



Town of Barnstable Planning Board



www.town.barnstable.ma.us/PlanningBoard

Board Members

Steven Costello – Chair Stephen Robichaud – Vice Chair Mary Barry – Clerk Robert Twiss Michael Mecnas Raymond Sexton

Mathew Levesque – Town Council Liaison
Planning & Development Dept. Staff Support

Elizabeth Jenkins, AICP, Director
Kaitlyn Maldonado, Assistant Director
James Kupfer, Senior Planner

Karen Herrand – Principal Assistant - karen.herrand@town.barnstable.ma.us

PLANNING & DEVELOPMENT DEPARTMENT
TOWN OF BARNSTABLE
2021 NOV 10 PM 0:00

Town of Barnstable PLANNING BOARD Minutes October 25, 2021

Steven Costello – Chairman	Present
Stephen Robichaud – Vice Chairman	Present
Marry Barry – Clerk	Absent
Robert Twiss	Present
Michael Mecnas	Present
Raymond Sexton	Present

Also in attendance via remote participation were Planning & Development Staff; Elizabeth Jenkins, Director, Kaitlyn Maldonado, Assistant Director, James Kupfer, Senior Planner, and Karen Herrand, Principal Assistant.

The Planning Board’s Public Hearing will be held at 7:00 p.m. by remote participation methods.

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/98361616349>

Phone: 888 475 4499 US Toll-free

Meeting ID: 983 6161 6349

3. Applicants, their representatives and individuals required or entitled to appear before the Planning Board may appear remotely 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 so that they may be displayed for remote public access viewing.

Application materials may be accessed by contacting Karen.herrand@town.barnstable.ma.us or calling 508-862-4064.

Call to Order

Introduction of Board Members and Staff Members

Attendance Roll Call:

Ray Sexton

Michael Mecnas

Bob Twiss

Stephen Robichaud

Steven Costello

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.

Public Comment

Chair Steven Costello – states that the solar array GMSPOD Zoning Amendment matter will be heard on Nov. 8, 2021, with the Planning Board, not tonight. There is no public comment.

Regulatory Agreements:

Jennifer and Jeffrey Lyon, Trustees, Lyon Investment RT seek to enter into a Regulatory Agreement

The subject property is located at 80 Pearl Street, Hyannis, Map 326 Parcel 008. The Applicant's proposal is to redevelop the property, formerly Cape Cod Child Development, as a multifamily development consisting of eight (8) apartments with a combined total floor area of 4,481 sq. ft. A waiver is being requested to allow development of multi-family units within the Single Family District.

Continued from August 9, 2021, August 23, 2021, and September 27, 2021

(Public Hearing) (Majority of members present and voting)

Attorney Paul Revere in attendance representing, Lyon Investment Trust. He gives a history of the timeline and matters discussed previously. Site Plan review – got positive letter, could not do Sept. meeting. Have submitted a revised plan, minor changes related to detail on the plan, dumpster enclosure, bike rack. Existing fence being moved now on the property. Infilled redevelopment project for housing in Hyannis. Reconfigured the parking spaces. Made 15 parking spaces with a handicap space. Ramp already at the property. Moved the dumpster and appropriate screening, wooden enclosure. Second parking area, southwest area, pavement here. Plans showing deck and stairs – one exterior for appropriate fire exits and one window to be installed. The room configurations had a mistake, one of the units is now a two bedroom unit, and corrected on the plans. Landscaping is here already and existing, possibly add a few hydrangeas and move a fence. Refers to Staff report, Exhibit A. North parking lot – suggested a buffer between Pearl St. and the parking lot, there is already an existing buffer. In this area, it is very dense urbanized area. Second issue, southwest parking lot ought to lose a space in order to create a buffer, didn't make sense in their opinion. Owner has long history of creating work force housing. This will be built quickly when/if approved.

Chair Steven Costello states that we realize this is a redevelopment project, the main concern is parking at this point.

Kate Maldonado in attendance. Staff is expressing – will have 19 spaces, not 13 – single family zone is subject to 10 ft. perimeter green space buffer and enhance the site as a whole. Southwest corner will still have 17 parking spaces.

Elizabeth Jenkins, negotiation of a regulatory agreement. Significant density, southern parking spaces. Appears to be no rights to access them. Interest of property owner, create a development that moves Hyannis forward. Housing that is of lasting value.

Jim Kupfer this is 8 studio or 1 bedroom units, so more than 2 spaces per unit is excessive. Goal is to improve upon. Regulatory agreement should be both a win for the town and the applicant. Adding some green space seems like a small asset to move this along quickly.

Michael Mecenas looked at the site. The space is already there, not wanting to lose the parking. The overall project good for people to find housing. Is this a problem in terms of holding the project? This can be done in two months and ready.

Chair Steven Costello replies more of a question of making the building more attractive and more conforming. Not really holding up the project. The building has a lot of cosmetic work to be done.

Ray Sexton has visited the site. Redevelopment project, more of a status quo than a redevelopment. The site is in poor condition and as is, is an eyesore. These are reasonable fixes – adding some more green, overgrown currently. A modest landscape plan may be a good ask. What kinds of fixes for the exterior as well as the interior. This is an opportunity to make it a more appealing place and neighborhood as well. There were some issues with another property that these owners had.

Elizabeth Jenkins did meet to review 49 Elm St. and minor items. Installation of a fence was required with the limited parking. Clarified to put permanent fence and bike rack in at this property.

Ray Sexton would like to see everything done. Directs to Attorney Revere, regarding AC units needing to be screened, window units in plain view on second story, not looking good. How can these be not visible?

Attorney Revere replies these AC units are ground mounted in northeast corner, under stairway, have not had any issues with window units. Not aware of any requirement to have central air or screen units in the Town of Barnstable. Potentially can see from adjacent properties.

Bob Twiss is generally in favor of the project. Has visited the site, thinks the grass buffer will be a big improvement. Zoning requires the buffer in the first place, even though not required when this building was first built, why would we not require the buffer. Enforcement with the Elm St. property, this is the 4th time this has come up. He would be reluctant to enter into a new agreement if non compliant with the other agreement.

Stephen Robichaud agrees with Bob Twiss about taking care of the Elm St. agreement. Whatever Staff is looking for needs to be delivered. Commends the Applicant for getting the information wanted. Rubber matting area - had in the past been used as a play area. Will the southwest area take up half of this area?

Jeff Lyons in attendance. He is a 66 year resident. This project represents a big part of their retirement. Many of our renters are Brazilian and Ecuadorian, many have a work truck, we have spaces for these people trying to make their way in this world. He does not want to spend money to have to pass on to rent fees. 150 ft. from them are bulldozed properties where new housing is put up. We want to rehab the property. Why take out spaces. The building is 200 years old. The engineering agrees that it fits for this project in this area. 49 Elm St. does have a bike rack there now. We could have seven more families living at Pearl Street property. Hope you will give an approval.

Stephen Robichaud states that there is a process going through with this project. Appreciates the comments. Need workforce housing. Agrees with the green areas that Staff has recommended.

Jeff Lyons replies that some of the/part of the rubber will be removed and replaced with gravel, pervious service. May leave the remainder of the rubber there to be used as people want, for picnic tables, etc.

Jeff Lyons states that it is a 10 bedroom house. They rent to a lot of immigrants that could use the extra spaces. Should be allowed to have the 19 spaces.

Attorney Revere states trying to get as many spaces as can otherwise people may park on Pearl St. This is the first time it has come up with the northerly lot, this could have been brought up earlier. Elm Avenue – there were 8 or 9 alleged non compliance matters, maybe one or two minor compliance issues. Two remaining, one is either a wooden bike rack and one side of the fence direction issue. Now a fence constructed by the church in the area. Bldg. permit and occupancy permits were issued. The agreement stated to be reviewed by the Bldg. Dept. The plan for Pearl St. is very clear.

Stephen Robichaud – the aesthetics which are important, what are your plans, for HVAC if this is approved?

Jeff Lyons replies, we didn't know we needed plans for this?

Chair Steven Costello directs to Staff – parking plan, and the modifications, Exhibit B. Let's review to see and to understand.

Kate Maldonado reviews the plan, Exhibit B. Space is extremely adjacent to the property and so as a compromise, Staff has suggested that two spaces being removed, would keep parking requirement and would eliminate congestion of abutting property/area.

Chair Steven Costello states that this doesn't appear to cause a major negative impact with this parking revision, these are one bedroom and studio apartments, this is an opportunity to make something a lot nicer and help the community.

Attorney Revere states that his clients biggest concern - it's not clear if he got rid of the two parking spaces would the Board vote in favor of this tonight?

Chair Steven Costello, not aware of any other issues holding up the project other than this?

Elizabeth Jenkins replies if the Planning Board wants to close the public hearing, but ultimately the Board has the recommendation of the agreement to go to Town Council. The final vote of the Board should reflect a finally reviewed regulatory agreement.

Chair Steven Costello thinks at a point, now and the Board has a good feeling about the project. It will go to Town Council in order to be complete and there is language that needs to be put into final for moving this on. Important to move forward and have vetted with town attorneys.

Attorney Revere stated that they have submitted a draft regulatory agreement back in August, never reviewed. Asks to direct the Planning Dept. to provide a draft regulatory agreement before the hearing, we don't want to be delayed again. Agree to continue to Nov. 8th, 2021, meeting, remain open and asks that the Planning Board direct that a timely regulatory agreement be provided before the next meeting.

Chair Steven Costello directs to Elizabeth Jenkins, asks if comfortable/realistic that we could have a draft agreement to review a week prior to Nov. 8th meeting?

Elizabeth Jenkins replies, that we do ask that the Legal Dept. look over/review.

Jim Kupfer, procedurally, thinks inappropriate prior to steps being complete. Shouldn't be a problem to get done in a timely manner.

Chair Steven Costello doesn't see anything other than the parking and buffer being put into the regulatory agreement.

Attorney Revere would at least like to discuss with Staff briefly beforehand, and reach some level of agreement.

Chair Steven Costello directs to Elizabeth Jenkins, is this something that can be done/work with Staff? Expectation to have something to vote on at the Nov. 8th, meeting. Staff realizes the sense of urgency, however the Legal Dept. is to be involved as well.

Attorney Revere confirms that it will be something that both parties will agree to.

Elizabeth Jenkins will go back and forth with the Applicant to get this to the Planning Board.

Chair Steven Costello entertains a motion to continue to Nov. 8, 2021, moved by Bob Twiss, seconded by Stephen Robichaud,

Roll Call Vote:

Bob Twiss - aye

Stephen Robichaud - aye

Michael Mecnas - aye

Raymond Sexton - aye

Steven Costello - aye

Ray Sexton comments/directs to Mr. Lyons – some of his comments and views are not acceptable to him.

Airview LLC, Inc. – Modification of an existing Regulatory Agreement - No. 2019-03

The previously approved Regulatory Agreement, 2019-03, recorded on July 28, 2020, enabled the development of 451 and 467 Iyannough Road and 400 Barnstable Road in Hyannis to incorporate the construction of two buildings: a one-story retail pharmacy building with a drive through lane and a gross floor area of approximately 10,000 square feet (Building A) and a one-story building to be reserved for future retail use with a gross floor area of approximately 6,000 square feet (Building B). Airview LLC, seeks to modify the previously approved Regulatory Agreement to incorporate a food and beverage service business (Starbucks) with a drive-through window within one of the tenant spaces of Building B. Said proposal requires a waiver as drive-through windows, for uses other than banks, are prohibited per zoning. Additionally, the applicant seeks to modify the request associated with the need for the previously approved signage waivers to incorporate signage proposed for Starbucks and the applicant seeks to modify the request associated with signage established for Building A. *Continued from August 23, 2021, and September 27, 2021 - Peer Review Update.*

(Public Hearing) (Majority of members present and voting)

Attorney Michael Princi in attendance. Stuart Bornstein in attendance. Allan Cloutier, Matt Eddy, Jeffrey Dirk all in attendance.

Attorney Princi gives a history/review of the application and peer review updates and timelines. Presentation on minor changes to site plan, and traffic information.

Exhibit C, rendering of the newest signage/pictures submitted by Applicant. This was requested at last meeting so that Planning Board could see. The additional 3500 sq. ft. will restrict that to balance out the drive through. There is 6000 sq. ft. which could generate much more retail traffic in the area, traffic in the morning.

Matt Eddy, of Baxter Nye Engineering, Exhibit D, layout and dimension plan. Explains the yellow and green highlights on the plan – red with arrows shows the circulation of getting through the drive through. Way finding signs, green. He points out on the rendering. Explains the drive in and out areas and signage. Directional signs that will say towards Route 6 or Yarmouth which will direct you to the right road. This will help people who are not familiar with the site. Traffic signs in yellow, added additional signs. Limited physical geometry, which prevents people from taking a left hand turn. Added do not enter signs.

Chair Steven Costello asks for confirmation of the easterly side, is this exclusive for Starbucks entry?

Matt Eddy explains the layout of the entrance signs. Center island as existing, Mass DOT requires a 2 ft. off set, has to be approved by Mass DOT to move. They may not want this curb face.

Chair Steven Costello asks could do flexible bollards?

Matt Eddy, if can't move island out, maybe place there or on the center line of Rte 28 between lanes, on double yellow line, so if left hand turn they would be running over these. Not sure if this would be considered by Mass DOT.

Attorney Princi – we tried to do everything possible in terms of controlling people from making the wrong turn or accidental left turns.

Matt Eddy the one at Whole Foods is a good example – limited of what we can do. The signage is the best way to do this.

Allan Cloutier states, you can get where you want to go, don't have to go around and do a U turn, if they take the correct driveway. There is a way to get where they need to go.

Matt Eddy, lighting was submitted with the original/prior regulatory agreement.

Matt Eddy – truck turning, this does without encroaching onto the curbs. Overhang is ok, but even this is ok, no modifications. Double yellow line. Traffic signage. Parking modification at rear of Bldg. B. All 60 degree angles, lost two spaces but with the agreement for office space modified the parking requirement, 76, but providing 78 now. We changed retail to office. Conforms with a few extra spaces. Drive through striped out. Do not enter signs added, stop bar. Bike rack on northwest corner of bldg. B. Added a note about site triangles. Keep shrubbery within 10 ft. Wayfinding sign. Updated parking table.

Mr. Jeffrey Dirk , of Vanasse & Associates Inc. refers to Oct. 5th letter, and review . We are satisfied that Applicant has addressed our comments. Summary – providing to the Board a real comparison of traffic impacts – how that original agreement compares to the project for this. Changed the uses. Drive through. Real change happens in the morning. Approximately 180 additional coming to and into the site. Not the traffic that Route 28 would have. Not substantial. Summer will have more pass by trips. Wayfinding is extremely important. Good to see the plans for this being incorporated. In terms of

offsite, not really that significant. Circulation within the site good. Would not extend onto the roadways.

Attorney Princi appreciates the turn around on the response for the report. Good detailed job.

Allan Cloutier, WorldTech Engineering, presentation summary – Exhibit E. Traffic Impact Study. Review and comparison. Morning and afternoon differences. Not a convenience store type of traffic. Total amount of trips per minute and daily. Delay times. Good sight distances.

Attorney Princi Oct. 25th summary, last sentence note type in: we do not expect delays, some during the morning peak hours, maybe up to 7 vehicles. Difficult to offer anything about the rotary. Applicant could do some mitigation for signage to be put up, but do not have anything for the rotary.

Jim Kupfer comments that the traffic will add some – traffic mitigation may be worked out.

Bob Twiss, interested in hearing who voted on the original plan, thoughts on the drive through. Seemed that there were strong feelings about not having a drive through. Even so, we could come back and change, but interested in hearing some of that analysis. There are places in town where drive throughs are allowed by zoning, only a few hundred yards away. Interested in hearing thoughts on why no drive throughs in this area. If drive through as a condition two years ago we may not be having this discussion. Interested in some of this feedback at some point.

Raymond Sexton – the island. Appreciates the Applicant's efforts, well done. Went to site to view. The island is pretty small. Will it end up being higher? Actual barrier or creating a visual guide/barrier with signage or bollards to deter people from making left turn? Would it be more substantial?

Allan Cloutier, more visible, with signage.

Matt Eddy, slope curb, it would still be the same, visual height, flexible bollard at corner may help with more deterrence.

Stephen Robichaud – is it possible to put plantings on the island?

Attorney Princi, you can't block the view, need to be able to merge safely, too much vegetation may block.

Matt Eddy, would definitely have to be low, Mass DOT may not like that. Hard to maintain as well. The signage and maybe a yellow bollard may give it a fair amount of visual presence.

Stephen Robichaud has concerns with the truck unloading. Peak hour deliveries would not work. Could we put language in the agreement for this?

Attorney Princi, yes, no deliveries other than overnight hours. Small items if in the day, work hours. We could put this in to restrict the hours.

Stephen Robichaud, first impression for bldg. B was that a 6,000 sq. ft. space – we thought this was going to be at the beginning with the original agreement, but less sq. footage now. Considerable trips, directs to Matt Eddy, do you feel this site can handle?

Matt Eddy replies that the 97 is total trips in and out correct?

Allan Cloutier, yes, about half coming in, 1 per minute. Walgreens busier in afternoon, Starbucks busier in the morning. On a total by way of afternoon and then morning almost exactly the same. Balance each other out. Total of number of trips – almost the same in comparison to the different times of day.

Attorney Princi, times have changed in large part because of COVID. Now a drive through is a safer way to do things and sometimes required and the norm.

Stephen Robichaud directs to Matt Eddy, any concerns blocking the 4 way intersection in the site?

Matt Eddy replies, doesn't think would be a problem. Starbucks can accommodate 14, the studies and using general information doesn't reflect that this would be an issue/concern.

Stuart Bornstein comments – what is the norm for Starbucks, typically 7 cars, within a minute, as you are picking up your coffee at one of their drive throughs. A bigger store/in Marshfield had maybe 10 or 11.

Stephen Robichaud appreciates the comments about the mitigation being proposed for somewhere in Town.

Steven Costello states that he was very skeptical about a drive through in this location when did original agreement, and how displayed, seemed like probably not a good idea. And that's why we wanted to have it in the agreement that anything for Bldg. B would have to come back to us at the Planning Board. Has less concerns now with the traffic study. Will be a learned use for the location/bldg. People are conditioned now with app's that will call in/order on the app and grab and go. Different times now. Something needs to happen with the roadway/airport rotary, needs to be established with some other type of traffic improvement. Look at what is an appropriate benefit to the Town. Mitigation will be appropriate in this case to talk about something that can aid the Town in some future planning.

Gordon Starr asks about business, drive through only or dine in, is there a menu sign?

Attorney Princi replies, yes, there is an order sign.

Gordon Starr asks if can make a left turn into Nantucket Sound? He can see people turning around here. Also if leaving and not going toward Yarmouth, can only make a right hand turn, so every car will have to go through the rotary? What are the hours? Traffic in the parking lot may get congested.

Matt Eddy replies, could avoid if Barnstable Rd. entry, but all pretty much have to go through the rotary.

Attorney Princi states that he would invite all to go to the site and look at it at 6:30 or 7:00 in the a.m., Walgreens is just about empty.

Chair Steven Costello – island and the mitigation issues to be worked out.

Matt Eddy replies that Mass DOT typically would want the local agreement done first, probably not get a final answer.

Chair Steven Costello would like to include all, bollards included in the final design, once agreed upon.

Stephen Robichaud would like language about no deliveries during peak hours.

Chair Steven Costello, still a significant amount of sq. footage left for this bldg. Need to make sure this is reviewed as well.

Chair Steven Costello entertains a motion to continue to November 8, 2021, meeting, moved by Stephen Robichaud to continue Regulatory Agreement No. 2019-03 with Airview LLC, Inc. to the November 8th 2021, Planning Board meeting at 7:00 PM., seconded by Bob Twiss,

Roll Call Vote:

Steven Costello - aye

Bob Twiss – aye

Stephen Robichaud - aye

Michael Mecnas - aye

Raymond Sexton - aye

Matters Not Reasonably Anticipated by the Chair

Correspondence

Chapter 91 Notice – 209 Bay St.- 209 Bay, LLC – construct boardwalk, pier, ramp & float

Chapter 91 Notice – 501 Eel River Rd., - ramp, float, piles – Eel River Rd. Properties, LLC/Dolce

Chapter 91 Notice – 167 Cedar Tree Neck Rd. – float, ramp – Owades

Chapter 91 Notice – 199 Cedar Tree Neck Rd. – ramp and float

Approval of Minutes

September 27, 2021, draft minutes

Chair Steven Costello entertains a motion to approve the draft minutes of September 27, 2021, moved by Stephen Robichaud, seconded by Bob Twiss,

Roll Call Vote:

Steven Costello - aye

Stephen Robichaud - aye

Bob Twiss - aye

Michael Mecnas - aye

Raymond Sexton - aye

Future Meetings: November 8, 2021 and November 22, 2021, @ 7:00 p.m.

Adjournment

Chair Steven Costello entertains a motion to adjourn, moved by Stephen Robichaud, seconded by Bob Twiss,

Roll Call Vote:

Steven Costello - aye

Stephen Robichaud - aye

Bob Twiss - aye

Michael Mecnas - aye

Raymond Sexton - aye

The meeting adjourned at 9:37 p.m.

Respectfully Submitted

Karen Herrand, Principal Assistant, Planning & Development

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 - Jennifer and Jeffrey Lyon, Trustees, Lyon Investment RA 2021-03 – Staff Report Oct. 25, 2021

Exhibit B - Jennifer and Jeffrey Lyon, Trustees, Lyon Investment RA 2021-03 - parking plan and modifications

Exhibit C - Airview LLC, Inc. – Modification of an existing Regulatory Agreement - No. 2019-03 – Signage submission

Exhibit D - Airview LLC, Inc. – Modification of an existing Regulatory Agreement - No. 2019-03 – revised site plan

Exhibit E - Airview LLC, Inc. – Modification of an existing Regulatory Agreement - No. 2019-03 – presentation of traffic Impact Study - World Tech

APPROVED