



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 18, 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
Jen Cullum
Paula Schnepf
Hilda Haye
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, and October 13, 2022, for further review.*
Not a public hearing.

Chair Stephen Robichaud gives an update recap of the process. Last two meetings. Height update from Applicant. Here to discuss some draft findings.

Jim Kupfer, did receive floor plans for proposed offsite affordables.

Stuart Bornstein in attendance.

Attorney John Kenney in attendance.

Dan Ojala, Downcape Engineering, in attendance.

Stuart Bornstein – would like to start project middle of next year, by May of next year, depends on supply lines. Doing six affordables total including the 310 Barnstable Rd.

Jen Cullum confirms the affordable units and bedroom count.

Chair Stephen Robichaud need more affordable units to make this work.

Hilda Haye, there are no 1 bedrooms at the Dockside – affordable unit availability.

Paula Schnepf balance off of affordables. This is bare minimum now as presented. Quality of units, should not be distinguishable from the market rate.

Steven Costello – number of bedrooms as a total.

Jen Cullum, thinks two bedroom should be priority.

Chair Stephen Robichaud – review of Findings – Exhibit A.

The following findings were determined by the Regulatory Agreement Subcommittee:

- Regulatory Agreement 2022-002 Section 22 outlines public benefits proffered by the Applicant. DPW has requested additional pedestrian improvements as outlined in the attached document entitled Exhibit A. The Subcommittee finds that the proposed improvements by DPW are an improvement to the pedestrian environment along the project site and are a true public benefit. The Subcommittee recommends full implementation of the improvements as detailed in Exhibit A.

Item No. 1:

Comments –

Chair Stephen Robichaud would like to see this included.

Dan Ojala, north east section, this would not have to be re done, some language for this area.

- The proposed plans for Regulatory Agreement 2022-002 originally indicated a proposed maximum building height of 72+/- feet. Understanding that the proposal has undergone formal review by the Hyannis Main Street Waterfront Historic District Commission on February 16, 2022 and received a Certificate of Appropriateness for the proposed buildings, the Subcommittee determined that the building height proposed was taller than most others in the neighborhood and requested the Applicant review ways in which the overall height may be lowered. The Applicant has submitted revised renderings with an overall lower maximum building height of 65+/- feet. The Subcommittee finds this the revised renderings retain the detail and character of the original proposal while reducing the impact to the neighborhood. The Subcommittee finds the revised renderings favorable.

Item No. 2:

Comments -

Chair Stephen Robichau – This area needs this.

Jen Cullum, supports.

Steven Costello, supports – good height change, roof change. There will be other chance for public comment.

Paula Schnepf, project could set a precedent. Need public comment input.

Hilda Haye, ok with changes.

- The Subcommittee finds that the landscaping along the South Street frontage on the proposed plans for Regulatory Agreement 2022-002 is not sufficient. The Subcommittee recommends enhanced, more robust landscaping at this location.

Item No. 3

Comments -

Chair Stephen Robichaud, any more plantings preferred. Will help ease the large structures.

Paula Schnepf, Hopes more landscaping possible.

- Regulatory Agreement 2022-002 Section 21 states the “Developer will provide three (3) offsite Housing Rental Units (65% Median Income Qualification) which will be restricted in perpetuity”. The Subcommittee understands that a payment in lieu of providing affordable onsite units is a mechanism many communities use to produce affordable housing. However, the Subcommittee finds that there would be a significant gap between the market rate units projected price points and the regulated affordable price point which may render a project uneconomical. The Subcommittee recognizes the request for a waiver to allow for off-site rental units to meet Chapter 9 Article I of the General Ordinances, Inclusionary Affordable Housing. The Subcommittee finds that while three inclusionary affordable units meet the formulaic requirement, there is no description as to the kind and quality of the offsite rental units. The Subcommittee recommends that prior to any recommendation by the Planning Board, the Applicant shall provide full detailed plans and specifications for the proposed units. In addition, given the likely discrepancy between the luxury waterfront condominiums proposed on-site and the potential rental units provided, the Subcommittee recommends a greater number of inclusionary units than the minimum provided. The Subcommittee recommends a mix of unit types with a maximum of one, one bedroom unit, a minimum of one, three bedroom unit and the balance two bedroom units. The inclusionary housing unit plans should be included as Exhibit B of Regulatory Agreement 2022-002. In addition, the Subcommittee recommends that all LIP/LAU applications for the inclusionary housing units required for this Site shall be submitted to the Massachusetts Department of Housing and Community Development prior to a Building Permit being issued for Dockside Condominiums. As well as all lotteries and marketing for each inclusionary housing unit shall be completed prior to the first occupancy permit being issued for Dockside Condominiums.

Item No. 4

Comments –

Chair Stephen Robichaud, have received some additional specification. Let it be known regulatory agreements have not stood up in the past to the language as written. Occupancy permit – having a percentage on line before bldg. permit issued. Concerns with this.

Stuart Bornstein explains process of occupancy permits– affordables. Have two empty units due to a housing problem with lottery and State regulations.

Jen Cullum, need to follow up on regulatory agreements, should speak with Town Manager and Bldg. Commissioner.

Steven Costello, clarifies the units that are empty, affordables? What is the issue?

Stuart Bornstein, units at 319 Main St., Hyannis.

Aaron Bornstein, 319 Main St., affordable units, a one bedroom and a two bedroom. There has been no one that can run a lottery for these units. Working with Plymouth to get those done, and get the lottery done to fill these.

Paula Schnepf – affirmative marketing. Should tie this together with regulatory agreement. Maybe a money issue.

Attorney Kenney, says have had difficulty here in Barnstable. Need someone to run the program.

Chair Stephen Robichaud, required for offsite what is required for occupancy?

Paula Schnepf, what a fee in lieu would be for this project – if not on site units?

Jen Cullum, also the 2 bedroom suggestion.

Steven Costello, equates to 4 - 2 bedrooms and a single bedroom.

Chair Stephen Robichaud, what does it take to create 3 offsite bedroom units?

Jim Kupfer, affordability gap – housing planner has looked at. Payment in lieu, within inclusionary. Take market rate and the difference and that is the price point.

Paul Schnepf, preferable to get the units. Mitigation fees.

Stuart Bornstein, \$114,000 a unit in Yarmouth. We pay for the advertising and marketing to get it done and qualified.

Jen Cullum, difference between affordable and luxury. Different net cost.

Jim Kupfer, maybe offering fee in lieu option and difference of affordability gap and how made up. All affordable units to be 2 bedroom or greater with at least a three bedroom. Minimum being no less than that. Prior to building permit having LIP and application in, so in the works to achieve the units. Lottery and fair marketing prior to occupancy. Minimum of 9 bedrooms. A single one bedroom affordable unit. Cash bond if can't get electrical component –

Jen Cullum, should be fair and detailed and no occupancy until agreement is fulfilled.

Stuart Bornstein, had a conversation about advertising for 319 Main Street. Mary Waygan, indicated didn't see a problem. Cash bond to offset if something happens, if can't get electrical component in? Whatever thinks should be. There are no three bedrooms.

Paula Schnepf is this regulatory agreement transferrable for another party?

Jim Kupfer, yes. It would be in the regulatory agreement. If changed it would need to come to Boards for approval.

Elizabeth Jenkins, a regulatory agreement is a contract between applicant and the Town. Has a provision in there as well.

Paula Schnepf, maybe can do a virtual meeting to get all finalized? Review revised Findings.

Jim Kupfer, timing for affordables would need to add something referencing that.

Paula Schnepf, legally within our right to hold up an occupancy permit. Bond or letter of credit for performance.

Elizabeth Jenkins, would have to get LIP application in, takes 6 months to get through. Then marketing lottery.

Hilda Haye, construction on hold – maybe give extra time if issues come up with construction.

Discussion regarding permits and occupancy. Time tables.

- Regulatory Agreement 2022-002 Section 25 describes the requested use of the School Street right of way for parking purposes. The Subcommittee finds that if access is granted, the regulatory agreement shall stipulate that the Dockside Condominium shall professionally manage and maintain School Street between South Street and the Harbor so that accessibility for emergency services is available at all times and no unauthorized parking occur in these spaces.

Item No. 5

Comments –

Chair Stephen Robichaud, important to keep the road open. Are parking spaces on the road?

Dan Ojala, two. Need to have a license granted from the Town. Hospital has one. Would have to be added to the agreement. Would have to get an Exhibit. Would be for exclusive use for the condominium people.

Jim Kupfer, review of parking/street parking – need the way to be professionally managed. Won't block emergency services.

Paul Schnepf, possibility to have a circular drive off to one side to allow for deliveries. Traffic flow is not optimized.

Dan Ojala there is a managed shoulder, refers to Site Plan, he shows the area, Exhibit B. Drop off area, outside of the traveled way. Dead end here.

Paula Schnepf – Town way to water ban. Is any of that public?

Jim Kupfer, Town uses for emergency boats, small walkway town owned.

Elizabeth Jenkins, public access. Half public and Steamship Authority.

- The Subcommittee finds that the Dockside Condominium is not an appropriate location for short-term rentals. The Subcommittee recommends an added stipulation that the Homeowners Association's governing documents shall include a provision that this Site shall allow only one rental, per unit, per calendar year, for no less than 30 days. The Homeowners Association's governing documents shall be submitted to the Barnstable Town Attorney for review and compliance with this regulatory agreement.

Item No. 6

Comments -
Short term rentals

Attorney Kenney need to add to the agreement.

Paul Schnepf, likes idea of one rental per year.

Steven Costello – one per 30 days.

Jen Cullum, does the Planning Board have any on site visit scheduled? Would like this to happen.

Chair Stephen Robichaud, we recommend that all visits be done in small groups in the past. One owner per year for a min of 30 days for rentals.

- The Subcommittee finds that with these changes, section B(2) Regulatory Agreement 2022-002 shall be updated to reflect new plans and documents.

Item No. 7

Comments –
Final Comments

Stuart Bornstein, 9 bedrooms, in lieu – would like to condition to 8 bedrooms instead of 9.

Steven Costello thinks 9 would be a minimum.

Chair Stephen Robichaud, 310 Barnstable is not set up for 3 bedrooms. State one 1 bedroom and the rest 2 bedrooms.

- The Subcommittee finds that with these changes, section 23 of the Regulatory Agreement shall be updated to reflect new waiver specifications.

Adjournment

Motion made by Steven Costello to adjourn, seconded by Jen Cullum,

Roll Call Vote:

Steven Costello - aye

Paula Schnepf - aye

Hilda Haye - aye

Jen Cullum - aye

Stephen Robichaud - aye

Future Meetings:

TBD – virtual/Zoom meeting possibility

The meeting adjourned at 9:52 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 – Draft Findings

APPROVED