



# Town of Barnstable Planning Board



[www.town.barnstable.ma.us/PlanningBoard](http://www.town.barnstable.ma.us/PlanningBoard)

Board Members

Mary Barry – Chair   Stephen Helman – Vice Chair   Steven Costello - Clerk   Paul R. Curley   David Munsell   Fred LaSelva   Jeffrey Swartz  
John Norman – Town Council Liaison

Planning & Development Dept. Staff Support

Elizabeth Jenkins, AICP, Director  
Anna Brigham, Principal Planner  
Karen Herrand – Principal Assistant - [karen.herrand@town.barnstable.ma.us](mailto:karen.herrand@town.barnstable.ma.us)

20 JUL 27 PM 12:28

BARNSTABLE  
TOWN CLERK

## Town of Barnstable PLANNING BOARD Minutes October 23, 2017

Mary Barry – Chairman	Present
Stephen Helman – Vice Chairman	Present
Steven Costello - Clerk	Absent
Paul Curley	Present
David Munsell	Present
Fred LaSelva	Present
Jeffrey Swartz	Present

Also in attendance were Elizabeth Jenkins, Director and Karen Herrand, Principal Assistant, Planning & Development Dept.

**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.

**Approval Not Required Plans:** Cape Cod Five Cents Savings Bank has submitted an Application for an Approval Not Required Plan entitled “1520 Iyannough Road & 131 Attucks Lane, Barnstable, MA 02601” and dated October 13, 2017. The plan was prepared by Baxter Nye Engineering & Surveying, and stamped by Shane M. Mallon, PLS.

Shane Mallon of Baxter Nye was in attendance. He explains the combination of the parcels for Cape Cod Five Cents Savings Bank meet lot shape factor and frontage.

David Munsell asks what will happen with the old road. Reference to plan, and an old building that is there now. Is the building to the North being removed? Exhibit A.

Shane Mallon replies this will be an 81X plan, combined A, B and parcel 2. Notes this was an old cart road.

Attorney for Applicant, Andrew Singer, in attendance. He explains that the particular section of Old Strawberry Hill Rd. is being combined, part of ANR. Yes, the larger building is being removed.

**Motion made by Stephen Helman, to approve/endorse, seconded by Paul Curley, so voted unanimously.**

**Regulatory Agreements:**

**Capebuilt Pleasant Street, LLC** seeks to enter into a Regulatory Agreement with the Town of Barnstable to redevelop nine parcels with seven new multi-family residential structures containing sixty (60) total units with a total floor area of 22,252 square feet. The properties are located at 24, 28, 43, 44, 53, 56, 64 and 66 Pleasant Street and 86 South Street, Hyannis as shown on Assessor's Map 327 as Parcels 131, 245, 122, 133, 121, 143, 268, 135 and 137. The properties are zoned Harbor District and Hyannis Village Business District.

The Applicant proposes to construct seven, three-story multi-family residential buildings, one three-story building with two townhouses, and one building to be renovated into a community gathering space with two studio apartments above and an outdoor patio area. Six existing dilapidated structures will be demolished. Paved parking areas with new stormwater management systems, lighting and landscaping will be installed.

Chair Mary Barry states that the regulatory agreement will need some time to be reviewed. The Planning Board members also need time to review.

Attorney David Lawler is in attendance. He would like the Planning Board to look at per the Town Council's Agenda and the timing for refers to the Draft Reg. Agreement, Exhibit B.

Chair asks the members for their thoughts.

Jeff Swartz would like time to review.

Elizabeth Jenkins suggests running through the highlights of the document, Exhibit B, Draft Reg. Agreement with the Planning Board tonight.

Attorney David Lawler refers to Exhibit B, pg. 2

Rob Brennan refers to Exhibit B, pg. 4, item C. re: the housing production plan. Rob wanted to point this out.

Chair Mary Barry asks the Planning Board members for their input regarding making a decision tonight to move forward.

David Munsell asks when first draft was dated. Site plan review is done. Mr. Munsell believes it is a good project. A lot of people hate to see the historic buildings go, as they are old sea captain's houses. Developer has done a good job. He is in support.

Attorney Lawler replies that an internal draft was prepared. The \$168,000 number is new and was just added. There were a few additions/typos and some coordinating efforts.

Stephen Helman asks for clarification regarding the water line; directs to Elizabeth Jenkins. Even if the project didn't come to the Planning Board, would the water main have to be done anyway? The Town would have had to foot the bill for this if project not here.

Elizabeth Jenkins replies yes, an upgrade is needed, and it would help the Town pay down the project.

Paul Curley asks how long they have been working on the project, they have been discussing with the Town for some time. This is and has been a very collaborative effort with the Town. There have been many presentations.

Paul Curley replies that they have been working on this for over a year and Planning Board are expected to give a reply so quickly? The Planning Board hasn't had much time at all to view this draft. He thinks there are other elements to look at. He asks about the Historic waiver.

Attorney Lawler remarks on the time.

Rob Brennan explains that on Sept. 11<sup>th</sup> they submitted a letter and asked to give a presentation, solicit feedback from the Hyannis Main Street Waterfront Historic District Commission. Within the scope of the regulatory agreement. They got approval from the HHDC, per a 3 to 2 vote that was made. They did take comments from them.

Tim Ferreira is in audience and objects (Mr. Ferreira is an HHDC member).

Rob Brennan goes on to describe the people involved in the project. Says he is working with and collaborative with HHDC.

Attorney Lawler interjects that the public meeting is closed here at Planning Board. This is the first tier in a several tier process.

Paul Curley comments that he appreciates coming together regarding the impact fees. Has anyone looked at the sewer flow? Has any analysis been done?

Matt Eddy is in attendance. He replies that they have gone through DPW, and Site Plan review and the increase to the flow now. They will bring sewer main to South Street and tie into the existing water main.

Elizabeth Jenkins interjects that we don't have a letter from DPW but is thinking no problem with this statement.

Paul Curley asks about traffic flow, has anything been done re: this?

Attorney Lawler states that they did not do a traffic study. He has spoken with town staff and has gone through discussing this. They are thinking not a problem.

Elizabeth Jenkins explains that they did do a scope regarding a traffic study. One of the technical challenges is to get a Comprehensive East End Improvement Study to look at the area, which will change the dynamic.

They did attempt to work with the applicant, some challenges to get an actual traffic report.

Paul Curley states that we need to keep the traffic issues at the forefront.

He agrees with the affordable housing issue.

Has anything been done with on street parking with the Town Manager?

Rob Brennan states yes. Applicant understood that would be revocable with standard terms and conditions.

Fred LaSelva asks how the town came to the figure of \$168,000? He would like to know rationale and details. Why is the number so low? How did this number get to this point?

Matt Eddy replies that it was provided by Rob Brennan. He went to the development fees with Hyannis Water and this is how they arrived at this number. This is a preliminary bid. This will defray the cost of what the Town would have to pay anyway. Water main to go through the project, not proposed to be replaced within Pleasant Street, no tearing up on Pleasant St. Curb cuts by developer.

Fred LaSelva thinks this is a low bid. What happens if it goes over this? Fred asks about possible condo conversion in the future. Will water main work include repaving? Curb cuts?

Rob Brennan replies we will not be doing condos. There is no provision that any units that are built of the initial 46 would be converted. Any change would require amendment to the reg. agreement.

Attorney Lawler confirms that this would be a major change.

Fred LaSelva asks about artist housing.

Attorney Lawler states that the Town is aware of affordable artist housing.

Elizabeth Jenkins interjects that the Fair Housing Act was one issue they worked on with Town attorney. They looked at other towns that have this type of housing. Elizabeth Jenkins notes she feels this issue is fully vetted.

Fred LaSelva comments regarding the subletting of 90 days, which is troubling to him. He thinks a sublet will only encourage transient use in the area, he would like to see this removed from the agreement. He likes the project, other than that.

Rob Brennan replies that he has done premises liability. Regarding the subletting, the reality is that things happen, in his experience, when people displaced if emergencies come up, if people have to relocate he thinks is important to have this flexibility. Lease terms may need to be adjusted per things of this nature.

Attorney Lawler mentions a bank would suggest reasonable terms to provide safety against B and B's.

Jeff Swartz asks about pg. 7, article 11, Exhibit B, Draft Reg. Agreement. Sublet clause. He has a problem with this being controlled. This is the only thing that would prohibit him from voting in a yes.

Rob Brennan replies that any documents, be they leases or condo documents, would be subject to review by Town Council for consistency with the Regulatory Agreement.

Elizabeth Jenkins replies yes. It is a fairly standard condition, maybe because this started as a rental type information document.

Jeff Swartz suggests an amendment to number 11 to have wording of "town counsel to review."

Jeff Swartz would like to move forward knowing that that paragraph will be amended as such.

Jeff Swartz asks re: \$168,000 figure, directs to Matty Eddy, what percentage do you think this will offset the Town's cost?

Matt Eddy states that the Pleasant St. in total with the water line would probably be in the \$300,000 range/frame.

Elizabeth Jenkins clarifies that this was presented to Town Manager, she spoke with DPW and Water Dept. Her understanding is that this number has been totally vetted.

Attorney Lawler clarifies that these are replacement parts.

Jeff Swartz asks about comments per HHDC's vote/pass. Clarify this point.

Elizabeth Jenkins clarifies that HHDC had an informal meeting/discussion. This was not a formal application that went to HHDC, more of a round table matter. Agreement was to issue a letter indicating the position of each member and their own thoughts. 3 were supportive, 2 with reservations. It was never a formal vote. The public hearing for PB is closed. If anyone wants to make any further public comment they will have a chance to do this at Town Council.

Jeff Swartz is in support of this project and the fact that we are in desperate need of market rate housing. He thanks the Developer for the time spent.

Chair Mary Barry thanks the Developer.

Chair Mary Barry would like to poll the board regarding a decision. David Munsell, Stephen Helman, yes Paul Curley.

Fred yes.

Jeff yes.

**Chair enters a motion, Jeff Swartz moves to recommend the regulatory agreement application to Town Council with an amendment to paragraph 11 of the regulatory agreement to include a stipulation that town counsel review lease documents for consistency with conditions of the regulatory agreement conditions. Motion is seconded by Stephen Helman.**

**Aye: Mary Barry, Stephen Helman, Paul Curley, David Munsell, Jeff Swartz**

**Nay: Fred LaSelva**

**Motion passes by 5 to 1.**

**259 North Street LLC/Stuart Bornstein** seek to enter into a Regulatory with the Town of Barnstable - to allow use of property for dental and medical clinics. The subject property is addressed 259 North Street, Hyannis, MA and is shown on Assessor's Map 308 Parcel 073/002. Property is located in the Hyannis Village Business District.

Stuart Bornstein in attendance. He gives a brief description of the bldg. and what he would like to change to OM use. Parking is under used.

Chair Mary Barry opens PH. No comment

Chair Mary Barry closed PH.

David Munsell clarifies the bldg and the parking.

Stephen Helman asks if any interior renovations to be done? Any water issue to be changed in the bldg.?

Stuart B replies that maybe add a few sinks.

Fred LaSelva asks if he'll be subletting at all.

Stuart replies preference to have 1 tenant. It is set up for two now, but he doesn't anticipate that. The demand is for more of single use tenants.

Jeff Swartz asks about what type of inquiries? Any tenant in mind? Speculating as to what type of use, possible methadone clinic here?

Stuart replies not for that type of clinic.

Chair Mary Barry asks/directs Staff to prepare a draft Regulatory Agreement.

**Continued to next November PB meeting.**

**Zoning Amendments:**

Zoning Amendment Town Council Item No. 2071-159 Order, Pursuant to M.G. L. Chapter 40A Section 5, submitting Proposed Zoning Amendment Prohibiting the Establishment of Group Homes to the Planning Board 95 Chase Street, Hyannis. *Continued from July 10, 2017 and August 28, 2017. Request to continue and copy of Staff Memorandum enclosed.*

John Julius in attendance. They would like a continuance. Asks if they can have a public hearing, and explains the request for a continuance. They are looking for more time/complex Chapter 40.

Chair Mary Barry confirms/clarifies that they are asking for a workshop for this?

She states that they will need feedback from legal council for this.

Stephen H, moves that they get an opinion from the Town Attorney/Legal Dept that would be consistent with MA General Chapter 40A, seconded by Paul C., so voted to do.

Dover Amendment and other Federal law.

Mary, Stephen, Paul, are a yes.

Fred and Jeff have abstained.

Fred LaSelva asks if possible to have Public Comment tonight? People here tonight.

David Munsell clarifies.

John Julius comments that there are four (4) Group homes in the Town. Police visits: 172 visits has gone up to 239 in the most recent report. Taxpayers are paying for this. A lot of work done at the property, and done without a building permit.

William Headly Smith in attendance. He thinks that the issue goes way beyond compassion. He is concerned about homeless Veterans, thinks something wrong with it. He states that it is hard to deal with people with substance abuse issues and mental illnesses. Most caused by homelessness. His

house has been robbed by homeless people several times. There are concerns for safety in the community. Why can't we find out what people are going into the homes?

Donna Pollack is in attendance. Summer resident, off Sea St., Hyannis. Met with Petitioners. She has worked with homeless and mentally ill. She has visited several Dept's, looking for the Application to open a Group Home. There is no licensing process that she knows of for these types of homes. There needs to be some type of organization. Dover amendment under Chapter 40A3, this is for educational institutions, not for this type of housing/homeless. Not pointing out specifics. No zoning? Staffing situation? Sprinkler systems? Fire extinguishers? Police? How many people here? Need procedure/coordination of some type.

Richard Murphy in attendance. Treasurer of Homeless not Hopeless. They were approved by the Town, bldg. is sprinkled, don't take any public funds, no cost to the Town. His request to the PB would be for one of their attorneys be involved to come up with a solution to this problem. He mentions that there is an opioid epidemic in our community and this is the result of that situation.

Katie Evolve, in attendance. She lives across the street from 95 Chase St., there was another driveway put in at the residence.

Susan Debuque in attendance. She abuts 95 Chase St. She doesn't know what type of home. She doesn't know what the situation is. She and her two children are affected, this is put upon us. This is very stressful.

Mickey King in attendance. She is rep for her father's house next door to 95 Chase St. Make a compromise good for residents and the people in these homes as well. Cannot sell the house. Group Homes can come in and don't have to notify anyone. In her opinion, this is a business.

**Moved by Stephen H, to continue, seconded by, so voted unanimously to move to next meeting, November 13, 2017.**

Zoning Amendment Town Council Item No. 2018-027 - Order, Pursuant to M.G. L. Chapter 40A Section 5, submitting Proposed Zoning Amendment - Amending Chapter 240-16.1 of the Zoning Ordinance- Multi-Family Affordable Housing (MAH) District.

EJ explains the amendment (MAH) to the Planning Board. Greystar Development has now moved forward. Property was an abandoned nursing and convalescent home.

Background: Developments over 10 units are subject to inclusionary affordable amendment. Senior retirement community. Incorporated inclusionary units into the development, leaving parcel underutilized. This applies only to 850 Falmouth Rd. Refers to the amendment redlined changes, Exhibit C.

There would be a separation of multi-family housing from the senior retirement community. Would allow the density and set back that would be allowed without the structure being in place today. Would allow a development of no greater than 16 units per acre. To include 25% affordable units. Existing structure does not have to remain in order for owner to avail themselves of that zoning.

Two parts: Separate this district from senior continuing care community and to give permissions without tying to existing bldg.

Fred LaSelva asks about the picture/the bldg. Will building be torn down and will town pay for it? If approved, could this be used as precedent in the future?

EJ replies building has been deemed unsafe. No cost to the town. EJ also clarifies Fred's question about precedent. EJ responds that could not be used as a bargaining chip in the future.

Jeff Swartz clarifies that the bldg be taken down that is unsafe? Any redevelopment of this parcel will ... EJ clarifies that it would not be tied or linked to any other development.

Jeff S clarifies.

EJ clarifies the use of the structure – would allow for the same kind of density that district has always allowed. Structure removed for public safety issues.

David Munsell asks about the construction, is it a part of the Lorusso construction project?

EJ clarifies that it is not tied to this.

Chair sent a motion to close PH, moved by Paul C, so voted unanimously...

Chair sent a motion to recommend to Town Council, moved by , seconded by Stephen H, so voted unanimously.

Stephen Helman makes a motion to adjourn, so voted unanimously to adjourn.

**Adjourned at 9:25 p.m.**

**Correspondence:**

Chapter 91 – 68 Little River Road, Cotuit Bay – maintain seasonal pier – Entwistle  
Cape Cod Commission Decision Notification – Sagamore Line Reinforcement Project  
Chapter 91 – 78 Sawmill Rd., Mystic Lake, Marstons Mills – construct seasonal pier.  
Chapter 91 – 656 Sea View Ave., Osterville – pier and ramp

**Matters Not Reasonably Anticipated by the Chair:**

**Future Meetings:** Regularly Scheduled Meetings: November 13, and November 27, 2017, @ 7:00 PM.

Chair Mary Barry entertains a motion to adjourn, moved by ,seconded by, and so voted unanimously.

**The meeting adjourned at 9:41 p.m.**

Respectfully Submitted



By Karen Herrand, Principal Assistant, Planning Board



Approved by vote of the Board on April 13, 2020

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** – Sea Captains Row Site Plan
- Exhibit B** – Sea Captains Row Draft Regulatory Agreement
- Exhibit C** – MAH Zoning Amendment Redline Draft

APPROVED

