



# Town of Barnstable Planning Board



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### Board Members

Steven Costello – Chair   Jeffrey Swartz – Vice Chair   Patrick Foran - Clerk   Mary Barry   Stephen Robichaud   Aimee Guthinger   Robert Twiss  
Mathew Levesque – Town Council Liaison

### Planning & Development Dept. Staff Support

Elizabeth Jenkins, AICP, Director  
Kaitlyn Maldonado, Senior Planner  
Karen Herrand – Principal Assistant   [karen.herrand@town.barnstable.ma.us](mailto:karen.herrand@town.barnstable.ma.us)

## Town of Barnstable PLANNING BOARD Minutes April 12, 2021

2021 MAY 25 PM 2:54  
BARNSTABLE TOWN CLERK

Steven Costello – Chairman	Present
Jeffrey Swartz – Vice Chairman	Present
Patrick Foran – Clerk	Present
Marry Barry	Present
Stephen Robichaud	Present
Aimee Guthinger	Present
Robert Twiss	Present

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

The Planning Board’s Public Hearing will be held at 7:00 p.m. by remote participation methods as a result of the COVID-19 state of emergency in the Commonwealth of Massachusetts.

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/97383899625>

Phone: 888 475 4499 US Toll-free

Meeting ID: 973 8389 9625

3. Applicants, their representatives and individuals required or entitled to appear before the Planning Board may appear remotely and are not permitted to be physically present at the meeting, 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](mailto:Karen.herrand@town.barnstable.ma.us) or calling 508-862-4064.

**Call to Order:** Introduction of Board Members and Staff Members

**Roll Call Attendance:**

Steven Costello  
Bob Twiss  
Aimee Guthinger  
Stephen Robichaud  
Mary Barry  
Patrick Foran  
Jeff Swartz

**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 Plans**

Thomas DeVesto and Angela Hahn have submitted an ANR plan entitled "821 & 835 Old Post Road Cotuit, MA" dated April 2, 2021, drawn by Baxter Nye Engineering & Survey.

Attorney John Kenney in attendance. He gives an explanation of the proposed plan. Transfer a portion of lot 2 to lot 1 and lot 1 to lot 2. Same owner, but pool had to be located close to lot line, but now selling 821, cut off area A to be combined with lot 2. Area B to be combined with lot 1. 821 will remain conforming, 835 is non conforming but will be less non conforming. Privacy around pool area. This plan has been to Zoning Board of Appeals (ZBA).

Gordon Starr asks if the ZBA gave a variance - close to pool?

John Kenney replies did not need a variance, meets setbacks.

Chair Steven Costello entertains a motion to endorse/approve, moved by Jeff Swartz, seconded by Mary Barry,

**Roll Call Vote:**

Steven Costello - aye  
Jeff Swartz - aye  
Patrick Foran - aye  
Mary Barry - aye  
Stephen Robichaud - aye  
Aimee Guthinger - aye  
Bob Twiss - aye

**Subdivisions**

Subdivision No. 126 Complete Covenant Release Request

Attorney Bernard Kilroy, on behalf of the current owner, has requested a release of all lots in Subdivision No. 126 from covenant. Subdivision No. 126 is recorded in Book 292 and Page 95 and is located at Elis Drive in Hyannis.

Attorney Bernie Kilroy in attendance. He represents Jake Dewey who is purchasing all the lots, he refers to his memo he sent to the Planning board, Exhibit A. There is also a Speed letter in file recommending release of the surety and the need to repair road - asphalt repair. There was a release request for Lot 63, at end of cul de sac. He did not find any release on record for this though. There are 5 dwellings that have been occupied from time to time. The owners have passed away, the sister now owns. He noted that town water and power have already been installed.

Chair Steven Costello refers to DPW report, Exhibit B. \$500 is to help with the existing conditions, culverts in disrepair?

Attorney Kilroy, states he thinks one needs repair. He went out today and it seems the same as the others. Lot 63 at end of cul de sac had been approved to release except the one leach basin.

Chair Steven Costello clarifies if released is it expected to be retained, the 500? Where is the \$500 going?

Elizabeth Jenkins explains the request – the \$500 would have to come in a subsequent request. The review is based on the fact that Town only holding this. The file is reasonable to assume a release of the covenants for all lots. This is not the final completion.

#### **Public Comment**

Bob Schulte in attendance. He asks what the plans are for the development?

Jake Dewey in attendance, he replies the intent to get the houses used, No conceptual ideas yet, to be determined.

Mary Barry asks if this would include any road repair?

Jake Dewey replies he would love to see road improved, whatever needs to be done for a cohesive neighborhood - To clean up and get occupied.

Jeff Swartz asks is it fair to assume unoccupied?

Jake Dewey, yes, 4 unoccupied for a good amount of time, no one living in them.

**Chair Steven Costello entertains a motion to approve the release of all lots, moved by Mary Barry, seconded by Jeff Swartz,**

#### **Roll Call Vote:**

**Steven Costello - aye**

**Jeff Swartz - aye**

**Patrick Foran - aye**

**Mary Barry - aye**

**Stephen Robichaud - aye**

**Aimee Guthinger - aye**

**Bob Twiss - aye**

#### **Staff Updates**

Staff would like to take this opportunity to discuss our Local Comprehensive Plan (LCP), provide an update on Housing Choice/ADUs and discuss the potential to become a Complete Streets community.

Elizabeth Jenkins gives updates:

Local Comprehensive Plan (LCP) presentation - Town Council has seen back in January, Exhibit C. Economic balance. Helps to coordinate at all levels. Wastewater master plan and others. Identifies the community vision. To protect quality of life and community. Last updated in 2010. Updates are consistent with guidelines and regulations by the Cape Cod Commission (CCC). Approval also by CCC. Six different components. Goals consistent with Regional Policy Plan, there are 15 goals. Capital Facilities plan. Housing plan. Targeted action plan.

The most important is community participation. To create a vision and values from all sectors. Update – because CCC updated their Regional Policy Plan, updated regulations and census data as well. Community Wastewater Master Plan (CWMP) – implementation of this plan – nutrient management in our watershed. Sewer expansion. Potential pressures on growth and opportunities. Important to do simultaneously as we

update the plan. Housing needs – can see the urgent need which is really everywhere across the municipality. Climate resiliency – Barnstable is ground zero for this. Want to be able to look at all issues, how to be sustainable community in long run. Forming a Committee – LCP Committee by members of our community. Make sure widespread involvement. LCP be approved by Planning Board, Town Council and finally by CCC.

Two parts: Part 1 - Analysis of data and existing conditions in the community. Community vision process. Part 2 – 15 Goals. Targeted Action plan. Performance measures. Want to be able to measure our process.

Jeff Swartz asks if any update about funding per census, positive or negative?

Elizabeth Jenkins replies, hasn't seen this data yet, but surprised at the quick pace that it is being updated.

Bob Schulte asks about Town Council – RP being sent out, hasn't seen posted yet? No one hired yet. This consultant will be instrumental. Where in the RP process and how involved in advisory committee.

Elizabeth Jenkins replies in the process of finalizing this scope of work, which will go into RP selection. Listened to some of the comments from Town Council presentation. Look forward within the next week or two. The LCP Committee – this is CCC Act delegates that responsibility to the Town Manager, ultimately to be ratified by Town Council.

Mary Barry is thrilled to have additional support, this is a huge undertaking.

John Crow in attendance. He participated back in 2010, is this what will happen this time, that others are involved?

Elizabeth Jenkins replies given the objective to align with town wide comprehensive wastewater plan, makes it necessary to look at this town wide infrastructure. By engaging all villages in the process is the way, recommending to process. Update village plans as a whole, each village.

Chair Steven Costello asks/clarifies that approval for any member will be by Town Council?  
Elizabeth Jenkins confirms.

Chair Steven Costello asks, does CCC pull from various communities, how does that work?

Elizabeth Jenkins replies, Capewide engagement and then broken down to each region. Have to go back and refresh. Suggests look at 2010 and go back and think about process and recommendations.

Chair Steven Costello asks what were the results the last time Town did? How could we up the goals moving forward?

Elizabeth Jenkins replies – as process starts and conversation with community valuating the 2010 will be a critical first step. Conditions have changed in our community very rapidly. Good question.

Bob Schulte comments that the process is just starting, as a member of Centerville Village Association, they are discussing input to the LPC, some villages are interested in participating, ask to consider their involvement.

Kate Maldonado, Senior Planner – Complete Streets presentation, Exhibit D.

In 2004 coalition launched. Funding in 2014. Mass DOT. Accessibility. Street scape improvements. Examples of, focusing on improving safety, comfort and accessibility. This is not a mandate. Some exceptions. Some projects are exceptions. Communities in the Commonwealth that have achieved certain standards.

Two opportunities: first is \$50,000 in assistance for community. Second every year annually community can submit and receive up to \$400,000 for improvements and construction costs. Some examples shown on presentation of improvements made.

Process 3 tiers -- first develop a policy, MassDot has pretty well laid out, DPW and Planning & Development working through policy now. Staff has attended training and DPW as well. Resolution approving the policy then to Town Council to approve, needs at least 80 points, then approved by MassDot. Tier 2 -- grant comes into play, can work with CCC role to support in achieving list of projects in your town -- hold meetings with Town, feedback from community and analysis to figure out what projects to take on and prioritize. Submit to Mass Dot, once approved then move to Tier 3, then can submit the \$400,000 applications -- then proceed knowing that we have the funding. Coordinate with DPW.

Chair Steven Costello is glad getting around to participating in this.

Patrick Foran asks are we required to bring up to code or level in a certain time? what about a private developer, would they be eligible?

Kate Maldonado replies, no, no code to follow, but a commitment to do the project and improving your community. DPW will coordinate with. Not available for private developer, only the municipality.

Chair Steven Costello asks if any time frame for getting it through?

Kate Maldonado, trying to get, have reached out to CCC and they did mention that fall may be good time re technical assistance. About 6 to 7 months. First get policy approved by Town Council by the summer and CCC by the fall.

Jeff Swartz -- private developer, not uncommon for street to be/need work/upgrade for traffic lights, could Planning or DPW do this on behalf of the developer, or just an initiative. Sometimes exposed per other developments.

Kate Maldonado states it's the Town needs and is admitting upgrade needed for the infrastructure. Town improvements.

#### **Matters Not Reasonably Anticipated by the Chair**

##### **Correspondence**

Notice of Chapter 91/simplified license application -- Orlov & Shpunt et al -- 43 Beechwood Rd., Barnstable -- construct & maintain seasonal dock/Wequaquet Lake

##### **Approval of Minutes**

February 8, 2021, draft minutes

May 22, 2017, draft minutes

August 27, 2018, draft minutes

Chair Steven Costello entertains a motion to approve all draft minutes, February 8, 2021, May 22, 2017, and August 27, 2018, moved by Jeff Swartz, seconded by Mary Barry,

##### **Roll Call Vote:**

Steven Costello - aye

Jeff Swartz - aye

Patrick Foran - aye

Mary Barry - aye

Stephen Robichaud - aye

Aimee Guthinger - aye

Bob Twiss - aye

Gordon Starr mentions the Housing Choice/ADU matter for Elizabeth Jenkins to speak about.

Elizabeth Jenkins -- effort to engage communities in a way to increase housing production, Barnstable was one of the first. Housing choice designation from the Gov. office. Town awarded \$250,000 in Infrastructure

grants for the wastewater/sewer and the legislation took a few years, was passed as part of the latest economic development bond bill. Relative to getting housing initiatives passed to support housing zoning. Certain ordinances may be enacted as opposed to the two thirds needed to adopt. Mass General Law 40A.

Elizabeth Jenkins – Housing Choice amendments directly modify Mass General Law 40A, for a number of different zoning that would allow as of right. Eligible locations – defined as areas that have adequate provision of infrastructure, transportation, multi family or mixed used – move forward would receive the majority vote, ADU would qualify, not just as of right but by use of special permit as well as and reduction of parking requirements. Housing Choice Qualifying Amendments.

Super majority also – Special Permits require majority vote. In cases that reduction in parking or increase of housing where meet certain criteria. Working our way through the legislation. Update zoning reform legislation and encouraging to meet guidelines.

Chair Steven Costello asks about set back and height, are these changes to the whole process of the Town, can pick and choose or adopt all?

Elizabeth Jenkins replies, no any zoning amendments that fall within these categories – community is still in the driver's seat to bring forward, and qualify under 40A thresholds.

**Future Meetings:** April 26, 2021, and May 10, 2021, @ 7:00 p.m.

**Adjournment**

**Chair Steven Costello entertains a motion to adjourn, moved by Jeff Swartz, seconded by Mary Barry,**

**Roll Call Vote**

**Steven Costello - aye**

**Jeff Swartz - aye**

**Patrick Foran - aye**

**Mary Barry - aye**

**Stephen Robichaud - aye**

**Aimee Guthinger - aye**

**Bob Twiss - aye**

The meeting adjourned at 8:17 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** - Subdivision No. 126 Complete Covenant Release Request Memo from Atty Kilroy dated 4/8/21

**Exhibit B** - Subdivision No. 126 Complete Covenant Release Request – DPW report dated 3/1/21

**Exhibit C** - Local Comprehensive Plan (LCP) – presentation

**Exhibit D** - Complete Streets presentation