



Town of Barnstable Planning Board



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Board Members

Stephen Robichaud – Chair Robert Twiss – Vice Chair Tim O’Neill - Clerk Mary Barry Michael Mecnas Raymond Sexton Matthew Teague

Mathew Levesque – Town Council Liaison

Planning & Development Dept. Staff Support

Elizabeth Jenkins, AICP, Director

Kaitlyn Maldonado, Assistant Director

James Kupfer, AICP, Senior Planner

Karen Pina – Principal Assistant - karen.herrand@town.barnstable.ma.us

Town of Barnstable PLANNING BOARD Minutes October 16, 2023

Stephen Robichaud – Chairman	Present
Robert Twiss, Vice Chairman	Present
Tim O’Neill – Clerk	Present
Mary Barry	Present
Michael Mecnas	Present
Raymond Sexton	Present
Matthew Teague	Present

Also in attendance were Planning & Development Staff; James Kupfer and Karen Pina, Principal Assistant.

Call to Order

Introduction of Board Members and Staff Members

Notice of Recording

The meeting will be televised live via Xfinity Channel 8 or high definition Channel 1072.

It may also be accessed via the Government Access Channel live stream on the Town of Barnstable’s website:

<http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

General Public Comment - None

Regulatory Agreements

Shoestring Properties LLC has submitted an application for a regulatory agreement - RA No. 2023-02 – Docksides Condominiums - 110 and 115 School Street, Hyannis – Map/Parcels 326/121 & 125

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

Roll Call Vote:

Matt Teague - aye

Mary Barry – aye

Ray Sexton - aye

Bob Twiss - aye

Tim O’Neill - aye

Michael Mecnas - aye

Stephen Robichaud - aye

Jim Kupfer explains new application for a regulatory agreement. This board has done a lot of due diligence in the past for this project. Gives a history – 2022 for 110 and 115 in Aug of 2022. Subcommittee established for this previously. Site visit conducted. Height analysis done. Was re noticed and additional changes made. Planning Board (PB) reviewed and voted not to recommend. Since then applicant has requested to resubmit. We have reviewed the opportunity to resubmit with the Town Attorney, MGL section 16, Chapter 168 does not place limits on resubmission to the Planning Board. Site plan with updated zoning and draft regulatory agreement. Zoning citations due to the downtown Hyannis zoning initiative that has been implemented.

Chair Stephen Robichaud – correspondence received also.

Attorney John Kenney in attendance , representing the applicant, Patrick Nickerson, Dale and Mike from Gienapp Architects, Danny Gonsalves from Downcape engineering.

Attorney Kenney - The zoning has changed and this impacts the proposed development. Old vs the new. Kept some parking in which created a few waivers. Brand new zoning now. What can be built under the new zoning and what we can do as of right now. 110 & 115 School Street, old Dockside bldg. has been removed. 110 is the east parcel. Paved parking lot with 33 spaces. 115 is gravel lot, undefined curb cut, no landscaping. East, retaining walls will be demolished and removed. New bldg. containing 15 units. Underground parking spaces, refuse shed. All utilities placed underground. 5 ft. wide sidewalk and new drainage facilities installed. Overhead poles/utilities removed. 7 - 2 bedroom and 7 - 3 bedroom. 27 spaces under the bldg. Roadway between School Street removed. New pavement markings. Pedestrian lighting. Intersection of School and South street redeveloped. 6 new affordable at 310 Barnstable Rd. - 3 bedroom units. Condo association is being proposed. 29 luxury units. 70 parking spaces. Two 4.5 story buildings – 44 and 47 ft. high.

Mike Nee, Gienapp Architects in attendance. 5 units will have views of the harbor. Buildings are on a podium, parking not visible. Buildings are set back. Large luxury units. Mix of 2 and 3 bedroom, have a private elevator. Security controls – 8 elevators between the two parcels.
The movie is shown. A

Attorney Kenney, these buildings, need the extra floors/height, underground parking/safety issue. Elevators from the garage. Will provide certain benefits to the Town's infrastructure. Also, affordable housing. Any other benefit intended to serve proposed development to ensure preservation, community character. This project sets a new design sets the tone for the east end of Hyannis. Construction and benefits for Town. Underground utilities. Sidewalks improved as shown on DPW plans. Intersection improvements School and South Streets. Existing sidewalks removed and replaced with compliant sidewalks. Easement allowing public use. New water main, improve water pressure. School and South Street paved over, crosswalks installed as submitted on plans. Landscaping, lighting and street lighting. Increase in tax revenue. New street drains/stormwater. 29 electric car plug in units. Low water use fixtures and also affordable housing. Waivers being requested: Article 9, Section 240, Site Development – infrastructure plan. And with formal site plan review, development be reviewed by Bldg. Commissioner, asking waived, have had multiple meetings for this and had formal site plan also. Downtown Hyannis Zoning – frontage types – two types. May not exceed stories specified in each district – to allow to go to 4.5 stories. May not exceed max bldg. height, waiver to allow the east bldg.. and west bldg. Table. Parking standards – landscape buffer, spots along the east border. Have 70 only required to have 29. Will keep the extra parking for guests and in and out traffic. Landscaping – no landscape architect this time, Downcape Engineering can do this. Surface parking lot – min caliper trees. Front landscape buffer. 10% parking lot-underground parking. Size of trees, width and number of trees. Hyannis Harbor District – Bldg. standards. 19 ft., and 15.8 to allow for setback. Front setback, 7.3 for refuse shed and secondary set back for 115 . Side setback of 9.7 for 110 School. Rear setback of 8.9 for

115 School St. Asking for max of 4 stories in bldg. height – to allow 60.08 and 58.58 -Width and specified landscaping.

Affordable housing units. Deed restriction asking for offsite rental units. At 310 Barnstable Rd., 5 - 3 bedroom units. Certificate of Appropriateness (COA) waiver Feb. 16th 2022 went to this Commission. Planning Board is the principal party to negotiate regulatory agreements. Historic HHDC went to them and got approved and then got appealed, applicant does not want to go back to this Commission. Planning Board is the authority, no other board has authority to block the project before gets to this Planning Board.

Attorney Kenney – shows what has changed – comparison presentation. Density requirements are not here now with the current zoning. Lot coverage, can now have 90% lot coverage. Area around here has changed significantly. Hospital and Downtown District and Pleasant Street.

As of right with new zoning – alternative redevelopment shown.

Got denied for boat storage from Historic Commission. Multi family is best use for this property. This is not a harbor front lot(s).

Chair Stephen Robichaud opens up public comment.

Barbara Riggs, Lewis Bay condominiums. Parking is her concern. Traffic is a concern.

Jay Tracy in attendance. We are behind and thinks this project will enhance the area, it is very commercial looking now (the property/area). Needs to look better. Important to improve and make people want to come to Hyannis. A lot has gone into this project. Developer deserves consideration for this. In support.

Felicia Penn in attendance. We are also year round residents. This is a new application and stands on its own. Deny the waivers to by pass the Bldg. Commissioner and formal site plan review. All projects must be complete. Formal site plan and now plays a new role. No itemization on how this application differs. Frontage compliance, 8 types to comply with in the new zoning now.

Chuck Carey in attendance. Carey Commercial. Water front attracts the wealth. High end units here and is in support.

Attorney Mike Princi in attendance. New zoning to have higher density. This project is dramatically different. This Developer took the Cape Cod Times Bldg. and created nice apartments. Maintained the integrity of the building. This will be a spectacular entryway. Project will showcase what Hyannis is about. Hospital near this area, these people may become residents here as well.

Laura Cronin in attendance. Why coming before the Planning Board right now? Comparisons – the rezoning had nothing to do with the Harbor District. Nothing has changed with the Hyannis Harbor District. The density is still 2.5 height. Hospital doesn't have to comply.

Debra Dagwan in attendance. Concerns with the height restrictions. Buildings are beautiful, but the height concerns her. She is also an abutter. Chart House Village doesn't have any businesses there anymore. A lot of work has been done with the regulations. This is the fourth time this project has come back.

Roberta Mock, 80 Greenwood Ave in attendance. Shows a picture on her phone of the Dockside restaurant when she last visited there (this building no longer exists). Traffic concerns. History concerns. Light pollution concerns.

Denise Johnson in attendance, Zoning Board of Appeals member (ZBA). Told this was a state encouraged program. Preserving the environment and affordable housing are the main issues. This would take away from the Town.

Greg Schnipke in attendance. Parking concerns. Stay within the zoning and the rules. Make a park here.

Attorney Bernie Kilroy in attendance, business on School St. Lack of tax base in Hyannis. In support of the project.

Cheryl Powell in attendance, HHDC Chair. New application. Thinks should come back to HHDC for the aesthetics/exterior procedure. Hospital is not in the Historic District. Procedure. This is not what was approved, new application. HHDC preserves character.

Brian Dacey in attendance. Thinks the project is good. We need affordable housing. The lot has been sitting there empty, should have a construction committee and how long to build, we are going into tough times. In support.

Attorney David Lawler in attendance. Wayne Kurker in attendance/ Dockside Marina. References prior project, was well vetted. New application doesn't have as much information. 240A was to prevent people from coming back before 2 years. New zoning – parking regulations and parking concerns. This is not a project with a matter of right. Height was not changed in new zoning. There is talk about a harbor master plan with the Town. Traffic concerns. Sight lines from the Harbor.

Wayne Kurker in attendance. Dockside Marina owner. Development agreement needed. This is the highest spot in Hyannis Harbor. Shouldn't need 19 waivers. Parking concerns. This is an unusual street. Fire and police boat. Shows some pictures to the Board. Congestion down here a lot. Oil spills happen. Trash collection concerns.

Eric Schwaab in attendance. Lives in the neighborhood. In support of the project. Architecturally beautiful.

Chair Stephen Robichaud calls for a 5 minute recess.

Attorney Kenney – South Street traffic congestion, the previous restaurant generated much more traffic than these proposed condominiums. Development Agreement doesn't apply all across Town. Homeowners are not eligible for this type of agreement. Chapter 240 negotiation – reads as regulatory agreement is done. This does not have to come back to HHDC, Planning Board is the governing body. We don't have the same density requirements as before in the District. The Dockside is gone, this is private property, there is no public view. Greenery Bldg. is 61 ft. high. Parking regulations. This project will improve the process and access to the vehicles, cross walks. Tractor trailers - may need signage. Very wide curb cuts here.- 25 ft., plenty of room for garbage trucks. Affordable housing – giving double than what is required. Need a mixture of housing in Hyannis. This will be an improvement. Two major forms of relief. Have to have density.

Bob Twiss, these buildings are the same, even though new application. We have had many, many comments, think incorporate the administrative method in this proposal, so that people that spoke previously/will be memorialized into the record;

**Motion made by Bob Twiss to incorporate/memorialize public comments into the record, seconded by Ray Sexton,
Roll Call Vote:**

Matt Teague - aye
Mary Barry - aye
Ray Sexton - aye
Bob Twiss - aye
Tim O'Neill - aye
Michael Mecnas - aye
Stephen Robichaud – aye

Matt Teague - HHDC important to not de regulate this Commission. Would help and demonstrate that this is identical to what was presented – possibly a modification of previous application.

Atty Kenney, this application/reduced in height.

Matt Teague, some consensus would be important. Repetitive petition. Affordable component – intent of rezoning/inclusionary, by right would be required to do - additional affordable off site, increasing environmental inferior, this is the most detrimental. Has Conservation weighed in?

Atty Kenney, yes, have an order of conditions.

Matt Teague, drainage requirements. Lot coverage, see challenge in actual drainage, this is in AP district. Bldg. height, amend record from previous would be helpful to do section of bldg. Scale of the buildings some provision for some renewable energy sources, a lot of roof area, wind and solar, like to see some solar. Great enhancement, sets positive precedent to people that come here. Trend setter, exceptional standard. Parking – smart growth management, likes sub terrain parking. Doesn't think parking is a problem. People are intimidated by it, because of the scale of it. Could create some confusion as to what we looked at previously.

Ray Sexton, electric plug in's available to public?
Attorney Kenney, no.

Ray Sexton, how would two way street proposal affect the project?

Attorney Kenny, wouldn't affect at all, would be beneficial.

Tim O'Neill, re 310 Barnstable Rd., what happened to that project/plan, just units get applied?

Jim Kupfer, we did receive floor plans for the 5 units that are being proposed.

Tim O'Neill – how many total units? Is this project moving forward? Clarifies 10%.

Stuart Bornstein, 310 Barnstable Rd. is under construction, maybe sometime in February done. Can't get electrical equipment until May 2024, these will be done before this project/Dockside would be done. These units are all brand new. Have 28 units, 1/3 has gone affordable with this Dockside project. 12 month leases. Working with Housing lottery. Did not get any abatements, pay full taxes.

Tim O'Neill – what is 3 bedroom sq. footage?

Stuart Bornstein, 900 to 1300 ft., they use gas as well, not electric and laundromats in each area.

Matt Teague – in favor. Would like to see bldg. height, subterranean floor. And regulatory agreement overlap and HHDC district, clear determination if can be waived under the regulatory agreement process. Suggest continue and do not close the public hearing.

Tim O'Neill, have diagrams detailed and current. If anything changed at 310 Barnstable Rd. from plans filed with previous application and about the units in this bldg. so as to compare with this application.

Bob Twiss, continue. Ray Sexton, continue, not add infinite, like to see this wrapped up.

Mary Barry, discrepancy about HHDC would like clarification about if need to go or not. This looks like too much and hopefully something that can fit better into the zoning.

Chair Stephen Robichaud entertains a motion to continue, the Board needs additional information for consideration to continue RA 2023-002 Dockside Residence, 110 School Street and 115 School Street to October 23, 2023, at 7:00 PM., seconded by Michael Mecenias,

Roll Call Vote:

Matt Teague – aye

Mary Barry – aye

Ray Sexton – aye

Bob Twiss – aye

Tim O'Neill – aye

Michael Mecenias – aye

Stephen Robichaud – aye

Chapter 91 Notices

Notice - 183 Bay Street, Barnstable – Boselli – install/maintain expansion of float

Staff Updates

Local Comprehensive Plan

Jim Kupfer, meeting on November 30, 2023. Had great first session with the Committee.

Approval of Minutes

September 11, 2023, draft minutes

Chair Stephen Robichaud entertains a motion to approve the draft minutes of September 11, 2023, moved by Bob Twiss, seconded by Mary Barry,

Roll Call Vote:

Matt Teague - aye

Mary Barry – aye

Ray Sexton - aye

Bob Twiss - aye

Tim O'Neill - aye

Micheal Mecenias – aye

Stephen Robichaud - aye

Future Meetings: October 23rd and November 13th @ 7:00 p.m.

Adjournment

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

Roll Call Vote:

Matt Teague – aye

Mary Barry – aye

Ray Sexton – aye

Bob Twiss – aye

Tim O'Neill – aye
Michael Mecnas - aye
Stephen Robichaud - aye
The meeting adjourned at 9:54 p.m.

Respectfully Submitted
Karen Pina, Principal
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>

APPROVED