



Town of Barnstable Planning Board



www.town.barnstable.ma.us/PlanningBoard

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

Town of Barnstable PLANNING BOARD Minutes October 24, 2022

Stephen Robichaud – Chairman	Present
Robert Twiss, Vice Chairman	Present
Tim O’Neill – Clerk	Present
Mary Barry	Present
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/84501260025>

Phone: 888 475 4499 US Toll-free

Meeting ID: 845 0126 0025

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

Ray Sexton

Tim O’Neill

Bob Twiss

Michael Mecnas

Steven Costello

Mary Barry

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: General - None

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 redevelopment consists of twenty-two (22) 3-bedroom units and twelve (12) 2-bedroom units. A total of 70 parking spaces will be provided. (Majority of members present and voting) *continued from August 8, 2022, in order to form a sub committee and continued from September 26, 2022 and October 3, 2022*

Chair Stephen Robichaud gives an update on the Subcommittee process. Shares screen/slideshow. Exhibit A. Summary Recap presentation. Five members. Had 4 meetings. Presentation from Applicant. Heard from Dept. heads. Update and review of draft findings. Now have a final review of draft findings. DPW recommendations. Improvements/sidewalks.

Jim Kupfer, the widening of sidewalks to 8 ft. stems from the open space plan. Seeking to make connections for multi use paths. Key section. Over time built out to enhance multi mobile path for all users in that area.

Height – Initially 72 ft. but has been revised to 65 ft. Revised, roof different, brought the height down. Harbor views shown. School St. view shown. Comparisons to other buildings with revised height. Cell tower, Town Hall, Cape Cod Hospital. Landscaping, committee wants more robust landscaping. Bring in as much green space as possible.

Affordable housing, biggest topic for subcommittee. Payment in lieu. Offsite rental units. Full details for all proposed offsite affordable units. Greater number than the minimum required. Recommending a minimum of 9 bedrooms, 5 off site affordable units. School Street Access. On site maintenance for. Views from overhead shown. Street parking and dedicated turnoffs. Not appropriate for short term rental, one per year, duration no less than 30 days.

Ray Sexton, two concerns; providing as many affordable housing units as we can. More important the number of units, not bedrooms. Should have a public good/minimum 6 front doors – offsite facility. Built to substantial standards. Why does it have to be as high as it is, even with reduction is still twice as high as standards allow in this area.

Stuart Bornstein in attendance. The infrastructure cost. Spending close to a million on sidewalks and the elevators cost so much extra to hold the building and we need that many units to pay for this/itself.

Underground parking. 8 elevators in the building, they have increased the cost.

Attorney Kenney, the structure itself is high end luxury units, the details are expensive as well. Parking underground expensive also.

Ray Sexton, want to be Cape Cod Hyannis Harbor, not Miami Beach. Appreciates the financial explanation.

Tim O'Neill, watched the Subcommittee meetings. Any offsite housing, clarifies how many. Thinks is a good start. Comment letters. Concerns over the traffic and road layout specifically on School Street and on street parking. Access to waterfront.

Bob Twiss, commends subcommittee and applicant for working together. Two issues; Affordable housing, front doors, not so much bedroom count. Want to get more than 5 families off the street, 6 units should be part of the agreement. Huge number of waivers. Thinks appropriate for Town to balance by getting a higher number of affordable units. Minimum of 6 units is where we should be starting at if not more. The height. Huge deviation. Has made a significant adjustment. Hard to get a feeling in an abstract, possibly a visual balloon or crane test? To see what the height would be and could actually see where would be.

Chair Stephen Robichaud agrees – possibly doing a visual aid.

Michael Mecnas, number of affordable units is a concern. Would like to hear what the public has to say about this.

Mary Barry, appreciates the presentation and Subcommittee work. Concerns – waivers and affordable housing and parking. Would like when HOA implemented – to have to continue with any agreements with the property?

Jim Kupfer, yes, correct.

Steven Costello, when Subcommittee discussed, there was a discussion about 3 bedroom units. Thinks more units could definitely be asked for. Height. Field trip/visual to the site. Practical logistics. Delivery concerns and have a pull off to allow for these types of vehicles. South Street backing up.

Stuart Bornstein, they had submitted a picture of a 4 story building. Kept the height pretty good and because have the underground garages.

Chair Stephen Robichaud, site visit potential. Tour the site, ask questions .

Jim Kupfer, no deliberation. Send out limited invites. Review, walk around. Questions would have to be saved to be at a public meeting. Could put together a crane visual.

Public Comment

Cheryl Powell in attendance. Apologizes for not being at Subcommittee meeting. Letters get to the Board members. Mugar at Cape Cod Hospital is set back and not in Historic District. Look at appropriateness of the area. 2.5 stories is what's acceptable, we have guidelines. Revised renderings, does it need to come back to Hyannis Main Street Waterfront Historic District Commission (HHDC)? Issues with abutter notifications. A revised rendering should come back to HHDC for what is now a different proposal.

Laura Cronin in attendance. Opposes the site and project as it is now. Too big and too dense for that location. Height is still over 2.5 allowed even with revisions now. Comparisons of buildings in the area. Waterfront would be much higher, 6 or 7 ft. So many waivers. What if not able to comply due to materials, shortages etc. New renderings are very different. This developer has had this property like this for many years. He did not take care of the property. Affordable housing units, agrees with the Board to get some of these units. Project is too large and too bulky.

Benjamin Surro in attendance. 89 Lewis Bay Rd. The parking issue is his concern. Where do all the visitors park? Our lot is very full. How/where?

Marie LeBlanc in attendance. 89 Lewis Bay Condo Association. Was approached by Mr. Bornstein to rent some spots to his overflow parking. They did not accept his offer. They tow on a regular basis. Speeding and turning in wrong direction. More congestion would be a problem. Anchor Inn has sold. They did not go up higher because of parking situation.

Craig Tamash in attendance. A lot of traffic on School Street. No place to go, dead end, no place to turn around. Right of way is 33 ft. intersection 22 ft. with the sidewalks, is this adequate for the trucks. There is no on street parking now because too narrow and too much traffic. Parking manager? Condo board, what will require them to still have a parking manager, what is the enforcement? Delivery trucks, landscapers, maintenance people where park when working here? Maybe this project isn't the right place for this height.

Attorney Lawler in attendance. Attended all the meetings and Subcommittee meetings. He represents the Marina. 4 story buildings in the area and comparison – these are flat style roofs. Very important to consider with the precedent this type of project would bring. This lot was purchased over 20 years ago. The front was sold off. Needs extra relief so can build high end. Going up 5 stories on one of the highest points on the harbor. Visual impact would be good to do/crane. 22 ft. up on a high hill. Parking. Seeking 32 waivers. This zoning was created for 2.5 stories for height. Bedrooms look at for calculating the parking. 6 spaces blocked in. Million dollar units being sold to wealthy people. 90 bedrooms with 70 parking spaces. 10 are on the street. Plans start at South St, but don't encompass the bottom of the street. Trucks pull down there, as well as a lot of foot traffic. This is a problem today. Where do they go? Where do maintenance people park in order to work, cleaners etc. From June 15th to Sept. 15th will be a problem time. The impact with this project. Lewis Bay was a regulatory agreement and they have parking issues. Fire and Rescue can't get to people who may need help. Too much density. Need to preserve it. Way too much for this area. Opposition.

Wayne Kurker in attendance. The beauty of the harbor is much more important than a project like this. This is going to be the first thing people see coming into our harbor. Tallest building on the tallest point. This is more than twice as high as allowed in the District. Lewis Bay has to tow all the time. Management there all the time from the parking. Delivery issues. Everyone knows he needs the parking spaces here. Can't be directing traffic for these issues. Highest point on the harbor. Visual is a great idea. Traffic flow down hill is bad. Fire Dept. has hard time. Too much density for the neighborhood.

Motion made by Mary Barry to continue Regulatory Agreement 2022-002 Dockside Residence, 110 School Street and 115 School Street to November 14, 2022 at 7:00 PM. , seconded by Steven Costello, Roll Call Vote:

Ray Sexton - aye

Tim O'Neill - aye

Bob Twiss - aye

Michael Mecnas - aye

Mary Barry - aye

Steven Costello - aye

Stephen Robichaud - aye

Zoning Amendments:

Proposed Zoning Amendment – TC Item No. 2023-023 - The proposal is to amend Chapter 240 Zoning, Article III, § 240-39 Shopping Center Redevelopment Overlay District by repealing and replacing the existing zoning ordinance to allow for mixed-use development including multi-family dwellings, hotel and office uses with specified parking and dimensional requirements within the overlay district. In addition, the proposed amendment incorporates affordable housing requirements for multifamily dwelling development, updates parking requirements for retail and regional shopping centers, updates landscape requirements, and updates Special Permit provisions and procedures among other proposed amendments – *continued from September 26, 2022 and October 3, 2022* (Majority of members present and voting for recommendation to Town Council)

Attorney Eliza Cox in attendance.

Tim Fox, Simon Malls in attendance.

Attorney John Kenney in attendance.

Attorney Cox gives an update from the last meeting. Since last hearing have had several communications regarding a potential inter connect. Attorney Kenney made a draft. These conversations are ongoing

Chair Stephen Robichaud, great to hear about conversations ongoing.

Ray Sexton, affordable housing formula. How will it work here?

Jim Kupfer, section which references affordable housing is a two part section. Affordability is key and producing affordable housing is important and recent zoning changes to change to 13% affordable housing. Will meet the town's inclusionary at 10% now, but through the SCROD will provide - 13%. Will help in meeting our goals in affordable housing. Examples of how it would work.

Ray Sexton, both current and proposed prohibits drive through, correct?

Jim Kupfer, yes, specific, sub zone.

Tim O'Neill, Glad to hear talks ongoing with the abutting area issue. Great update to the area/zoning. Good to promote density and development and flexibility with tenants and space.

Bob Twiss, productive to wait for parties to discuss. Recommend to adopt it.

Michael Mecnas, likes the project, move along.

Mary Barry, good project. Change is good for this area.

Steven Costello, in favor from the start. If housing isn't part of component, still pleased to hear that discussions are ongoing/moving forward.

Chair Stephen Robichaud, mixed use is good and good modification to the area. Housing should come out of this. Good that dialogue in going on. All about housing.

Mary Barry, asphalt here, hope some consideration to making more of a landscaped area/greenspace.

Attorney Cox, one of the changes is incorporating more landscaping beyond what currently by law requires.

Public Comment:

Attorney Kenney. Easement issues. Dates to 2009. Bill Jackson in 2011, had negotiations. Became a license by Simon Mall. There were some bad feelings for a while. Jeff Balise bought the property. Easement discussions, no response - 2018, still studying the documents until today. Land lease, how will develop if don't have access. Take the easement and give 120 days notice, can cancel. Once zoning goes through, if zoning passes Fresh Holes road will open up again. There will be increased traffic. What community benefits are coming with this Zoning? We will get a less safe traffic flow. Suggest to amend the map and add his client's property to it, not something that can be canceled in 120 days. Someone should have come to his client about this. Simon properties closed the curb cut and are refusing to grant access to use the infrastructure at Route 28. Amend this and add his client's property.

Jim Kupfer, amendment to the map would be separate zoning. This is for text.

Attorney Kenny, yes it would delay, but what is the public benefit to the Town. Have no leverage if this gets passed through. Need an easement. This would be a license.

Chair Stephen Robichaud, those deliberations would be separate from what is before us now. Housing is the public benefit.

Attorney Cox, traffic impacts/flow. This isn't the time to do that. When project proposed there will be time for this type of review. The impacts are looked at, at that time. And the Zoning permit if this is needed. This is the beginning of a potential process.

Steven Costello, what would be the impact if those parcels are not added to the map? Any detriment? If these parcels are included – how does it make it a better use?

Jim Kupfer, impacts may come down to really what is developable on the site. Density on the site. If in the overlay district may limit. Curb cut on Route 28 would come down to once an actual site plan review done. Would have to look at the traffic impact at that time. Always good to make the connectivity. May be a little premature to tell within the overlay. Staff can work with the property owner to assist in achieving what ultimate goals are.

Steven Costello, not in favor of doing/recommending this tonight. Doesn't see the urgency.

Ray Sexton, what is the downside of delaying the vote tonight – will be a separate item to amend the map? Will we hold off until that such time in order to maximize the public good to incorporate both parcels, how long would that take? Worthwhile to wait? The Planning Board does not mediate/private negotiations.

Tim O'Neill, want to promote the development. Can't regulate all. A lot of options in the future to place parcels into the zoning, plenty of options.

Bob Twiss, if amendment to the map, which included this land/parcels, wouldn't we still be in the exact same situation with the parking lot?

Chair Stephen Robichaud, yes.

Michael Mecnas, thinks great project, ready to move forward.

Mary Barry, should move forward. Understands the situation. We would still be in the same position.

Tim Fox, Simon Malls. Had conversation with Attorney Kenny and keeping communications going.

Chair Stephen Robichaud entertains a motion to close the public hearing, moved by Bob Twiss, seconded by Tim O'Neill,

Roll Call Vote:

Ray Sexton - aye

Tim O'Neill - aye

Bob Twiss - aye

Michael Mecnas - aye

Mary Barry – aye

Steven Costello - aye

Stephen Robichaud - aye

Chair Stephen Robichaud entertains a motion to recommend, moved by Tim O'Neill to recommend Zoning Amendment TC Item No. 2023-023, as presented to Town Council, seconded by Ray Sexton,

Roll Call Vote:

Ray Sexton - aye

Tim O'Neill - aye

Bob Twiss - aye

Michael Mecnas - aye

Mary Barry - aye

Steven Costello - nay

Stephen Robichaud - aye

The motion passes 6 to 1.

Staff Updates

Local Comprehensive Plan

Kate Maldonado in attendance. Gives an update. Have achieved meetings and gone to several venues. LCP discussed with parents out in the field to get insight. Civic Association meetings. Public /community areas, what can do to improve and enhance. Bob Twiss has helped, thank you. Suggest Board visit LCP.com. next meeting this Thursday, Oct. 27th, via Zoom. To provide a presentation, goals and strategies in 2010 LCP. Next steps for engagement. Promote soon to be released survey, next Monday. Staff will be on Main St. handing out candy and fliers to engage our residents. Spread the word. Trying to get as much feed back as we can.

Correspondence

Chapter 91 Notice – 49 Main St., Centerville – Pier extension/Glen Lane Trust

Chapter 91 Notice – 707 South Main St., Barnstable – Pier/float/Gavin Trust

Matters Not Reasonably Anticipated by the Chair

Approval of Minutes

September 26, 2022, draft minutes

Chair Stephen Robichaud entertains a motion to approve Sept. 26. 2022, draft minutes, moved by Mary Barry, seconded by Michael Mecnas,

Roll Call Vote:

Ray Sexton - aye

Tim O'Neill - aye

Bob Twiss - aye

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

October 3, 2022, draft minutes

Chair Stephen Robichaud entertains a motion to approve the draft minutes of Oct. 3, 2022, moved by Mary Barry, seconded by Michael Mecnas,

Roll Call Vote:

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

Future Meetings: November 14th and November 28th, 2022, @ 7:00 p.m.

Adjournment

Chair Stephen Robichaud entertains a motion to adjourn, moved by Mary Barry, seconded by Michael Mecnas,

Roll Call Vote:

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

The meeting adjourned at 9:22 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>