



Town of Barnstable Planning Board



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Board Members

Steven Costello – Chair Jeffrey Swartz – Vice Chair Patrick Foran - Clerk Mary Barry Stephen Robichaud Aimee Guthinger

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
June 22, 2020**

20 JUL 27 PM 12:27

BARNSTABLE
TOWN CLERK

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

Also in attendance via remote participation were Paul Wackrow, Senior Planner, Planning & Development and Karen Herrand, Principal Assistant, Planning & Development.

In accordance with the Governor’s Order Implementing a Phased Reopening of Workplaces and Imposing Workplace Safety Measures to address COVID-19 (COVID-19 Order No. 33) this meeting will be closed to the public to avoid group congregation. 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/93357436397>

Phone: 1-888 475 4499 Meeting ID 933 5743 6397

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 to Paul.Wackrow@town.barnstable.ma.us, so that they may be displayed for remote public access viewing.

Application materials may be accessed by contacting paul.wackrow@town.barnstable.ma.us or calling 508-862-4703.

Application materials will be available at www.townofbarnstable.us/PlanningBoard

Call to Order:

Roll Call Attendance

Steven Costello – here

Jeff Swartz - here

Patrick Foran - here

Mary Barry - here

Stephen Robichaud - here

Aimee Guthinger - here

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:

Robert P. Madonna has submitted an Approval Not Required Plan for 330, 370, 390, 400 & 420 Main Street, Route 6A, West Barnstable - plan entitled "Plan of Land in Barnstable MA (West Barnstable Fire District) prepared for Robert P. Madonna 330 Main St.- Parcel ID 134-026-000, 370 Main St. – Parcel ID 133-002-001, 390 Main St. – Parcel ID 133-002-002, 400 Main St. – Parcel ID 133-002-003 & 420 Main St. – Parcel ID 133-002-004 prepared by Bracken Engineering, Inc. dated March 5, 2020".

Applicant has requested to continue to next meeting, July 13, 2020.

Chair Steven Costello entertains a motion, moved by Stephen Robichaud to continue consideration of the ANR Application for 330, 370, 390, 400 & 420 Main Street, Route 6A, West Barnstable to July 13, 2020, seconded by Jeff Swartz,

Roll Call Vote:

Steven Costello – aye

Jeff Swartz- aye

Patrick Foran - aye

Mary Barry – aye

Stephen Robichaud - aye

Aimee Guthinger not present to vote, the motion passes.

Special Permits:

Monika I. Atsalis and/or HMI Parking Services, LLC, seek a Special Permit pursuant to Section 240-24.1.9.B(1) - Parking facilities within the WP Overlay District to allow for the parking of up to thirty (30) cars on the property at 110 Ridgewood. The subject property is addressed 110 Ridgewood Avenue, Hyannis, MA and is shown on Assessor's Map 328 as Parcel 215. The subject property is in the TD – Transportation Hub District and the WP – Well Protection Overlay District.

Chair Steven Costello entertains a motion to open the public hearing, moved by Mary Barry, seconded by Jeff Swartz,

Roll Call Vote:

Steven Costello - aye

Jeff Swartz - aye

Patrick Foran – aye

Mary Barry - aye

Stephen Robichaud - aye

Aimee Guthinger - aye

So voted unanimously.

Attorney John Kenney in attendance for the Applicant.

Demetrius Atsalis also in attendance.

Attorney Kenney gives an explanation for the proposed application, reference to the plan, Exhibit A, EC1.0. Some discrepancy regarding pre conforming use. Use for overflow of lot. Ocean Street cars go from Ocean St. to Ridgewood Ave. lot, sometimes they will escort to Ridgewood Ave. lot. Section 240.24.1.2e, Planning Board is the Special Permit Granting authority here. Should be consistent and meet 7 criteria. Individual zoning regulations. Recommends more improved, section 7, sharing of parking spaces, consistent with the DIP. Buckler's doesn't need in this specific time frame, Sunday. He refers to his memorandum, Exhibit B. This is an existing area, making no changes to the location. Section M may meet the criteria for this. Remove from Waterfront area to this area, outside the congested area. Section 240, 25c. project must not derogate, his client has been using this area for the past 14 years with no complaints. Not detrimental to the area. Danger of risk to WP is nominal. No site changes. No lot changes. Does not change the overall effect or public water supply. Wellhead protection regulations. Proposed does not fall into any of the prohibited uses. Refers to Staff Report, Exhibit C. Condition No. 6 - has a proposed amendment.

Chair Steven Costello asks if any public comment. None. No comments from the public that have come in either.

Jeff Swartz comments/asks why is this coming now, thinks it's good to get right now.

Demetrius Atsalis replies that he has been permitted for 16 years for parking. Had a plan that was accepted in 2011, this should have happened years ago. He chose this area because of how the parking is here presently.

Patrick Foran states, yes operating here for many years anyway, doesn't see any issues.

Mary Barry clarifies it's a valet lot, also good re use of property. Maximize at 30 spaces?

Demetrius Atsalis replies yes, also 90 percent Friday through Sunday. Yes, downsized to 30 cars.

Aimee Guthinger doesn't see any problems/permit it.

Steven Costello asks for duration/time for a Special permit for this.

Paul Wackro answers no time limit, it will address this outstanding use, started the first parking here in 2005.

Attorney Kenney would like to address Condition No. 6, Staff Report – Suggested Conditions, Exhibit C.

Chair Steven Costello entertains a motion to close the public hearing, moved by Mary Barry, seconded by Jeff Swartz,

Roll Call Vote:

Steven Costello - aye

Jeff Swartz – aye

Patrick Foran - aye

Mary Barry - aye

Stephen Robichaud - aye

Aimee Guthinger - aye

Attorney Kenney – suggests delete the 2nd sentence and amend Condition No. 6 to only have the general public should not have direct access to the lot. Bottom of pg. 5 of Staff Report, Exhibit C.

Paul Wackrow states could make a motion to amend Condition No. 6 of the draft conditions, to read the general public shall not be allowed direct access to parked cars.

Jeff Swartz asks if any others can just call and get a parking spot there.

Mary Barry states that you would get into a different type of rules if it was for a public access facility.

Mary Barry make a motion for the Special Permit findings as follows:

1. Monika I. Atsalis and/or HMI Parking Services, LLC. is seeking a Special Permit to allow a parking facility at 110 Ridgewood Avenue, Hyannis.
2. The Subject property is addressed 110 Ridgewood Avenue, Hyannis Map 328, Parcel 215, a 1.72 acre lot located in the Transportation Hub District (TD) and Well Protection Overlay District (WP).
3. The request to operate a parking facility falls within a category specifically excepted in the ordinance for the granting of a special permit; the applicant seeks a Special Permit under Section 240-24.1.9.B. (1) for parking facility within the WP Overlay District.
4. On April 13, 2020, Building Commissioner Brian Florence issued a determination that “the use of 110 Ridgewood Av, as a parking lot is of no significant detriment to the achievement of any of the purposes set forth in Section 240-99 [Site Plan Review, Purpose] as the use of the property has been for the purpose of parking motor vehicles.”
5. The property at 110 Ridgewood Avenue is owned by Charles W. Buckler and Elaine F. Buckler, Trustees of The 100 Ridgewood-Elliott Nominee Trust, who have supplied authorization for Monika I. Atsalis and/or HMI Parking Services, LLC. to file an application for use of the property for parking cars.
6. The proposal meets the special permit granting criteria of 240-24.1.2 E (1) (f) as the proposed parking facility contributes to travel demand management by providing parking outside the core of Downtown Hyannis.
7. The proposal is generally consistent the Downtown Hyannis Design and Infrastructure Plan’s strategies for Economic and Cultural Development.
8. After an evaluation of the evidence presented, the proposal fulfills the spirit and intent of the Zoning Ordinance and would not represent a detriment to the public good or the neighborhood affected.

Section 240-24.1.D(1)

9. The nature and extent of the risk of contamination to the proposed well that will result from the grant of the special permit is unchanged from existing conditions
10. The nature and degree to which the proposal eliminates existing threats to the public water supply, is neutral with proposed site changes.
11. The overall effectiveness of existing land uses and/or protective measures on the public water supply well are unchanged as parking spaces already exist, and granting or denying the permit would not affect this criterion positively or negatively.
12. Granting the special permit may accommodate an overriding community interest by locating a surface parking lot outside of the core of Downtown Hyannis.

seconded by Jeff Swartz,

Roll Call Vote:

Steven Costello - aye
Jeff Swartz - aye
Patrick Foran - aye
Mary Barry - aye
Stephen Robichaud - aye
Aimee Guthinger - aye
So voted unanimously.

Chair Steven Costello entertains a motion, moved by Mary Barry to grant Planning Board Special Permit 2020-02 subject to draft conditions 1 through 8 in the staff report dated June 20, 2020, updated June 22, 2020, and to amend Condition No. 6 by striking out the second sentence and replacing with “the general public shall not be allowed to have direct access to parked cars at this facility”, seconded by Jeff Swartz,

Roll Call Vote:

Steven Costello - aye
Jeff Swartz - aye
Patrick Foran - aye

Mary Barry - aye
Stephen Robichaud - aye
Aimee Guthinger - aye
So voted unanimously.

Approval of Minutes:

June 8, 2020

Chair Steven Costello entertains a motion to approve the draft minutes of June 8, 2020, moved by Jeff Swartz, seconded by Mary Barry,

Roll Call Vote

Steven Costello - aye
Jeff Swartz - aye
Patrick Foran – aye
Mary Barry - aye
Stephen Robichaud - aye
Aimee Guthinger - aye
So voted unanimously.

Correspondence:

Chapter 91 401 Dredging Project – Barnstable Harbor & Blish Point – DPW

106 Notice – EBI Consulting/American Tower Corp.- Telecommunications Facility Installation – 2049 Meetinghouse Way, W. Barnstable

Paul Wackrow explains/background of Section 106, National Historic Preservation Act. Planning Board got this communication that relates to a cell phone mono pole at 2049 Meetinghouse Way, usually sent to Barnstable Historical Commission (BHC) and the applicable if in a Historic District. We have forwarded this to the BHC to see if they have any comments. They have some concerns with the compatibility, West Parish is on the National Register. Wanted to bring up to the Board, if any questions/comments. May need Zoning Board of Appeals (ZBA) and/or Historic, probably not for Planning Board to come back to.

Upcoming Events/Workshops

Matters Not Reasonably Anticipated by the Chair:

Future Meetings: July 13, 2020, and July 27, 2020, @ 7:00 p.m.

Jeff Swartz states that the committee for nomination/elections consists of Mary Barry and Stephen Robichaud, requests that this be placed as the first item on the next Planning Board Agenda.

Adjournment

Chair Steven Costello entertains a motion to adjourn, moved by Jeff Swartz, seconded by Stephen Robichaud,

Roll Call Vote:

Steven Costello - aye
Jeff Swartz – aye
Patrick Foran – aye
Mary Barry – aye
Stephen Robichaud – aye
Aimee Guthinger – aye
So voted unanimously.

The meeting adjourned at 7:44 p.m.

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

Approved by vote of the Board on July 13, 2020

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 – SP No. 2020-02 – Atsalis/HMI Parking Services – 110 Ridgewood Ave., Hy Map/Par 328/215 – Plan EC1.0

Exhibit B - SP No. 2020-02 – Atsalis/HMI Parking Services – 110 Ridgewood Ave., Hy Map/Par 328/215 – Attorney John Kenney’s Memorandum dated June 22, 2020

Exhibit C - SP No. 2020-02 – Atsalis/HMI Parking Services – 110 Ridgewood Ave., Hy Map/Par 328/215 – Staff Report updated June 22, 2020