



# Town of Barnstable Planning Board



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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](mailto:karen.herrand@town.barnstable.ma.us)

## Town of Barnstable PLANNING BOARD Minutes August 8, 2022

Stephen Robichaud – Chairman	Present
Robert Twiss, Vice Chairman	Present
Tim O’Neill – Clerk	Present
Mary Barry	Absent
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/83201383877>

Phone: 888 475 4499 US Toll-free

Meeting ID: 832 0138 3877

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](mailto: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**

**Steven Costello**

**Ray Sexton**

**Tim O'Neill**

**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 if there is any general public comment**

Laura Cronin in attendance. Asks why is Planning Board still doing remote participation through Zoom. Items for this Regulatory Agreement, has a lot of documentation. Public would like to see and provide feedback, is there a reason why still doing it this way? Not very convenient for public.

Chair Stephen Robichaud explains that it has been extended to do remote participation. Left up to the particular Chair. Planning Board has found more public participation via remote participation.

Chair Stephen Robichaud, good presentation previously on housing. Advancing a dashboard to keep all informed, come to fruition possibly?

Jim Kupfer replies – Ryan Bennett presentation was really well done. Data dashboard, have begun initiation with focus groups. Consultant has started. Will be progressing with that process. Put into convenient method for all to understand and opportunities. Well received. Will be opportunities for public engagement.

Chair Stephen Robichaud thanks Ray Sexton for his involvement.

**Approval Not Required:**

**Miriam & Brian O'Neill and Dunbar Point, LLC** have submitted a request for an approval not required plan entitled "Plan of Land at 689 & 697 Scudder Ave Barnstable (Hyannisport) Massachusetts, dated March 24, 2021, being a Re-division of Lots A & B as shown on LCC 14153B, Petitioners: J. Brian O'Neil and Miriam O'Neill". (Majority of Full Board)

Attorney Paul Revere III representing the Applicant, Lot 697. House and cottage. Move the cottage from property. Have worked with zoning approving that. Pre dates subdivision law. Town way.

**Michael Mecnas in attendance now.**

Ray Sexton, does moving the cottage create a vacant lot?

Attorney Revere, no, cottage was an accessory use. No new developable lot. Zoning Board has conditioned so it will be subsidiary to the house property, just changing which lot attached to.

**Chair Stephen Robichaud entertains a motion to endorse/approve, moved by Bob Twiss to endorse the plan entitled "Plan of Land at 689 and 697 Scudder Ave., Barnstable (Hyannisport) Massachusetts", prepared by CapeSurv, dated March 24, 2021, has been submitted to the Board for**

**endorsement as an Approval Not Required ANR plan, specifically adopting and incorporating Staff Report, seconded by Steven Costello,**

**Roll Call Vote:**

**Bob Twiss - aye**

**Michael Mecnas - aye**

**Steven Costello - aye**

**Ray Sexton - aye**

**Tim O'Neill - 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 Applicant seeks waivers from dimensional bulk requirements including building height and stories, setbacks, and lot coverage standards as well as waivers associated with density, parking design standards and dimensions, lighting and landscape improvements. (Majority of members present and voting)

Chair Stephen Robichaud explains how this will proceed. Get information, then comments, thoughts from the Planning Board, then open to the public for public comment.

**Chair Stephen Robichaud entertains a motion to open the public hearing, moved by Steven Costello, seconded by Ray Sexton,**

**Roll Call Vote:**

**Bob Twiss - aye**

**Michael Mecnas - aye**

**Steven Costello - aye**

**Ray Sexton - aye**

**Tim O'Neill - aye**

**Stephen Robichaud - aye**

Jim Kupfer explains how the Regulatory Agreement works. Chapter 168. Defined by district, mainly downtown Main Street area, to incentivize growth. This location tonight is within the district. Process for an agreement between an applicant and the Town of Barnstable. First review by the Planning Board through a recommendation, once reviewed then to Town Council (TC). Then TC will hold a public hearing and they will decide whether to recommend to the Town Manager.

Attorney John Kenney representing the Applicant, Stuart Bornstein, also Attorney Pat Nickerson, and Dan Ojala and architect in attendance tonight.

Attorney Kenny gives a history/background. Applicant has owned property since 1996. Was a hotel here previously. Hotel and motel were removed. 1997 condo project, denied and then 2015, another proposal, which was withdrawn. Site still vacant, 25 years later. This proposal is for 34 high end condominiums. Need the height for ocean view units to help pay for this. Underground garages. Security cameras. Height is not unprecedented. Renderings shown. Heights of buildings in the area shown - elevations. Existing are Cape Cod Hospital. Lewis Bay Condominiums. Communications tower. Photos of the area shown/waterfront views. Community benefits from this project. Underground utilities. Sidewalks to be replaced and be compliant. Town will be granted an easement. Road is in very bad condition. A new water main to improve water pressure. New paving of School Street and roads in between. Lighting will provide for the street as well. Tax revenue. Electric car plug in stations will be provided. Has been before Site Plan Review and Hyannis Main Street Waterfront Historic District (HHDC) and HHDC Appeals Committee and was upheld. Approved by Conservation also.

Dan Ojala – shows Site Plan Layout. Most all utilities will be underground. Sidewalks to be ADA compliant. School Street doesn't have a lot of traffic. Most will have a garage space underground. Sea level rise, the ground is 26 ft. above sea level. Well above even a 500 year event. Basement 22 ft. above sea level. Street to be upgraded, street trees, buffer landscaping. Parallel spaces/dedicated. Guest spaces. Elevators. Wants to sell as high end units. Adequate parking. All drainage through conveyance system on north side. Steamship Authority looking for additional information. He will get the information to them. Fencing. Zoning relief for density and height, and setbacks. Going to create much nicer street scape. Drainage easements. Enclosed trash areas. Massing does go with the neighborhood.

Mike Nee, Gienapp Architects in attendance. Important to not be an imposition to the neighborhood. Two buildings that will create a gateway. Taken massing higher towards the water. Trying to hide all the parking, beneath the buildings, so the architecture is more visible. A lot of pedestrian elements. Keeping with the other buildings that are also of height/larger buildings.

Marty Reilly has been going around and speaking to stakeholders.

Attorney Kenny reads the petition into record: Exhibit A.

*We, the undersigned residents, neighbors, businesses and visitors to Hyannis, support the proposed luxury 34-unit condominium project located at 110 and 115 School Street – overlooking Hyannis Harbor, as a beautifully designed, transformative residential development that will bring many positive benefits to Hyannis Harbor, Downtown Hyannis and the Town of Barnstable in the future.*

*The Dockside Condominium Project as designed and shown on plans dated February 2<sup>nd</sup>, 2022, consisting of 5.5 stories with 34 luxury residential units; underground and surface parking, beautifully landscaped grounds, sidewalks, lighting, and enhanced security for residents and neighbors will increase property values and be a tremendous improvement to the surrounding neighborhood and the current year round landscape where homeless people presently congregate at the site, which has in the past, contributed to increased crime in the area.*

*The Dockside Condominium Project, if built as proposed and designed, will contribute to the positive transformation of Hyannis Harbor and revitalization of Downtown Hyannis, benefitting local businesses neighboring marinas, restaurants, hotels and retail stores, creating jobs, raising the stature of Hyannis as “The Capital of the Cape” and “Gateway to the Islands” promoting tourism and generating an estimated \$700,000 +/- annually in much needed new tax revenue for the Town of Barnstable.*

*We respectfully urge all Town Officials, the Planning Board, Conservation Commission and Barnstable Town Council to approve this project as designed for the benefit of the village of Hyannis and the Town of Barnstable for posterity.*

Attorney Kenney - Relief requested/waivers requested – See Exhibit B, entitled “Exhibit A Zoning Relief Requested” 3 pages.

Bob Twiss – Harbor area is a huge asset. Concept to have people living here is a good thing. Desirable structures is a good thing. Hyannis is going to continue to develop. The building looks attractive. Based upon the projected photos, it seems to fit nicely without overwhelming. Height is not completely out of context with what is in the area. Development in this area. Wants to spend more time and review each of the requests being asked. Affordable housing issue. Three units to be off site. Requires 10 percent to be onsite. Concern is in the housing. Troubled by the amount of zoning waivers being asked for. Some are guidelines. Three affordable housing units is less than 10 percent. Like to see in return for all the waivers, like to see 6 affordable units offsite. Make some improvement with our requirement for affordable housing.

Michael Mecenat – would like more information and become more educated about the project. He would like to research it more.

Steven Costello in favor of improving the Harbor and that site. What gets built here will set a precedent. Interested in the process. Do something simultaneously with Town Council. It does seem quite large, understands the height needed. Maybe do a visual for what this type of height might look like.

Ray Sexton. Affordable units and how will be managed. Three is not enough, as discussed, critical to have affordable housing. Maybe form a subcommittee with some others involved so that time is not spent ineffectively. Should be done collaboratively.

Tim O'Neill, unique property. Housing production, new development, groundwater. Density is going to be the new thing. Go through and fully vet and think about from every angle. The two processes are time consuming. Agrees with forming a subcommittee possibly.

Chair Stephen Robichaud, this is a big ask/negotiation. Affordable housing concerns as well. Collaborate with other boards as well.

Chair Stephen Robichaud asks for any public comment. Five minutes to speak. No open dialogue with the applicant. This is recommendation to Town Council.

### **Public Comment**

Attorney David Lawler in attendance, representing Wayne Kurker. Height. Picture of structures. The front faces the water. Property sits above 26 ft. - 8 ft. looks like from the water. Visual impact is tremendous. The front of the property, balconies. Greenery and hospital, none of those buildings are directly on the water. Nothing in front of these to mask them, no break from the visual and view from the water. Massing in units – too much for this lot. This is a small lot, too much for this area. The scale is tremendous. 90 bedrooms total. If high end, will have two vehicles. Where are you going to put the vehicles. Bottom of site plan is his clients property. He already has an issue here. Absolutely insufficient for parking. Bottom of hill are police boats. Delivery, no place for this other than two spots. 34 units. Height of the truck. Garbage, insufficient for a truck. High end will have more uses and more parking needed. Fire truck, access/egress issues. School Street is a bottleneck. Safety issues. Retaining wall. What is the height from sea level? Maybe do a visual, crane with something on the top of it to show how will look. Other buildings have height, but the contour to the land is back and farther away.

Wayne Kurker in attendance, Hyannis Marina. Has to man his lot every day to keep parking for Steamship Authority away. Police and Fire boat down here. Dumpsters way to close and will tie up the road. Would like to see a development, but this will set us back and the traffic pattern will be awful. This is the tallest spot at the harbor.

Cheryl Powell in attendance, Chair of Hyannis Main Street Waterfront Historic District Commission (HHDC). This will set precedent. Agrees with having a subcommittee. Scale of views. Inaccurate pictures. Argued height issues. Public safety. Underground parking. Sixth story described as a loft. Affordable housing, this would not bring in people who would be in this situation. Rentals. Restrictions for.

Valerie Moore in attendance, of Nutter Mclellan & Fish, represents the Steamship Authority. Has been working with the developer. Concerned about the height, antenna located on Lewis Bay Rd. to provide signals for vessels. They are working to find a possible solution. Storm water systems. Developer is reviewing this now.

Felicia Penn in attendance. Refers to her memo, dated August 2<sup>nd</sup>, Exhibit C. Believes the project needs to be modified, to big, to high, to dense. May be public safety issues. Aisles. Not enough landscaping. The project blocks public access to the waterfront. Access to the waterfront is key. No regional harbor front allows this. Why have zoning height and density guidelines and don't adhere to them. 5.5 stories in a 2.5 area is way too much. Maybe compromise to 3.5. Town needs a harbor plan, we don't have one. Approving this project before approving a plan is not good. Process – Regulatory Agreements are cumbersome, but it's Planning Board's job to renegotiate it. Used to be very well vetted and renegotiated with the Applicant. Then it would go to Town Council as revised. Sometimes would have joint meetings/hearings. Has to be done in public. Comments on photos. This project is on a hill, Cape Cod hospital is not on a hill. This is a total self-serving project. Only the affordable housing mentioned is not. It's in a small area, but too much building for the area. No community benefit. Where's recycling going? Steamship passengers do not disembark on School Street. Marty Reilly petition, who are these people, who are the 14 people signing this? Should not more than double the height. Negotiate this.

Laura Cronin in attendance. Important that we recognize that the design is good looking. From the waterfront view you are up eight stories. The hospital is not required to follow the zoning. The Greenery is off the waterfront. Town buildings are existing and don't follow same type of development. 5.5 stories is for the benefit of the developer. This would be setting precedent for the harbor. Belongs up off the waterfront. Density issue. Public safety issues. Traffic issues. 3.5 stories would make a big difference as more acceptable.

Marie LeBlanc in attendance. President of Board of Lewis Bay Condo Association. Visitors will park in our lot, as they do now. We tow regularly and heavily all through the summer. The Anchor Inn changed hands recently to corporate ownership. This may be another organization that this situation may happen here as well with height. Renter issues. They have a regular rotation every month with these types of renters.

Marty Reilly in attendance. Has represented community people. Thinks this project could be transformative for this area. Has spoken to people about homelessness in the area and crime. Thinks travesty that this property continues to sit here and not be developed. Will enhance lighting and security helping with crime. High end units will create - and affordable will create units as well. Something positive has to be done with this site. Compromise needed. This will benefit the surrounding businesses as well.

Chair Stephen Robichaud – references Chapter 168, section 5, offers Planning Board to establish a subcommittee, believes this would allow us to work through concerns and then placed back on our agenda. Propose to be held via Zoom and public viewing for full transparency.

Jim Kupfer, Chapter 168-5 Planning Board as lead negotiator - any subcommittee formed can consider to do so. Planning Board (PB) can do Zoom or in person. Would be a couple members from PB and from TC, and Housing Committee. Can work with the Applicant vital details and bring back for full Board's consideration about those concerns.

Attorney Kenney – wants to clarify that the initial photo, developed that way. Didn't represent that. Access to the waterfront. Mr. Kurker owns and controls all of that. There aren't many views from South Street. Would like to work with the subcommittee.

**Chair Stephen Robichaud moves to form a subcommittee, per Chapter 168-5 of the general ordinance between authorized parties and a qualified applicant shall be led by the Planning Board or its designee and shall include representatives from other municipal boards, departments and commissions where said joint participation will assist the negotiation process, and be comprised of**

members of the Planning Board, Town Council and the Housing Committee, as they see fit and shall adhere to the Open Meeting Law, seconded by Steven Costello,

**Roll Call Vote:**

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

Chair Stephen Robichaud entertains a motion to continue to Sept. 26<sup>th</sup>, 2022, moved by Ray Sexton that this Regulatory Agreement, Dockside Residences, 110 School Street and 115 School Street be continued to Sept. 26<sup>th</sup>, 2022, at 7:00 p.m., seconded by Bob Twiss,

**Roll Call Vote:**

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

Jim Kupfer will send recommendation to Town Council with request for this subcommittee, and will notify online as well to get the word out.

**Staff Updates**

Local Comprehensive Plan (LCP)

Kate Maldonado next LCP meeting will be held Thursday, August25, 2022. Community outreach and engagement.

**Matters Not Reasonably Anticipated by the Chair**

**Approval of Minutes**

July 25, 2022, draft minutes

Chair Stephen Robichaud entertains a motion to approve the draft minutes of July 25, 2022, moved by Tim O'Neill, Seconded by Ray Sexton,

**Roll Call Vote:**

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

**Future Meetings:** August 22<sup>nd</sup> and September 12, 2022, @ 7:00 p.m.

**Adjournment**

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

**Roll Call Vote:**

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

The meeting adjourned at 9:29 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** – Shoestring Properties, LLC - Regulatory Agreement submitted petition (14 signatures)

**Exhibit B** – Shoestring Properties, LLC - Regulatory Agreement - *“Exhibit A Zoning Relief Requested” 3 pages as submitted by Attorney Kenney.*

**Exhibit C** - Shoestring Properties, LLC - Regulatory Agreement - Felicia Penn memo, dated August 2<sup>nd</sup>, 2022