW – West Barnstable Conservation Land – Shooting Range

Matters Not Reasonably Anticipated by the Chair:

Future Meetings: April 8, 2019 and April 22, 2019, @ 7:00 p.m.

The meeting adjourned at 9:09 p.m.

Respectfully Submitted


By Karen Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on

June 10, 2019

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. 2019-06 – Location Hardship Sign – Staff Report

Exhibit B – Regulatory Agreement No. 2019-02 – Laham Management 268 Stevens St., Hyannis – Plan

Exhibit C - Regulatory Agreement No. 2019-02 – Laham Management 268 Stevens St., Hyannis – letter dated
March 25, 2019. From John Cotton