



Town of Barnstable Planning Board



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Board Members

Steven Costello – Chair Jeffrey Swartz – Vice Chair Patrick Foran - Clerk Mary Barry Walter Watson Stephen Robichaud
John Norman – Town Council Liaison

Planning & Development Dept. Staff Support

Elizabeth Jenkins, AICP, Director
Paul Wackrow, Principal Planner
Karen Herrand – Principal Assistant - karen.herrand@town.barnstable.ma.us

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BARNSTABLE
TOWN CLERK

Town of Barnstable PLANNING BOARD Minutes July 8, 2019

Steven Costello – Chairman	Present
Jeffrey Swartz – Vice Chairman	Present
Patrick Foran – Clerk	Present
Marry Barry	Absent
Walter Watson	Present
Stephen Robichaud	Present

Also in attendance were Paul Wackrow, Principal Planner, Planning & Development, and Erin Logan, Administrative Assistant, Planning & Development.

Notice of Recording: This meeting is being recorded and broadcast on Channel 18 and in accordance with MGL Chapter 30A §20. The Chair must inquire whether anyone else is taping this meeting and to please make their presence known.

Members introduced themselves.

Subdivisions:

Whistleberry Subdivision No. 454 – Discussion and possible vote to approve a settlement agreement

Represented by: Assistant Town Attorney, Charles McLaughlin; Attorney Michael Schulz; Attorney Brian Wall; Attorney Charles Sabatt;

Public Comment: Resident, Gary Blazis

Assistant Attorney McLaughlin provided a brief history of the subdivision. He advised there are three lots that are still under covenant. McLaughlin explained that the settlement agreement would release the remaining lots in escrow to the Town of Barnstable’s Town Attorney’s Office. McLaughlin continued to explain that once the work has been completed to satisfaction, the Town Attorney’s Office will release the lots.

McLaughlin closed by asking the Planning Board to endorse the settlement agreement. He reiterated that the agreement would release the covenants to the Town Attorney’s Office to be held in escrow, and this project would no longer be in the hands of the Planning Board. He added that Roger Parsons will conduct the final review [of the completed subdivision]. Parsons will make any recommendations, at that time, to the Town Attorney’s Office. If the requirements have been satisfied, the Town Attorney’s Office will release the lots from escrow to the Hostetter Family.

Attorney Michael Schulz spoke on behalf of Priscilla & Daniel Hostetter. Schulz handed McLaughlin the original signature pages. Schulz felt the agreement had been well vetted and he asked the board to approve and endorse the settlement agreement.

Attorney Brian Wall spoke on behalf of the Whistleberry Residents Association. Wall advised that the Association is the owner of the subdivision and is required to care for the development. He then provided a brief history of his involvement with the subdivision, noting he was hired in 2014. Wall did not feel this was a perfect agreement but asked the board to approve it so the work can be completed.

McLaughlin added some history regarding drainage problems noting that the United States Postal Service and the Fire Department have expressed concerns accessing this subdivision. He added that the final plan will need to be reviewed and approved by the Conservation Commission with respects to the drainage and the surrounding bogs; there is a fall back worked into the plan in the event the Conservation Commission does not approve the plan.

Attorney Charles Sabatt speaks on behalf of Jacques Morin. Sabatt comments that the lower portion of Berry Hollow Drive has been impassible for a number of years. He presumes the approval of the Conservation Commission (ConCom) but added that if ConCom does not support this plan, there is a fall back in place to use gravel [in lieu of asphalt] and there will be funding in place for maintenance, so the road will be passable. Sabatt asked the board to endorse the settlement agreement.

Chair Costello called for additional comments.

Resident, Gary Blazis of Berry Hollow Drive commented that this is not a perfect deal but he hoped it would solve the problems he has had. He requested that the board approve the settlement agreement.

Chair Costello, Vice Chair Swartz, Foran, and Watson all expressed that they were happy to see an agreement before the board.

Chair Costello would like to know about the guarantee that the work will be completed and what will be used as collateral. McLaughlin advised that the Town Attorney's Office will hold the escrow [of the release of the last covenants] as collateral. Escrow will be held until Roger Parsons can sign off [on the finished subdivision].

Schulz added that there is a 60 day statute of limitations; he expects the work will commence shortly thereafter. He advised that the entire subdivision is scheduled to be completed by June 30, 2020; May 15th, 2020 for Berry Hollow Drive.

Vice Chair Swartz moved, seconded by Clerk Foran, that the Planning Board recommend to the Town Manager that the settlement entitled "Settlement Agreement and General Release Between Daniel C. Hostetter, Jr., Trustee of Eagle Trust, Whistleberry Residents Association, Inc., Town of Barnstable, and Jacques Morin, Et Al" and the amendments thereto entitled "Amendments and General Release etc", both which are on file with the record of the Planning Board with the expected being executed by him. **So voted: aye - unanimous**

Vice Chair Swartz moved, seconded by Clerk Foran, that the Planning Board execute the release from the covenant in the form attached hereto and that such executes the release by delivered to the Town of Barnstable Legal Department held in escrow and then released according to the terms of the settlement agreement and the amendment to the settlement agreement. **So voted: aye – unanimous.**

Approval of Minutes: June 24, 2019 Draft Minutes

Vice Chair Swartz moved, seconded by Clerk Foran to approve the June 24, 2019 draft minutes. **So voted: Aye – unanimous**

Correspondence:

Chair Costello noted receipt of the following correspondence:

- Ch. 91 Notification – 144 Pinguickset Cove Circle, Cotuit -
- Special Permit Notification – Town of Sandwich – The Adventure Park at Heritage
- Public Hearing Notice – Town of Sandwich – 92 Town Neck Road, Sandwich
- Special Permit Application – Town of Mashpee – 10 Evergreen Circle Lot B, Mashpee

Matters Not Reasonably Anticipated by the Chair: none

Future Meetings: July 22 & August 12, 2019, @ 7:00 p.m.

Chair Steven Costello entertains a motion to adjourn, moved by Vice Chair Swartz, seconded by Clerk Foran, so voted aye, unanimously.

The meeting adjourned at 7:42 p.m.

Respectfully Submitted


By Erin Logan, Principal Assistant, Planning & Development

Approved by vote of the Board on

July 22, 2019

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