

**MINUTES
TOWN OF BARNSTABLE
PLANNING BOARD
August 11, 2008**

A regularly scheduled and duly posted meeting of the Barnstable Planning Board was held on August 11, 2008 at 7:00 p.m. at the Town Hall, second floor Hearing Room, 367 Main Street, Hyannis, MA.

Members

Patrick Princi, Chair (Present)
Felicia Penn (Present)
Ray Lang (Present)
Dave Munsell (Present)
Paul Curley (Present)
Marlene Weir (Present)

STAFF (present)

Jo Anne Buntich – Asst Director, GMD
Ellen Swiniarski – Recording Secretary
Jackie Etsten – Principal Planner

Chairman Princi called the Meeting to Order at 7:00pm

Special Permit 2008-02 - Park Square Professional Building, LLC

(The following was read into the record by Patrick Princi)

To all persons deemed interested in the Planning Board acting under Chapter 40A, Section 9, and all amendments thereto of the General Laws of the Commonwealth of Massachusetts and the Town of Barnstable Zoning Ordinances, specifically Section 240-24.1 Hyannis Village Zoning Districts, you are hereby notified of a Public Hearing to be held on Monday, August 11, 2008 at 7:00 PM in the Hearing Room of the Barnstable Town Hall, 367 Main Street, Hyannis, MA to consider Special Permit Application 2008-02 for a nonresidential development greater than 10,000 sf/mixed use development pursuant to Section 240-24.1.4.B Special Permits; Dimensional, Bulk and other requirements pursuant to Section 240-24.1.4C; and for Site Development Standards pursuant to Section 240-24.1.10. Applicant is Park Square Professional Building, LLC and the property location is addressed 94 Main Street and 26 Camp Street, Hyannis, MA and shown on Assessor's Map 327 as Parcels 192 & 195 in the Hyannis Medical Services District.

Represented by Roy Catignani, ConServ Group

Motion duly made by Felicia Penn, seconded by Ray Lang to open the Public Hearing.

VOTE: So Voted Unanimously

Roy Catignani reviewed the details of this Special Permit Request. Due to the re-zoning of the Medical Services District, a mixed use is proposed. This project will also share parking with 110 Main Street, Cape Cod Urology, where they wish to affect a medical campus of sorts. Applicant wants to build on 94 Main Street and 26 Camp Street and through meeting with the various Historic Boards, it was agreed that 26 Camp Street would be maintained and 94 Main Street would be demolished. This project has been reviewed by Growth Management, Site Plan, DPW, and the Hyannis Fire Department. Applicant has agreed to replace the sidewalk and vertical curb on Camp and Cedar Streets and will replace existing chain link fence with 3-4' picket fence. Also will provide landscaping and lighting. Relief will be sought for side setbacks (2 ½"); landscape buffer (6'); parking buffer (5') and landscape requirement for residential abutters (6'). Questions arose regarding parking, final requirements of the Site Plan Review and that the Special Permit will need to specify usages for 94 Main and 26 Camp and list of relief needed.

Motion duly made by Felicia Penn, seconded by Ray Lang to continue the Public Hearing to August 25, 2008 at 7:00pm.

VOTE: So Voted Unanimously

PUBLIC HEARING Special Permit 2007-11 Peck's Boats (Continued from 7/14/08 and 7/28/08)- By Stipulation of Remand R. Lang, D. Munsell, P. Princi, M. Weir, F. Penn

(The following was read into the record by Patrick Princi)

Continued Public Hearing for Special Permit 2007-11 pursuant to Sections 240-44.1 Wind Energy Conversion Facilities, remanded to the Planning Board by an order of Stipulation of Remand to reconsider the relocation and height of the monopole wind turbine. Applicant is John Peck of Peck's Boats and the property location is addressed 3800 Falmouth Road, Marstons Mills, MA and shown on Assessor's Map 058 as Parcel 001 in the Service and Distribution -1 Zoning District.

Represented by Attorney Stuart Rapp

Attorney Rapp stated that they have submitted the requested information from the last meeting, i.e. full size plan of the relocation of the monopole, revised shadow flicker study of new location and a new efficiency study of the wind turbine. Chairman Princi called for Public Comment and there was none.

Motion duly made by Felicia Penn, seconded by Ray Lang to Close the Public Hearing and to proceed to August 25, 2009 at 7:00pm for review of Special Permit draft.

VOTE: So Voted Unanimously

PUBLIC HEARING Regulatory Agreement 2008-02 Greenery Development (Continued from 6/9/08, 6/23/08, 7/14/08 and 7/28/08) R. Lang, D. Munsell, F. Penn, M. Weir, P. Princi

(The following was read into the record by Patrick Princi)

Public Hearing for Regulatory Agreement Application 2008-02 which is a Modification of Regulatory Agreement 2007-02 previously approved for the Greenery Development, LLC. The properties are addressed 42A and 42B South Street, and 89 Lewis Bay Road, Hyannis, MA located in the Hyannis Village Medical Services District and shown on Assessor's Map 327 as Parcels 241 and 223, respectively.

Represented by David Lawler

Attorney Lawler reviewed the applicants request for a Change of Use from 42 Condo Units to 81 Assistant Living Units due to the economic conditions. In response to Member question on who would regulate, Attorney Lawler distributed Sate CMR regulations, Chapter 12 dealing with Assisted Living and noted that it is highly regulated by the State. Members Penn and Lang voiced concerns that this project include a percentage of affordable units and Attorney Lawler stated that there is approximately \$435,000 in mitigation that was negotiated with the Town and the new use is less intense. If there is additional mitigation, he is not sure if the developer will be able to go forward, but he will present to his clients language within the agreement to market units to a certain financial bracket. The consensus of the Board is to continue this discussion until the following items can be addressed: New marketing study, goal for mixed Income and how it will be pursued, how will the Town monitor project and how the vacant lot is to be developed so that it is not a detriment. Felicia Penn re-stated her wish that with the two blighted duplexes gone which were considered low income; she would like to see 8 units be affordable in the new project.

Motion duly made by Ray Lang, seconded by Felicia Penn to Continue the Public Hearing to September 8, 2008 at 7:00pm.

VOTE: So Voted Unanimously

OTHER BUSINESS

Request for Certificate of Completion (Form M) for Subdivision #748, Devon Crossing.

Motion duly made by Ray Lang, seconded by Felicia Penn to Issue a Form M, Certificate of Completion for Devon Crossing/Putnam Ave, Marstons Mills for Subdivision #748.

VOTE: So Voted Unanimously

COMMITTEE REPORTS

Marlene Weir noted and encouraged board members to attend Town Council Meeting August 21, 2008 to support the passage of the LCP as presented.

Having no further business before this Board, a motion was duly made by Ray Lang, seconded by Felicia Penn to adjourn the meeting at 8:50pm.

VOTE: So Voted Unanimously

Respectfully submitted,
Ellen Swiniarski, Recording Secretary
Edited by Marylou Fair