

**MINUTES  
TOWN OF BARNSTABLE  
PLANNING BOARD  
March 22, 2010**

A regularly scheduled and duly posted meeting of the Barnstable Planning Board was held on March 22, 2010 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  
Mathew Teague, Clerk  
David Munsell  
Marlene Weir  
Patrick Princi

**STAFF**

JoAnne Buntich, Director, Growth Management Dept.  
Art Traczyk, Principal Planner/Design Review Planner  
Arden Cadrin, Special Projects Coord. - Housing  
Elizabeth Jenkins, Principal Planner  
Ruth Weil, Town Attorney  
Ellen Swiniarski, Regulatory Review Coordinator

**SUBDIVISIONS**

Felicia Penn stated that the applicant requested that Modification of PIAHAD Special Permit for Schooner Village and Settler's Landing II be moved to 8:00 p.m. to allow attorney to be present.

***Maki Family Trust - Preliminary Subdivision Plan - Subdivision #819 Continued from 3/8/10***

Request for extension of time and continuance to Planning Board meeting of May 10, 2010 was received.

**Motion was duly made by David Munsell and seconded by Patrick Princi to allow an extension of time and continuance of the Maki Family Trust Subdivision #819 to May 10, 2010. So voted unanimously.**

**Other Business**

Review of minutes of March 8, 2010 meeting. It was noted that Town Council items were continued to March 18, 2010 and not March 25, 2010. An asterisk in the minutes at the incorrect date will provide correction.

**Motion was duly made by Patrick Princi and seconded by David Munsell to approve the minutes of March 8, 2010 as submitted. So voted unanimously.**

JoAnne Buntich provided updates as follows:

- Pecks Turbine failure - Blades have been condemned as unsafe structures by the Building Commissioner. Owner will work with his engineer to ensure that failure cannot occur in the future. A remote braking system will be required.
- Local Comprehensive Plan Town Council edits were approved by the Town Council at their March 18, 2010. This will be finalized and brought back to April 1, 2010 Town Council meeting as there was a charter objection. Upon vote of approval from Town Council, the document will go before the Cape Cod Commission for approval.

- District of Critical Planning Concerns Implementation Regulations was continued to Town Council agenda of April 1, 2010.
- Hyannis BID signage - Hyannis Historic District Commission discussed with BID. Policy statement was developed. Will review at April 12, 2010 Planning Board meeting.
- Green Communities - Research and Development portion was previously submitted to DOER liaison for the area and further clarification is going to be provided to them. A list of privately-owned parcels suitably sized for wind or solar is being compiled.
- Marstons Mills Village Business District boundary/zoning change. West Barnstable is not changing boundaries, will adopt corporate branding or formula business restrictions.
- Zoning - A simplified process for equal exchanges of lot area is being researched to be applicable where new non conformities are not being created.
- Shellfish Overlay District - moratorium is coming to a close. Coastal Resources Management Committee has completed report and made recommendation to make the temporary ordinance, permanent.
- At Town Council Meeting of March 18, 2010, two ordinances passed - Addition of medical/dental use to the OM (Office Multifamily District) & Barnstable Village Corporate Branding/Formula Business Prohibition.
- Will continue to work with Barnstable Village regarding reshaping of the business district. Will also work with Cotuit Village in June regarding parking in the village center. GMD has reviewed the site plan for Cotuit Library for parking lot.
- Osterville village - will be working with the civic association regarding the creation of a park on town-owned property.
- Mr. Munsell reported that at the last Town Council meeting that the addition of medical/dental use to the OM District was voted unanimously and credits this to Felicia Penn's report as to why the Planning Board supported this change.
- Felicia Penn raised the question how enforcement of directives contained in a special permit condition is accomplished. JoAnne stated that if there is non compliance with a condition in a permit, there would be an avenue of enforcement. Felicia said that they have complied with what was agreed, however it is not adequate. Further, she recalls requesting a driveway configuration which absolutely disabled the prohibited turn, but it was proposed that the signage would be adequate. JoAnne stated that reconfiguration of the access itself to prevent left turns will be pursued for future projects.
- The applicant for Chapter 91 that is subject to the DCPC has been advised by the Town Attorney's office that their project is subject to the moratorium of the DCPC.

**A recess was called by the Chairman until the arrival of the proponents for the PIAHAD Special Permit Modification Public Hearings.**

**Meeting called to order 7:40 p.m.**

**Public Hearing - Modification of PIAHAD Special Permit for Schooner Village - Subdivision 813**

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

Jacques N. Morin, Trustee of Schooner Village Realty Trust, has requested a modification and a clarification of the Private-Initiated Affordable Housing Development (PIAHD) Special Permit issued for the development of Schooner Village (Subdivision No. 813). The requested modification is to Condition No. 9 and seeks to add a new house plan to the existing 8 approved house plans, and to provide for the future introduction of additional new house plans by administrative approval. The clarification also regards Condition No. 9 of the permit. Specifically, that part of the Condition that provides for a 290 sq.ft. addition to each home. The applicant seeks a clarification that the 290 sq.ft. addition is that of living area and is not applicable to garages. The locus is that part of Subdivision No. 813 as shown on Assessor's Map 272 as parcels 206, 207 & 208, and Map 273, parcels 204-004, 204-005, 204-006, 204-009, 204-013, 204-014, 204-015 & 204-017. The subject properties are respectively addressed 141, 100, 110, 39, 49, 59, 89, 60, 50, 40 and 20 Schooner Lane, Hyannis, MA in a Residential C-1 Zoning District.

**Motion was duly made by Matthew Teague and seconded by David Munsell to open the public hearing. So voted unanimously.**

Attorney Michael Ford, representative for the applicant, Jacques N. Morin, addressed the Board. Also present was Martha Morin.

- Minor modifications to previously approved special permit for PIAHAD subdivision are being requested.
- Schooner Village appears in orange in the color-coded plans on the screen.
- Staff report did not raise concerns with the exception of the following:
  - Follow Up Report of 3/19/10 - Under considerations for Board to grant:
  - #3 - request that words "porches and decks" be added
  - #3 2<sup>nd</sup> paragraph - 8 dwelling units should be changed to 9 dwelling units affected by the modification.
  - #3 - after word "garage" insert words "porch or deck"
  - #4 - seeking relief for administrative process to be put into place for additional building designs. Desired new designs to be reviewed at staff level and perhaps approved administratively. If not, then by the Planning Board for decision, however stated that perhaps a full public hearing could be reserved only if needed.

Art Traczyk, Growth Management Department - responded to the above commentary:

- Regarding #4 - If Planning Board decides to put administrative process into place for approval of new building designs, clear guidelines will need to be provided by the Planning Board for such matters as square footage, lot coverage, etc.
- Schooner Village has only 6 market rate homes in the development not built, it may not be feasible to put an administrative process into place for only 6 possibilities.

Jacques Morin:

An additional ranch design slightly smaller than the design under review is another design that would be desired in the near future if approval could be obtained administratively.

Attorney Ford stated that suggested language had been forwarded and inquired if it had been considered.

JoAnne Buntich, Growth Management Department Director:

- Unusual that a special permit would have a provision for the kind of flexibility being requested. This type of flexibility is available usually only in a 40B.

The Board discussed “living area” and “gross square footage area” and the difference in size between what had previously been approved to the new design “Wellesley”. Felicia Penn stated that the Building Department deals with gross square footage and this is also what is listed in the PIHAD Special Permit.

Arden Cadrin – Growth Management Department provided a summary of what has already taken place regarding the affordable units in this development and further informed the Board that prices are dictated by the Regulatory Agreement.

Affordable houses have 2 price levels:

- larger “Nantucket” 2 story 1,600 gross s.f. \$170,000 and \$176,500
- smaller “Vineyard” sells for \$156,400 - 2 available
- Prices are yet to be determined. Based on median income, tax rate and interest rates at the time.

Mr. Moran confirmed that all of the affordable units have one-car garages.

Felicia Penn confirmed that Wellesley is almost twice as large as smaller Vineyard and also proposes a 2 car garage instead of a 1-car garage. Further, the original decision indicated that after a certain number of market rate homes are built with garages, then for each market rate home with a garage, a garage will be added to an affordable rate home. Mr. Moran stated that the 4 affordable units already built have 1 car garages. There are 17 homes built in Schooner Village, 7 have 2 car garages.

Public comment was invited:

Patricia Gisselson representing owner of 9 Beth Lane and other neighbors who live in area spoke:

- Owner of residence is objecting to any increases in the size of the houses.
- Claimed developer tore up back of the properties and houses are on top of each other. Small lots with large houses. People who abut these neighborhoods do not like this. Planted trees on the lot line that need to be taken care of by abutters. Vacant land had been used many years for garden and trees. Complained of disregard for existing neighbors.

Mark Kore - resident of 32 Buckwood Drive (corner of Schooner Lane)

- House shakes when building is taking place - family wants peace.
- The end of Schooner Lane is being blocked.
- Inquired what the additional 290 feet is to be. These houses are big enough.
- Creates more traffic, more troubles.

Steve Mussleman – 79 Schooner Lane:

- In total support
- Provided example of 290 foot addition - therapy pool used daily
- Need is for more single level living for aging population.
- Living in house since September 24, 2007 - second home.

David Munsell and Felicia Penn reminded everyone that the original special permit is not under review, only a clarification and modification.

Attorney Ford indicated that 9 Beth Lane does not abut property that is a part of this application for special permit modification. Mr. Morin stated that the person who was occupying Lot 21 owned it in the past and had planted extensive gardens. A shed was also found to be over the property line. The setbacks on Lot 21 are in compliance.

Felicia Penn noted that 10 letters had been received regarding the application, all were in favor.

Attorney Ford answered questions regarding the size of the new design "Wellesley":

- Wellesley, 2,400 s.f. – requesting up to 3 of this design
- Sizes of the homes this would replace are: 1,980 s.f. Concord II w/o garage; 1,966 w/o garage Lexington II

JoAnne suggested that grid that shows all of the lots in Schooner, which are developed, w/gross floor area of dwelling, gross floor area of garage for each, and what is proposed by house style would be very helpful.

- Want to keep closer track of what is happening to the market rate homes in a subdivision which contains affordable homes.
- Must maintain indistinguishability of affordables.

Attorney Ford reminded the Board that the Housing Committee already reviewed and approved this aspect.

Mr. Morin explained to the Board that the illustrations in the original decision were provided for modeling and that he was not aware that he would be locked into those designs and only on the lots illustrated. The new design proposed is in response to what he has been hearing over the last 2 years is desired: 1<sup>st</sup> floor master bedroom, open floor concept - alternative room or 2<sup>nd</sup> bedroom on 1<sup>st</sup> floor. The original eight house designs are not working.

JoAnne Buntich stated that the Housing Committee did not have the information about the affordables and garages so this had not been considered when the BHC approved the new design. Gross floor area plus garage needs to be nailed down for each lot. Perhaps a square footage limit could be used to allow flexibility rather than a specific plan.

Art Traczyk stated that with regard to the administrative approval of new house designs in the future, staff would like guidance from Board for gross floor area however, not necessarily for style.

Ruth Weil, Town Attorney – The concerns are that under PIHAD special permit and LIP guidelines that indistinguishability of the affordable homes must be maintained. An analysis should be done to see what the potential is for an indistinguishability problem. Adding new plans for market rate only and none for affordable homes could potentially cause a problem.

Attorney Ford stated again that this is why they went to the Housing Committee for approval.

JoAnne Buntich repeated that the Housing Committee did not have the detail of information that is being provided tonight.

Matt Teague informed the Board that he has had experience with affordable projects and that the standard of indistinguishability is usually that the same materials and similar architectural details be used for both market rate and affordables. Gross floor area does not include garages. Perhaps Board could limit gross floor area to 1,980 s.f. and have a lot coverage requirement. Simple guidelines could be achieved. Suggests that developer provide several plans now for approval by Planning Board. The 290 s.f. needs clarification that it is not a garage.

Attorney Ford stated that the 290 s.f. addition was based on the s.f. of a typical family room size. Never intended to be for a garage.

JoAnne Buntich confirmed that the following information is needed for the Board:

- It was concluded that the 290 s.f. addition was for living space not garage
- That a summary of gross floor area that exists plus garage (stating 1 or 2 car)
- A summary of the exchange of house plans incorporating the "Wellesley" or another plan within a gross sq. ft. range
- What is habitable space - definition

Art stated that gross floor area including decks, garages, porches should be used. Then minus out the uncountable areas.

Marlene Weir believes that the one floor living is a good concept and supports seniors aging in place in the Community.

**Motion was duly made by David Munsell and seconded by Matt Teague to continue the public hearing to April 26, 2010 at 7:00 p.m. So voted unanimously.**

### **Public Hearing - Modification of PIAHAD Special Permit for Settler's Landing II - Subdivision 812**

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

Martha M. Morin, Trustee of Settlers Landing Realty Trust II, has requested a modification and a clarification of the Private-Initiated Affordable Housing Development (PIAHD) Special Permit issued for the development of Settlers Landing II (Subdivision No. 812). The requested modification is to Condition No. 10 and seeks to add a new house plan to the existing 8 approved house plans, and to provide for the future introduction of additional new house plans by administrative approval. The clarification also regards Condition No. 10 of the permit. Specifically, that part of the Condition that provides for a 290 sq.ft. addition to each home. The applicant seeks a clarification that the 290 sq.ft. addition is that of living area and is not applicable to garages. The locus is the southern 7.75 acres of a 13.36-acre parcel shown on Assessor's Map 273 as Parcels 122, 122-001 through 122-011, 032, and 032-001. The property is located off Castlewood Circle in Hyannis, MA in a Residential C-1 Zoning District.

**Motion was duly made by Matthew Teague and seconded by David Munsell to open the Public Hearing. So voted unanimously.**

Attorney Ford addressed the Board and stated that this modification is about the same issues but in a subdivision that has not been built yet.

- Felicia Penn stated that she was comfortable with everything except the administrative approval of a new plan because nothing has been built as yet.
- Attorney Ford stated that there is an even greater need for flexibility in this subdivision.

Public comment was requested and no one came forward to speak for or against the application.

Mr. Morin through his attorney, Attorney Ford, requested that the administrative approval of a new house design by staff be withdrawn.

**Motion was duly made by Matthew Teague and seconded by David Munsell to grant the modification of condition #10 to allow the ninth style house plan "Wellesley" provided that there shall not be more than six of this style permitted in Settler's Landing II - Subdivision 812 development and clarification of 290 s.f. be gross floor area as defined in the bylaw, and excludes porches, decks and garages from gross floor area. So voted unanimously.**

**Motion was duly made by Matthew Teague and seconded by David Munsell to close the public hearing. So voted unanimously.**

Based on the advice of the Town Attorney, Schooner Village Modification could not be reopened because people from the public who spoke had left.

**Motion to adjourn was duly made and seconded. Adjourned.**

Respectfully submitted,

Ellen Swiniarski,  
Regulatory Review Coordinator