

July 13, 2025

To: Jacob Dewey, Chair, Zoning Board of Appeals
and Members of the Zoning Board of Appeals (ZBA), Town of Barnstable.

Also sent 8/8/25 to Chris Lauzon, Chair CFAC

From: Catherine Ledec, year-round resident Barnstable Village

Subject: Appeal No. 2025-13, Wilkens Lane Properties, LLC

While I am the Town of Barnstable's representative to the Cape Cod Commission my comments here are my own and do not reflect those of any organization.

I attended the both the May 28 and July 9, 2025 virtual and in-person ZBA public hearings for the subject project.

My public comments are intended to further improve the project.

I support Councilor Ludtke's request to verify the Applicant's economic analysis. As mentioned during the July 9, 2025 and May 28, 2025 public hearings, the ZBA should engage directly with the Comprehensive Financial Advisory Committee (CFAC) to verify the figures presented in the Applicant's economic analysis.

I also support the need for housing but we need the right mix of housing. My comments describe other important improvements that should be made.

All housing projects must work to provide the best mix of Affordable and Workforce Housing with less priority placed on market-rate housing to satisfy current needs. We have an **urgent need** for more Affordable and Workforce Housing. This was clearly evidenced during testimony provided by the Applicant. With Hanover 1 (278 units) at 95% occupancy 15 months since leasing began, this translates to 12 vacant market rate units. By contrast the Affordable units had more than 100 applications for 36 units (278 total units x 13%). This is clear evidence of the need for more Affordable and Workforce Units.

Wilkens Lane/Hanover 2 as proposed has too many market rate units.

By comparison, a “friendly” 40B, 300-unit, 5-story, 2-building project in nearby Plymouth is proposed to deliver 25% deed-restricted residential units (80% AMI). Parking will be provided at 1.7 spaces per unit. Plymouth is, like Barnstable, below 10% total Affordable (7.22% Affordable including current and pending Affordable units). (Patriot Ledger, “New large apartment project proposed in Plymouth,” July 12, 2025)

Accordingly the Applicant needs to increase the number of deed-restricted Affordable and Workforce Housing units to at least 25% (15% Affordable, 10% Workforce).

I also propose the following Development Condition:

Exactly 12 months from when the first Wilkens Lane/Hanover 2 rental lease starts, any market rate units not yet rented (without a signed lease) will be converted to Deed Restricted Workforce Units (80-120% AMI). Evidence of active, signed leases and reporting should be provided to support this.

Ensuring Year-round Housing, Not Seasonal Rentals:

The Applicant testified that Affordable and Workforce units will have local preference. This is important and can be verified through the application process.

Despite the project’s proposed minimum lease of 6 months (Applicant’s statement), market-rate rentals are at significant risk of being used as seasonal rentals. An off-Cape individual or family could rent a market-rate unit for 12 or more months and then occupy it only during the peak summer season, leaving the unit empty during the off season. As an example, a \$3,000-\$3,500 per month Hanover 2 market-rate rental would total \$36,000-42,000/year. A “nicer” single family home rental with a swimming pool might cost \$4,000-\$4,500 per week during the 3-month peak summer season, totaling \$48,000-\$54,000, much more than a year-long Hanover 2 market-rate rental.

Seasonal rentals need to be excluded for this project to truly fulfill the important housing needs of the Town of Barnstable.

I recommend a Development Condition that requires local preference for all apartment units. This needs to be verifiable and require annual reporting to the Town Council. This is the only effective way to prevent apartments from turning into seasonal rentals.

A reminder: This developer is requesting a Special Permit from the Town of Barnstable. If this project did not require a special permit, satisfying the minimum requirements would likely be enough. However, to satisfy the ZBA's requirements for a special permit, the ZBA and the public need to be satisfied that the project will deliver more than just the minimum requirements; the project needs to be "without substantial detriment to the public good in the neighborhood."

I also recommend that the ZBA require the following additional Development Conditions:

1. Install Solar Panels:

I urge installation of solar **now** and support Councilor Ludtke's request. The Applicant has not provided adequate nor reasonable justification for delaying solar installation. Existing technologies are more than sufficient for this aspect of the project to proceed immediately.

Here are some options to consider for a solar component to the project. If agreed upon, these should become legally binding development conditions:

- a. Benefits Sharing:** Ideally apartment renters would benefit from the installation of solar. This could include establishing a Community Solar project where common area electricity is first covered by solar generated electricity and then an annual credit could be distributed to each leasee.
- b. Solar Canopies** could be installed on the rooftops and in parking areas or above pedestrian pathways. With mechanical equipment on the rooftops, solar canopies can provide the additional benefit of shading this from the direct impacts of sun and weather, thereby helping to extend the equipment's life.
- c. Garage Rooftops:** All garage rooftops should include solar panels. This was not mentioned in any discussion to date and is important.
- d. Battery Backup:** Battery backup for the common area (including pedestrian walkways), emergency lighting, fire protection, water and sewer systems

would reduce fossil fuel consumption and reduce the need for use of diesel or gas-powered generators.

2. 2nd Emergency Vehicle Access:

I support Councilor Starr's request and mentioned this in my May 28, 2025 public testimony.

I recommend a legally binding Development Condition that the Applicant commit to working with Cape Cod Aggregate for a 2nd emergency vehicle access point across their private property to Phinney's Lane.

I am familiar with communities 20+ years old that unfortunately have only one emergency vehicle access point. This access point becomes compromised with delayed access when traffic clogs the single emergency access road. A second emergency access point would avoid this problem and ensure the continued safety of residents.

Adding this as a legally binding Development Condition would have the added benefits of providing direct access to Phinney's Lane and easy pedestrian access to Hathaway's Pond.

3. Safe Pedestrian Connections:

I support a legally binding development condition that the Applicant commit to continue working with neighboring private property owners (including BJs, Festival Shopping Plaza, Cape Cod Aggregate and possibly more) on safe pedestrian access to and through private property.

Ultimately this should result in safe pedestrian access to shopping at the Festival shopping plaza and BJs, and more direct access to Hathaway's Pond.

4. Perimeter Pedestrian Trail around Hanover 2:

This Pedestrian Trail would connect to the planned sidewalks that on their own would be in some cases incomplete. It also should be installed to connect with to the perimeter pedestrian trail around Hanover 1. This was mentioned in my May 28, 2025 testimony.

Healthy outdoor recreation options on site are key to healthy living, so let's make this healthy outdoor living option available on site for all future residents.

5. On-site Bus Stop for Hanover 2, and for Hanover 1:

With a total of 598 apartments, this proposal would directly deliver paying riders to the public transportation system. This is not yet part of the application but it really should be. This was mentioned in my May 28, 2025 virtual testimony.

Projects in other Cape Cod towns deliver on-site bus stops; Barnstable should require the same.

6. Water and Sewer: I live in the Barnstable Village Water District and am concerned that the Applicant's estimate of water usage (a local impact issue) may be understated and may push the water draw up to or beyond the Town's permit. We are close to being unable to allow for more development. To my knowledge, the Applicant's estimates were not independently verified.

A Development Condition is needed that requires annual reporting to the Town Council to verify actual usage (with breakdown of usage by calendar quarter). This is important to ensuring the public and fire safety of all Barnstable Village Water District residents, such that there is no negative impact from drawing more water than estimated.

7. Regular reporting to the Town Council on the project's status including reporting on all conditions, should become a Development Condition. Reporting should be required on completed matters and this reporting should be formally accepted by the Town Council before any occupancy permits are issued. All reporting to the Cape Cod Commission should be copied to the Barnstable Town Council.

8. Enforcement of Conditions: Hopefully regular reporting will identify early issues with compliance, such that corrective actions can be made quickly without disruption to construction, or operations and maintenance of the building. All conditions should be fully satisfied and it is up to the Town's enforcement staff to establish procedures for follow through on this.

We, the residents of the Town of Barnstable deserve these improvements to satisfy the Special Permit Requirement that the project is “without substantial detriment to the public good in the neighborhood.”

The ZBAs approval should require that the Applicant agree to the herein described legally binding Development Conditions.

Thank you for considering my comments and for all of your work on behalf of residents of the Town of Barnstable.