



Town of Barnstable Planning Board



www.town.barnstable.ma.us/PlanningBoard

Board Members

Steven Costello – Chair Jeffrey Swartz – Vice Chair Patrick Foran - Clerk Mary Barry Stephen Robichaud Aimee Guthinger Robert Twiss
Mathew Levesque – Town Council Liaison

Planning & Development Dept. Staff Support

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

**Town of Barnstable
PLANNING BOARD
Minutes
October 26, 2020**

BARNSTABLE TOWN CLERK

12/3/20

Steven Costello – Chairman	Present
Jeffrey Swartz – Vice Chairman	Present
Patrick Foran – Clerk	Present
Marry Barry	Present
Stephen Robichaud	Present
Aimee Guthinger	Present
Robert Twiss	Present

Also in attendance via remote participation were Elizabeth Jenkins, Director, Planning & Development and Karen Herrand, Principal Assistant.

The Planning Board’s Public Hearing will be held by remote participation methods as a result of the COVID-19 state of emergency in the Commonwealth of Massachusetts.

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/93982500768>

Phone: 888 475 4499 US Toll-free Meeting ID: 939 8250 0768

3. Applicants, their representatives and individuals required or entitled to appear before the Planning Board may appear remotely and are not permitted to be physically present at the meeting, 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

Roll Call Attendance

Chair Steven Costello

Jeff Swartz

Patrick Foran

Mary Barry

Stephen Robichaud

Aimee Guthinger

Robert Twiss

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.

Approval Not Required Plans

Craig M. Coombs and Denise M. Coombs have submitted an ANR plan entitled “Plan of Land of #551 Bumps River Road & #0 Bumps River Road Osterville, MA prepared for Coys Brook Landscaping” dated October 8, 2020, drawn by Down Cape Engineering, Inc.

This application is not complete – tax title issue.

Craig Ferrari, of Down Cape Engineering in attendance. He clarifies that there is a tax issue, asks if any other issues. Will get tax issues squared away.

This matter is continued to November 9, 2020.

Subdivision – Covenant Release

First Hyannis Realty, LLC and it’s representative, Attorney John Kenney have submitted a request for Release of Lots Under Covenant for Lots 7 & 8 of Subdivision No. 753.

Attorney John Kenney in attendance. He gives an explanation for this covenant release. Goes back to 2003, road work 2005, Stubb Rd., Hadaway – not a standard covenant, two releases. Paragraph 2 of covenant that Stubb Rd. cannot be moved without approval of the Planning Board and have to provide access over the way. Asking that Lot 7 & 8 be released except for the ongoing obligations. Previous zoning change for use in industrial service trade use for this area. The lot on the left being sold for KAM appliances.

Elizabeth Jenkins – this is a 2004 covenant that was put on an 81X plan. Planning Board was trying to protect two things installation of Stubb Rd. A, 40 ft. stub into the property. Primary access to the parcels and to the North. Planning Board trying to protect the orderly development of land to make sure the roadways were properly aligned and Attucks as a limited access road. Stubb Rd. A looks like it has been constructed, in conjunction with Attucks and BJ’s built some/improvements made. The BJ’s intersection was reviewed by Cape Cod Commission. Staff is recommending release of the covenant, but modify as Attorney Kenney suggested to keep in place paragraph 2 clause. Those requirements would stand.

Attorney Johanna Schneider in attendance, on behalf of Cape Cod Aggregates. Cape Cod Aggregates does own Lot 9, strong interest to do the modified release. Like to see this obligation maintained. Include a condition on the release that it be required to comply with all rules and regulations – this system of covenants designed as such, clarify this obligation when scope of road goes in.

Chair Steven Costello entertains a motion to approve the release of covenant, moved by Mary Barry as stated, seconded by Jeff Swartz, Patrick Foran - Release the Lots formerly shown on the Definitive Subdivision Plan of Land recorded in Plan Book 547 Page 1 as Lots 7 and 8 from the covenant recorded in Book 18448 Page 12, except the continuing obligations of paragraph 2

contained within that covenant, further, it is understood that those obligations shall continue to be binding as stated in paragraph 6, seconded by Jeff Swartz,

Roll Call Vote:

Chair Steven Costello - aye

Jeff Swartz – aye

Patrick Foran - aye

Mary Barry - aye

Stephen Robichaud - aye

Amiee Guthinger– aye

Bob Twiss- aye

Zoning Amendments

ZA TC Item No. 2021-010 MAH District– 3 Whitehall Way. Proposal to amend the Town of Barnstable Zoning Ordinance by amending Article II, Section 6, The Zoning Map of the Town of Barnstable to rezone property from the Residence C-1 Zoning District to the Multifamily Affordable Housing Zoning District. The proposed Zoning Map Amendment would expand the MAH District to include the adjoining parcel at 3 Whitehall Way. The prospective developer of the MAH parcel purchased the property and has agreed to deed restrict it from development. The parcel would be utilized for the purpose of calculating density, setbacks, and compliance with open space requirements. Applicant has requested a continuance to November 9, 2020.

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

Roll Call Vote:

Chair Steven Costello – aye

Jeff Swartz – aye

Patrick Foran – aye

Mary Barry – aye

Stephen Robichaud – aye

Aimee Guthinger – aye

Bob Twiss – aye

Special Permits

SPECIAL PERMIT NO. 2020-03 – Standard Holdings, LLC, seeks a Special Permit pursuant to Section 240-16.1 C(1) – Multi-family affordable housing development to allow for proposed construction of approximately 70,000 square feet multi-family housing, 53 dwelling units of which 14 will be affordable units. The property is 850 Falmouth Road and 3 Whitehall Way, Hyannis, MA and is shown on Assessor’s Map 250 as Parcels 036 and 160. The subject property (850 Falmouth Rd.) is located in the MAH – Multi Family Affordable Housing District and the GP – Ground Water Protection Overlay District. Applicant has requested a continuance to November 9, 2020.

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

Roll Call Vote:

Chair Steven Costello - aye

Jeff Swartz - aye

Patrick Foran - aye

Mary Barry - aye

Stephen Robichaud - aye

Aimee Guthinger - aye

Bob Twiss – aye

Approval of Minutes

September 28, 2020, draft minutes

Chair Steven Costello entertains a motion to approve the minutes of September 28, 2020, moved by Jeff Swartz, seconded by Mary Barry,

Roll Call Vote:

**Chair Steven Costello - aye
Jeff Swartz - aye
Patrick Foran - aye
Mary Barry - aye
Stephen Robichaud - aye
Aimee Guthinger - aye
Bob Twiss - aye**

February 13, 2017, draft minutes

Jeff Swartz makes a motion to approve February 13, 2017, minutes, seconded by Mary Barry,

Roll Call Vote:

**Chair Steven Costello - aye
Jeff Swartz – aye
Patrick Foran – aye
Mary Barry – aye
Stephen Robichaud – aye
Aimee Guthinger - aye
Bob Twiss – abstain**

Correspondence

Chapter 91 Notice – M. Bass - 986 Sea View Ave., Ost – repair existing bulkhead

Chapter 91 Notice – D. Mugar – 114 Peppercorn Lane, Cotuit – boardwalk, pier, ramp and float

Matters Not Reasonably Anticipated by the Chair

Future Meetings: November 9 and November 23, 2020, @ 7:00 p.m.

Adjournment

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

Roll Call Vote:

**Chair Steven Costello – aye
Jeff Swartz – aye
Patrick Foran – aye
Mary Barry - aye
Stephen Robichaud – aye
Aimee Guthinger – aye
Bob Twiss – aye**

The meeting adjourned at 7:24 p.m.

Respectfully Submitted by Karen Herrand, Principal Assistant, Planning & Development

Approved by vote of the Board on November 9, 2020.

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