



Town of Barnstable Planning Board

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Board Members

Matthew Teague – Chair Paul Curley – Vice Chair Stephen Helman – Clerk Patrick Princi Felicia Penn Raymond Lang David Munsell
John Norman – Town Council Liaison

Staff Support

Art Traczyk – Design/Regulatory Review Planner – art.traczyk@town.barnstable.ma.us
Karen Herrand – Principal Assistant – karen.herrand@town.barnstable.ma.us

Town of Barnstable Planning Board Minutes April 28, 2014

Matthew Teague – Chairman	Not Present
Paul Curley – Vice Chairman	Present-Acting Chair
Stephen Helman - Clerk	Present
Felicia Penn	Present
Raymond Lang	Present
David Munsell	Present
Patrick Princi	Present

Also in attendance were Art Traczyk, Regulatory Review Planner, and JoAnne Buntich, Director, Growth Management, Dept..

Approval Not Required Plans:

Kenney: A Plan entitled “Approval Not Required Plan of Land #114 Old Jail Lane in Barnstable, Massachusetts” dated February 8, 2013, last revised October 21, 2013, has been submitted for endorsement to the Board as an Approval Not Required (ANR) Plan. The plan proposes to divide 114 Old Jail Lane, Barnstable, MA (Assessor’s Map 278 Parcel 022 into two new lots.

Kieran Healy of BSC Group, Inc. in attendance. He explains the relief that was granted from the ZBA, regarding the lot shape factor.

Motion by Patrick Princi to endorse/approve this ANR plan, seconded by Stephen Helman, so voted unanimously.

Maki: A Plan entitled “Plan of Land in West Barnstable, MA Prepared for Karl Maki” dated April 2, 2014 has been submitted for endorsement to the Board as an Approval Not Required (ANR) Plan. The plan proposes to divide 2.46-acres of land (Parcel A on the plan) and convey that parcel. A note on the plan states that; “Parcel A shown hereon is for conveyance purposes only, and is not a building lot.”

Dan Ojala of Down Cape Engineering in attendance. He gives a brief explanation (Exhibit A, plan as submitted). Applicant would like to sell a strip of easterly land (Parcel A) to a neighbor (Drake). Lot 1 has some wetland.

Ray Lang asks about Parcel A, and confirms railroad tracks there. Asks for clarification of entrance area and if land could be merged in the future. Confirms that the abutter, Drake is the buyer.

Dan Ojala explains that this is a remnant, panhandle area.

Felicia Penn asks for clarification of the Staff Report, (Exhibit B) that the parcel is indeed to be transferred to a direct abutter and this abutter is Kathleen Drake? It could be divided and remain with Maki?

Dan Ojala answers yes, that's the plan, it could be divided as well, many options, mainly for conveyance purposes.

Motion made by Stephen Helman to approve/endorse this ANR plan, seconded by David Munsell, so voted unanimously.

Zoning Amendments:

7:00 P.M. Public Hearing – New

**Zoning Amendment – TC Item No. 2014-126
Renaming & Update of the Flood Area Provisions**

The Planning Board of the Town of Barnstable, acting under Chapter 40A, Section 5 of the General Laws of the Commonwealth of Massachusetts will take comment on a proposed zoning amendment to rename and update §240-34 Flood Area Provisions of the Zoning Ordinance.

The proposed changes are to;

- Re-title the section to 'Floodplain District' for consistency with FEMA terminology, adopt the new Flood Insurance Rate Map (FIRM) for the Town of Barnstable as issued by the Federal Emergency Management Agency (FEMA) effective date of July 16, 2014, and update the references to the Building Code and reference to "FEMA Flood Insurance Rate Map".
- For consistency with FEMA regulations new provisions to address watercourses that have not had a regulatory floodway designated to them, establishes notification requirements for alterations or relocations of watercourses, and require adequate drainage paths be provided around proposed structures in a floodplain.
- And, to assure consistency through out the Zoning Ordinance, the proposed amendment includes changing those provisions that now reference §240-34 as "Flood area provision" to be re-titled to "Floodplain District".

This amendment was referred to the Planning Board for a public hearing by Town Council Item No. 2014-126

JoAnne Buntich hands out Flood Zone maps (Exhibit C).

Motion made by Patrick Princi, seconded by Felicia Penn to open the Public Hearing, so voted unanimously.

JoAnne Buntich explains the flood area provisions zone map and the amendment as presented (Exhibit C (map)) and (Exhibit D) zoning amendment. We have been told that these maps will need to be approved by July by FEMA. The Zoning Ordinance comes from the state, this is how the town receives it. If we choose to make changes or not to adopt it could jeopardize the eligibility of property owners to participate in the National Flood Insurance Program.

Felicia Penn asks/refers to Section 1 (under Section 2, pg. 1, Exhibit D) "The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated July 16, 2014....

Felicia Penn asks if this report exists?

JoAnne Buntich answers that they could get a copy to the Planning Board, however keep in mind the urgency in moving this along. The Town Council needs to vote on this.

Felicia Penn clarifies if this study is a regional version?

JoAnne Buntich replies yes, exactly. Each jurisdiction has its own. It is standard language. She makes reference to the strikethrough version of the Zoning Ordinance (Exhibit D).

Felicia Penn asks/comments that there was a list of individual parcel owners who had hired an attorney and got their properties exempt from this.

JoAnne Buntich replies yes, this is referred to as a Letter of Map Amendment. This doesn't change the concept of the map, it changes the designations and how it relates to their specific property, from an individuals perspective.

Dan Ojala in attendance, he gives public comment/explanation about the procedures of the Letter of Map Amendment (LOMA). He states that it is very accurate, done with laser, very minor errors. The information is FEMA based and done through them.

JoAnne Buntich confirms that the Planning Board does not have anything to do with the LOMAS.

Ray Lang asks about the color codes on the map (Exhibit B). Asks for a breakdown of each color/code/zone.

JoAnne Buntich refers to/explains the legend on the map (Exhibit B) and the referenced zones. These maps are used for the underwriters to determine what your insurance rates will be. National Flood Insurance Program is run by FEMA. The Building Commissioner and Conservation will be involved as well.

Dan Ojala comments about the impacts of the new maps. The flood elevations have been mostly in other communities, Harwich, Dennis.

JoAnne Buntich states/clarifies that the rates are not set by this process. The comparison of the old flood maps and the new flood maps of property by zone; 162 buildings (current) 223 buildings (new) for the V zone, 1,033 buildings (current) 1,513 (new) for the A zones. Overall the total number of buildings has decreased, but the decrease is in the area that is the least effected by flood.

Ray Lang asks/comments if a situation would ever come up whereby someone would ask for a variance and go before the ZBA?

JoAnne Buntich replies that the practical application is that it would never come before the ZBA.

Stephen Helman asks for clarification of this process as that this is done to validate/acknowledge the FEMA terminology so so that we can move forward and pass it on?

JoAnne Buntich answers, yes, this is an unusual process whereby properties everywhere are wrestling with this adoption at a local level. It is an affirmation more than determination.

David Munsell asks if this is final?

JoAnne Buntich answers that there was a lot going on with the actual shapes, homeowner rates, etc. For some other communities on the Cape it will be a dramatic difference. FEMA states that the town needs to complete the process before July 16th.

David Munsell comments that this is frightening to burden property owners with.

JoAnne Buntich states that the rates will go up before and/or without any action by this Board.

Paul Curley confirms that the maps are being put in place by FEMA, there is a process for individual homeowners to go through to appeal. He states we have to recommend this to move the zoning amendment to Town Council, if not we will be putting some property owners/residents at risk, and they will not have flood insurance.

Patrick Princi comments that he went to a training for this, and clarifies that either you adopt this or residents will not have the option.

Felicia Penn refers to the map (Exhibit C) "NOTE: The flood zones shown here represent the 2013 Preliminary Revised FEMA Flood Insurance Rate Maps. These maps are preliminary and have not yet been adopted. These are preliminary data that may be subject to appeal and may change before final adoption and cannot be used for making final determinations."

Felicia Penn asks will this note be removed from here after it goes through Town Council?

JoAnne Buntich answers it will be re worded to reflect going from a preliminary to the final phase.

Paul Curley asks for Public Comment. None.

Motion made by Patrick Princi, seconded by Stephen Helman to close the Public Hearing, so voted unanimously.

Motion made by Patrick Princi, seconded by Stephen Helman to recommend this item, all sections, to Town Council, so voted unanimously.

Administrative Matters:

Revised Public Hearing Schedule: Enclosed is a revised 2014 Planning Board meeting schedule for acceptance by the Board. The schedule reduces the number of meetings in August and September to a single meeting to be held on the fourth Monday of the month.

Motion entertained by Paul Curley, moved and seconded by Stephen Helman to approve this item, so voted unanimously.

Planning Board Reappointments: The Town Council Appointments Committee has sent notice that Members Raymond Lang and Matthew Teague terms expire June 2014. A Reappointment Form is included which must be signed if you wish to be considered for reappointment to the Board.

Ray Lang has signed his Reappointment Form.

Correspondence: Regulatory Agreement No. 2013-003 – Hyannis Harbor Hotel – Update

Felicia Penn refers to correspondence dated March 6, 2014, from Attorney Ford (Exhibit D), pg. 2, “ESTIMATED NEW YEAR ROUND AND SEASONAL EMPLOYMENT – (All Full Time)” The regulatory agreement is supposed to only deal with the new hotel, not the existing hotel, this is confusing. The new property doesn’t have a pool.

JoAnne Buntich will contact the applicant with these concerns and comments from the Planning Board.

Approval of Minutes: Approval of March 24, 2014, Board Meeting Minutes

Motion made by Felicia Penn, seconded by Stephen Helman to accept the minutes of March 24, 2014, as received.

Aye; Ray Lang, David Munsell.

Abstain; Patrick Princi, Paul Curley, as they were not present.

Discussion

Felicia Penn has a report about the dealership on the corner of Stevens Street and High School Road, Hyannis, currently the Ford dealership. This area was discussed previously about being a buffer area between commercial and residential.

She had sent an email to JoAnne Buntich, the property owner, Wayne Kurker and Matt Teague regarding the condition of this property. She had a meeting with the owner and Joyce Landscaping. The Town had been previously working on the sidewalks and the intersection here, but they have finished. The contractor that the Town hired broke/ripped up the irrigation system here. There is a lot of damage here, uprooted plantings etc.

It has been discussed and is in the makings for the property to be repaired and cleaned up.

Felicia Penn has been assured by Mr. Kurker that this will be done.

JoAnne Buntich explains that there is a list that they will review with the Building Commissioner to see that the property meets the Regulatory Agreement conditions and that if need be, they are re established. She states that by the next meeting there should be an accurate assessment of progress here.

By the next meeting we should have an assessment of what is being done here.

Future Meetings: Regularly Scheduled Meetings: May 12, 2014 and June 9, 2014 @ 7:00 PM.

Motion made by Ray Lang, seconded by Stephen Helman to adjourn, so voted unanimously.

The meeting adjourned at 7:58 p.m.

Respectfully Submitted

Karen A. Herrand
by Karen A. Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on

June 9th, 2014

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

List of Exhibit Documents

Exhibit A – Plan of Land entitled “Plan of Land in West Barnstable, MA, Karl Maki, dated April 2, 2014 – File ANR, 1700 Main St., Barnstable

Exhibit B – Staff Report dated April 15, 2014, Karl Maki – File ANR, 1700 Main St., Barnstable

Exhibit C – Town of Barnstable Flood Zones Map, dated 3-18-2014 – File Zoning Amendment (FEMA) - TC Item No. 2014-126

Exhibit D – Proposed Zoning Ordinance Amendment Renaming and Update of the Flood Area Provisions of the Zoning Ordinance, File Zoning Amendment (FEMA) – TC Item No. 2014-126

Exhibit E – Letter dated March 6, 2014, from Attorney Michael Ford – File Regulatory Agreement No. 2013-03, Hyannis Harbor Hotel