



Town of Barnstable Planning Board



www.town.barnstable.ma.us/PlanningBoard

Board Members

Stephen Robichaud – Chair Robert Twiss – Vice Chair Tim O’Neill - Clerk Mary Barry Steven Costello Michael Mecenas Raymond Sexton

Mathew Levesque – Town Council Liaison

Planning & Development Dept. Staff Support

Elizabeth Jenkins, AICP, Director

Kaitlyn Maldonado, Assistant Director

James Kupfer, AICP, Senior Planner

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

Town of Barnstable PLANNING BOARD Minutes December 12, 2022

Stephen Robichaud – Chairman	Present
Robert Twiss, Vice Chairman	Present
Tim O’Neill – Clerk	Present
Mary Barry	Present
Steven Costello	Present
Michael Mecenas	Present
Raymond Sexton	Present

Also in attendance via remote participation were Planning & Development Staff; Elizabeth Jenkins, Director, Kate 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://townofbarnstable-us.zoom.us/j/85761040272>

Phone: 888 475 4499 US Toll-free

Meeting ID: 857 6104 0272

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

Bob Twiss

Tim O’Neill

Steven Costello

Mary Barry

Michael Mecenias

Ray Sexton

Stephen Robichaud

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 Stephen Robichaud asks for any general public comment. None

Approval Not Required:

Kim B. Vermette, MWV Associates, LLC have submitted a Plan entitled, “ Plan of Land at 313 Iyannough Road and 195 Ridgewood Ave, Hyannis, MA” prepared for MWV Associates, LLC dated 11/18/2021, revised 12/5/2022 (references) for an Approval Not Required Plan.

Dan Ojala of Downcape Engineering in attendance. This went to Zoning Board of Appeals (ZBA). Two long standing parcels. Exact line was not clear. Have Zoning relief and adequate frontage. 40 B to the south. Common easement. Two properties with cross access easements.

Jim Kupfer – has gotten relief from Zoning. Adequate frontage and public ways.

Chair Stephen Robichaud entertains a motion to endorse the plan entitled “Plan of Land at 313 Iyannough Road and 195 Ridgewood Ave, Hyannis, MA” prepared for MWV Associates, LLC, by Down Cape Engineering last revised on December 5, 2022, as an Approval Not Required Plan, seconded by Mary Barry,

Roll Call Vote:

Bob Twiss - aye

Mary Barry - aye

Steven Costello - aye

Tim O’Neill - aye

Ray Sexton - aye

Michael Mecenias - aye

Stephen Robichaud - aye

Regulatory Agreements:

Shoestring Properties, LLC seeks to enter into a Regulatory Agreement with the Town of Barnstable to construct thirty-four (34) condominium units in two (2) buildings with associated improvements at 110 School Street and 115 School Street, Hyannis. The redevelopment consists of twenty-two (22) 3-bedroom units and twelve (12) 2-bedroom units. A total of 70 parking spaces will be provided. (Majority of members present and voting) *continued from August 8, 2022, in order to form a sub committee and continued from September 26, 2022, October 3, 2022, and October 24, 2022.*

Chair Stephen Robichaud asks for a motion to incorporate the new waiver that has been applied and noticed to abutters and interested parties for consideration, moved by Steven Costello, seconded by Mary Barry,

Roll Call Vote:

Bob Twiss - aye

Mary Barry - aye

Steven Costello - aye

Tim O'Neill - aye

Ray Sexton - aye

Michael Mecnas - aye

Stephen Robichaud - aye

Motion made by Steven Costello to open the hearing and incorporate the new waiver requested in to the existing hearing currently open for the Dockside Regulatory Agreement proposed for 110 School Street and 115 School Street, Hyannis. The new waiver includes Chapter 112, Article III, Hyannis Main Street Waterfront Historic District, requirement for a Certificate of Appropriateness from the Hyannis Main Street Waterfront Historic District Commission for all revisions that have occurred to the project as a result of the Regulatory Agreement process that differ from the Hyannis Main Street Waterfront Historic District Certificate of Appropriateness for this project approved on February 16, 2022, seconded by Mary Barry,

Roll Call Vote:

Bob Twiss - aye

Mary Barry - aye

Steven Costello - aye

Tim O'Neill - aye

Ray Sexton - aye

Michael Mecnas - aye

Stephen Robichaud - aye

Attorney John Kenney in attendance. Representing Shoestring Properties, LLC. We have had a crane test and Planning Board members have come to the site to see how looks in the neighborhood. Some changes to the site plan and edits to the draft regulatory agreement and the new waiver for HHDC. Client is now offering 5 offsite affordable units, 5, 3 bedroom units at 310 Barnstable Rd., Hyannis.

Architect - Access on road and potential of blocking of, have made some changes to the site to alleviate those issues. Removed a handicapped ramp, Site Plan is shown. Replaced with handicapped elevator, pushed sidewalk in and allows for a drop off area. Removed one of trash enclosures, moved out and screened – to push drop off zone further over. Ease parcel, some changes to the ramp for generator access and pool area.

Dan Ojala - large loading zone now, 22 ft. plus width of pavement. Elevator now and moving rubbish shed. Levelled off the west side. Crosswalks, broadened out curb cuts, pedestals and monuments. Compressed landscaping and added some additional trees. Will be nicely landscaped. Plans shown, pg. 1 and 2. 66 ft. measured from natural grade plane. 62 on east. Nothing really changed for conservation. Height test, took various pictures.

Attorney Kenney. Changes/red lined copy of the regulatory agreement. Proposed redevelopment changes. Will have 8 ft. wide shared path, both east and west parcels. Review of changes to recent draft. 66 and 62 ft./height for buildings. Request for relief from Hyannis Main Street Waterfront Historic Commission (HHDC) and a certificate of appropriateness, since first approved.

Chair Stephen Robichaud confirms, have received correspondence, in particular the last waiver that has been requested.

Jim Kupfer, note that Town Attorney's office has not provided a final copy back yet. (from the redlined copy submitted by Attorney Kenney). Additional waiver submitted and was re noticed for the public. This has been accepted and to be considered by the Board. Staff Report does not yet consider the additional public benefits, per reduction in height and affordable, additional units moving forward. Height chart, demonstration questions re height. Reference to Staff Report – outlines current ordinance for heights. Proposed amendment to go before Town Council. 89 Lewis Bay Agreement also on line for public to view (the Greenery Regulatory Agreement). So all know how this was permitted and was also a regulatory agreement. Hospital and Sea Captain's Row also, to see the different height dynamics.

Jim Kupfer this is uploaded to the web site for all to see. Shown/screen share. Review of the agreement/height waivers and other waivers. Each regulatory agreement has its own variables.

Greenery - Jim Kupfer, does allow for 61 ft., doesn't have as built to 100 % certify that.

Mary Barry, what is the timing for maximum height for zoning? This is proposed to be in the harbor district?

Jim Kupfer, on Jan. 5th of 2023, yes, correct.

Steven Costello – proposed zoning, what is the height?

Jim Kupfer, proposed zoning harbor district stays the same. Downtown village rezoning would replace a portion, across the street from South Street. Minimum and maximum heights. 18 ft. for single story. If above would be considered 2 stories. In downtown can go to a max of 4 stories. 66 ft. in height would be the maximum.

Tim O'Neill, good to have an as built for the Greenery, would be a good comparison how relates to the regulatory agreement.

Ray Sexton, what would be max height allowed in new proposed downtown area? 12 ft. per story?

Jim Kupfer, around 48 ft. in height maximum, set back 8 ft.

Discussion re height zoning, current and proposed that will be going before Town Council.

Mary Barry, clarifies that not all harbor district.

Jim Kupfer, yes, correct. Harbor District stays the same 35 ft. in height max.

Chair Stephen Robichaud asks for any public comment.

Cheryl Powell – Letter sent to Planning Board. Feels significantly revised changes that trigger HHDC ordinance, Section 112 28 – no agreement made unless certificate of appropriateness was not for this proposal or significantly changed renderings. Reads sections from her letter. Not what was previously approved, suggests be remanded back to HHDC. This has been quoted as being a substantial waiver. The Mugar building/hospital is not in the Historic District.

Attorney David Lawler – height, proposing new zoning regulations. For this zone it has remained at 2.5 stories here. The harbor is the important part of this. Gateway to the community. Many waivers being asked for. This is double the size. Being built on highest land point in the area. Refers to the Site Plan,

being shown. Loading zone issues. 90 bedrooms and 70 parking spaces still. Email read from after further review Chief Burke and I wanted to mention, public safety needs. Abutters and us have concerns with trash pickup, sent by Captain of Hyannis Fire Dept. He had visited and observed the traffic. Insufficient with one drop off lane. There will be many other entities for parking needs and services. Will be a huge problem in July and August. This will be so overbuilt for the area, too much for this lot.

Felicia Penn – Refers to her Nov. 10th letter. 4 times the allowed density and at least 20 parking spaces shy of what should have. South Street may be a two way after this project. Traffic study, anything done? Did not know about crane test, any info for this? Greenery is not on the water and is mixed use. Was originally supposed to be a culinary school. Highest point is 61 ft. Hyannis Harbor is very small. This will be able to be viewed from very far away. Thinks Town Council can waive not going to HHDC, not the Planning Board.

Paul Grover – Real Estate concerns.

Marie LeBlanc – Lewis Bay Condo Association. Parking. Deliveries. Visitor/guests. This will be a problem and burden to have to manage this. Will we need to put up a physical gate? Will be a cost to us and to monitor. Off season as well with Dr. offices. Big concern.

Wayne Kurker – abutter at Dockside Marina. Parking issues. Parking attendant? Two Fire boats and a Police boat. Steamship trucks. The loading zone will not be sufficient. Dead end street where he is. Cape Cod harbor or a city harbor? This is two full stories higher than the Greenery. How will people get out of the area?

Stuart Bornstein – Hyannis Marina has 300 slips, there is not sufficient parking here. Fire Dept. found no issues. Can bring him back in if has anything to state. Half of Ocean Street is a parking lot already. Parking will be underground here at this complex. Plenty of parking. Will do own landscaping and snow removal. Not blocking anything on South Street. Height is what's going to be the standard. This project will generate a lot of money for the Town. New zoning one car per apartment. Signature project.

Dan Ojala – density. Because parking being put underground, less impact full. HHDC, only one vote against it, everyone else voted in favor for the certificate of appropriateness. Parking demand is met on the site. Lewis Bay Court, 62 ft. 93.3 ft. above sea level and we are 89.9 ft. comparable, they are also on high ground. Cameras can be installed to have on record. Will be a condo association.

Attorney Kenney. Project went before HHDC February of last year. Chapter 168 contemplates to be viewed more like a 40B, asked to go formally, did and got approved. The Town needs to look at HHDC, Main Street as a Board, not Ms. Powell on her own. Height and parking. We meet the parking. Contradictory responses. Opportunity to look around to see how the buildings will fit in with the neighborhood. The problem is at end of the road. We are improving the layout of the road. Will be sidewalks now. Access will be better than exists. Have addressed Fire Dept. comments/concerns. Signage would help in the area. Greenery parking issues can be worked out.

Chair Stephen Robichaud seems biggest issue is the height and number of stories being proposed.

Ray Sexton - Waiver for density being proposed. Good about the affordable housing being offered. Number of domiciles not number of bedrooms is important to me. Is sewer connected to Town system?

Dan Ojala, site utility sheet, all connected to sewer main. Is adequate capacity. Have not heard otherwise, all treated at plant.

Ray Sexton – confirms a main running down South Street. Dan Ojala, yes.

Ray Sexton – storm water management. How do big facilities not slide down hill? Filtration system, how handle storm water? Compromise underground parking.

Dan Ojala, have sand outwash plain, glaciation, in Cape Cod Bay. Outwash areas good sand and gravel deposits. The drainage systems are deep grated catch basins. Second deep base. Nice safe drainage design. Sliding down hill issue - Take a cross section, tight sand and provides a sturdy base, no soils that would liquefy. Will be reviewed and construction controlled. Basements are above sea level. Have extensive drainage system in the front/courtyards. Strip drain.

Ray Sexton – we are setting a precedent here. When original zoning enacted, why 2.5 stories? Sub zones did have building height limit changes, but why not the Harbor zone? If approve a height zone before new zoning implemented. Planning Board is not responsible if developer makes money or not. We secure the greater good of the community, keep in mind moving forward.

Bob Twiss – height concerns. This is his main concern. When was the original height and why made at 2.5 stories? New zoning with 35 ft. cap, overall zoning for the Harbor District if approved for more. Two buildings with 16 or 17 units for 2 spaces for each, we probably wouldn't be having this discussion – width of School Street isn't going to change. Same issues. Open air parking lot have to be here?

Mary Barry – would like to see mixed use here/residential. Concerned with the Harbor being preserved. Other developers may want to do the same and wouldn't want that, developers down the road.

Steven Costello – zoning may be passed with Town Council and make impassable once set. Precedent – Ferries, park, landmark restaurant, seems to be underutilized in the area. Baxter's and Steamship Authority. Housing needs. What do we want our community to be? We have looked at a lot of rental units. Some higher end units and a nicer look will improve Hyannis.

Tim O'Neill – Thanks the Applicant for implementing some proposed changes. Density concerns. A lot of interesting and unique things in this area. Good area to promote some new growth. Hasn't been much development in the area. Hospital generates a lot of traffic in the area. Extreme with the density. A lot of summer/seasonal intense use. Long term impact. Parking staff hours. Height – locus is already naturally higher. Crane demonstration didn't really show how mass would totally look. Liked the before gambrels/look. Offsite housing. Form based code and new proposed zoning. Not sure this would be solving all the problems equally.

Michael Mecenas – thanks the Applicant for making changes.

Chair Stephen Robichaud - maybe consider having the Fire Chief come to our next meeting. Confused as to what he has to comment on. Height and density and setting precedent for other projects that may come. I can't see going forward at 5 stories. Thinks good fit for the site. Maybe some sort of a middle ground. Maybe lowering number of stories and overall height. Density would go down and would be less busier.

Stuart Bornstein – all good comments. Price of land and multiple stories. There are trade offs. Restaurant had traffic and parking, this would be a fraction of that. Been working on this for twenty years. Costs vs. the project.

Ray Sexton – what is the vision for Hyannis Harbor? Character of and the community. Height/scale of what is proposed is to much as it stands now.

Tim O'Neill – Fifth story, costs go down if take some units out.

Stuart Bornstein, yes, the difference is the profits that come with the 5th floor as opposed to the lower floors, water views are where the money is, with the top floor view.

Bob Twiss – not prepared to think of abandoning this project. Not doing anything also sets the tone. Land needs to be used better. Have to develop these parcels. Need to balance out. Try to regroup and evaluate.

Steven Costello – This does need redevelopment. Does set the precedent.

Chair Stephen Robichaud entertains a motion to continue, moved by Steven Costello to continue to January 23, 2023, at 7:00 p.m., seconded by Ray Sexton,

Roll Call Vote:

Bob Twiss - aye

Mary Barry - aye

Steven Costello - aye

Tim O'Neill - aye

Ray Sexton - aye

Michael Mecnas - aye

Stephen Robichaud - aye

Dan Ojala mentions – new zoning across the street, with 0 set back to consider.

Staff Updates

Local Comprehensive Plan (LCP)

Kate Maldonado – have been engaging the community and got some feedback. Civic Associations. Will be providing a presentation for them. 600 responses to survey, please share to all. General public comment on main page of website and comment walls. LCP workshop at Osterville museum and Wed. open house at Hyannis Youth Community Center. Interactive activities.

Correspondence

Notice from DPW – 180 Ocean St., Hyannis – Inner Hyannis Harbor, maintenance dredging

Notice from Energy Facilities Sitting Board & Dept. of Public Utilities – Eversource Energy/Electric Transmission Line

Chapter 91 Notice – 52 & 72 North Bay Rd., Ost. – Gill – Pier, ramp & float

Matters Not Reasonably Anticipated by the Chair

Chair Stephen Robichaud – meeting format, why not in person meetings has come up and also good comments about Zoom. Hybrid not available to Planning Board right now.

Jim Kupfer, correct only Town Council can do hybrid. HHDC meets in person and School Committee, varies throughout the Town.

Bob Twiss – in person is his preference and/or hybrid and why only for Town Council? Can have some in person and some by Zoom – some meetings may benefit – default style would be in person.

Mary Barry – would prefer in person, but can do more when done by remote/Zoom. Likes to have some in person and the rest remote. Schedule by meeting, certain issues would benefit. If booked in

advance. Feels get more people on Zoom than in person. More interaction with remote. Maybe a combination.

Steven Costello – like in person for bigger items/issues. Likes the hybrid approach.

Tim O’Neill – most of his meetings are hybrid. Lose something if not in person. Default to in person, especially bigger issues. Most other Towns are hybrid, Barnstable is behind with this.

Ray Sexton – in person, but hybrid version is good.

Michael Mecnas – in person, but hybrid is good.

Chair Stephen Robichaud asks if any opposed to Jan. 9th or 23rd.

Mary Barry, will not be here for Jan. 23rd.

Ray Sexton, will not be here for Jan. 23rd, but can do remote.

Chair Stephen Robichaud - Jan. 23rd will be Zoom meeting and January 9th we will need to decide.

Jim Kupfer, probably subdivision on January 9th, maybe the 9th for DPW update.

Chair Stephen Robichaud, January 9th will be an in person meeting.

Approval of Minutes

October 24, 2022, draft minutes

Chair Stephen Robichaud entertains a motion to approve draft mins of Oct. 24, 2022, moved by Mary Barry, seconded by Tim O’Neill,

Roll Call Vote:

Bob Twiss - aye

Mary Barry - aye

Steven Costello - aye

Tim O’Neill - aye

Ray Sexton - aye

Michael Mecnas - aye

Stephen Robichaud - aye

November 14, 2022, draft notes

Chair Stephen Robichaud entertains a motion to approve the November 14, 2022, draft minutes, moved by Mary Barry, seconded by Michael Mecnas,

Roll Call Vote:

Bob Twiss - aye

Mary Barry - aye

Steven Costello - aye

Tim O’Neill - aye

Ray Sexton - aye

Michael Mecnas - aye

Stephen Robichaud - aye

Future Meetings: January 9 & 23rd, 2023, @ 7:00 p.m.

Adjournment

Chair Stephen Robichaud entertains a motion to adjourn, moved by Mary Barry, seconded by Tim O'Neill,

Roll Call Vote:

Bob Twiss - aye

Mary Barry - aye

Steven Costello - aye

Tim O'Neill - aye

Ray Sexton - aye

Michael Mecenas - aye

Stephen Robichaud - aye

The meeting adjourned at 10:23 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

Screen Shared Exhibits – Shoestring Properties, LLC - Regulatory Agreement Dockside