



Town of Barnstable

Planning Board Regulatory Agreement Subcommittee



www.town.barnstable.ma.us/PlanningBoard

Board Members

Stephen Robichaud Steven Costello Jen Cullum Paula Schnepf Hilda Haye

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 REGULATORY AGREEMENT SUBCOMMITTEE Minutes October 13, 2022

Also in attendance via remote participation were Planning & Development Staff; Elizabeth Jenkins, Director, James Kupfer, Senior Planner and Karen Herrand, Principal Assistant.

Barnstable Town Hall, 367 Main Street, Hyannis, MA, Selectmen’s Conference Room, 2nd Floor at 8:30 a.m. Meeting notice previously filed with Town Clerk

Call to Order: Introduction of Subcommittee Members

Roll Call Attendance:

Steven Costello

Hilda Haye

Jen Cullum

Paula Schnepf

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.

Application materials may be accessed by contacting Karen.herrand@town.barnstable.ma.us or calling 508-862-4064.

Regulatory Agreements: Dockside Condominiums

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. *Continued from October 3, 2022, for further review.*

Not a public hearing.

Chair Stephen Robichaud gives a recap of the previous meeting. Parking, height, density, neighborhood integrity. Intent is to vet the project. Town Council has final say. Various department heads to have their input. Update of application.

Attendance Dept. Heads:

Paul Graves, Engineer at DPW –

Presentation for all to address, questions the Subcommittee has.

Chair Stephen Robichaud – foot traffic. Concern for pedestrians from Ferry. Crossing and access. Does DPW see value in improving? Budget numbers.

Paul Graves, sees a need for improved pedestrian facilities. Intersection, plan dated Aug. 22, does show some proposed improvements. Could enhance further. Presentation. Handout, Exhibit A. Aged sidewalks. Deteriorated, non compliant curb ramp. Pictures shown. DPW has not done yet, because projects planned for the area. Recommend flashing beacons/signs/push button pedestrian activated. Plan shown from application. Ladder style red mark up on plan for crosswalks. South side room for an 8 ft. crosswalk and Town's bikeway plan does propose bike/walkway use. Estimates for this work shown, with breakdown of fees.

Chair Stephen Robichaud, sidewalk width, nice for a shared use path. This can be added as a public benefit.

Paula Schnepf, current proposal and what would be additional improvements?

Paul Graves, already include reconstructing – we are further proposing along the south side to be widened to 8 ft.

Dan Ojala replies they have done the initial beacons/flashing at crosswalk. Going to do the other side. Northeast is new sidewalk.

Paul Graves clarifies and lacking a warning light. Discussion re the sidewalk improvements proposed. Preference to make all concrete and to match.

Jen Cullum, is on CIP? Paul Graves, not on CIP.

Original site plan shown. Review of sidewalk areas.

Dan Ojala will need a license for easement and license to park partially in road layout for parking. West – explanation of roof deck. Conditions of the road. Steamship Authority area.

Steven Costello any and all of this is needed.

Chief Peter Burke, Hyannis Fire Dept. in attendance. Boats always in the water. Concerns – formal and informal, access to the dock has to be maintained 24/7.

Attorney Kenney, will have a full time maintenance person on site.

Chair Stephen Robichaud - if large fire can trucks remain on South Street? Hydrants, flow test?

Fire Chief Burke, no, we will surround, go to most advantageous spot. On School St. and South St. use all four sides of the building. Will probably end up on School Street. Use Mr. Kurker's property to turn around/back out.

Dan Ojala, area working with Hyannis at Water Dept.

Fire Chief Burke, no particular concerns.

Steven Costello, height – any issues or concerns, reaching extreme heights. Will current equipment work?

Chief Burke, the higher the building, obvious issues. Some risk management with a newer building. Resources sometimes have to come in. Yes, have equipment.

Jen Cullum, what is the max height with equipment, any other concerns?

Chief Burke replies, at best maybe 2 sides of the bldg. Tower ladder is 95 ft. tall, 5 to 6 stories can reach. Turntable ladder can get additional. Not really an exact answer. Apparatus is not primary challenge. Every fire is different. No issues here.

Paula Schnepf, storm/hurricane – vulnerability to this property?

Dan Ojala, well above the 500 year map. School St. is 20 plus ft. above sea level. Flood zone, next door, limit of 100 year event. Most vulnerable would be the basements. Maybe in 100 years. Floors are 22 ft. above sea level.

Chief Burke, depending on severity, evacuation possible – pre storm planning event.

Darcy Karle, Conservation Dept. in attendance.

Chair Stephen Robichaud – primary focus for this? Sea level, erosion.

Darcy Karle, received an order of conditions. Have to look on what regulations are Mass Prot. Chptr. 237. 100 ft. buffer to State and town coastal bank. Shows the set back – 100 ft. Wetland Protection Act, this is a vertical bank. Should have no effect on the stability. Commission was comfortable with this. Any gradient or runoff could impact. DEP has their own storm water policy, that is reviewed. Did meet the DEP requirements, would handle any runoff with proper drainage as proposed. Bank would serve as a buffer for storm events. Proposed plantings are an improvement which will add additional. Chapter 237, the Commission has 100 ft. from the top of the bank, undisturbed buffer as well. Hardscape, reduction in the 50 ft. buffer. Remove one of the parking spaces, to not have in the buffer. Planting plan, using plants on the Commission's plant list. Climate change and Sea level – the AE zone, flood falls below the top of the bank. No flood concern there. During construction no impact/prior to – there will be an onsite meeting with engineer and construction company, need to have proper erosion control. Frequency when has to be checked. Perk test overseen by professional engineer and witnessed by Town. Copy of test results. Pool and spa. Draw down water – make sure mitigation plantings are carried out. Order of Condition is good for 3 years. Then do check on plants/maintenance.

Steven Costello – mitigation offsite. How does this vary if private home?

Darcy Karle, Dan Ojala calculates and makes sure all went into the 50 ft. undespaired buffer zone, taking out 4th parking spot.

Dan Ojala, mitigation calculations shown. Site Layout Plan. Square footage. Urban type site. Did do the soil testing, good clean sand.

Brian Florence, Bldg. Commissioner in attendance.

Chair Stephen Robichaud asks about underground parking garage. Water issues/concerns.

Brian Florence, the Building code regulates this. Don't have any real concern, a bit preliminary at this time.

Dan Ojala – rain water. All roof run off to huge drywall system. Put swale along the road line. End of ramp, strip drain all the way across the entrance. Code requires a pitch range. Double compartment separator. 20 ft. of dry sand under the floors. On one of the higher bluffs, this property.

Paula Schnepf, no. 27 no certificate of occupancy – sometimes these are granted before project finished.

Brian Florence, they are having discussions with Legal Dept. right now. The regulatory agreement is sound, can enforce zoning at any point. Don't have to allow use of property for full compliance.

Steven Costello, parking. Any thought about this, reduction of?

Brian Florence, zoning is a little assertive. Doesn't really have details to answer at this time.

Jen Cullum, thinks should check back with regulatory agreements and make sure they are honored.

Paula Schnepf, if certificate of occupancy can't be the incentivize?

Brian Florence, violation/zoning provisions are enforceable through 40A. \$100 a day, and have injunctive relief as well with the courts.

Hyannis Historic District Commission (HHDC) Cheryl Powell not in attendance.

Jim Kupfer, explains that HHDC did issue a certificate of demolition in December of 2022, underwent process and got a Certificate of Appropriateness, there was an Appeal, an administrative appeal due to concern of notice to abutters. The Appeals Committee did uphold the original decision on April 26, 2022. Have received full approvals.

Jen Cullum – the potential hurdle could be regulatory, this might slow things down, need to get in draft form. Important to get ahead of that. Needs to see it again.

Attorney Kenney, replies did go through formal site plan review and preliminary as well.

Paula Schnepf, certificate of demolition, any other that they needed to grant?

Jim Kupfer, the Certificate of Appropriateness, that is review of the design, that was granted separately from the demolition. Vote was 4 to 1. Currently have four members on this Commission.

Public - David Sorensen, former member of HHDC did vote for this. Would hope to see it through. His office is on School St. and is nearby, thinks this project would add a lot to the neighborhood.

Dale Gienapp in attendance. Has new plans and reduced the height. Shows pictures of new renderings, dated Oct. 6, 2022. Windows and gable ends. Dormers, removed. Reducing visible portion of the roof. South Street side, not changed. Aerial views. Traditional gable roof. Recessed area. Some equipment now roof mounted. Elevator overruns will need to have different access. Comparisons of original and amended views. This is a 4 ft. difference.

Exhibit B.

Jen Cullum, likes the changes a lot, looks great, cleaner look. Any sort of solar for roof, enter into the project? Energy saving efforts.

Stuart Bornstein because of the parapet, will block off 35% of production, not big enough. Shadowing is dramatic. Use all energy efficient appliances, air conditioning, everything is LED, windows highly rated for energy efficiency.

Dan Ojala, multi level is highly efficient because of internal areas.

Stuart Bornstein, leaning towards gas with a hydro system. All devices are water saving.

Steven Costello – Height comparisons. Appreciates the reduction of the height. Done good job to get to this point. Contingency plan, trash removal etc. ok with parking. Traffic flow need to review. How can we think about summer parking, will still be an issue. How to manage this.

Dan Ojala, the Greenery, would be lower than this bldg. View, would fade as further out. Town Hall and Lewis Bay Court, will be under, by a few ft. but below the ridge at Town Hall, by 7 to 9 ft.

Attorney Kenney, development on Pleasant Street, this regulatory agreement has 60 units. Parking - 60 x 1.5, needed 99 provided 88. We exceed the requirements for parking. They have 77 on ground and 11 on the street. They needed a waiver. Affordable housing, we are providing. That project had a waiver, didn't require a demo, and got a waiver from obtaining a Certificate of Appropriateness. This project has been under review much more than that project. This project has many more amenities. To support the design features, need the density to support this design. Have 10 spaces, and guest parking underneath as well.

Chair Stephen Robichaud, School St. narrow, the corridor is the concern for parking. Will be added to regulatory agreement – to have monitoring full time here.

Paula Schnepf, willing to move forward with density, but still has questions regarding affordable housing.

Chair Stephen Robichaud would like third meeting, with detailed review of the regulatory agreement, need for Planning Board, the affordables – Planning Board will be tough, and will be looking for more than the required. To be discussed at next subcommittee meeting. And will review a draft and work on some findings, Staff draft some findings and to have at next meeting.

Stuart Bornstein, garbage/refuse collection. Completely housed, out of site. Easy accessible. Recycling as well. Sea Captains Village rents are 2,500 to 2,900.

Chair Stephen Robichaud would like DPW recommendation, someone on site for parking monitoring.

Steven Costello, who will be managing? Affordable component, what expectations are there?

Stuart Bornstein, usually after a year or two stabilizes, usually we stay on and manage it. There are a lot of great companies on Cape that can do this. Will have a year round person/company.

Attorney Kenney will be set up as typical condominium association, elect board to operate and will higher management.

Stuart Bornstein, will be paying close to a million dollars to improve the site, sidewalks and affordables. Can offset through other rentals that we have throughout the Town. Priced out at the project. New tax revenue for the Town.

Hilda Haye, at next meeting would like to see exact size of the buildings that will be the affordables, floor plan. Hold all accountable. Should go into the regulatory agreement.

Jen Cullum, the short term rental condition should be put into the regulatory agreement as well.

Chair Stephen Robichaud, would like to meet before next Planning Board meeting,

Chair Stephen Robichaud entertains a motion to continue to a 18th or 19th, to a date certain, seconded by Hilda Haye,

Roll Call Vote:

Steven Costello - aye

Hilda Haye – aye

Jen Cullum – aye

Paula Schnepf – aye

Stephen Robichaud - aye

Jim Kupfer, maybe 18th or 19th.

Adjournment

Chair Stephen Robichaud entertains a motion to adjourn, moved by Jen Cullum, seconded by Hilda Haye,

Roll Call Vote:

Steven Costello - aye

Jen Cullum – aye

Paul Schnepf - aye

Hilda Haye - aye

Stephen Robichaud - aye

Future Meetings: TBD

The meeting adjourned at 10:43 a.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. Handout from DPW/Paul Graves
Exhibit B - new plans and reduced the height renderings

APPROVED