



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 August 22, 2022

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|------------------------------|---------|
| 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, 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/89822630699>

Phone: 888 475 4499 US Toll-free

Meeting ID: 898 2263 0699

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

Mary Barry
Bob Twiss
Tim O’Neill
Steve Costello
Michael Mecnas
Ray Sexton
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 public/general public comment. None.

Special Permits:

Special Permit 2022-02, Maj Commercial Realty, LLC – 316 Iyannough Road, Hyannis, MA - seeks to amend Special Permit 2018-08 to alter and expand the existing building by expanding retail into the lower level of the existing building along with associated improvements at 316 Iyannough Road, Hyannis, MA 02601. As a result of the request to expand the retail square footage within the existing building the Applicant has requested relief from Section 240-24.1.11(A)(4)(a) in accordance with Section 240-56 for parking reduction, by providing 26 parking spaces where 63 are required. The Site is located at Assessors Map 328 Parcel 232, zoned Hyannis Gateway District and Wellhead Protection Overlay District. (Majority of Full Board)

Chair Stephen Robichaud entertains a motion to open the public hearing, moved by Mary Barry, seconded by Tim O’Neill,

Roll Call Vote:

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

Attorney Tardiff and Mark Woods in attendance. Attorney Tardiff gives an explanation, history of the proposal and the building; Remodeled second building. Reconstructed areas. Landscaping done. 2018 Special Permit was done for parking, and condition no. 6, states any change from the building use requires an amendment to the original special permit. Parking and building amendment. Two burst pipes in lower level, that areas was used for storage, damaged. Want to install heat and elevator to lower level, bathroom. Utility closet to sprinkler system. Flooring, sheetrock and new lighting. Will need recalculation of parking. Currently 26 spaces. Now with retail change the demand would be 63 spaces.

Mark Woods, Applicant. Falmouth store is 20,000 sq. ft. and 106 spaces. Wanted to have daycare there also, but did not do because of parking denied. They only use 17 spaces here. Have plenty of parking here now. This is a different retail perspective, based on consumer use. Would much rather see green scape as opposed to asphalt.

Attorney Tardiff, the spaces there now are more than enough, as is now. Not a lot of walkup, not same as any other retail space/use. The renovations will make things safer for his business.

Chair Stephen Robichaud asks for any public comment. None.

Mary Barry, clarification of floors/access currently. Airport agreement, is this shared parking?

Mark Woods replies where each level is. They have lease from the Airport, no designation.

Mary Barry, big improvement done here.

Tim O'Neill, doesn't think a flooring store is high traffic. Property looks great.

Steven Costello, no issue with parking, he can see how it is here.

Michael Mecnas, great job.

Stephen Robichaud, site is great, parking lot laid out fine, never seen it even half full. No concerns.

Chair Stephen Robichaud entertains a motion to close the public hearing, moved by Mary Barry, seconded by Michael Mecnas,

Roll Call Vote:

Mary Barry - aye

Bob Twiss - aye

Tim O'Neill - aye

Steven Costello - aye

Michael Mecnas - aye

Ray Sexton - aye

Stephen Robichaud - aye

Chair Stephen Robichaud entertains a motion, moved by Mary Barry to approve the Special Permit 2022-02 MAJ Commercial Realty, LLC with the following Findings:

1. The property location is 316 Iyannough Road, Hyannis, MA. 316 Iyannough Road, Hyannis is shown on Assessor's Map 328 as Parcel 232 in the Hyannis Gateway District and Wellhead Protection Overlay District.
2. MAJ Commercial Realty, LLC seeks a Special Permit pursuant to Section 240-24.1.11(A)(4)(a) in accordance with Section 240-56 for parking reduction, by providing 26 parking spaces where 63 are required.
3. The applicant has provided an executed lease agreement between the owner/applicant and the Barnstable Municipal Airport for the use of the abutting property, 290 Iyannough Road, for parking purposes.
4. The Planning Board finds that the issuance of the Special Permit is consistent with the Design and Infrastructure Plan and that the development meets the following criteria:
 - a. The development provides for the minimizing of curb cuts and driveways on Route 28 through a shared use for parking purposes with the direct abutting property.
5. The application falls within a category specifically excepted in the ordinance for a grant of a Special Permit. Section 240-24.1.11(A)(4)(a)[4] allows the Planning Board to reduce on-site parking requirements by Special Permit.

6. After an evaluation of all the evidence presented, the proposal fulfills the spirit and intent of the zoning ordinance and would not represent a substantial detriment to the public good or the neighborhood affected.
7. A Site Plan has been reviewed and approved by the Site Plan Review Committee. The conditions of Informal and Formal Site Plan Review shall be incorporated by reference as conditions of this Special Permit.
8. Lesser off-street parking is shown to be adequate given special circumstances including:
 - a. Supplementary parking provided off premises through a shared use lease agreement with the Airport.
9. The proposed repairs, alterations and/or expansion are not substantially more detrimental to the surrounding neighborhood.

seconded by Ray Sexton,

Roll Call Vote:

Ray Sexton – aye

Mary Barry - aye

Bob Twiss - aye

Tim O’Neill - aye

Steven Costello - aye

Michael Mecnas - aye

Stephen Robichaud - aye

Motion made by Mary Barry to accept the Conditions based on the Findings as read, and to accept as provided in the Staff Report, seconded by Bob Twiss,

Roll Call Vote:

Mary Barry - aye

Bob Twiss - aye

Tim O’Neill - aye

Steven Costello - aye

Michael Mecnas - aye

Ray Sexton - aye

Stephen Robichaud - aye

Zoning Amendments:

Proposed Zoning Amendment – TC Item No. 2023-011. Amending the Code of the Town of Barnstable, Part I, General Ordinances, Chapter 240 Zoning, ArticleV, Section 46, Home Occupation, and Article III Section 14, RC-1 and RF Residential Districts, Subsection (C) Conditional Uses, to Update Requirements Pertaining to Home Occupations (Majority of members present and voting for recommendation to Town Council)

Chair Stephen Robichaud entertains a motion to open the public hearing, seconded by Mary Barry,

Roll Call Vote:

Mary Barry - aye

Bob Twiss - aye

Tim O’Neill - aye

Steven Costello - aye

Michael Mecnas - aye

Ray Sexton - aye

Stephen Robichaud - aye

Elizabeth Jenkins in attendance, Bldg. Commissioner Brian Florence and Maggie Flynn, Site Plan Coordinator also in attendance.

Elizabeth Jenkins gives a briefing. Update the ordinance. Effort to bring down barriers. Manage Home occupancy by impact. First to allow by right. To allow for additional home occupation. 1995 was last time this was looked at. Since pandemic have seen quite a few from home occupations and use for. Presentation and mapping shown. Zones, some are by right, RF or RC1, they are required to go through a Special Permit process. This is a barrier. Trying to level the playing field. Red line of ordinance shown. Two categories. Within a single family dwelling. Giving more definition and clarity. Bldg. Commissioner will have to enforce the regulations. Restrictions, traffic generations, prohibition on toxic/hazardous materials. Prohibition on commercial vehicles. Regulating of commercial vehicles and limiting of signage, employees. Some alterations with selling of merchandise. Types of home occupations. Potential uses. Parking. Types of uses. Case by case basis. Planning Board did see at a previous workshop. Worked with coordination to sponsor the item. Will go to Town Council after Planning Board.

Building Commissioner, Brian Florence in attendance. Home occupation now has been predominantly builders, labor force, now it has changed very much. Artisans etc. Building has to almost always deny these applications. Section 240 46 prohibits. The application process is costly, not all can do this. Examples given. World has changed a lot since the original ordinance was put into effect. A lot of people work from home – home offices. The subject complained about the least is home occupations. Thanks all for looking at this important issue. This is a modern, comprehensive well done ordinance.

Maggie Flynn. Has one on one with citizens/individuals that want to do home occupations. There are currently 54 that have come in this year. 35 or so have dropped off, once they find what it entails. People recognize that this is a challenge and don't have the money for this.

Chair Stephen Robichaud asks for any public comment. None.

Chair Stephen Robichaud entertains a motion to close the public hearing, moved by Mary Barry, seconded by Michael Mecenias,

Roll Call Vote:

Mary Barry - aye

Bob Twiss - aye

Tim O'Neill - aye

Steven Costello - aye

Michael Mecenias - aye

Ray Sexton - aye

Stephen Robichaud - aye

Mary Barry, agrees with all. Requirement on real estate and insurance would not be allowed as opposed to accounting or legal?

Brian Florence, this is the carryover from the old ordinance.

Elizabeth Jenkins, it was added as a clarification that it is those types of offices that are being operated for admin purposes only. The restriction is coming to the home. Intent to limit the types where you have individuals coming to the homes. As long as can demonstrate it is administrative.

Maggie Flynn – as discussing only to be administrative at the home, but don't want to have clients coming into the home and dealing with parking, may need clarification that is administrative.

Brian Florence. Can make a clarification regarding public access.

Bob Twiss. This is what/how the world is today. Makes it fair in terms of entry requirements. A lot of people engaging in these types of businesses and we can't tell. Very thorough and complete.

Tim O'Neill. This is a no brainer. Get ordinance up to speed with today's culture and needs and giving the town and Bldg. Dept more control. Accessibility, well drafted.

Steven Costello, agrees with all.

Michael Mecenias. This is important. Thanks all.

Ray Sexton. The clarification about administrative functions for – and not interaction with clients/public. Is there a need to specify particular functions? Do we want to limit it, other things will probably become in the future.

Chair Stephen Robichaud, review of section Home occupations that are prohibited, prior ordinance had a list. Exhibit A - Propose foot note, see pg. 2 of redline version. Professional offices that provide public access.

Verbage – replace with something about professional offices that provide administrative services.

Brian Florence. Footnote no. 2.

Chair Stephen Robichaud thanks all involved. Want it to be fair and easy. If this does pass would it be possible to draft a template letter to be sent to people that were denied and let all know of the new ordinance?

Maggie Flynn replies, maybe recapture and is open to get in touch with people. Have been telling people that this may come to be.

Chair Stephen Robichaud entertains a motion, moved by Tim O'Neill to recommend TC Item No. 2023-011, as amended, with the amendment; under section 15 striking out item c and replacing with footnote no. 2, without the words real estate or insurance to Town Council, seconded by Mary Barry, Roll Call Vote:

Mary Barry - aye

Bob Twiss - aye

Tim O'Neill - aye

Steven Costello - aye

Michael Mecenias - aye

Ray Sexton - aye

Stephen Robichaud - aye

Staff Updates

Local Comprehensive Plan

Elizabeth Jenkins, the second meeting will be this Thursday, 25th at 6 p.m. in the Hearing Room. Committee housekeeping. Community engagement plan. Vision statement for the plan. Town of Barnstable, what's important how to see 20 years from now. Roadmap for the first phase. Document that will change as we go through the process. Encourage all to look at.

Ray Sexton, status update on housing dashboard that will depict progress in addressing the affordable housing issue.

Elizabeth Jenkins - Keep a tracking report online and update periodically. Affordable Housing Trust , how to promote funding there and where the needs are. Will Look into that.

Ray Sexton, a menu of metrics, talked about various candidates. Progress for this.

Elizabeth Jenkins, moving forward - Housing needs Assessment and Housing Production Plan. Gearing up for this.

Dockside Subcommittee Update

Elizabeth Jenkins – Staff working with Town Attorney and Town Council to get this group established. We have not yet scheduled a first meeting, but in progress, there will be public notice as well. Will keep updates on the P & D website/page.

Chair Stephen Robichaud, will represent by two members, himself and Steven Costello and Town Council will have two members as well.

Matters Not Reasonably Anticipated by the Chair

Approval of Minutes

August 8, 2022, draft minutes

Chair Stephen Robichaud entertains a motion to approve the draft minutes of August 8, 2022, moved by Bob Twiss, seconded by Ray Sexton,

Roll Call Vote:

Mary Barry - aye

Bob Twiss - aye

Tim O’Neill - aye

Steven Costello - aye

Michael Mecnas - aye

Ray Sexton - aye

Stephen Robichaud - aye

Future Meetings: September 12, and September 26, 2022, @ 7:00 p.m.

Adjournment

Chair Stephen Robichaud entertains a motion to adjourn, moved by Steven Costello, seconded by Mary Barry,

Roll Call Vote:

Mary Barry - aye

Bob Twiss - aye

Tim O’Neill - aye

Steven Costello - aye

Michael Mecnas - aye

Ray Sexton - aye

Stephen Robichaud - aye

The meeting adjourned at 8:07 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 – Draft ordinance - Proposed Zoning Amendment – TC Item No. 2023-011

APPROVED