



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 Mecenas Raymond Sexton Tim O’Neill
 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 May 9, 2022

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

Also in attendance via remote participation were Planning & Development Staff; Elizabeth Jenkins, 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/85710276935>

Phone: 888 475 4499 US Toll-free

Meeting ID: 857 1027 6935

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:

Tim O'Neill
Ray Sexton
Michael Mecnas
Bob Twiss
Mary Barry
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 asks for any general public comment. None.

Approval Not Required:

William Eagan, Trustee of Old Stage Road Realty Trust has submitted a request for an approval not required for the plan entitled "Plan of Land on Old Stage Road and Parker Lane in Barnstable, MA, prepared for William Eagan, 70 Newport Avenue, Osterville, MA 02655" stamped and sealed by Frank Joseph Gallagher, dated April 15, 2022

Applicant has requested a continuance to May 23rd, 2022.

Chair Steven Costello entertains a motion to continue, moved by Ray Sexton, seconded by Mary Barry,

Roll Call Vote:

Steven Costello - aye
Stephen Robichaud - aye
Mary Barry - aye
Bob Twiss - aye
Michael Mecnas - aye
Ray Sexton - aye
Tim O'Neill - aye

Subdivisions:

Pilots Way, Sub. No. 288, Modification of Definitive Subdivision, Deacon Crocker, Trustee seeks to amend the approved Definitive Subdivision plan, #288, as required by the existing covenant and plan in order to modify the roadway known as Pilots Way. (Majority of Full Board) *continued from April 25, 2022*

Applicant has requested a continuance to the next meeting, May 23rd.

Chair Steven Costello entertains a motion to continue May 23rd, moved by Michael Mecnas, seconded by Mary Barry,

Roll Call Vote:

Steven Costello - aye
Stephen Robichaud - aye
Mary Barry - aye
Bob Twiss - aye
Michael Mecnas - aye

Ray Sexton - aye
Tim O'Neill - aye

Regulatory Agreements:

Modification to RA 2017-003 Sea Captain's Row, CapeBuilt Pleasant Street, LLC seeks to modify Regulatory Agreement No. 2017-003 to include the addition of a single one-bedroom "walkout" apartment to be added in the basement level of each of the two buildings that were previously approved as Buildings A and B. This will increase the total project unit count from 60 to 62. The Applicant also seeks to modify the relief previously granted from the General Ordinance, Chapter 9, Article I Inclusionary Affordable Housing Requirements – Section 9-4-D. to allow for two 1-bedroom apartments at 50% of Area Median Income on a "floating" basis dispersed within the forty-four (44) rental apartments in Phase One. Continued from April 25, 2022 (Majority of members present and voting)

Motion made by Bob Twiss to open the public hearing, seconded by Mary Barry,

Roll Call Vote:

Steven Costello - aye
Stephen Robichaud - aye
Michael Mecnas - aye
Bob Twiss - aye
Michael Mecnas - aye
Ray Sexton - aye
Tim O'Neill - aye

Chair Steven Costello - point of order, he has mullin'ed in on the previous meeting that he had missed on April 25, 2022, so he may sit in on previous matters.

Rob Brennan in attendance. Presentation, Exhibit A. Best Buddies brochure. He gives an explanation. 12 apartments for Best Buddies living. Lack of housing for young professionals. Housing challenges here on the Cape, and intellectually challenged. Best Buddies living, inclusive living. Program has been extremely successful. Have completed Phase 1 of Sea Captains Row. Mass Development, have been working with them. 12 brand new 2 bedroom apartments for this. Shows approved buildings, part of original regulatory agreement. These are now completing construction. Have tenanted people already. Cost of construction increased over 1.5 million dollars. Proposing two buildings, 6 one bedroom apartments and two garden level apartments, walk outs, 1 occupant per building. 12 month leases. Two Best Buddies employees residing there as well. Looking to upsize affordable units now, to two 1 bedroom apartments. Would be 50% of AMI. Float units, between buildings. Affordable to all applicants, fair housing. Make available to broader cross section. Increase parking from 60 to 62. May lose some space with the walk out apartments. Would like flexibility, to reduce from 24 to 21. Will create a good sense of space and community. Walk out will be 1 bedroom, a bit over 500 square feet.

Susan Battista in attendance. Best Buddies Living. Ideal location for starting independent lives.

Amy Brenneman, daughter attends the Riverview School. Thrilled to be part of this.

Steven Wronski, daughter attends the Riverview School. Will be good to live among peers and the environment and opportunity to help the community.

Fritz Klaetke, daughter probably won't be able to drive, but this would be good, close to bus. Thinks this Best Buddies living will provide much needed independence.

Rob Brennan, this would be a group of tenants coming in at once. Best Buddies will do roommate matching. Would be an outstanding project.

Conrad Watson – excited about this project.

Mary Barry, this location is ideal, walking. Two walkout basements would be RA positions/point of contact?

Rob Brennan, yes, and they will have their own jobs and living here as well. To be the dependable neighbor.

Mary Barry, floating, as specific units, concerned about consistency having available on regular basis.

Rob Brennan, working with Dept. of Housing and Community Development (DHCD), state level, this is preferred method – as tenants come in there would be a little more flexibility. Directs to Staff.

Jim Kupfer replies, distribution of affordable units. Floating disbursement is different than original agreement. Monitoring. Agent to be involved in this. To stay in subsidized housing. Building/unit deed restricting, at least one affordable, would be an extra monitoring step.

Mary Barry, if someone moves out from affordable, then it would have to be designated for affordable?

Rob Brennan- yes, but if two would have flexibility, 2 units at all times.

Tim O'Neill. Wasn't on the Planning Board when the original agreement came before. Thinks great development. Provides a lot of benefits to the community. Parking concerns, losing spaces. Project does seem to make this highly walkable. Monitoring agent already in this reg. agreement.

Jim Kupfer, affordables need to apply to the state, each unit would have it's own application/lottery agent assigned. Already established. Developer has to go through this process.

Ray Sexton, floating concept. Are we designating by bedroom count? Should always have an affordable option there.

Rob Brennan, two affordable units would only be on existing side of street, would not be in Bldg. A or B, phase two. There are two of these and they are one bedroom units. Deed restriction specifying that two of the units would at all times carry two affordable units in perpetuity. DHCD would approve and then execute with all/and agree. Housing Assistance Corp. (HAC) would also be monitoring and approving and placing the qualified residents. Phase two units making change to. Bldg. C is entirely one bedroom units.

Ray Sexton, affordable housing, 10% designated as affordable. How many will there be in total when development done?

Rob Brennan, this is part of a regulatory agreement – process is different/relief required for project. Arrived at a lower AMI for two units.

Ray Sexton, rent for counselors/RA's. Rent? Walkouts, site regrading?

Rob Brennan – rent structures are the same.

Susan Battista, program manager, lives in the one bedroom unit. They are for support, meal preparation, shopping and social activities. To make sure a full and complete day. Everyone pays the same rent.

Jim Kupfer, the two walkouts will impact the layout plan, some adjustments to be made to the parking layout, probably minor, don't have final plan just yet.

Ray Sexton, is parking plan acceptable?

Jim Kupfer, likely but have not seen the final plan for this yet. Should have by next meeting. Maybe leave public hearing open, close public comment.

Chair Steven Costello, doesn't think should delay for parking schematic. Inclined not to hold this matter up.

Ray Sexton update on affordable housing and projected need vs. what has been the performance, current goals. Challenges that developers face. What can accomplish. Have Staff put something together.

Chair Steven Costello, expect that something with LCP, will be a component of.

Michael Mecenass states good project. Looking forward to seeing final.

Bob Twiss, supports this fully.

Stephen Robichaud, supports this as well.

Chair Steven Costello, likes this project, as did when it originally came to the Board.

Chair Steven Costello entertains a motion to close the public hearing, moved by Bob Twiss, seconded by Ray Sexton,

Roll Call Vote:

Steven Costello - aye

Stephen Robichaud - aye

Mary Barry - aye

Bob Twiss - aye

Michael Mecenass - aye

Ray Sexton - aye

Tim O'Neill - aye

Chair Steven Costello entertains a motion to recommend, moved by Bob Twiss to recommend the regulatory agreement as amended to Town Council, seconded by Michael Mecenass,

Roll Call Vote:

Steven Costello - aye

Stephen Robichaud - aye

Mary Barry - aye

Bob Twiss - aye

Michael Mecenass - aye

Ray Sexton - aye

Tim O'Neill - aye

S&C Realty Investment Co., LLC seeks to enter into a Regulatory Agreement to redevelop 442 Main Street by renovating and expanding an existing structure. The redevelopment consists of a 2,524 square foot two-story addition to the north elevation. The proposal requests a mixed use development with

first floor retail area, a first floor coffee shop with an outdoor patio and a drive through, five residential apartments on the second floor consisting of two two-bedroom apartments and three one-bedroom apartments, as well as other associated improvements. (Majority of members present and voting)

Chair Steven Costello entertains motion to open the public hearing, moved by Stephen Robichaud, seconded by Mary Barry,

Roll Call Vote:

Steven Costello - aye

Stephen Robichaud – aye

Mary Barry – aye

Bob Twiss – aye

Michael Mecnas –aye

Ray Sexton – aye

Tim O’Neill – aye

Attorney John Kenny in attendance.

Sal Couto in attendance.

Patrick Nickerson in attendance.

Attorney Kenney, some changes made to the draft, Exhibit B, paragraphs 5, 6, 7 and 8.

The Developer currently owns and operates a coffee shop with drive through at the address 149 North Street Map 309 Parcel 226-001. The Developer agrees to abandon the drive-through use at 149 North Street within one year of receipt of an occupancy permit for the coffee shop with drive-through at the subject property.

Prior to an occupancy permit granted, the Developer shall grant a public access easement from the North street parking lot to Main Street between the subject property and 438 Main Street. Said easement shall be reviewed as to form by the Town Attorney and shall be granted in perpetuity and recorded at the Barnstable Registry of Deeds by the Developer.

This Agreement shall run with the land, and all of the terms, conditions, and obligations contained in this Agreement shall be binding on any successor or assignor of the Applicant for as long as the property is used in accordance with this agreement and unless and until it is redeveloped further into some other use.

Prior to the issuance of the first building permit, the Developer shall provide a letter of credit or cash escrow in an amount equivalent to 150% of the total scope of the landscape plan proposed. Said Letter of Credit or cash to be expended on the replacement of landscape materials if such replacement becomes necessary. The letter of credit or cash escrow shall be approved by the Planning and Development Director, said letter of credit or cash escrow to be expended to replace landscape materials if such replacement becomes necessary because of the failure of Developer or its tenants to do so. An “acceptable” letter of credit is a letter of credit issued by a bank incorporated in the Commonwealth of Massachusetts or currently licensed to do business in the Commonwealth, and having at the time of issue of the letter of credit a Standard & Poor (“S&P”) Rating of “BBB+” or better and/or a Bankrate.com rating of 4-star or better. Further, an acceptable letter of credit shall be approved as to issuer by the Treasurer of the Town of Barnstable and as to form by the Office of the Town Attorney. Any unexpended portion of said letter of credit or cash escrow shall be released by the Planning Board to the Developer or its successor(s), as directed by the Developer, after three years from the date of the landscape installation, such date to be determined by the Building Commissioner, upon the request of the Developer.

Mr. Couto objects - he provides work force housing for his staff in another location, would like to keep flexibility. Paragraph 8, agreement shall run with the land. Request for relief – monument sign. The agreement received today is correct one.

Two story building, two curb cuts. No landscaping, two lane drive thru. North elevation of the bldg. two, 2 bedroom apartments and three, 1 bedroom apartments. Matching brick. White vinyl windows, replace shutters. Entrance way reconfigured. Site design. New roof shingles. Sidewalk to connect.

Drive through directional sign, charcoal grey with gold leaf lettering, except the monument sign, North Street, with trademark colors. Redevelopment will improve the aesthetics. Sidewalk construction will connect, with DPW and approval. Exterior site lighting improvements. Maybe some motion lighting. Homeless in the area. Five new apartments in total.

Matt Eddy, Baxter Nye Engineering in attendance. Plans shown, Exhibit C. Existing site shown. Zoning is HVB and AP overlay and HHDC. 7300 sq. ft. Existing drive thru that previous bank/tenant used. Two drive thru lanes. Site is fully developed. No landscaping. Existing utilities. Public sewer and water.

Proposed Site plan shown. Addition to the rear of the building. Two story addition, 1100 sq. ft., drive thru shifted to a single land drive through. Front of the building, retail use. The rear would be Dunkin Donut use. Meets all zoning setbacks per zoning, meets lot coverage. Reconfiguration of the entrances will clarify and create safety access. Drive through que. Proposing 33 parking spaces, 34 are required. Site plan review to augment and make a larger area for landscaping, hence waiver of one space. Pedestrian circulation/sidewalk, Winter Street will be improved. Curb cut ramps. Easement outdoor seating area. The activity will improve this area.

Chair Steven Costello asks where is the transition?

Matt Eddy replies, access way, paved walkway here, will be maintained. Improvements to be fencing, outdoor seating, lighting. Parking setbacks, currently non conforming, will be making better. 10% landscape ration/island to be added. Another along North Street. Will bring in fire sprinkler to the building, none now.

Attorney Kenney, relief is mostly related to signage.

Jim Kupfer, refers to paragraph 17, of draft.

Attorney Kenney reviews the waivers being requested – Exhibit B, pg. 8, paragraph 17, a through c. Most relief is signage related.

Jim Kupfer, HHDC did approve the signage/exterior look already.

Matt Eddy – signage location plan shown.

Attorney Kenney explains - Signage above the doors. Monument sign will be the only one with the Dunkin Donuts trademark colors. All are externally lit, gooseneck lighting.

Tim O'Neill, traffic study done for this?

Attorney Kenney, Site plan review, talked about. Did memo and spoke with DPW re impacted areas. Expected capacity to have minimal impact with side road ways. Eliminating drive through at the High School Rd. store. Will not be reopening the one at corner of Sea Street and Main Street if this goes through.

Tim O'Neill, slate roof on front of this bldg. Will that be removed?

Attorney Kenney, yes, to be replaced with asphalt shingles.

Mary Barry, access, pedestrian, what will happen with the parking lot itself, designated tenant spaces and Dunkin Donuts parking spaces?

Matt Eddy, will provide in total for both residential and retail as well. Not any designated for residential uses. Peak use will be in the morning for Dunkin Donuts, should average out time wise per working residents.

Bob Twiss, walked the property. Probably a good use for this particular area. Points out a clerical error in residential units on the plan. One bedrooms labeled studio apartments, to be consistent (clerical error).

Stephen Robichaud, Fire Truck, deliveries, how will they work?

Matt Eddy, Fire access has been reviewed have access, Winter and North Street, per Site plan.

Sal Couto in attendance. Box truck deliveries. Very early deliveries, can use by pass lane.

Stephen Robichaud, this is laid out very well for a drive thru. No concerns over traffic. Parking, lot next to this building is always full. Maybe have a dedicated area for residents only.

Attorney Kenney, if there is an issue will address, and can post signs.

Chair Steven Costello, hours of operation?

Sal Couto will be 5 a.m until 11 p.m. – reduced hours in the winter time. Site will need policing as well. Will clean up.

Chair Steven Costello, leases for tenants. Encourage for housing for others as well as employees. Work with the Town. Landscape component will be great. This will be good location for this.

Chair Steven Costello asks for any public comment. None.

Chair Steven Costello entertains a motion to close the public hearing, moved by Stephen Robichaud, seconded by Mary Barry,

Roll Call Vote

Steven Costello - aye

Stephen Robichaud - aye

Mary Barry - aye

Bob Twiss - aye

Michael Mecnas - aye

Ray Sexton - aye

Tim O'Neill - aye

Chair Steven Costello entertains a motion, moved by Stephen Robichaud to recommend the Regulatory Agreement No. 2022-001 to Town Council, seconded by Michael Mecnas,

Roll Call Vote:

Steven Costello - aye

Stephen Robichaud - aye

Mary Barry - aye

Bob Twiss - aye

Ray Sexton - aye

Michael Mecnas - aye

Tim O'Neill - aye

Staff Updates

Local Comprehensive Plan

LCP

Elizabeth Jenkins, Town Council did ratify the Committee. Steven Costello and Bob Twiss will be on this as well. Working with consultant and mapping out the project/scope. Will have more info very soon.

Matters Not Reasonably Anticipated by the Chair

Correspondence

DEP Notice – 43 Beechwood Rd., Wequaquet Lake, Barnstable – Pier/Dock – Shpunt et al

DEP Notice – 15 Piney Point Dr., Long Pond Centerville – Dock – Henry

Chapter 91 Notice – 63 Ocean Ave. – Pinto – boardwalk, pier, ramp and float

Approval of Minutes

April 25, 2022, draft minutes

Chair Steven Costello entertains a motion to approve the draft minutes of April 25, 2022, moved by Mary Barry, seconded by Bob Twiss,

Roll Call Vote:

Steven Costello - aye

Stephen Robichaud - aye

Mary Barry - aye

Bob Twiss - aye

Michael Mecnas - aye

Ray Sexton - aye

Tim O'Neill - aye

Mary Barry will not be here on May 23rd.

Future Meetings: May 23rd, and June 13, 2022, @ 7:00 p.m.

Adjournment

Chair Steven Costello entertains a motion to adjourn, moved by Mary Barry, seconded by Stephen Robichaud,

Roll Call Vote:

Steven Costello - aye

Stephen Robichaud - aye

Mary Barry - aye

Bob Twiss - aye

Michael Mecnas - aye

Ray Sexton - aye

Tim O'Neill - aye

The meeting adjourned at 8:58 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 – Presentation - Modification to RA 2017-003 Sea Captain's Row, CapeBuilt Pleasant Street, LLC

Exhibit B - S&C Realty Investment Co., LLC – Draft Regulatory Agreement

Exhibit C - S&C Realty Investment Co., LLC - Plans