



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

Matt Levesque – 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 26, 2018

19 JAN 15 P2:46

BARNSTABLE
TOWN CLERK

Mary Barry – Chairman	Present
Stephen Helman – Vice Chairman	Absent
Steven Costello - Clerk	Absent
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.

Approval Not Required:

Application for an Approval Not Required Plan entitled "Approval Not Required Plan of Land – 1520 Iyannough Road & 1582 Iyannough Rd, Hyannis, MA", dated February 16, 2018, prepared for The Cape Cod Five Cents Savings Bank, prepared by Shane M. Mallon, PLS.

Shane Mallon of Baxter Nye Engineering in attendance. This is to subdivide two lots then will combine a piece of land with 1520 Iyannough Road. Will meet all zoning requirements for frontage, area and access.

David Munsell clarifies where this land/development is and asks why not done originally/earlier?

Shane Mallon replies that it is the land adjacent to be combined.

Christopher Raber, Senior Vice President in charge of facilities for Cape Cod Five Cents Savings Bank replies that they did not own this property, 1582 at that time.

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

Application for an Approval Not Required Plan entitled "Approval Not Required Being a Subdivision of Lot 69 & 70 Land Court Plan 11542-10", for 166 & 172 Peppercorn Lane, Cotuit, MA, dated February 8, 2018, prepared for Dunhill Development, by Shane M. Mallon, PLS.

Shane Mallon of Baxter Nye Engineering in attendance. This is for conveyance purposes only. To adjust interior property lines. Will meet frontage, access from Peppercorn.

Chair Mary Barry entertains a motion, moved by Paul Curley to endorse/approve this ANR, seconded by Jeff seconded, so voted unanimously.

2018 Downtown Hyannis Growth Incentive Zone

The Town of Barnstable Planning Board will hold a public hearing on a revised draft of the Downtown Hyannis Growth Incentive Zone application.

The Town is seeking to designate the Downtown Hyannis Growth Incentive Zone (GIZ) pursuant to the Cape Cod Commission Act and Chapter G of the Cape Cod Commission regulations. A revised draft of the proposed GIZ application is available for viewing at the Planning & Development Department Offices at the 3rd Floor of Town Hall and at 200 Main Street or online at www.townofbarnstable.us/PlanningandDevelopment/2018giz. The Planning Board will accept public testimony on the application at the hearing; or comments may be submitted to the Planning Board at 200 Main Street, Hyannis.

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.

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

Elizabeth Jenkins presents the revisions to the GIZ application. Three major changes/revisions as outlined in the Memorandum, Exhibit A.

Boundary. The parcel that was going to be added has been removed/withdrawn from the owner of property at 35 Scudder. – This has been removed from the application – no changes from the original boundary (2006).

Second change deals with the timing of the regulations for the application to the Cape Cod Commission. Revisions to Chapter 4 in application which spells out Cape Cod Commission relief, doesn't lift all DRI thresholds.

Third change is the public process - comments that needed to be addressed in the application, keeping track of these requests and incorporated these changes into the document.

Chair Mary Barry asks for any Public Comment.

Felicia Penn in attendance. She refers to her memorandum, dated February 26, 2018, Exhibit B (received as hand out). She reads into record.

Jeff Swartz asks, pg. 26, of the GIZ/assessment, he disagrees, looks at services here.

Felicia Penn comments that an entrepreneurial people would add a layer based on knowledge based jobs, make community more diverse, trying to raise the bar.

Fred LaSelva comments /asks if this would be included in a re write of this GIZ application? Asks about her comment re economics/salary, need to raise infrastructure to attract more to the area.

Felicia Penn replies yes, that would be great. Comments that she'd love to see small re writes in the economic section of the plan. Layers of infrastructure, we need connectivity. Hyannis is the hub.

Steve Johnston, Chief Executive Officer & Executive Director at OpenCape Corp. He comments that they have been working with people in the community. Perfect incubators/Economic Development. This is a race to keep main streets fiber enabled. Focus and reformat. The youth have to be able to do something. Town's are looking to upgrade their community's this way. By adding a component to the GIZ via economics, connection/office space on the backbone. Can be done on block by block basis.

Attorney Paul Revere, III, represents South Shore Playhouse, dba the Melody Tent. They were concerned about the 35 Scudder property. GIZ could be modified in the future. Significant open space, environmental features of the property and potential traffic. He submits two letters into record, dated February 9 and February 15, 2018, Exhibit B.

Elizabeth Jenkins states that they included the vast majority of comments. They listed all questions out. The memorandum pointed out the changes that were laid out in the memorandum.

Fred LaSelva refers to GIZ document, Exhibit A, pg. 4, pg. 5, Greater Hyannis Civic Association asks these words be removed and substituted with Downtown area.

Elizabeth Jenkins replies this is not just for Downtown, infrastructure areas that work/planning view, other variables. Broaden the scope of what goals are within the boundary.

Fred LaSelva disagrees. States that the GIZ speaks to the Downtown area and what happens within those boundaries. Makes comments/suggestions/edits, Exhibit D.

Jeff Swartz did look at Yarmouth GIZ and then he read through our application. He likes this document. This is the first time that Cape Cod Commission and the Planning Dept. – We do have a deadline. Didn't think it had enough emphasis on parking, strongly suggests looking at more innovative approaches for incentive for driver options, Uber/Lyft etc.

Chair Mary Barry directs to Elizabeth Jenkins re direction on how to address comments heard and document/suggestions?

Elizabeth Jenkins replies that the comments/approaches are good, should the Planning Board choose to make a motion noting that document would include language in support of the issues that were addressed, OpenCape language/work with those people/comments that we would want incorporated.

Discussion amongst members regarding time frame for a vote on GIZ application. Obtaining a red line version draft and a possible sub committee and deadline for Town Council.

Paul Curley would like to schedule a meeting possibly on March 5, 2018.
Notes that this will be the only Agenda item.

Chair Mary Barry asks for motion to close the Public Hearing, moved by Jeff Swartz, seconded by Paul Curley, so voted unanimously.

Chair Mary Barry entertains a motion to schedule a separate Planning Board meeting on March 5, 2018, at 7 p.m., moved by Paul Curley, seconded by David Munsell, so voted unanimously to continue the GIZ application.

Regulatory Agreements:

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.

Continued from February 12, 2018.

Attorney Peter Freeman in attendance. He refers to his memorandum dated Feb. 23, 2018, Exhibit E. They have proposed with a payment in lieu of taxes, and enter into a pilot, thinks this speaks to the concerns that were raised. We volunteered to do this.

Chair Mary Barry asks if there is any public comment.

Peter Cross, Chairman of Hyannis Fire District. He applauds them for getting into a pilot. He was very pleased. But the Hyannis Fire was not part. He thinks unacceptable. Housing Assistance Corp. (HAC) has 15 properties within the village of Hyannis. Barnstable Housing has 68 properties. Hopes go with pilots going forward. Pre-construction pilot doesn't make any sense.

Jeff Swartz asks/directs to Peter Cross. Were the Town Council comments the same.

Peter Cross replies, yes. They stated that have to remember Hyannis has a lot of industry. He would like to see real numbers, it would be good to see a profit/loss. States that we are not at a loss, but we are taxing to the dollar that we need to run the Hyannis Fire District. Current tax rates are 2.97 per thousand. Hyannis business are supporting a lot - 199 properties.

Paul Curley replies/directs to Peter Cross - states that there is a problem, but this is not to be solved by the Planning Board, by Town Council. This project provides something the town needs by a developer that does a good job. Their decision to offer pilot is page turning. Important to move the project. He is in full support of this.

Chair Mary Barry also believes that there is a bigger problem with Fire Dept and the Town. She agrees this project needs to go forward. She is in support.

Fred LaSelva states that he objects to him saying there is a town wide problem of 5 fire districts. This isn't a problem of HAC.

Attorney Peter Freeman clarifies that this is a small project. There is another pilot for another project, Ocean St. in Hyannis has 49 beds they pay \$5,555 a year.

Fred LaSelva asks/clarifies that they are asking for \$200,000 from Community Preservation (CPC). He would like to see the project come under assessment at the end then look at value, take percentages into account.

Chair Mary Barry entertains a motion to close the Public Hearing, moved by Paul Curley, seconded by Fred LaSelva, Jeff Swartz is a no vote. The motion passes.

Chair Mary Barry entertains a motion to recommend the Regulatory Agreement, moved by Paul Curley, seconded by David Munsell. The motion passes for recommendation to Town Council.

Yes: Mary Barry, Paul Curley, David Munsell and Fred LaSelva

No: Jeff Swartz

Zoning Amendments:

Proposed Zoning Amendment: TC Item No. 2018-053

Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning to Revise Regulations for Family Apartments. The proposed amendments would: remove year-round occupancy requirements; revise what size apartments require review by the Zoning Board of Appeals; allow for detached family apartments by variance; and allow expanded options related to removal of an apartment. *Copies of TC Order and Rationale; existing family apartment regulations enclosed.*

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

Elizabeth Jenkins gives an explanation of the proposed zoning amendment.

Comparisons to existing regulations. It will give more flexibility. There is a need for diversified housing, family apartments are a way to support the affordable housing as well. As it is now, any family apartment applications have to be reviewed by Zoning Board of Appeals (ZBA). This proposed amendment removes the 800 sq. ft. restriction.

Three changes:

Removal of requirement for year round.

Revision for what requires review.

Additional discretion by the Bldg. Commissioner.

Chair Mary Barry asks for Public Comment. NONE.

David Munsell asks how many units are on this program now?

Elizabeth Jenkins replies, not sure, probably hundreds.

Fred LaSelva asks if there is a monitoring process?

Elizabeth Jenkins replies that they have to file affidavit with the Bldg. Dept. There is a requirement that all be registered and have inspections. To clarify this is not for a second unit, seasonal, friends, strict intent only for family members. All units are registered with the Board of Health and have to adhere to inspections as well.

Chair Mary Barry entertains a motion to close the Public Hearing, moved by Paul Curley, seconded by David Munsell, so voted unanimously.

Chair Mary Barry entertains a motion to recommend to Town Council, moved by Paul Curley, seconded by Jeff Swartz, so voted unanimously.

Matters Not Reasonably Anticipated by the Chair:

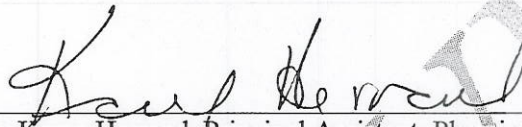
Chair Mary Barry confirms new meeting for the Planning Board on March 5th 2018.

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

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

The meeting adjourned at 9:48 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>

List of Exhibit Documents

Exhibit A – Growth Incentive Zone Application draft 2018 – and Proposed revisions

Exhibit B - Felicia Penn letter comments dated February 26, 2018

Exhibit C – Letter/memorandum from Attorney Paul Revere III and Attorney Kevin Cain – February 9 and 15, 2018.

Exhibit D – List of comments/edits proposed by Fred LaSelva from pg. 13 to pg. 141 of document/GIZ application – Exhibit A.

Exhibit E – Memorandum from Attorney Peter Freeman dated February 23, 2018 re Reg. Agrmnt. No. 2018-001