



Town of Barnstable Planning Board



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Board Members

Mary Barry – Chair Stephen Helman – Vice Chair Steven Costello - Clerk Paul R. Curley David Munsell Fred LaSelva Jeffrey Swartz

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

Town of Barnstable PLANNING BOARD Minutes February 12, 2018

19 JAN 15 P 2:45
BARNSTABLE
TOWN CLERK

Mary Barry – Chairman	Present
Stephen Helman – Vice Chairman	Absent
Steven Costello - Clerk	Present
Paul Curley	Present
David Munsell	Present
Fred LaSelva	Present
Jeffrey Swartz	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.

Motion made by Fred LaSelva to move the first item on the Agenda to the end of the meeting due to him having to recuse from this matter - GIZ, moved by Mary Barry, seconded by Paul Curley, so voted unanimously.

Motion made by David Munsell to remove the part of extending the GIZ boundary lines, we will be short members. Chair Mary Barry clarifies that this is one item and that we will have enough members.

This is moved to the first item on the Agenda **Lot Release/Certificate of Completion**

Beach Point LLC, Andrew Maher has submitted a request pertaining to Subdivision No. 658 & 362 Maushop Ave & Offshoot Road (modification) for the release of lots 11 and 12 from covenant and for a Form M Certificate of Completion for the subdivision.

Dan Ojala of Downcape Engineering in attendance for the Applicant. He gives an explanation for the revision for the turning T. Some areas have been re paved. They are requesting Form G release of covenant and Form M for completion.

David Munsell asks if the potholes have been repaired on Maushop?
Dan Ojala replies yes, good feedback everyone was quite happy.

Chair Mary Barry entertains a motion, moved by Paul Curley, seconded by Jeff Swartz, so voted unanimously to release covenant - Form G.

Concerning Subdivision No. 362 & 658, all construction has been fully and satisfactorily completed in accordance with the Subdivision Rules and Regulations, the Development Agreement and approved subdivision plan. Therefore, pursuant to Section 81-U of Chapter 41, M.G.L., the Town of Barnstable, a Massachusetts municipal corporation, acting through its Planning Board, hereby declares the above-mentioned subdivision to be complete.

Chair Mary Barry entertains a motion, moved by Steven Costello, seconded by Paul Curley, so voted unanimously to issue completion - Form M.

Regulatory Agreement

Housing Assistance Corporation seeks to enter into a Regulatory Agreement with the Town of Barnstable to construct three residential structures with a total of eight units with a total floor area of 6,564 square feet, at 57 Ridgewood Avenue, Hyannis. The property is zoned SF – Single Family Residential District and is shown on Assessor's Map 328 as Parcel 091. The Applicant proposes to construct two (2) two-bedroom units and six (6) one-bedroom units. Two of the one-bedroom units will be affordable units for households with income at or below 80% of Area Median Income and the remaining six will be market rate. An existing deteriorated foundation on the site will be removed.

Attorney Peter Freeman in attendance. He gives an explanation of the proposed project. Site plan review, list of waivers.

Alisa Galazzi, CEO of Housing Assistance Corp. (HAC) in attendance.

David Quinn, of HAC in attendance.

Brian Kuchar, of Horsley Witten Group in attendance.

Kara Babcock, Architect, Union Studio in attendance.

Alisa Galazzi gives a history of HAC. 500 units of affordable housing in the area. Tax credits, housing crisis. Gives a Presentation. Market rate rentals.

David Quinn Assistant Director, HAC. He gives a presentation - shows the location. Low income tax credits. Trying to develop. This is a walkable site, close to downtown area and harbor. Partnering with East End initiative and work with Mass Grant development.

Abandon property, about 15 years, foundation is completely deteriorated. The old sub plan was 3 separate lots that at some point these were merged together to create the one lot. Mix of residential, commercial, different uses in this area. Proposal is to add 8 units, 6 market rate and 2 affordable. A Cape Cod Pocket Neighborhood. Only 1% rental vacancy on the Cape.

Kara Babcock, of Union Studio and Design. She gives a review of past projects that they have designed previously in Greenwich CT and Concord MA. Lot will be a total of 3 bldgs. 8 units in total, one to two bedrooms, range from 1300 to 1500 sq. ft. Each of the units will share court and garden in the center. Semi private front porches on front of the bldg. Thinking one and a half stories, second within the roof eaves. Approx now 25 ft. in height. Top unit will be the duplex unit. Hope to enrich the community and repair fragmented streetscape of Ridgewood Ave.

Brian Kuchar, of Horsley Witten Group. He gives presentation of the landscape. He has worked with affordable housing units and HAC in the past. Shows existing conditions/survey plan. Notes the edge of brush line, all was removed. Site Design, 13 parking spaces, paved parking lot. Central courtyard. 13

parking and 1 handicapped space. Storm water treatment, run off. Wastewater through public sewer. Public water as well. Landscape Plan. Dumpster located at the rear, with screening and plantings, enclosure. Community gathering space.

Chair Mary Barry entertains a motion to open the Public Hearing, moved by Paul Curley, seconded by Steve Costello, so voted unanimously.

Paul Curley asks for clarification re dumpster location.

Brian Kuchar replies that they would be providing vegetative screening, they can add more of a buffer if requested, a fence will be provided as well.

Chair Mary Barry asks for any Public Comment:

Peter Cross in attendance, Chairman of Hyannis Fire District . Will this be a taxable project? A lot of non profits now.

Attorney Peter Freeman answers that HAC is a tax exempt charitable organization. This is mixed income housing. Project is needed to go forward. We will follow up on what the town/law is.

Peter Cross comments that there are lots of tax exempts, mentions a lot of properties that are being gone and they are losing money. Hyannis cannot afford to finance the Barnstable Housing Authority and HAC and homeless shelters. Would like to see a contingency to work with us to make payment in lieu of taxes. Many 911 calls made in the 9 square miles they cover.

Gary Beard, Beard Chevrolet. His concern is the parking. Has had incidences. Is there a formula used for units, cars per unit? He would think 2 per unit.

Attorney Peter Freeman replies, that they aren't asking for waiver for parking. They think that the 13 spaces are adequate. They will be vigilant with the property and any illegal parking will be managed, self controlled. They are looking for a slight reduction for trees in the parking lot.

Fred LaSelva asks how much money is generated by HAC. He thinks that this property does have what town needs, it doesn't address the need to stop subsidizing in Hyannis. Hyannis cannot afford another non profit, non taxable property. He clarifies that the Applicant has asked for Community Preservation (CPC) funding. They need to specify some way to subsidize the town for the services the Town will provide. There has to be a good quo pro here. Without that he finds difficult to support this project, at this point.

Alisa Galazzi, CEO of HAC, replies - 23 million, 15 employees. Yes, CPC funding for the affordable units.

Attorney Peter Freeman answers that they will try to do that. This question really never came up. We will talk with Staff as well/suggestions for this.

Peter Cross wanted to clarify that the Commissioners of the Hyannis Fire Dept. The Hyannis Fire District is here and we intend to be part of regulatory agreements as they move forward. Demanding that their voices be heard.

Paul Curley comments that this is a problem across the whole, not just Hyannis. This is a problem that needs to be solved by Town Council and the Planning Board, about mitigation fees for a long time, something needs to happen. However to take this project away where we need housing in this town is not right. Doesn't think that we need to make this the point to stop. Have got to have something in place. He would support this regulatory agreement.

David Munsell states that Hyannis Water District has 5 districts, the cost of Hyannis should be spread out and have one fire district through the whole town. Affordable does burden Hyannis, but it's the best place.

Steve Costello comments that he agrees with Dave Munsell re the Fire District problem and the combination of such, where system needs to be corrected. Unreasonable to say that a portion will be dedicated to water/fire, the exemption for this.

Attorney Peter Freeman comments that they haven't analyzed that way, they will have to look into it.

Would like to keep Public Hearing open and discuss the questions that were raised today/address .

Jeff Swartz asks about the green space. Asks for detail of what will be added re landscape/trees etc. Is the lot secured at this time? Condition of sewer and water main?

Brian Kuchar replies, there is some vegetation. Points out which trees to be saved.

Attorney Peter Freeman clarifies that HAC owns it. Very secure. Copy of deed to staff just sent, clarifies that this has been thoroughly vetted. DPW is satisfied. Sewer and water main.

Fred La Selva comments/reiterates his point that their needs to be more negotiations. Build a model that is sustainable.

Peter Cross directs to Steven Costello, that the other Fire Dept's sell water, they are DPW enterprise accounts. Hyannis does not sell water. Hyannis water system pay 100% of those monies. Sewer is a Town account. Water system is enterprise account.

Chair Mary Barry entertains a motion to continue the Public Hearing for this regulatory agreement to February 26, 2018, moved by Paul Curley, seconded by David Munsell, so voted unanimously.

2018 Downtown Hyannis Growth Incentive Zone

The Downtown Hyannis Growth Incentive Zone's existing designation is set to expire and the Town is seeking to designate anew the Downtown Hyannis Growth Incentive Zone. The Downtown Hyannis Growth Incentive Zone (GIZ) was approved by the Cape Cod Commission by decision dated April 6, 2006, as authorized by Barnstable County Ordinance 2005-13, Chapter G, Growth Incentive Zone Regulations of the Cape Cod Commission Regulations of General Application; as extended by an Agreement to Extend Town of Barnstable Downtown Hyannis Growth Incentive Zone to October 6, 2017 between the Cape Cod Commission and the Town of Barnstable executed on December 14, 2015 and as further extended by a second Agreement to Extend to April 4, 2018 between the Cape Cod Commission and the Town of Barnstable executed on October 6, 2017.

Continued from February 1, 2018 joint public hearing with the Town Council. The public hearing has been closed. The Planning Board may vote, through the Barnstable Town Manager, to propose a Growth Incentive Zone designation and to submit an application for Growth Incentive Zone Designation to the Cape Cod Commission.

Paul Curley comments that he supports the application, the only question is the inclusion of the Scudder Ave property. He states that he hasn't seen that much change in the Downtown area. Expansion of the GIZ doesn't make any sense, already have the tools and not working. If expanded it will take away from others. Doesn't make any sense to him.

Elizabeth Jenkins replies that there is no standard really that states specifically what should it should be. Infrastructure – 35 Scudder Ave, is served by water and sewer, upgraded water main, public sewer there. Natural gas and power, access to public roadway, frontage and served by West End rotary, which has been on the Capital Improvement Plan. Two regional authority lines transit that run through the property, it is fairly consistent for what is in the GIZ now.

Chapter G regulations are pending through the Commission. A lot of discussion re the review of projects coming forward.

A number of questions about regulations. By continuing the GIZ, actually no changes to zoning, regulatory structure, or any form of regulation. There will be a forum for talking about things in the zoning that work/or not.

Jeff Swartz mentions an email asking why certain things on the original GIZ that aren't there now.

Elizabeth Jenkins replies that they were about the offset strategy, this is not the structure that is going to be in place. GIZ expand or creating strip development. This was not in the application.

Chair Mary Barry clarifies that there is a difference between the decision and the application. Impact fees, maybe some policy work to do. The strategic plan should reflect this. Focus more on implementation and evaluation.

Jeff Swartz asks about Cape Cod Hospital.

Elizabeth Jenkins replies that there are no changes in current application, they are not exempt from Cape Cod Commission review. Not proposing to do.

Steven Costello comments that there is a GIZ meeting with Cape Cod Commission. It seems the biggest issue is with the 35 Scudder Ave.

Heather Harper of Cape Cod Commission in attendance. She states that the regulations will apply more universally. When the Planning Board and Town Council are ready to present then there will be a conversation about the boundaries.

Steve Costello asks if the current boundary include a portion of the property,

Elizabeth Jenkins replies re 35 Scudder Ave. - that a small portion, property is currently zoned RB – single family residential zoning district. Only single family, 1 acre lot size homes. The golf course is pre existing non conforming now.

The owners have the option under the current zoning. It is in the Regulatory Agreement map , they do have the option to work with and do a Regulatory Agreement with the Town.

David Munsell comments that he would like to see a sub committee formed for this. There are a lot of people not in favor of extending the GIZ. A lot of correspondence. He wants the process to be slowed down, to big to push through in his opinion.

Jeff Swartz comments that as far as the application, he thinks he could go forward on it, but the Scudder Ave. property is of concern. He doesn't know if it should be in the GIZ at this time. The Twin Brooks Golf Course is away from the hotel itself, is that correct? He doesn't want to see 40B housing go in here. He walked the property and he saw creeks that are dried up now.

Discussion re dates to continue to and deadlines.

Chair Mary Barry confirms April 4th deadline for Town Council.

Paul Curley doesn't see the reason why to continue, he doesn't want the inclusion of this property at 235 Scudder. Thinks this is a minus to the GIZ. Thinks should be sending to Town Council with our recommendation.

Chair Mary Barry comments that she read through all the comments with regard to the GIZ as a whole, the discussion about 35 Scudder was about a P & S that has not gone through, been there since 2016. If

this doesn't go through, something else will go there. Attorney Kenney stated that if the Golf Course not making money, they will be looking for something even more profitable. Instead of looking at it from the big picture. She doesn't feel that she is comfortable. Believes it should be part of the GIZ.

Motion made by David Munsell to recommend the draft of the GIZ with the 2006 map without the extension of the property boundary/lines at 35 Scudder Ave, seconded by Paul Curley.

Chair Mary Barry confirms not enough to move forward.

Motion made by Steven Costello to continue this to February 26, 2018, for the Planning Board's vote after the Cape Cod Commission's meeting of Feb. 22, 2018, seconded by Mary Barry.

David Munsell, Jeff Swartz, Steven Costello and Mary Barry are a yes. Paul Curley is a no. Motion passes 4 to 1.

Jeff Swartz states that he doesn't think enough time.

Elizabeth Jenkins clarifies that the Feb. 22, Cape Cod Commission hearing is on Chpt G. We still have to adhere to the April deadline. Clarifies that this is to look at the regional changes. They will vote on proposed general application.

Discussion regarding April final date for the GIZ to be finalized/approved.

Correspondence

Chapter 91 Notice – 123 Seapuit River Rd., Osterville – Caj, LLC to extend and replace existing pier/ramp

Chapter 91 Notice – 11 Heath Row, Mystic Lake, Marstons Mills – construct and maintain seasonal pier

Chapter 91 Notice – 157 Pleasant St., Hyannis Inner Harbor – to amend DEP to allow an extension of thirty years from expiration to designate a reconfiguration zone

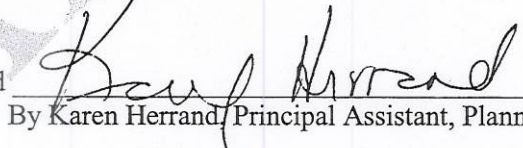
Matters Not Reasonably Anticipated by the Chair

Future Meetings Regularly Scheduled Meetings: February 26 and March 12, 2018, @ 7:00 PM.

Motion entertained by Chair Mary Barry to adjourn, moved by Paul Curley, seconded by Jeff Swartz, so voted unanimously to adjourn.

The meeting adjourned at 9:24 p.m.

Respectfully Submitted


By Karen Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on

January 14, 2019

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