



Town of Barnstable Planning Board



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Board Members

Raymond B. Lang – Chair Mary Barry – Vice Chair David Munsell - Clerk Paul R. Curley Stephen Helman Mark R. Ferro Steven Costello
John Norman – Town Council Liaison

Staff Support

Elizabeth Jenkins, AICP, Director
Anna Brigham, Principal Planner
Karen Herrand – Principal Assistant karen.herrand@town.barnstable.ma.us

**Town of Barnstable
PLANNING BOARD
Minutes
May 22, 2017**

2017 APR 13 PM 4:01
BARNSTABLE TOWN CLERK

Raymond B. Lang – Chairman	Present
Mary Barry – Vice Chairman	Present
David Munsell, Clerk	Present
Paul Curley	Present
Stephen Helman	Present
Mark Ferro	Present
Steven Costello	Present

Also in attendance were Elizabeth Jenkins, Director and Karen Herrand, Principal Assistant, Growth Management 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.

Stephen Helman wishes to thank Mark Ferro for his service. He will not be returning to the Planning Board. Service ends in June.

Approval Not Required Plans:

Thomas E. Driscoll - 900 Phinneys Lane, Centerville – Map 251 Parcel 104-H00 and T00 has submitted a plan entitled “Proposed 3 Lot Subdivision (Form A – Approval Not Required), 900 Phinney’s Lane in Hyannis, (Barnstable) Massachusetts, dated October 22, 2016” drawn by Matthew C. Costa, P.L.S., Cape & Islands Engineering, Inc. *Continued from April 24, and May 8, 2017. Request to continue to June 12, 2017, and Request to Extend Time Limit ANR, received from Attorney Peter Freeman enclosed.*

Chair Ray Lang entertains a motion to continue, moved by Stephen Helman, seconded by Mark Ferro, so voted unanimously to continue to June 12, 2017.

Regulatory Agreements:

Application No. 2017-01

Shoestring Properties, LLC

Shoestring Properties, LLC seeks to enter into a Regulatory Agreement with the Town of Barnstable to redevelop the properties 110 School Street and 53 South Street, Hyannis. The properties are shown on

Assessor's Map 326 as Parcels 121 and 125. They are zoned HD – Harbor District. The Applicant proposes to demolish all existing improvements and construct a multi-family residential condominium complex consisting of 33 market rate units in nine buildings. Parking will be located in underground garages, with street-level guest parking. Proposed accessory improvements include a fountain area, swimming pool with pool deck, courtyard area and trash sheds. The Applicant seeks multiple waivers from the zoning ordinance and general ordinances. *Continued from February 13, 2017, March 13, 2017, April 24, 2017, and to May 22, 2017.*

Attorney John Kenney in attendance.

Dan Ojala of Downcape Engineering hands out a revised landscape plan/plant schedule site, Exhibit A.

Attorney Kenney explains what the revisions will be per this landscape plan. He also mentions the affordable housing waiver. Mr. Bornstein did go to the meeting re Housing. They are offering a compromise for affordables. Add 3 workforce housing rental units. Mr. Bornstein has reached an agreement, worked out arrangement to have 3 units of workforce in perpetuity to fulfill; semi waiver in place of the waiver. If this does not go forward, he will designate 3 other units in town for this. 720 Main St. is the proposed project where the 3 units would be placed, instead of in the project.

Mark Ferro asks what the price would be for this?

Attorney Kenney states that the project cost is estimated to be/has to be \$757, 000 for each unit. Isn't economically feasible, we are trying to offer a compromise. Went back to the Hyannis Main Street Waterfront Historic District (HHDC) also for a meeting.

Dan Ojala hands out a question and answer form, Exhibit B. "Response to Issues Revised".

Chair Ray Lang asks about review of this document, we will need time to review this information. Asks for confirmation about the revised agreement. It is difficult to review in a short time.

Attorney Kenney asks/confirms if the Board has received the redlined document.

Elizabeth Jenkins confirms that it would be best to review the revised one tonight.

Stephen Helman comments that when Growth Incentive Zone (GIZ) created, he understands that waivers will be needed. Minimum setback is fine. His problem is when asking for such a huge increase, 100 to 300 he can't believe that much. He likes the idea of the project, but has concerns about affordable project waiver and just having workforce housing.

Attorney Kenney refers to Exhibit B – no. 1. Granting of Waivers. GIZ is a tool to do projects like this. The only way to do this is to build up. Density has to go up. This is the whole purpose of doing a regulatory agreement. He thinks it can be a real benefit. Hyannis has enough affordable housing units.

The 10% is an inclusion. Holding back Hyannis development. Now have to pay 10% inclusionary to put it elsewhere.

Stephen Helman asks for clarification of the Harbor District, being inside the GIZ.

Attorney Kenney explains the process of a regulatory agreement and that it is a tool for this type of project.

David Munsell comments that he did not get a red line copy. This is an administrative error. He was involved with the GIZ in the beginning. He is in support of the project, this is the type of project they would like there.

Ray Lang agrees with Stephen Helman about asking for too much for waivers, are original waivers still being asked for?

Elizabeth Jenkins suggests going through the waivers. So there are no outstanding questions. Reference to the draft Regulatory Agreement, Exhibit B.

Chair Ray Lang reads the requested waivers, number 23. List of waivers:

a. Section 240-24.2.7 HD Harbor District B. Special Permits (2) Multi-family residential development totaling not more than seven units per acre. Waived to allow thirty three condominium units on 1.32 ± acres, a density of 25 Units per acre.

b. Section 240-24.1.7 C. Dimensional, bulk and other requirements:

Minimum Front Yard Setback of 20 feet is waived to allow a Front Yard Setback of 13.9± feet on the property located at 53 South Street and 10.2± feet on the property located at 110 School Street. Minimum Side Yard Setback of 10 feet is waived to allow a Side Yard Setback of 9.8± feet on the property located at 110 School Street. Minimum Rear Yard Setback of 10 feet is waived to allow a Rear Yard Setback of 9.8± feet on the property located at 110 School Street.

Maximum Building Height of 35 feet is waived to allow a Maximum Building Height of 57.4± feet on the property located at 53 South Street and 54.8± feet on the property located at 110 School Street.

Maximum Building Height Stories of 2.5 stories is waived to allow Maximum Building Height Stories of five (5) stories on both the property located at 53 South Street and the property located at 110 School Street.

c. Section 240-53 Landscape Requirements for parking lots

The requirement of a landscape setback for street level parking is hereby waived to allow zero setback for street level parking. The requirement of one street tree with a minimum caliper of three inches be provided per 30 feet of road frontage distributed throughout the front yard setback area is waived to allow for the planting of trees per the Landscape Plan prepared by Hawk Design.

Steven Costello mentions that the Airport did have some concerns.

Dan Ojala replies that he thinks they will be alright. The Greenery Bldg. to the east is several feet higher than the runway 33 approach. They are also working with the Steamship Authority for their concerns.

Discussion re Airport sections.

Elizabeth Jenkins clarifies that the bldg. heights vary, each bldg. has a varying height. Confirms that the stories include the parking garages.

Attorney Kenney refers to pg. 2, Exhibit B; Dan Ojala refers to the layout site plan, - buildings around 36, then steps up to 78 than 92. East bldg, 110, 26 to 28 above sea level, then others step up to 89 ft. this is the ridge, east - 110 School St., west - 53 school St.

Dan Ojala explains that the massing is broken up by the different heights. Different relief per building.

Refers to revised plan, 240-53 Landscape requirements for parking lots, Exhibit A.

Attorney Kenney replies that the project will build sidewalks, from South to School interconnected with a crosswalk, they would be looking to grant an easement for use of the sidewalks, in return a license to allow exclusive use for on street parking for the condominium owners only.

Chair Ray Lang asks where the zero set back is?

Attorney Kenney - the setbacks run from the edge of the property line.

Dan Ojala confirms where the setback and parking is, from the 10 ft. greenbelt, they would be subject to a license from the town.

Attorney Kenney states that they did look at moving sidewalks onto their property but creates a dangerous situation. They felt better to do with the Town, the trade off for easement for the license for exclusive parking for owners.

Elizabeth Jenkins asks for clarification for numbers for parking.

Dan Ojala replies 12 ground level as shown on the layout plan.

Attorney Kenney clarifies that they could make this conditional in the Regulatory Agreement.

Mark Ferro asks why not offsite affordable housing, this shouldn't be that difficult to do. Massive amount of waivers are being asked for. This is a negotiation.

Attorney Kenney replies that it would be a significant loss, it would be permanently deed restricted.

Attorney Kenney states that they are looking for a waiver from HHDC, from getting a certificate of appropriateness. It should not be stopped at this Commission. He doesn't think this is appropriate. They have gone to them 3 times. He is under the assumption the project was well received.

Stephen Helman comments that this may be a good endorsement to get from them. This would go a long way for him.

Attorney Kenney explains that the redesign was taken to them and a lot of it was put back into the design. They do not want to take a risk to do this through them. This is not the first time that this has been done. Hyannis Harbor Hotel has done this in the past. It would be a time consuming. They will request a letter from HHDC.

Paul Curley comments that he doesn't have any particular questions, he is concerned about the basic conditions of the Agreement.

Mary Barry confirms and clarifies the abutter letter from Gleed Thompson dated May 6, 2017, regarding the pool being to close to their property. The revised Landscape plan is Hawk Design. 27 parking spaces underneath one bldg. and 23 parking spaces in other bldg.

Chair Ray Lang asks about sidewalks.

Dan Ojala explains, a waiver maybe, vertical granite curb. Pedestrian traffic separated, really poor existing conditions now.

Chair Ray Lang asks when licensed parking lots done will they widen the street? Confirms no waivers for sidewalks.

Dan Ojala states, 21 ft.

Elizabeth Jenkins clarifies that if they except easement they would have to be fully compliant.

Paul Curley asks about parking and who is responsible.

Attorney Kenney clarifies that this will be done through the license. This has been done with Cape Cod Hospital, Town Council provides a form for this.

Elizabeth Jenkins confirms that it was land owned by CVS and dedicated a public easement access.

Steven Costello comments/clarifies the number of buildings and the number of bedroom units. Will this be decided at the time of the build, this impacts the density.

Dan Ojala replies that this is on town sewer.

Chair Ray Lang clarification of underground utilities to be in right of way. Conservation Commission.

Paul Curley asks about road fees/construction.

Dan Ojala replies that their project was approved. Request for determination Order of Conditions approved and has 3 years left. The 3 have been approved. SC39 and RDA , all current and active.

Paul Curley asks about capacity studies back to main pumping station? For domestic water and sewer.
Dan Ojala - Site Plan review done. They will be upgrading the water.

Paul Curley states that if this happened the Hyannis Water would be impacted - fees here so that the Town can prepare for this eventually having to be done. You are asking for a waiver for density and we should get this. We may have to redo our water supply and sewer. He suggests that they discuss and come up with what the impact would be.

Dan Ojala replies that there used to be a big hotel there back in the 1990's. The enterprise fees for these will be collected with the fees as enterprise account.

Paul Curley would like to see this for the record that they would be satisfied with what they are doing, that they have looked at it and they are happy with it. To make sure that this can be done.

Chair Ray Lang states that there is a sewerage easement in the area, Wayne Kurker mentioned this.

Dan Ojala points out the easement where the pump out is located, question for Mr. Kurker.

Elizabeth Jenkins interjects that at the site plan review, this gets addressed there about adequacy, she can check. The sewer line is older, but sufficient, this was through the preliminary review.

Dan Ojala - August 6, 2016, was the site plan letter where this was laid out/sent to Planning Board previously.

Elizabeth Jenkins interjects – this will be in two phases.

Chair Ray Lang asks about road closings, number 16. Where would the electric parking go?

Attorney Kenney clarifies that there will have to be some.

Dan Ojala – electric parking in garage, dedicated space.

Waivers - Site Plan did break it up. Dan Ojala explains how the 33 are allocated. This project is 25 units per acre.

Mark Ferro thinks it's too dense and too tall. It's a 350% increase in density.

Paul Curley states he would support if they addressed the infrastructure.

Chair Ray Lang does not support the density requested. The height doesn't bother him as much as the density. Doesn't think they saw enough pictures. He is not comfortable with a project of this magnitude.

Mary Barry thinks the area should be developed. She has concerns with the infrastructure going forward and the capacity/plan to help in the future, she may be able to get over the density if this was addressed.

David Munsell states that he believes this area can withstand this type of development. Harbor District is changing, not much room except tear down. This would be a great asset. Taxes will help the town. The Greenery got some density relief in the past. He thinks this would fit nicely in this area. An asset to the Town. He is in support.

Steven Costello comments that the space is in need of development. He struggles with the density issue. Is this the only type of project that makes sense here? Does it preclude people from buying back end units?

Stuart Bornstein in attendance. He gives an explanation/history of the project. This is about Hyannis. Over 600,000 in sidewalks and other amenities. He comments about past projects that did not go through in Hyannis. There is a lot of tax revenue being lost for the Town. If the Planning Board isn't going to recommend/approve this let's not waste time. Everyone's time is valuable here. They are trying to build a neighborhood. People want to live in Hyannis but cannot find anything that's nice for them to move into. No one will make the investment.

David Munsell asks for clarification about the Hilton Hotel, the Planning Board did recommend/approve this project.

Chair Ray Lang asks for Public Comment

Paul Garcia in attendance. Is there not a Town way to water to the waterfront here. He didn't here this discussed. He thinks that public access to water would be a concern.

Attorney Valerie Moore, of Nutter, McClennen and Fish in attendance. They have tentatively reached an agreement with this project, to include a condition that they reach a condition with the Steam ship Authority regarding their concerns.

Paul Curley states that the Planning Board has gone over this enough, he is sympathetic with the Developer, the Board needs to move with this.

Stephen Helman states that the Planning Board should move to recommend or not.

Chair Ray Lang comments they can withdraw or postpone, that's an option, it isn't just the Planning Board that has apprehension about this project, we have many letters regarding concerns about this project.

David Munsell comments that he had not heard from many abutters in the area. Have to vote for best interest in the Town.

Chair Ray Lang entertains a motion to continue to June 26, 2017, moved by Paul Curley, so voted unanimously to continue.

Discussion Item

Review of revisions to: TC Item No. 2017-102 - Amendment of the Zoning Ordinance and Map of the Town of Barnstable to Amend and Expand the Marine Business A-1 District to include Parcels 093024, 093025 and 093028

Elizabeth Jenkins explains the changes proposed by Town Council. Council asked for input to make aware of the change that they are doing, addition of 50 ft. buffer, change to limit to the newly zoned portion. Protect the land owners more.

Chair Ray Lang entertains a motion to continue to recommend this Zoning Amendment to the Town Council, with the amendments, moved by Paul Curley, seconded by David Munsell, so voted unanimously.

Correspondence:

Chapter 91 Application - 178 Bridge St., Osterville – E.M. Crosby – concrete boat ramp, timber pier and ramp/float

Cape Cod Commission Notice of Hearing – DRI project Cape Cod Five Hyannis Banking Center, May 25, 2017

Matters Not Reasonably Anticipated by the Chair:

Future Meetings: Regularly Scheduled Meetings: June 12 and June 26, 2017 @ 7:00 PM.

Chair Ray Lang entertains a motion to adjourn, moved by Paul Curley, seconded by David Munsell, So voted unanimously.

The meeting adjourned at 8:00 p.m.

Respectfully Submitted

Karen A. Herrand, Principal Assistant, Planning Board

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 – Reg. Agreement Application No. 2017-01 - Shoestring Properties, LLC
Landscape Plan

Exhibit B - Reg. Agreement Application No. 2017-01 - Shoestring Properties, LLC
Draft and Waiver Requests