



# Town of Barnstable Planning Board



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Board Members

Mary Barry – Chair    Stephen Helman – Vice Chair    Steven Costello - Clerk    Fred LaSelva    Jeffrey Swartz    Patrick Foran

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](mailto:karen.herrand@town.barnstable.ma.us)

**Town of Barnstable  
PLANNING BOARD  
Minutes  
December 10, 2018**

BARNSTABLE TOWN CLERK

2021 MAY 25 PM 2:56

Mary Barry – Chairman	Present
Stephen Helman – Vice Chairman	Present
Steven Costello - Clerk	Present
Fred LaSelva	Present
Jeffrey Swartz	Present
Patrick Foran	Present

Also in attendance were Elizabeth Jenkins, Director, Paul Wackrow, Principal Planner and Karen Herrand, Principal Assistant, Planning & Development Dept.

**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:**

An Approval Not Required Plan “Approval Not Required Plan of Land” drawn and stamped by Robert A. Braman, Jr., RPLS, of Braman Surveying and Associates, LLC, dated November 19, 2018, for Wayne G. and Margaret F. Kurker, Trs., Wayne G. Kurker Revocable Trust, 75 Magnolia Avenue, Map 225 Parcel 009 has been submitted to the Board for endorsement as an Approval Not Required (ANR) plan.

Attorney Michael Ford in attendance, representing the applicant, Wayne Kurker. Explains the proposed division and for conveyance purposes. For non building purposes.

Jeff Swartz asks what is the reason for the division.

Attorney Ford replies they are going to be using for beach rights.

Chair Mary Barry entertains a motion, moved by Stephen to approve/endorse this plan, seconded by Jeff Swartz, so voted unanimously.

**Regulatory Agreements:**

**720 Main Residences, LLC** -- seeks to enter into a Regulatory Agreement with the Town of Barnstable to redevelop the vacant former site of the “Hyport Brewing Co.” restaurant located at 720 Main Street, Hyannis, and is shown on Assessor’s Map 308 Parcel 003, with a mixed-use building. The property is zoned in the Office/Multifamily Residential District.

The Applicant proposes to construct a mixed use building consisting of 40 residential units to be offered for rent as moderately priced, workforce housing consisting of 1, 2, and 3 bedroom units, and 1 office unit, with parking located off-site and on-site, a portion of which will be located under the building at ground level, together with related landscaping and other site improvements. The total floor area of the proposed building will be 62,003 square feet. The Applicant seeks multiple waivers from the zoning ordinance and general ordinances. *Continued from September 24, 2018, October 22, 2018, and November 26, 2018.*

Attorney Dan Creedon in attendance.

Applicant, Tim Williams in attendance.

Brian Yergatian of BSC Group in attendance.

Sean Carpenter in attendance.

Last discussed DPW info to be submitted for this. Sheet C-101 of the plan to be swapped out tonight.

Brian Yergatian speaks about the plan, and the outflow stream. Plan C-101 referred, Exhibit A.

Plan is acceptable to DPW. Upgraded capacity. Some of the work is being proposed for 725 Main Street. Town owns that property, there has been some talk about collaborating for this. DPW required to go all the way to the outfall. Conservation Commission agent is aware of this plan, will need a meeting for the 725 address.

Chair Mary Barry asks about images in the designs, refers to the exterior of bldg. plan, Exhibit B. Coloring as presented?

Tim Williams explains the materials, will look like wood trim, grey, white trim.

Jeff Swartz clarifies the waivers being asked for and if we need something from DPW to state what is being proposed/needs to be done.

Elizabeth Jenkins states that they did have a meeting with DPW, good consensus on a solution to discharging storm water as the plan identifies. Outfall located on 725 Main, DPW did vet easements and restrictions. They are comfortable with this infrastructure proposed to be put in. Does still have to go to Conservation Commission and wetlands regulations/restrictions and notice of intent for an order of conditions. And another document regarding sewer and negotiate with DPW for requirements for public improvement.

Reference to working Regulatory Agreement draft agreement, Exhibit C, just presented, pg. 7 section 3, 13e, redlined version.

Elizabeth Jenkins confirms/clarifies the new language, Exhibit C, redlined version of draft regulatory agreement. pg. 5, number 4.

Attorney Creedon pg. 5, no. 7, Exhibit C, parking spaces, designated by surface paint.

Attorney Creedon, pg. 8, item 14, Exhibit C, redlined version of draft regulatory agreement.

Elizabeth Jenkins clarifies, 3 comments: 3 conditions that would get attached/waiver.

1. Offsite storm water and DPW conditions – memorandum agreement with town.
2. Quality materials – to number 5, note that property within downtown Hyannis and design and infrastructure plan. Final right to approval of plan/materials/composite materials would be acceptable under the DIP. Final review. Administered by Staff.
3. last pg. 8 on affordable housing requirements – workforce housing initiative. The state/or federal – two scenarios. Inclusionary ordinance. 10% at 65 of the Median income. There would be no further deed restriction or state workforce requirements.

Sean Carpenter, Shamrock Development interjects that the requirement is 8%. The units would fall between 61% and 120% of AMI based on what the market rent is in the area. 65% matched up good. Any inclusionary zoning eliminates.

Elizabeth Jenkins confirms all of are restricted at AMI.

Sean Carpenter states they have applied at/for several workforce housing funds.

Stephen Helman clarifies if accepted in State program, but what if not?

Sean Carpenter replies that it depends on what funds are applied for. They could use local match funds and also will score better on Dept. of Housing funding options, housing stabilization, and a lot more, another budget also in January or apply for Federal funding. Also, HDIP, which is 25% subsidy, any variation of these. Chances get better every year.

Stephen Helman clarifies that worst case scenario would be that you have to have 10% of the housing.

Elizabeth Jenkins confirms. Does this commit through whatever subsidy package, confirm at least 20% to be made affordable, as a minimum parameter?

Attorney Creedon states that if no funding to provide then they will wait until the next round at which they would become acceptable, then they would build.

Elizabeth Jenkins clarifies/confirm the 20% and that the subsidy sources would provide that. Deed restrict at 20% of AMI.

Sean Carpenter explains workforce housing requirements per different subsidies.

Attorney Creedon states that they can commit to 90% and build in as much as they can with the subsidies. Will have to comply with the 4 units, worse case scenario.

Elizabeth Jenkins - if grant this waiver have to be inclusionary waiver.

Jeff Swartz states that with all the proposed language change, he'd like to see it in a final agreement.

Sean Carpenter clarifies the dates/time and the need for getting the February funding. The product is a better product.

Pat Foran asks about the funding.

Sean Carpenter explains the different organizations to apply for and dates/times for applying. There are local match funds here.

Discussion regarding the review of a draft regulatory agreement.

Steven Costello asks about what the street will look like and the condition re the proposed work.

Brian Yergatian replies that he thinks this patch can be even.

Chair Mary Barry asks about the park across the street, are sewer improvements going through the park? Any plans for the park?

Brian Yergatian answers yes, the outfall. They have to file a notice of intent. Hope to have a draft to Conservation soon, as of right now they don't have the survey.

Chair Mary Barry asks what the park is, 725 Main Street property?

Elizabeth Jenkins replies a land bank property. Part of the Town's revitalization efforts. Does still have some residual contamination issues. It's a closed site. Use is restricted for passive recreation uses. There is an outfall at the back of the property and existing erosion issues. The Developer's proposed upgrading will help this.

Elizabeth Jenkins reviews:

Storm water plan needed and language changes to be made to the property and the Town owned property at 725 Main. General conditions about scope of the project. Plan changes. Update condition/waiver re storm water requirement to retain on site and DPW order of conditions.

Developer proposed to modify condition 4 to do 5 years as opposed to 10, but reserving right to use full 10 years. Condition no. 7, residential units will have one designated space and signage, minimum of 40 spaces, under the bldg. Condition no. 14 grant a waiver from inclusionary affordable housing developer is in compliance with Mass Housing and approved by Staff, reserve the right to consider the modification of the regulatory agreement. Condition 5, adding the bldg. materials

Chair Mary Barry entertains a motion, moved by Jeff Swartz to approve as reviewed, seconded by Patrick Foran, so voted unanimously.

Approval of Minutes: April 9, 2018, draft minutes for approval

Chair Mary Barry entertains a motion, moved by Stephen Helman, seconded by Steven Costello to approve the draft minutes of April 9, 2018. So voted unanimously.

Chair Mary Barry entertains a motion to adjourn, moved by Stephen Helman, seconded by Jeff Swartz, so voted unanimously.

Matters Not Reasonably Anticipated by the Chair:

Future Meetings: January 14 and January 28, 2019, @ 7:00 p.m.

The meeting adjourned at 8:20 p.m.

Respectfully Submitted  
Karen Herrand, Principal Assistant, Planning Board

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 – 720 Main Residences, LLC, Reg. Agrmnt No. 003 – Plan C-101

Exhibit B – 720 Main Residences, LLC, Reg. Agrmnt No. 003, exterior of bldg. plan

Exhibit C – 720 Main Residences, LLC, Reg. Agrmnt No. 003, redlined version of draft regulatory agreement