



Town of Barnstable
Growth Management Department

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PLANNING BOARD AGENDA FOR MARCH 10, 2008
A M E N D E D

7:00 PM Call Meeting to Order

(Applicant's Request for Continuance to March 24, 2008 Received)

CONTINUED JOINT PUBLIC HEARING/SCENIC ROAD ACT, SHADE TREE, MGL Ch37- Tree Removal DPW Engineering Division/Charles Genatossio, Tree Warden- School Street, Cotuit

A hearing has been scheduled in accordance with MGL Ch 40, Section 15C, Designation and Improvement of Scenic Roads, and Article XLI, of the General Ordinances of the Town of Barnstable, Scenic Roads, regarding the removal of seventeen (17) trees within the layout of the designated scenic road identified as School Street. A hearing by the Tree Warden under MGL Ch. 87, Shade Trees will be held simultaneously. The focus area involves roadway reconstruction on School Street, Cotuit, MA. Included in the project is the construction of a 5-foot wide sidewalk along the corridor of School Street. The trees proposed to be removed are adjacent to the following parcels on School Street, Cotuit, MA: Map 020, Parcels 115/003, 058/001, 058/004, 058/003, 058/002, 135, 111, 037 and 038. Map 035, Parcels 020, 022 and 013. The applicant is the Engineering Division of DPW, Town of Barnstable.

SECURITY/LOT RELEASE/UPDATES - None received.

7:00 PM JOINT PUBLIC HEARING/SCENIC ROAD ACT, SHADE TREE, MGL Ch 37- Tree Removal Growth Management Department/Charles Genatossio, Tree Warden-Race Lane, Danforth Property Project

A hearing has been scheduled for March 10, 2008 at 7:00 p.m. in accordance with MGL Ch 40, Section 15C, Designation and Improvement of Scenic Roads, and Article XLI, of the General Ordinances of the Town of Barnstable, Scenic Roads, regarding the removal of three (3) cherry trees within the layout of the designated scenic road identified as Race Lane. A hearing by the Tree Warden under MGL Ch. 87, Shade Trees will be held simultaneously. A new parking area is being constructed with 8-12 spaces and a driveway access with signage will be created off Race Lane. The parking area is estimated to be constructed 50 feet back from the entrance and a new 4 foot access trail to existing lake trail along the flat topography of the land will be constructed. There will be minimal tree removal within the trail path creation. The cherry trees are adjacent to Map 083, Lot 007 (Danforth Property). The applicant is the Growth Management Department, Town of Barnstable.

7:00 PM PUBLIC HEARING - RECISION OF SUBDIVISION #803

To all persons deemed interested in the Planning Board acting under Chapter 41, Sections 81A, through 81GG, and all amendments thereto of the General Laws of the Commonwealth of Massachusetts; and the Town of Barnstable Subdivision Rules and

Regulations, you are hereby notified of a Public Hearing March 10, 2008 at 7:00 p.m. to consider the recision of subdivision plan, entitled "Definitive Plan of Land, Oak Street, Barnstable, MA", Subdivision # 803, prepared for Verizon by Canal Land Surveying, MA, dated March 29, 2004, Scale 1"=40' approved by the Barnstable Planning Board on June 20, 2005 and is recorded at Book 600, Page 38. The applicant is DSBB Realty Development, LLC. The property is shown on Assessor's Map 194 Parcels 026-WOO & 026-TOO, located on Oak Street, West Barnstable/Centerville, Massachusetts.

APPROVAL NOT REQUIRED

DSBB REALTY TRUST

"Plan of Land in Centerville, MA", prepared for DSBB Realty Trust, dated February 4, 2008, scale 1"= 40'; prepared by Down Cape Engineering, Yarmouthport, MA, Assessor's Map 193, Parcel 142. Zoning: RC/RPOD. Withdrawn and resubmitted February 28, 2008 + 21 days = March 20, 2008.

BORTOLOTTI AS TRUSTEE AND DSBB LLC REALTY TRUST

"Plan of Land in Centerville, MA", prepared for Robert J. Bortolotti, Trustee & DSBB LLC, Realty Trust, dated February 4, 2008, scale 1"= 40'; prepared by Down Cape Engineering, Yarmouthport, MA, Assessor's Map 194, Parcels 35 & 26. Zoning: RC/RPOD. Withdrawn and resubmitted February 28, 2008 + 21 days = March 20, 2008.

O'NEILL

"Plan of Land at 20 Quail Lane, Hyannisport, MA", prepared for Hugh G. O'Neill, et ux., dated March 3, 2008, scale 1" = 40'; prepared by Baxter Nye Engineering & Surveying, Hyannis, MA, Assessor's Map 287, Parcel 109. Zoning: RF-1. Clocked with the clerk March 4, 2008 + 21 days = March 25, 2008.

PUBLIC HEARING CONTINUED FROM JOINT TOWN COUNCIL MEETING

MARCH 6, 2008- Zoning Amendment TC Item No. 2008-091

Amend Chapter 240, add Section 37.1 - Temporary Recreational Shellfish and Shellfish Relay Area Overlay District and Zoning Map Designation

Continued public hearing to take comment upon a proposed amendment to the Code of the Town of Barnstable, Chapter 240, the Zoning Ordinance, Article III, District Regulations, to hereby amend as follows:

Section 1 proposes to amend the Zoning Ordinance by adding a new Section 240-37.1 Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District. The purpose of which is to protect the general public's interest in and access along the shore to existing and potential shellfish beds. The amendment prohibits construction of new docks and piers and limits expansion of existing docks and piers within select coastal waters designated as significant shellfish habitats. The prohibition excludes those docks and piers that have a valid Order of Conditions issued prior to August 17, 2007.

Section 2 proposes to amend the Zoning Map of the Town of Barnstable by designating select coastal waters within the Town as Recreational Shellfish and Shellfish Relay Areas as shown on a map entitled "Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District" dated February 15, 2008. The areas are roughly defined as:

- An area in Barnstable Harbor approximately extending from Calves Pasture Lane to Beale Way, Barnstable, MA.

- An area in Hyannis Harbor off East Beach, Hyannisport, MA.
- Two areas in West Bay situated south of Bridge Street, Osterville, MA.
- An area in West Bay situated off Carriage Road in Osterville, MA.
- An area in Cotuit Bay off Bluff Point Drive, Cotuit, MA.
- An area in Cotuit Bay off and north of Oyster Place Road, Cotuit, MA.
- The area in Cotuit Bay from Little River Road to Almy Place, Cotuit, MA.
- An area in North Bay off Sand Point Road, Osterville, MA
- An area in North Bay from Ishem Pond to Bay Street, Osterville, MA

Section 3 proposes to limit the Temporary Recreational Shellfish Area and Shellfish Relay Area Overlay District regulations and the designation of the district on the Zoning Map to two years from the effective date of the amendment.

OTHER BUSINESS

Endorsement of Plan for Modification of Subdivision # 739 - Aittaniemi.

COMMITTEE REPORTS

Miscellaneous reports from various on-going subcommittees.

CORRESPONDENCE RECEIVED

Chapter 91 Waterways License Application has been received to replace an existing licensed pier and tee with a new pier and float on Eel River at the residence addressed 501 Eel River Road, Osterville, MA.

Chapter 91 Waterways License Application has been received to maintain an existing small boat pier on Hinckley Pond, accessory to single family residence at 2644 Main Street, Barnstable, MA.

ANR Application clocked with the Town Clerk March 6, 2008, "Plan of Land in Barnstable, (Centerville) MA, prepared for Alan Dalby, Being a Division of Land Court Plan 11611-A2", dated February 27, 2008, Assessor's Map 211, Parcel 006. Application has been referred to the Cape Cod Commission for a Mandatory DRI (division of land greater than 30 acres).

FUTURE MEETINGS – Regularly scheduled meetings March 24, April 14 and 28, 2008.