



BARNSTABLE
TOWN CLERK

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**Town of Barnstable
Planning Board
Minutes
August 23, 2010**

Raymond Lang – Chair	Present
Paul Curley	Present
Dave Munsell	Present
Felicia Penn	Present
Patrick Princi	Present
Matthew Teague	Present

Also present were Growth Management staff Jo Anne Miller Buntich, Director; Stephen Seymour, Special Projects Manager/Traffic Engineer; Elizabeth Jenkins, Principal Planner; and Ellen Swinarski, Regulatory Review Coordinator. A quorum being met, Chairman Lang opened the meeting at 7:00 PM.

Security and Lot Release Request – Subdivision #812 – Settler's Landing I & II – Attorney Michael Ford and developer Jacques Morin were present. Attorney Ford stated that this was a request for release of 49 lots in Settler's Landing I and II. Steve Seymour presented an itemized report to the board regarding the work that still needs to be completed on the roadwork and utilities. He stated that the critical components of electrical, phone and sewer systems are not yet complete. He further stated that when the sewer and electrical systems are working, he estimates approximately \$153,000 would be required to cover the remaining work to be done.

Attorney Ford stated that Mr. Morin is asking for some of the lots to be released from covenant in order to go forward with building permit applications to keep the process moving.

Questions and discussion from the board followed. It was then decided staff will work with the applicant to present a negotiated plan for a combination of retention of some lots under covenant in addition to cash bond.

A motion was duly made and seconded to continue the matter of the security and lot release request for Subdivision #812- Settler's Landing I & II to September 13, 2010 at 7 pm. So voted unanimously.

Public Hearing – Special Permit 2010-06 – Colorful Creations – Colorful Creations has applied for a special permit for a hardship location sign at 388 Main Street, Hyannis. Special Permit application was read into record by Paul Curley.

A motion was duly made by Patrick Princi, seconded by Paul Curley, to open the public hearing. So voted unanimously.

Felicia Penn recuses herself.

Joel Irving, husband of owner Jane Irving, presented the reasons for requesting the special permit. Mr. Irving stated that since they had to remove the A frame for non-compliance of the zoning ordinance, sales have decreased by 25%. Visibility of the store front is hindered by adjacent property and a tree. Comments from the board and the public were received and discussed.

A motion was duly made by Dave Munsell, seconded by Paul Curley, to close the public hearing. So voted unanimously.

A motion was duly made by Patrick Princi to grant the special permit 2010-06 subject to the conditions as presented in the staff report dated August 23, 2010. Motion seconded by Dave Munsell. So voted unanimously.

Public Hearing – Special Permit #2010-07 – Katie’s Soup & Sandwich Shop – Katie’s Soup and Sandwich Shop has applied for a special permit for a hardship location sign at 570 Main Street, Hyannis. Read into record by Paul Curley.

Motion duly made by Felicia Penn, seconded by Paul Curley to open the public hearing. So voted unanimously.

Julie Kimball, owner, stated that the sandwich shop is not readily visible from Main Street. After discussion the board feels that there is no hardship in this case and there is a way to display a visible sign under the current ordinance.

No public comment received.

A motion duly made by Matthew Teague, seconded by Paul Curley, to close the public hearing. So voted unanimously.

A motion was duly made by Felicia Penn, and seconded by Paul Curley, to accept the findings as submitted in the staff report as presented in #4 that the permitted sign is clearly visible and the building is not excessively set back to create a hardship location, and to recommend the board not approve the special permit. So voted unanimously.

A motion was duly made by Felicia Penn to deny the special permit request pursuant to the staff findings. Motion was seconded by Matthew Teague. So voted unanimously.

Public Hearing – Special Permit 2010-08 – Second Time Around – Second Time Around has applied for a special permit for a hardship location sign at 631 Main Street, Hyannis. Read into record by Paul Curley.

A motion was duly made by David Munsell, seconded by Felicia Penn, to open the public hearing. So voted unanimously.

Stanley Homey of Centerville, owner of Second Time Around, stated that the building is located very far back from the street and he would like to place a sign on the sidewalk near the entrance to the parking lot.

Amanda Converse spoke in favor of the applicant’s request.

A motion was duly made by Felicia Penn, seconded by David Munsell, to close the public hearing. So voted unanimously.

A motion was duly made by Paul Curley, seconded by Matthew Teague, to deny the application of special permit request # 2010-08. 2 in favor; 3 opposed; 1 abstention.

A motion was duly made by Felicia Penn, to accept findings #1-7 from staff report dated August 13, 2010 and as read into record by Ms. Penn. Motion was seconded by Patrick Princi. 3 in favor; 2 opposed; 1 abstention. Motion denied as it failed to achieve super majority vote of the board.

Continued Public Hearing – Special Permit 2010-04 Red Fish Blue Fish – Applicant has applied for a special permit for a hardship location A frame sign to be located at 374 Main Street Hyannis. Read into record by Paul Curley.

Jane Walsh, owner of Red Fish Blue Fish, stated that the awning of the adjacent building and umbrellas on the tables in front of the building block the sign to her business.

A motion was duly made by Patrick Princi to accept the findings as written in the staff report dated August 3, 2010. Seconded by Felicia Penn.

No further public comment received. A motion was then duly made by Matthew Teague, seconded by Felicia Penn, to close the public hearing. So voted unanimously.

A unanimous vote was then taken to accept the findings as written.

A motion was duly made by Matthew Teague, seconded by Paul Curley to accept the conditions in the staff report dated August 3, 2010 with addition of condition #6 adding the Town of Barnstable be listed as additional insured with regard to liability on the certificate. So voted unanimously.

Continued Public Hearing – Special Permit 2010-05 – Common Ground Café – Common Ground Café is requesting a special permit for a hardship location sign at 420 Main Street, Hyannis. Read into record by Paul Curley.

Christine Olson, representing the applicant, stated that their sign is blocked by lights, a flag and outdoor seating from British Beer Company.

Comments received from the board. Amanda Converse and Jane Walsh spoke in favor of the applicant.

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

Motion duly made by Matthew Teague, to deny the Special Permit 2010-05 based on findings that there is not a substantial visual obstruction to their existing sign. Seconded by Paul Curley. So voted unanimously.

Continued Public Hearing – Special Permit 2010-02 – Ardeo on Main – Applicant is requesting a special permit for a hardship location sign to be located at 644 Main Street, Hyannis. – Motion was duly made by Paul Curley, seconded by Matthew Teague, to continue to September 13, 2010 at 7 pm. So voted unanimously.

Continued Public Hearing – Special Permit 2010-03 – Caffè Gelato – Applicant is requesting a special permit for a hardship location sign to be located on the corner at 427 Main Street, Hyannis. Read into record by Paul Curley.

Cindy Duby, owner of Caffè Gelato, stated she is requesting the special permit as a result of being more than 50 feet set back from Pearl Street and from facades of other buildings along the street. She stated that the building is not visible from the street. Additionally the frontage is a driveway that serves the houses on either side of the building.

Applicant withdraws without prejudice. Motion duly made by Felicia Penn, seconded by Paul Curley, to accept withdrawal of Special Permit 2010-03 without prejudice. So voted unanimously.

Continued Public Hearing – Special Permit 2010-01 – Impulse LLC – Applicant is requesting a special permit for retail use that will increase vehicle trips per day; reduce parking, allow for parking at front of building; reduce required setback and buffer; lot coverage, and reuse of curb cut on Route 28. Address is 333-349 Iyannough Road (Route 28) Hyannis. Read into record by Paul Curley.

Elizabeth Jenkins reviewed the revised submissions since the last planning board meeting, referring to the staff report dated August 19, 2010 that summarizes the changes. Stuart Bornstein and Dan Ojala of Downcape Engineering were present to address questions from the Board.

A motion was duly made by Felicia Penn, seconded by Patrick Princi, to accept the findings of the staff report dated August 19, 2010 as read into record. So voted unanimously.

A motion was duly made by Patrick Princi, seconded by Paul Curley, to close the public hearing. So voted unanimously.

A motion was duly made by Paul Curley, seconded by Patrick Princi, to approve the special permit 2010-01 subject to the findings of the board. So voted unanimously.

The proposed conditions from the staff report dated August 19, 2010 were read into record.

A motion was duly made by Ray Lang, seconded by Paul Curley to accept the proposed conditions as read. So voted unanimously.

Motion was duly made and seconded, and unanimously voted to adjourn.

Transcribed and submitted,
Marjorie Watson
Administrative Assistant
Growth Management Department

Next Meeting: September 13, 2010

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