

**MINUTES
TOWN OF BARNSTABLE
PLANNING BOARD
September 08, 2008**

A regularly scheduled and duly posted meeting of the Barnstable Planning Board was held on September 08, 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
Steve Seymour, PE Engineer

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

SECURITY AND LOT RELEASE REQUESTS

Subdivision # 305 - Rue Michelle (Continued from 08/25/08)

Request to extend time frame for completion of subdivision from Nov. 9, 2008 to Nov. 9, 2011. Review Security issue for completion of subdivision, dollar amount, and bond expiration date. Steve Seymour, Town Engineer was present to answer questions members had from the previous meeting of August 25, 2008. Mr. Seymour stated that the current security was set approximately 1 ½ years ago and is about to lapse as is the Development Agreement. In his best cost scenario due to the current times and fluctuating prices, he would recommend extending security one year at a time. If the board decides to extend for a two year period, he would suggest increasing the security by \$8,000.00 The bond is valid from April 20, 2007 through April 20, 2009. The validity of the bond renewing is based on the payment of the premium. Applicant to provide proof of bond renewal premium paid by March 1, 2009. If such payment is not made, the bond will be called. The expiration of the Development Agreement is November 15, 2009 and a modification to this Agreement must also be made.

Motion duly made by Dave Munsell, seconded by Ray Lang to grant a bond security extension for a one year period to April 20, 2010 on the condition that the premium for renewal is paid and receipt received by March 1, 2009 and to enter into a modification of the Development Agreement for completion date of 11/15/2009 and to be recorded at the Registry of Deeds.

VOTE: So Voted Unanimously

Subdivision #634 - DeDecko (Continued from 08/25/08)

Letter dated August 15, 2008 requesting completion of subdivision road and lighting. Jackie Etsten informed the Board that this will require a review by the Town Attorney's Office. Felicia Penn asked if the lighting was included in this review. Steve Seymour stated that the lighting was not part of the original subdivision approval. This item was continued to the next scheduled meeting.

PUBLIC HEARING - Rules and Regulations of the Barnstable Planning Board

The Planning Board as the designated Special Permit Granting Authority (SPGA) established by MGL Chapter 40 A, Section 9, and governed by the Town of Barnstable Administrative Code and Zoning Ordinances as may be amended from time to time, will hold a public hearing on Rules and Regulations of the Barnstable Planning Board September 8, 2008, 7:00 p.m... The purpose of this hearing is to establish and adopt rules and regulations under which the Planning Board will operate when applicants seek special permit approval under their authority.

JoAnne Buntich informed the Board that a change to the Administrative Code will need to be approved and requests that this be continued to December 8, 2008.

Motion duly made by Felicia Penn, seconded by Ray Lang to Continue the Public Hearing to December 8, 2009 at 7:00pm..

VOTE: So Voted Unanimously

PUBLIC HEARING Regulatory Agreement 2008-02 Greenery Development (Continued from 6/9/08, 6/23/08, 7/14/08, 7/28/08 and 8/11/08)

R. Lang, D. Munsell, F. Penn, M. Weir, P. Princi

Continued 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.

Chairman Princi informed the Board that an e-mail had been received from Attorney David Lawler requesting a Continuance to September 22, 2009.

Motion duly made by Felicia Penn, seconded by Dave Munsell to Continue Public Hearing to September 22, 2009 at 7:00pm.

VOTE: So Voted Unanimously

Special Permit 2008-02 - Park Square Professional Building, LLC - Public Hearing Closed

Review of Draft Decision

R. Lang, D. Munsell, F. Penn, F. Weir, P. Princi, Paul Curley

Special Permit Application 2008-02 for a nonresidential development greater than 10,000 s.f./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.

Roy Catignani was present to represent the Applicant.

Jo Ann Buntich reviewed the relief requested and submitted a revised draft decision. Ray Lang and Paul Curley read the findings of facts into the record. Felicia Penn read the Design & Infrastructure Plan details into the record.

Motion duly made by Felicia Penn, seconded by Dave Munsell, based upon the finding of facts read into the record, to adopt Special Permit 2008-02 with conditions.

VOTE: So Voted Unanimously

Chairman Princi read into the record Conditions #1-10 and noted that this Special Permit must be recorded with the Registry and Deeds and a copy of this recording filed with the Town Clerk.

PUBLIC HEARING– Definitive Subdivision # 817 – Off Parker Road (Continued from 9/24/07, 10/22/07, 11/26/07, 12/10/07, 01/14/08, 2/25/08, 3/24/08, 4/10/08, 4/28/08, 6/9/08, 6/23/08, 7/14/08, 7/28/08 and 8/25/08)

Request for continuance to October 27, 2008 has been received. R. Lang, D. Munsell, F. Penn, M. Weir, P. Princi

Continued Public Hearing for Subdivision plan, entitled "Definitive Subdivision Plan Located in West Barnstable, MA", Subdivision # 817 for property shown on Assessor's Map 176, Parcel 021, located off Parker Road, West Barnstable, Massachusetts.

Letter received from Attorney Dunning requesting continuance to October 27, 2008 and requesting extension of time to act by Planning Board to December 31, 2008. Two Board members indicated that they would not be present for the October 27, 2008 meeting and therefore asked that this be added to the November 10, 2008 Agenda.

Motion duly made by Felicia Penn, seconded by Ray Lang to grant the request for an Extension of Time to Act by Planning Board to December 31, 2008 and to Continue the Public Hearing to November 10, 2008 at 7:00pm.

VOTE: So Voted Unanimously

CORRESPONDENCE RECEIVED

Chapter 91 License Application has been received to construct and maintain a seasonal pier at the residence addressed 249 Wheeler Road, Barnstable, in and over the waters of Mystic Lake.

Chapter 91 License Application has been received from Town of Barnstable Conservation Division to construct an inlet in order to re-establish the historical hydraulic connection between Rushy Marsh Pond and Nantucket Sound with a primary goal of improving water quality. Project site: Map 016, Parcel 011, 60 Oregon Way, Cotuit, MA, waters of Rushy Marsh Pond and Nantucket Sound.

Having no further business before this Board, a motion was duly made by Ray Lang, seconded by Dave Munsell to adjourn the meeting at 8:00pm
VOTE: So Voted Unanimously

Respectfully submitted,

Ellen Swiniarski, Recording Secretary
Edited by Marylou Fair

DRAFT