



# Town of Barnstable

# Planning Board



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### Board Members

Steven Costello – Chair   Jeffrey Swartz – Vice Chair   Patrick Foran - Clerk   Mary Barry   Walter Watson   Stephen Robichaud

Mathew Levesque – Town Council Liaison

### Planning & Development Dept. Staff Support

Elizabeth Jenkins, AICP, Director

Paul Wackrow, Senior Planner

Karen Herrand – Principal Assistant - [karen.herrand@town.barnstable.ma.us](mailto:karen.herrand@town.barnstable.ma.us)

19 SEP 18 P 2:50

BARNSTABLE  
TOWN CLERK

## Town of Barnstable PLANNING BOARD Minutes July 22, 2019

Steven Costello – Chairman	Present
Jeffrey Swartz – Vice Chairman	Present
Patrick Foran – Clerk	Present
Marry Barry	Present
Walter Watson	Present
Stephen Robichaud	Present

Also in attendance were Paul Wackrow, Senior Planner, Planning & Development, and Karen Herrand, Principal Assistant, Planning & Development.

**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:

2019-05 – Location hardship sign– 352/354 Main Street, Hyannis - Michael Lyons of Mass Cone Fusion, Inc. DBA Ben & Jerry’s 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 352/354 Main Street, Hyannis. Both addresses are located at subject property shown on Assessor’s Map 327 Parcel 005.

**Chair entertains a Motion to open the Public Hearing, moved by Jeff Swartz, seconded by Patrick Foran, so voted unanimously.**

Mike Lyons in attendance/applicant – Mass Cone Fusion Inc., d/b/a Ben & Jerry’s Ice Cream. He gives an explanation of why he is requesting the hardship sign. The store cannot be seen, tree, awnings blocking the view. The sign they have cannot be seen. Busy area and they are boxed in.

Mary Barry asks if there is a limit for sandwich board signs, per sq. ft. business?

Paul Wackrow replies, it’s a 3 step process to get approvals, Hyannis Main Street Waterfront Historic District Commission, Planning Board and Town Manager for liability issues/insurance certificate.

Jeff Swartz comments – he wonders how many of these signs are actually legal and done properly per Town requirements. Wants to make sure not to congested, may not be safe. He does support this application.

Walter Watson has obstruction concerns as well, suggests maybe making notation that this sign has been approved.

Mike Lyons comments that there are pinch points.

Chair Steven Costello asks about the location and placement of the sign.

Paul Wackrow replies that there is a sketch plan submitted that the Bldg. Commissioner and chief of property access have to sign off on as well as for liability. Both will be signing off.

No public comment.

**Chair Steven Costello entertains a motion to close the Public Hearing, moved by Jeff Swartz, seconded by Patrick Foran, so voted unanimously.**

Special Permit Findings read into record by Mary Barry:

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 must approve a sketch plan displaying the proposed sign location prior to issuance of a building permit.
4. The issuance of this Special Permit is consistent with the Downtown Hyannis Design and Infrastructure Plan.
5. Permitted signage is not visible on Main Street due to substantial obstruction(s) outside the control or ownership of the business owner including. The unit where Ben & Jerry's is located is at 352/354 Main Street, adjacent to a storefront with outdoor seating and an awning projecting several feet from the façade of the building.
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 maintains pedestrian access along the Main Street Site walk pursuant to 240-24.1.2.E(1) - Special Permit criteria in the Hyannis Village Zoning Districts.

**Mary Barry makes a motion to grant this Special Permit, moved by Jeff Swartz, seconded by Patrick Foran, 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; March 25, 2019; April 22, 2019; and June 10, 2019. Request received to continue to September 23, 2019.

**Chair Steven Costello entertains a motion to continue this Regulatory Agreement to September, 23, 2019, moved by Jeff Swartz, seconded by Patrick Foran, so voted unanimously.**

**Approval of Minutes:**

July 8, 2019 Draft Minutes

**Chair Steven Costello entertains a motion to approve the minutes as presented, moved by Jeff Swartz, seconded by Patrick Foran, so voted unanimously except Mary Barry abstains.**

**Correspondence:**

Public Hearing Notice – Town of Yarmouth – 881 Route 28, South Yarmouth

Public Hearing Notice – Cape Cod Commission – Local Comprehensive Plan Regulations

Decision Notice - Town of Mashpee – Blue Sky Tower 's II LLC's special permit application decision: withdrawal without prejudice.

Decision Notice – Town of Sandwich Special Permit Certificate of Approval - 92 Town Neck Road, Sandwich  
Ch. 91 Notification – 483 Elliott Road, Centerville

**Matters Not Reasonably Anticipated by the Chair:**

**Motion made by Jeff Swartz to adjourn, seconded by Patrick Foran, so voted unanimously.**

The meeting adjourned at 7:20 p.m.

**Future Meetings:** August 12 & 26, 2019, @ 7:00 p.m.

Respectfully Submitted

  
By Karen Herrand, Principal Assistant, Planning & Development

Approved by vote of the Board on

Sept. 9, 2019

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