

**MINUTES
TOWN OF BARNSTABLE
PLANNING BOARD
November 23, 2009**

A regularly scheduled and duly posted meeting of the Barnstable Planning Board was held on November 23, 2009 at 7:00 p.m. at the New Town Hall, second floor Hearing Room, 367 Main Street, Hyannis, MA.

The meeting was called to order at 7:00 p.m. with the following Members/Staff present:

PLANNING BOARD MEMBERS

Felicia Penn ,Chairman
Matthew Teague, Clerk
Marlene Weir
David Munsell
Paul Curley

STAFF

Ellen Swiniarski - Recording Secretary- GMD
JoAnne Buntich - Int. Director, Growth Management Dept.
Steve Seymour - Senior Engineer - Growth Management Dept

APPROVAL NOT REQUIRED PLANS

MITCHELL/WELSH *The following was read into the record by Matthew Teague, Clerk:*

“Plan of Land in Barnstable, MA” prepared for Owner/Applicant, Douglas S. Mitchell & Christine Welsh, dated August 25, 2009, scale 1”=60’ prepared by Down Cape Engineering, Inc., Yarmouthport, MA, Map 211, Parcel 006, Zoning: Residence D-1. Reapplication after Cape Cod Commission DRI Exemption received November 13, 2009 + 21 days = December 4, 2009.

Dan Ojula of Down Cape Engineering was present and addressed the Board. He stated that this is a minor lot line adjustment. Question was raised if there was an existing easement that should appear on the plan. Mr. Ojula stated that he would check this and add it to the plan and return with the revised ANR for endorsement if there is.

Motion was duly made by Paul Curley and seconded by David Munsell to endorse the plan as an Approval Not Required Plan. So voted unanimously.

DALBY *The following was read into the record by Matthew Teague, Clerk:*

“Plan of Land in Barnstable (Centerville) MA Prepared for Alan Dalby Being a Division of Land Court Plan 11611-A2, dated February 27, 2008, scale 1” = 60’; prepared by Down Cape Engineering, Inc., Yarmouthport, MA, Map 211, Parcel 006, Zoning: Residence D-1. Reapplication after Cape Cod Commission DRI Exemption received November 13, 2009 + 21 days = December 4, 2009.

Dan Ojula of Down Cape Engineering was present and addressed the Board. He explained that this was the division of one lot from a 31 acre parcel which required Cape Cod Commission exemption because the original lot is over 30 acres. The small lot created, Lot 1, is for single family use. Lot 2 is subject to all restrictions and cannot be subdivided without a full review from the Commission.

Motion was duly made by Matthew Teague and seconded by Paul Curley to endorse the plan as an ANR plan. So voted unanimously.

SECURITY AND LOT RELEASE REQUESTS

A letter was received from Mr. William Greer, owner of 40 Salt Meadow Lane, West Barnstable, requesting the release of lots 1 & 3 of Subdivision # 65 from covenant.

Steve Seymour, Senior Engineer, GMD addressed the Board and stated that lots 1 & 3 are part of a 1965 subdivision and have not been released from that covenant. The road was not built to the subdivision standards, and much of the subdivision land beyond Mr. Greer’s property has been put under

a conservation restriction. The existing road width is approx. 9 ft. and would need to be widened at least to 12 ft or more. Puddling is a problem and would need to be drained and filled. The paved apron is breaking apart and the cobble is sticking up in the road. He stated that this road would be very hard to plow. The road entrance has site distance problems especially to the left. A turnaround has been proposed by Mr. Greer. DPW Highway Department should assess also.

JoAnne Buntich stated West Barnstable Fire District is okay for emergency access, however it is premature to release the lots without DPW needs also being assessed and provided.

Mr. William Greer, owner and applicant addressed the Board. He stated that he purchased the lots several years ago and has been working ever since to make them buildable. A well has been installed, etc., however he needs the covenant released to progress. He agreed that the review of his request required a subsequent meeting and requested a continuance to December 14, 2009 Planning Board meeting which was granted by the Planning Board.

David Munsell inquired regarding a modification of this subdivision. It was stated that the subdivision was never paved to subdivision standards, the 2 lots at the front were not part of the subdivision and a homeowner's association was not formed. Lot 2 was released in 1971 because the road had been improved enough to meet criteria at that time. It was agreed that the Planning Board members would view this road at their convenience in preparation for December 14, 2009 meeting.

OTHER BUSINESS

Motion was duly made by Paul Curley and seconded by Marlene Weir to accept the minutes of the Planning Board meeting of November 9, 2009. So voted unanimously.

Planning Board Fees

Motion was duly made by David Munsell and seconded by Paul Curley to have all of the costs of postage and advertising for Planning Board matters be paid for by the applicants beginning January 1, 2010. So voted unanimously.

REPORTS - JoAnne Buntich, Int. Director, Growth Management Dept.

Local Comprehensive Plan Update :

- Recommended changes to Land Use Section 1 have been made
- Planning Board reviewed and accepted changes
- Expect to bring these requested changes back to Town Council by end of the year
- The action plan had been determined to be too large
- Action plan will need to be revisited annually - must work with operating budget
- Other sections will be reviewed by Planning Board

Zoning Discussions for December 14, 2009 meeting:

- Office/Multifamily Definition
- Craigville Beach DCPC
- Barnstable Visioning

CORRESPONDENCE RECEIVED DISCUSSION:

Notice of Zoning Board of Appeals Public Hearing to the Planning Board of Barnstable Housing Authority's Chapter 40B Comprehensive Permit Application at 70 Stage Coach Road and 151 Oak Street, Centerville was received. Attorney Paul Revere, attorney for several abutting property owners, was present and addressed the Board. He stated that 12 lots abut Stage Coach Road and that the road is part of a 1972 Land Court subdivision of which the Barnstable Housing Authority property is not a part. He further stated that the only frontage of their property is the width of the road where it dead ends and under comprehensive permit rules, legal rights of access must be proven. Also, Stage Coach Road drainage is

inadequate and the road floods often. He suggested that modification of the subdivision may be needed by the Planning Board, especially if extending beyond and through an approved subdivision. He acknowledged that the ZBA can act on behalf of other boards under a comprehensive permit and requested that the Planning Board provide opinion to the ZBA regarding issues of access to this Chapter 40B site.

Motion was duly made by Marlene Weir and seconded by David Munsell to adjourn. So voted unanimously.

Respectfully submitted,

Ellen Swiniarski, Recording Secretary
Regulatory Review Coordinator - GMD

DRAFT