



# Town of Barnstable Planning Board



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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](mailto:karen.herrand@town.barnstable.ma.us)

## Town of Barnstable PLANNING BOARD Minutes September 12, 2022

Stephen Robichaud – Chairman	Present
Robert Twiss, Vice Chairman	Present
Tim O’Neill – Clerk	Present
Mary Barry	Present
Steven Costello	Absent
Michael Mecenas	Absent
Raymond Sexton	Present

*Also in attendance via remote participation were Planning & Development Staff; 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/86993841814>

Phone: 888 475 4499 US Toll-free

Meeting ID: 869 9384 1814

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](mailto:Karen.herrand@town.barnstable.ma.us) or calling 508-862-4064.

**Call to Order**

Introduction of Board Members and Staff Members

**Attendance**

**Bob Twiss**

**Mary Barry**

**Tim O’Neill**

**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 for any general public comment – None.**

**Approval Not Required:**

**Wilkins Lane Properties LLC c/o New England Development** have submitted a request for an approval not required plan entitled “Approval Not Required Plan – 35 Wilkins Lane, Assessors Map 296 Lot 39, Hyannis Massachusetts, prepared for Wilkins Lane Properties LLC – 75 Park Plaza, Boston, Massachusetts, 02116, Tel. (617) 243-7843, dated August 16, 2022”. (Majority of Full Board)

Attorney Michael Ford in attendance, representing the applicant/owner. He explains to reconfigure two lots on Wilkins lane, 23 and 3 acres. Create new lots. Frontage on Wilkins Lane and frontage from both Kidd’s Hill and Wilkins Lane. Cape Cod Commission (CCC) review, under a development agreement, approved by them. Lot 3 will be the site of Hanover residences, also approved by CCC. Meets provision for tract of land. Have filed a new plan with two changes, referred to, Exhibit A. Grading and construction easement. Easement has been recorded, this has been changed to reflect that, plan dated Sept. 6, 2022.

Ray Sexton asks if this is the site that was going to be used for medical, now a residence?

Attorney Ford, yes. Town did create a special sub zone over this area so residences could be put in.

**Chair Stephen Robichaud entertains a motion, moved by Tim O’Neill to endorse the plan entitled “Approval Not Required Plan 35 Wilkins Lane” prepared for Wilkins Lane Properties LLC, drawn by DiPrete Engineering dated September 6, 2022, as an Approval Not Required Plan, seconded by Mary Barry,**

**Roll Call Vote:**

**Bob Twiss - aye**

**Mary Barry - aye**

**Tim O’Neill - aye**

**Ray Sexton - aye**

**Stephen Robichaud - aye**

**Special Permits:**

**Special Permit No. 2022-003 - Ronald Bourgeois, Owner, Our Child, LLC, 233-239 Barnstable Road, Hyannis, MA 02601,.** The Applicant proposes a change of use. The As a result, 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 51 parking spaces where 78 are required. The Site is located at Assessors Map

310, Parcel 170, zoned Hyannis Gateway and Wellhead Protection Overlay District. The subject property is within the Hyannis Village zoning districts. (2/3 Majority of Full Board)

**Motion made by Bob Twiss to open the public hearing, seconded by Ray Sexton,**

**Roll Call Vote:**

**Bob Twiss - aye**

**Mary Barry - aye**

**Tim O'Neill - aye**

**Ray Sexton - aye**

**Stephen Robichaud - aye**

**Ron Bourgeois in attendance. He gives** an explanation of the application. Layout of the bldg. A rental store has moved out and there is a party store there now. Gigi's beauty is now where the accountants office/unit was. They will need about 10 to 15 spaces, and especially on Saturday. Second floor has accounting, 10 employees. These are the occupants. Half acre lot next to it, could make a condition to put an easement for 9 or 10 spaces in perpetuity with the property going forward.

Chair Stephen Robichaud clarifies, now 42 spaces? Confirms maximum of 45 needed? Possibly offer a special permit for 43 rather than 52. Leave native trees in place and for simplicity.

Bob Twiss, would 43 be adequate?

Ron Bourgeois, yes.

Bob Twiss refers to Staff Report, Exhibit B. Specify spaces, special condition for an easement.

Mary Barry, is the Bldg. Commissioner going to approve without the 9 additional?

Jim Kupfer replies, he has gone through Site Plan and Bldg. Commissioner did state that he was short on parking, in order to move forward. Special Permit would then be handed to Bldg. Commissioner to demonstrate.

Mary Barry, reduction is for the business uses as sited in this application – as long as how it is now?

Jim Kupfer, may need to be adjusted

Tim O'Neill, agrees to try to keep as is and not clear cut/keep green space. If any businesses change should be appropriate that Board looks at again.

Ray Sexton, how big is the lot on Grove Street? Looks like an extension/access on Mulberry. Can we get some kind of agreement for greenspace or something else?

Chair Stephen Robichaud, only a portion, not the whole property.

Ron Bourgeois, it's a half acre site. 70 x 230 ft. if got easement would affect 24 ft. of this. Still have about 200 ft. left.

Ray Sexton, big piece of property.

Chair Stephen Robichaud, edits to be made to the Findings – discussion of what to edit and Conditions.

**No public comment.**

**Chair Stephen Robichaud entertains a motion to close the public hearing, moved by Bob Twiss, seconded by Mary Barry,**

**Roll Call Vote:**

**Bob Twiss - aye**

**Mary Barry - aye**

**Tim O'Neill - aye**

**Ray Sexton - aye**

**Stephen Robichaud - aye**

**Chair Stephen Robichaud entertains a motion, moved by Bob Twiss, preliminary to adopt draft Findings, pg. 2 of Staff Report, dated Sept. 9<sup>th</sup>2022;**

**Draft Findings**

1. The property location is 233-239 Barnstable Road, Hyannis, MA. 233-239 Barnstable Road, Hyannis is shown on Assessor's Map 310 Parcel 170 in the Hyannis Gateway District and Wellhead Protection Overlay District.
2. The Applicant, Ronald Bourgeois, and Owner, Our Child, 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 51 parking spaces where 78 are required
3. The applicant has provided a site plan proposing an easement to the abutting lot at 139 Grove Street that the Applicant owns to provide expanded parking options.
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 or supports mixed use development where appropriate;
  - b. The development provides for the minimizing of curb cuts and driveways on Barnstable Road 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 easement with the abutting property.
  - b. Characteristics of use invalidating normal methods of calculating parking demand.
9. The proposed repairs, alterations and/or expansion are not substantially more detrimental to the surround neighborhood.

**Propose to adopt as read into the record, seconded by Mary Barry,**

**Roll Call Vote:**

**Bob Twiss - aye**

Mary Barry - aye  
Tim O'Neill - aye  
Ray Sexton - aye  
Stephen Robichaud - aye

**Motion made by Bob Twiss to approve with Conditions, subject to the Findings voted and amended as follows: Condition no. 3 shall read - shall allow for the reduction of parking required. The Applicant shall provide no less than 42 parking spaces where 78 are required, No. 4 deleted in entirety, Add a condition for use parking, - If at any time 233-239 Barnstable Road shall change a use that shall increase parking requirements in accordance with the Barnstable Zoning Ordinance at the Site, the Applicant shall be required to modify this Special Permit, seconded by Mary Barry,**

**Roll Call Vote:**

Bob Twiss - aye  
Mary Barry - aye  
Tim O'Neill - aye  
Ray Sexton - aye  
Stephen Robichaud - aye

**Conditions As Amended and Finalized Below**

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1. The subject property shall be maintained and the parking shall be located as shown on the existing conditions on the record plans entitled "Plan of Land #235 Barnstable Road" dated July 19, 2022, by BSC Group.
2. This Special Permit shall apply to 233-239 Barnstable Road, Hyannis, MA, Applicant, Ronald Bourgeois, and Owner, Our Child, LLC, Map 310 and Parcel 170.
3. This Special Permit Modification shall allow for the reduction of parking required. The Applicant shall provide no less than 42 parking spaces where 78 are required.
4. Informal and Formal Site Plan Review conditions of approval are hereby incorporated into this Decision.
5. The proposed redevelopment shall represent full build-out of the lot. Further expansion of the structure is prohibited without prior approval from the Board.
6. This Decision shall be recorded at the Barnstable County Registry of Deeds and copies submitted to the Planning Board and Building Division prior to the issuance of any building permit and commencement of use.
7. The rights of this Special Permit must be exercised within 2-years from the date it is filed with the Town Clerk's Office.
8. The Board determined that the 42 existing parking spaces are adequate for the uses proposed. If at any time 233-239 Barnstable Road shall change a use that shall increase parking requirements in accordance with the Barnstable Zoning Ordinance at the Site, the Applicant shall be required to modify this Special Permit.

**Staff Updates**

Local Comprehensive Plan

Kate Maldonado update – Committee working with Barrett Consulting Group. Engagement plan. Guidance for different levels of outreach, handouts, dialogue. Outreach. Developing a calendar. Thurs. Sept. 22<sup>nd</sup> at 6 in person in the Hearing Room. Can sign up for Newsletter. List of events.

Jim Kupfer, also working with Housing Production Plan and Housing Needs Assessment. A second consultant going through the data. Hoping for a robust response.

Chair Stephen Robichaud - Community Housing Forum.

Kate Maldonado, can pass out info, Adult Community Center, will follow up.

**Correspondence**

DEP Notice 153 Sea View Ave., Ost – McWilliams maintain existing stone revetment

**Matters Not Reasonably Anticipated by the Chair**

**Approval of Minutes**

August 22, 2022, draft minutes

**Chair Stephen Robichaud entertains a motion to approve the draft minutes of August 22, 2022, moved by Mary Barry, seconded by Tim O’Neill,**

**Roll Call Vote:**

**Bob Twiss - aye**

**Mary Barry - aye**

**Tim O’Neill - aye**

**Ray Sexton - aye**

**Stephen Robichaud - aye**

**Future Meetings:** September 26, and October 10, 2022, @ 7:00 p.m.

Chair Stephen Robichaud – Sept. 26<sup>th</sup> is a holiday, propose to continue Planning Board’s next meeting to Oct. 3rd at 7 p.m. in respect of the holiday,

**Error on Agenda - no meeting on Oct. 10<sup>th</sup>.**

**Adjournment**

**Chair Stephen Robichaud entertains a motion to adjourn, moved by Bob Twiss, Seconded by Mary Barry,**

**Roll Call Vote:**

**Bob Twiss - aye**

**Mary Barry - aye**

**Tim O’Neill - aye**

**Ray Sexton - aye**

**Stephen Robichaud - aye**

The meeting adjourned at 7:49 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** – Revised Plan dated September 6, 2022 - Wilkens Lane Properties LLC c/o New England Development

**Exhibit B** - Staff Report, Special Permit No. 2022-003 - Ronald Bourgeois, Owner, Our Child, LLC, 233-239 Barnstable Road, Hyannis, MA 02601,.

APPROVED