



Town of Barnstable Planning Board



www.town.barnstable.ma.us/PlanningBoard

Board Members

Steven Costello – Chair Stephen Robichaud – Vice Chair Mary Barry - Clerk Robert Twiss Michael Mecnas Raymond Sexton
Mathew Levesque – Town Council Liaison

Planning & Development Dept. Staff Support

Elizabeth Jenkins, AICP, Director
Kaitlyn Maldonado, Assistant Director
Karen Herrand – Principal Assistant - karen.herrand@town.barnstable.ma.us

**Town of Barnstable
PLANNING BOARD
Minutes
September 27, 2021**

BARNSTABLE TOWN CLERK
2021 NOV 2 PM 3:55

Steven Costello – Chairman	Present
Stephen Robichaud – Vice Chairman	Present
Marry Barry – Clerk	Present
Robert Twiss	Present
Michael Mecnas	Absent
Raymond Sexton	Present

Also in attendance via remote participation were Elizabeth Jenkins, Director, Kaitlyn Maldonado, Assistant Director, and James Kupfer, Senior Planner, Planning & Development Dept.

The Planning Board’s Public Hearing will be held at 7:00 p.m. by remote participation methods.

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be viewed via the Channel 18 website at <http://streaming85.townofbarnstable.us/CablecastPublicSite/>
2. Real-time access to the Planning Board meeting is available utilizing the Zoom link or telephone number and Meeting ID provided below. Public comment can be addressed to the Planning Board by utilizing the Zoom link or telephone number and Meeting ID provided below:

Link: <https://zoom.us/j/93786669960>

Phone: 888 475 4499 US Toll-free

Meeting ID: 937 8666 9960

3. Applicants, their representatives and individuals required or entitled to appear before the Planning Board may appear remotely and may participate through the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting so that they may be displayed for remote public access viewing.

Application materials may be accessed by contacting Karen.herrand@town.barnstable.ma.us or calling 508-862-4064.

Call to Order

Introduction of Board Members and Staff Members

Attendance Roll Call

Steven Costello
Stephen Robichaud
Mary Barry
Bob Twiss
Raymond Sexton

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.

Public Comment

Chair Steven Costello asks for any public comment. No public comment.

Subdivisions:

Modification of Subdivision No. 646A

Endorsement of the Development Agreement for the roadway modification associated with the plan entitled "Subdivision #646A Road Profile Plan of Wendy Way Marstons Mills, MA prepared for Samuel Traywick", prepared by Down Cape Engineering, Inc., dated, as revised, July 20, 2021, - approved by the Planning Board on July 26, 2021.

(Majority of Full Board)

Dan Ojala of Downcape Engineering in attendance. Waivers and new mylar done, as well as Development Agreement and Form S, which have all been executed. This was for adjustments to maintain the road profile. All of this is now in the Development Agreement.

Elizabeth Jenkins – According to the Subdivision Rules and Regulations for Development Agreement, this does incorporate all necessary conditions of the Decision. Did review all and Form S, Staff recommends endorsement.

Raymond Sexton asks/directs to the Board – maintenance of private roads in general, is HOA responsible? How requirements enforced? Standard for maintaining/standard procedure?

Elizabeth Jenkins replies, there is a mechanism in place, this is either a HOA (Home Owners Association) or maintenance agreement which spells out per subdivision rules and regulations and inspection requirements and also per review of the Board for covenant holds and release, together with working with the Building Dept. and the permitting process and sign off software to work in conjunction and collaboratively in the review process

Chair Steven Costello – occupancy permits and finalization.

Elizabeth Jenkins, conditions in decisions have this information and to assure enforcement of. Different projects and different requirements.

Dan Ojala interjects that there is a mechanism if road in poor shape and parties can't agree, the town has more than 50% of people sign up will do the betterment for/help with for private roads.

Chair Steven Costello entertains a motion, moved by Raymond Sexton to endorse the proposed modification to Subdivision No. 646A and to accept the Development Agreement, seconded by Mary Barry,

Roll Call Vote:

Steven Costello - aye
Stephen Robichaud - aye
Mary Barry - aye
Bob Twiss - aye
Raymond Sexton – aye

Regulatory Agreements:

Jennifer and Jeffrey Lyon, Trustees, Lyon Investment RT seek to enter into a Regulatory Agreement

The subject property is located at 80 Pearl Street, Hyannis, Map 326 Parcel 008. The Applicant's proposal is to redevelop the property, formerly Cape Cod Child Development, as a multifamily development consisting of eight (8) apartments with a combined total floor area of 4,481 sq. ft. A waiver is being requested to allow development of multi-family units within the Single Family District. *Continued from August 9, 2021, and August 23, 2021 (Public Hearing) (Majority of members present and voting)*

Motion made by Mary Barry to continue Regulatory Agreement No. 2021-03 with Lyon Investment Realty Trust, Jennifer and Jeffery Lyon, Trustees to the October 25th, Planning Board meeting at 7:00 p.m., seconded by Stephen Robichaud,

Roll Call Vote:

Steven Costello – aye
Stephen Robichaud – aye
Mary Barry – aye
Bob Twiss – aye
Raymond Sexton - aye

Airview LLC, Inc. – Modification of an existing Regulatory Agreement - No. 2019-03

The previously approved Regulatory Agreement, 2019-03, recorded on July 28, 2020, enabled the development of 451 and 467 Lyannough Road and 400 Barnstable Road in Hyannis to incorporate the construction of two buildings: a one-story retail pharmacy building with a drive through lane and a gross floor area of approximately 10,000 square feet (Building A) and a one-story building to be reserved for future retail use with a gross floor area of approximately 6,000 square feet (Building B). Airview LLC, seeks to modify the previously approved Regulatory Agreement to incorporate a food and beverage service business (Starbucks) with a drive-through window within one of the tenant spaces of Building B. Said proposal requires a waiver as drive-through windows, for uses other than banks, are prohibited per zoning. Additionally, the applicant seeks to modify the request associated with the need for the previously approved signage waivers to incorporate signage proposed for Starbucks and the applicant seeks to modify the request associated with signage established for Building A. *Continued from August 23, 2021.- Peer Review Update. (Public Hearing) (Majority of members present and voting)*

Kate Maldonado – updated memo describing where this stands with Peer Review and the consultant. Will provide updates.

Motion made by Bob Twiss to continue Regulatory Agreement No. 2019-03 with Airview LLC, Inc. to the October 25th Planning Board meeting at 7:00 p.m., seconded by Mary Barry,

Roll Call Vote:

Steven Costello - aye
Stephen Robichaud - aye

Mary Barry - aye
Bob Twiss - aye
Raymond Sexton - aye

Matters Not Reasonably Anticipated by the Chair

Correspondence

Chapter 91 Notice – 1379 Falmouth Rd., construct pier – James & Catherine Fair
Chapter 91 – 140 Bay Rd., Cotuit – construct boardwalk, pier, ramp, float – Morris
ENF Notification – 0 Long Beach Rd. – pier construction - Pryshlak

Approval of Minutes

August 23, 2021, draft minutes

Chair Steven Costello entertains a motion to approve the draft minutes of August 23, 2021, moved by Stephen Robichaud, seconded by Mary Barry,

Roll Call Vote:

Steven Costello – aye
Stephen Robichaud – aye
Mary Barry – aye
Bob Twiss – aye
Raymond Sexton - aye

Future Meetings: October 25, 2021, and November 8, 2021, @ 7:00 p.m.

Adjournment

Chair Steven Costello entertains a motion to adjourn, moved by Mary Barry, seconded by Bob Twiss,

Roll Call Vote:

Steven Costello – aye
Stephen Robichaud – aye
Mary Barry – aye
Bob Twiss – aye
Raymond Sexton - aye

The meeting adjourned at 7:24 p.m.

Respectfully Submitted

Karen Herrand, Principal Assistant, Planning & Development

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