



Town of Barnstable Planning Board



www.town.barnstable.ma.us/PlanningBoard

Board Members

Steven Costello – Chair Stephen Robichaud – Vice Chair Mary Barry - Clerk Robert Twiss Michael Mecnas
Mathew Levesque – Town Council Liaison

Planning & Development Dept. Staff Support

Elizabeth Jenkins, AICP, Director
Kaitlyn Maldonado, Assistant Director
Karen Herrand – Principal Assistant - karen.herrand@town.barnstable.ma.us

Town of Barnstable PLANNING BOARD Minutes August 23, 2021

Steven Costello – Chairman	Present
Stephen Robichaud – Vice Chairman	Present
Marry Barry – Clerk	Present
Robert Twiss	Present
Michael Mecnas	Present

Also in attendance via remote participation were Elizabeth Jenkins, Director, Kaitlyn Maldonado, Assistant Director, and Karen Herrand, Principal Assistant, Planning & Development Dept.

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://zoom.us/j/92834152852>

Phone: 888 475 4499 US Toll-free

Meeting ID: 928 3415 2852

3. Applicants, their representatives and individuals required or entitled to appear before the Planning Board may appear remotely and are not permitted to be physically present at the meeting, 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

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.

Roll Call Attendance:

Michael Mecenias
Bob Twiss
Mary Barry
Stephen Robichaud
Steven Costello

Public Comment

Chair Steven Costello opens up public comment, asks if there is any general public comment. None.

Ratification of June 28th vote of Election of Officers on an Interim Basis

Chair Steven Costello explains that there was a clerical error, due to Planning Board election of officers at the meeting held June 28th 2021. Under 41-8e of the Administrative Code, provides that for multimember boards the annual election shall occur in July and the Town Council votes to reappoint, this did not occur until July 15, 2021, whereby this was premature. Under the advice of the Town Attorney, the best way is to ask to ratify the vote and then motion needed.

Chair Steven Costello entertains a motion to ratify the vote, moved by Stephen Robichaud to ratify the vote of the Barnstable Planning Board taken at the June 28, 2021, hearing to elect, Steven Costello as Chair, Stephen Robichaud as Vice Chair and Mary Barry as Clerk, on an interim basis only and to ratify all action taken by such officers in their official capacity, commencing on June 28, 2021, and up to the time that a new vote for the election of officers is completed, seconded by Mary Barry,

Roll Call Vote:

Steven Costello - aye
Stephen Robichaud - aye
Mary Barry - aye
Bob Twiss - aye
Michael Mecenias - aye
Unanimous

Election of Officers

Chair Steven Costello entertains a motion for election of officers for upcoming year, moved by Stephen Robichaud, individual vote: Stephen Robichaud moves to nominate Steven Costello as Chair, seconded by Mary Barry,

Roll Call Vote:

Michael Mecenias – aye
Bob Twiss - aye
Mary Barry - aye
Stephen Robichaud - aye
Steven Costello - aye

Chair Steven Costello nominates Stephen Robichaud for Vice Chair, seconded by Mary Barry,

Roll Call Vote:

Steven Costello - aye
Stephen Robichaud - aye

Mary Barry - aye
Bob Twiss - aye
Michael Mecenias - aye

Chair Steven Costello nominates Mary Barry for Clerk, seconded by Stephen Robichaud,

Roll Call Vote:

Steven Costello - aye
Stephen Robichaud - aye
Mary Barry - aye
Bob Twiss - aye
Michael Mecenias - aye

Chair Steven Costello notes that they were under the impression that the newest Planning Board member would be in attendance tonight, however, he could not be sworn in today, so today's present members will be the ones voting on the matters on tonight's Agenda.

Approval Not Required Plans:

Stephen W. and Amy E. Britton have submitted an Approval Not Required plan entitled: "Plan of Land of 500 Maple Street, West Barnstable, MA, prepared for Stephen W. and Amy E. Britton" dated July 8, 2021, prepared and stamped by Daniel A. Ojala, PLS of Down Cape Engineering, Inc.
(Majority of Full Board)

Dan Ojala, of Downcape Engineering in attendance. He gives an explanation of the proposed plan. Two separate building lots. Internal horse fencing, farm type developments. Environmental consultant looked at wetlands here. There are some bogs. 2 ft. clear of wetland. Zoning rule about lot shape factor. Lot 2 is 12 acres. Either lot meets by itself or can draw a line and if meets shape, 2 acres around. The perimeter rule applicable, way to make lot not to irregular. The square of the perimeter. Maple street is an Ancient Way. Deputy Chief has looked at the road, the frontage does meet one of the 3 standards of care. Not asking to subdivide further. Frontage is key issue here. Vital access is provided.

Chair Steven Costello entertains a motion to approve/endorse, moved by Mary Barry to endorse the land division plan entitled "Plan of Land of 500 Maple Street West Barnstable MA" prepared and stamped by Daniel A. Ojala, P.L.S. of Down Cape Engineering, Inc., dated July 8, 2021 as an Approval Not Required Plan, seconded by Bob Twiss,

Roll Call Vote:

Steven Costello - aye
Stephen Robichaud - aye
Mary Barry - aye
Bob Twiss - aye
Michael Mecenias - aye

Regulatory Agreements:

Dunrovin Too, LLC seeks to enter into a Regulatory Agreement for the property located at 68 Yarmouth Road, Hyannis, Map 327 Parcel 166. The Applicant's proposal is to demolish the existing building and redevelop the property with four (4) new two-story duplex buildings for a total of eight (8) units. Waivers are being requested for multi-family development exceeding the allowed density per acre, site standards and off-street parking requirements.

(Public Hearing) (Majority of members present and voting) *Continued from August 9, 2021*

Attorney Michael Schulz in attendance. He gives an explanation of the proposed Regulatory Agreement application. Total of 8 dwelling units.

Mark Hanson, the applicant and owner of Dunrovin LLC. In attendance. States workforce housing at Crocker Street, Hyannis previously approved by this Board. This is a more ambitious project. He is licensed realtor and builder. Works through and with RAFT programs with Housing Assistance Corp (HAC). Zoning Board of Appeals (ZBA) member, this application seeks no approval from ZBA at this time. We serve working populations locally. This represents needs based housing. Refers to letter of support from HAC, see Exhibit A. Up to 50 families displaced, not enough rentals to meet the need. Has collaborated with HAC and housing. Huge lack of 3 bedroom units. Would like to acknowledge the work that Planning & Development has helped with and members of the Planning Board.

Attorney Schulz refers to existing conditions plan, Exhibit B. The property is located in the Growth Incentive Zone (GIZ), Medical Services and the Wellhead Protection Overlay, date to 1920. Structures are in poor condition. Greater than 75 years old and the Barnstable Historical Commission (BHC) has issued a determination that the structures were deemed not to be significant. Has been reviewed by the Bldg. Commissioner, including the design and infrastructure plan and the inclusion of a bike rack and landscaping.

Proposed conditions plan, Exhibit C - seeking 4 waivers.

- multi family housing – seeking 8 units / and 24 bedrooms
- minimum front yard of 20 ft. seeking a waiver for 18
- site development greenspace of not less than 10 ft. seeking along common line of Crocker Street.
- off street parking requirements require 12, seeking to locate 12 spaces on the adjacent lot, not more than 30 ft. from the dwellings.

Letter from Walter Phinney, HAC, Aug. 14, 2021, Exhibit A. In support and creates housing opportunities. And the design is compatible with surrounding neighborhood scale and in proportions.

Elizabeth Jenkins states that the proposal being put forward is a significant improvement of what is on the property today. Housing production plan and strategic plan to increase housing and walkable setting. All leases would be year round leases assuring to be used for workforce housing. This is in compliance with Town's comprehensive goals.

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

Roll Call Vote:

Steven Costello - aye

Stephen Robichaud - aye

Mary Barry - aye

Bob Twiss - aye

Michael Mecnas - aye

Gordon Starr in attendance. He appreciates the proposal. What is there now, where the cars are going to park?

Mark Hanson replies currently it is an overgrown buffer there is some fencing, some trees that could be re planted in another location.

Gordon Starr will this get into the next property?

Mark Hanson, we actually reduce – when green space incorporated it increases the amount of total green space. There is an offset between the two a net increase of greenspace.

Attorney Schulz, confirms that this is shown on the proposed conditions of the plan – it shows this.

Gordon Starr asks, workforce housing, what does that mean?

Mark Hanson replies it represents people that fall into 80 to 120 percentile, working core of the Town. Really for working people, not Section 8 type housing.

Elizabeth Jenkins notes for the record, workforce housing, and given the arrangement, there are no conditions that require that deed restriction.

Michael Mecenias thinks this is a great initiative. Concerned about immigrant population in terms of housing – will they be able to rent these units?

Mark Hanson replies we have a diverse population currently, most, nearly 70% are renting from us now. We will be sub market rents for slightly half of these units, work with HAC. We have taken families out of shelters and they have come to some of our units, have had successful transitions from both minority and immigrant rentals. We are involved with our tenants. We are catering to a cliental that need housing desperately.

Chair Steven Costello entertains a motion to close the public comment portion of the hearing, moved by Mary Barry, seconded by Bob Twiss,

Roll Call Vote:

Steven Costello - aye

Mary Barry - aye

Bob Twiss - aye

Michael Mecenias - aye

Stephen Robichaud - aye

Mary Barry thinks this is something that we need. Likes the one year lease, encourages stability, did have some concerns re the greenspace, sounds like a net positive now though. This does not trigger affordable housing?

Chair Steven Costello replies, correct.

Bob Twiss thinks big improvement, looks attractive. Does address segment that is under served? He is in support.

Stephen Robichaud asks if there are any interior plans?

Mark Hanson, two floor plan, about 1,000 sq. ft. in total.

Stephen Robichaud suggest to put workforce in writing, would like to see this language. Electrical service underground is a suggestion that would improve the look. Landscaping concerns.

Mark Hanson replies that they will do some plantings, there is not a lot of availability to make it any more than what is shown. Dense lot. We can show by action that our current rents are 20 to 25% below current rents in the area. We are working to still offer something that is truly affordable.

Stephen Robichaud agrees with the interior trees, but would like to see more plantings against the foundation. How maintained, irrigation? High visibility area.

Mark Hanson replies that they have the ability to put things in place, requested to put drought resistant, low water use plantings. The actively maintain and visit the properties, about every other day. Have a commitment to the Town and tenants.

Chair Steven Costello asks about parking, deed restricted included?

Mark Hanson replies, yes, an agreement in perpetuity.

Attorney Schulz, yes have an easement in progress.

Chair Steven Costello likes all the positive aspects of the project.

Elizabeth Jenkins states that it is standard to send all draft regulatory agreements to Legal Dept. for review. Having heard from Attorney Kate Connolly who approved the regulatory form with very minor changes – proposed amendment – for the Whereas part to be inserted before “now therefore” – *Whereas this agreement authorizes the use, intensity of uses and dimension specified herein, any substantial deviation from the terms of this agreement shall require review by the Town Council and the Planning Board pursuant to Chapter 168-10 of the code”.*

Chair Steven Costello entertains a motion to recommend the execution of this regulatory agreement, moved by Bob Twiss to recommend execution of Regulatory Agreement No. 2021-02 with the amendment as read into record, seconded by Stephen Robichaud,

Roll Call Vote:

Steven Costello - aye

Mary Barry - aye

Stephen Robichaud - aye

Michael Mecnas - aye

Unanimous.

Jennifer and Jeffrey Lyon, Trustees, Lyon Investment RT seek to enter into a Regulatory Agreement for the property located at 80 Pearl Street, Hyannis, Map 326 Parcel 008. The Applicant’s proposal is to redevelop the property into a small apartment building consisting of eight (8) apartments with a combined total floor area of 4,481 sq. ft. with the option of a ninth (9) unit in a one story detached existing building. A waiver is being requested to allow development of multi-family units within the Single Family District.

(Public Hearing) (Majority of members present and voting) *Continued from August 9, 2021*

Attorney Paul Revere III, in attendance. He gives a history and refers to pictures submitted, Exhibit D, 80 Pearl St., repurpose, not going to do the 9th unit, this building has issues. This area is zoned for single family housing. This was used for child development previously. Accessory Dwelling Unit (ADU) has passed to create workforce housing. Hyannis has a major housing needs issue. This is a project we can do quickly, with a few minor interior changes. South of South St. on Pearl St. cul de sac, since 1962. Cape Cod Child Development (CCDD) purchased this 6,000 sq. ft. bldg. in 1989 purchased current to use for offices and child care facility. North of property 3 commercial properties. 5 unit apt. to the west. The whole area is surrounded by multi family or commercial uses. Reference to aerial picture of the property, Exhibit E. History of the bldg. and 83 Pearl St. Parking spaces. South side of the bldg. west and north sides of the bldg. handicap ramp here, likely to be rented to a handicap tenant. The only exterior modification is that there needs to be access to one of the units to the east of the bldg. will be behind the one story area that sticks out from northerly side of bldg. Interior there is a staircase on the east side of property. 4 one bedroom units, each with separate entrances. Second floor of main bldg., two 1 bedroom and studio and a one unit walkout in the basement. Total of 8 units.

Existing conditions – parking lot on northerly section, has 17 spaces on it now. Vegetated wetland, then a buffer in between. Property is in conservation jurisdiction, but all work on far end of buffer zone. Two changes, the parking lot has been reduced from using all 17 to only 15 and taking two and putting in fully compliant handicap space. These 15 spaces should meet the requirement for the Town.

There is a proposed dumpster to be put on stone apron, will need an enclosure. There is one issue may need to go before historic, decking exterior change. May be some conservation comments, replacement of a bush. Compliance at 49 Elm St., believes most Issues have been resolved except for a temporary fence being sufficient or a wooden bike rack to be sufficient. The Lyons have a number of apartment buildings. Really only one waiver – for a multi family in a single family district, this is very much a commercial and multi family area in itself.

Chair Steven Costello entertains a motion to open up public comment, moved by Mary Barry, seconded by Bob Twiss,

Roll Call Vote:

Steven Costello - aye

Stephen Robichaud - aye

Mary Barry - aye

Bob Twiss - aye

Michael Mecenias – aye

Gordon Starr in attendance. He asks at what point would a fence be needed at wetlands line. Owners aren't living here, so tenants should know where end/point for wetlands is.

Chair Steven Costello doesn't think this is our purview as Conservation may have to weigh in on this.

Chair Steven Costello entertains a motion to close public comment, moved by Bob Twiss, seconded by Stephen Robichaud,

Roll Call Vote:

Steven Costello - aye

Stephen Robichaud - aye

Mary Barry - aye

Bob Twiss - aye

Michael Mecenias - aye

Elizabeth Jenkins states since the Staff Report (SR) has been distributed we have met with the applicant to go over some questions raised in the SR and clarify some issues/jurisdictions raised. This is a Historical Bldg., built in 1820, does trigger Barnstable Historical Commission (BHC). Proposing minor changes that do need to be reviewed. Some discussion regarding proposed plans. Some discrepancy with plans, but did clarify what was being used. We are recommending to have Site Plan Review look at the proposed plan to make sure no other issues. Relocation of parking spaces. We feel this application could benefit another review/conservation. Upgrade density. Their prior regulatory agreement (RA) on Elm Street, did require some review and did check and found that all building and health codes were in compliance.

Chair Steven Costello asks about issues with 49 Elm St. How are we going to treat this RA differently? Process to make sure project at completion phase.

Elizabeth Jenkins thinks 49 Elm has been worked through. We have added information for Staff to go through and working with permitting, understanding as these can be complicated. Site Plan Review looks at all projects minor or major, such as things like a fence. Want it to be very clear.

Kate Maldonado – referring to shrub/vegetation, something that conservation had brought up. We would ask that vegetation be replaced if dumpster going in.

Bob Twiss, it seems much less intensive use than before. Two of the units, appears that 2 studio apartments have no refrigerator, and no room to put in these two studio apartments, am I

understanding this correctly? Two of the units are like a rooming house – not as good as an apartment, important that all units have refrigerators.

Attorney Revere replies that there are two studio units, one is the walkout unit and that is unit number 8, has a fridge. The other studio units are unit 6, and also has range and fridge, next to stairs.

Bob Twiss asks to clarify if all 8 have refrigerators?

Attorney Revere, you will see that every unit has a separate entrance, each has a refrigerator.

Bob Twiss can we act at this time in light of the Conservation issue and the need for a finalized agreement?

Elizabeth Jenkins states that there is no final draft available at this time.

Mary Barry asks, it seems like keeping the shell and renovate the interior?

Attorney Revere replies if you look at the plans you will see dash lines which are new walls that are going to be put in the bldg. These are new walls, doors. Basically the existing interior with a few walls and doors. Site plan review has the same plans, the only change was a parking plan/area southwest spaces. They decided to stick with current spaces and put in handicap spaces. Conservation had no issues. There hasn't been a change of plans – there is one small exterior change.

Stephen Robichaud does support a review to work on some items that could use more detail. Want to hear from Conservation and from Historic. The attachment to the agreement – reads desire to renovate - which will be affordable, workforce, is it going to be deed restricted?

Attorney Revere replies that these are not high end, small one bedroom and a couple of studios, walking accessible units. The intent will be workforce housing. This is not deed restricted housing. Affordable to the work force.

Stephen Robichaud, will this be defined or intent and purpose?

Attorney Revere replies, it will be intent and purpose. Clients will rent as they have other units. Elm St. property rentals are as workforce housing rates.

Stephen Robichaud, just need to get more details. Concerned about 49 Elm St., it was disappointing to hear that these units had issues.

Attorney Revere replies, the units have always been registered, this was a mistake. The only issues at Elm St. were if fence was compliant and a wooden bike rack.

Stephen Robichaud asks what/any type of exterior upgrade/landscaping.

Jeff Lyons replies, this is a big bungalow, 10 bedroom house, not gutting anything. 9 partition walls to be installed. It has settled in nicely with the surroundings. We don't want to try to improve a building that has natural landscaping.

Chair Steven Costello inquires about the 9th unit, is that going to be torn down, this bldg.?

Jeff Lyons replies, not planning to tear it down.

Attorney Revere this is some type of garage/workshop. Has storage. This would need significant upgrades, so we are not going to use it for a 9th apartment.

Chair Steven Costello thinks the location is good. Need a final to confirm with Conservation and Historical and Site Plan Review and then look at a finalized draft for approval at that time.

Chair Steven Costello entertains a motion to continue to September 27, 2021, Regulatory Agreement No. 2021-03, moved by Mary Barry, seconded by Stephen Robichaud,

Roll Call Vote:

Steven Costello - aye

Stephen Robichaud - aye

Mary Barry - aye

Bob Twiss - aye

Michael Mecenias - aye

Airview LLC, Inc. – Modification of an existing Regulatory Agreement - No. 2019-03

The previously approved Regulatory Agreement, 2019-03, recorded on July 28, 2020, enabled the development of 451 and 467 Iyannough Road and 400 Barnstable Road in Hyannis to incorporate the construction of two buildings: a one-story retail pharmacy building with a drive through lane and a gross floor area of approximately 10,000 square feet (Building A) and a one-story building to be reserved for future retail use with a gross floor area of approximately 6,000 square feet (Building B). Airview LLC, seeks to modify the previously approved Regulatory Agreement to incorporate a food and beverage service business (Starbucks) with a drive-through window within one of the tenant spaces of Building B. Said proposal requires a waiver as drive-through windows, for uses other than banks, are prohibited per zoning. Additionally, the applicant seeks to modify the request associated with the need for the previously approved signage waivers to incorporate signage proposed for Starbucks and the applicant seeks to modify the request associated with signage established for Building A.
(Public Hearing) (Majority of members present and voting)

Attorney Michael Princi in attendance. Stuart Bornstein in attendance. Allan Cloutier in attendance.

Attorney Princi, reviews, the site layout has not been changed except for a couple of small items, refers to Memorandum from Matt Eddy, of Baxter Nye Engineering, Exhibit F.

There is a new directional for traffic flow, clockwise around bldg. B. Some pavement striping and signage. Bldg. B remains the same as approved. Stripings between the buildings. Drive through with enough room for 12 to 13 vehicles. Two signs being proposed, one is the order menu, 36 sq. ft. and a pre menu sign, smaller, 8 sq. ft. lower to the ground, where vehicles turn in. access remains exactly the same as what comes off of Barnstable Rd. Cross walk area. Morning hours are busier. Access will be from Route 132 and Route 28 traveling easterly direction. The drive through has become very helpful with our health and the COVID situation. Several letters sent in support of the project. General layout of menu board, low to the ground with a speaker system in place. Traffic study done and the higher the percentage the more likely that people are already on the road, and are more likely to have people who are going to this destination.

Allan Cloutier in attendance. Proposed Starbucks Traffic Study. Had a few different versions. Submitted in July 2021. Counted different Starbucks locations, Wareham, Bourne and Marshfield to get data. A lot of retail/this type of traffic already on road, pass by trips. These wouldn't increase traffic. Impacts for entire site, peak months and average times and peak hours – results used a 47% pass by rate, 83% already on the road. 93 new trips in morning. Other sites, counted how long is the que, 4 to 9 vehicles at the other towns. Not everyone has to go through the road. 67 vehicles at the rotary in morning. More in afternoon. Comparisons of how with and without the Starbucks. The average month without delay of 47 seconds and 56 in the afternoon, conservative number. Peak – rotary over capacity. Site

driveways should work well, especially with restrictions to go out. Comparisons to restaurants. Airport rotary delays in the afternoon. It is on Cape Cod Commission's (CCC) radar, looking at rotary, no real plans yet. They do want to make improvements to this area.

Chair Steven Costello entertains a motion to open public comment, moved by Stephen Robichaud, Seconded by Mary Barry,

Roll Call Vote:

Steven Costello - aye

Stephen Robichaud - aye

Mary Barry - aye

Bob Twiss - aye

Michael Mecnas - aye

Gordon Starr comments - the rotary everyone agrees is a bottle neck, no plans to make better anytime soon.

Elizabeth Jenkins, the Board is aware that approved in 2019 for the retail Walgreens with additional second bldg. on the site, that development necessitated RA for the Walgreens among other requirements, landscaping etc. first driveway on site – this modification is for a waiver from existing zoning for the second retail on the site, and waivers from our signage codes. Compliance generally is proposed with a caution to not outpace the provision of our infrastructure to support it, notably traffic input. Challenges beyond drive through is that retail uses if permitted are generally instructed not to increase in trips. Did go through several traffic studies, the analysis was specifically for Starbucks, but don't permit a specific tenant, tenant could change and then have a different drive through type of use. Did work with Town Engineer to review. Should be done by a professional engineer. We don't know what is industry standard to be able to advise for this. SR does provide other comments about right in right out, may be dangerous turns. Improvements – the CCC did want to create Hyannis Access Study to deal with capacity issues from Airport as well. Under Mass DOT restrictions for Route 28 and Route 132.

Chair Steven Costello entertains a motion to close public comment, moved by Mary Barry, seconded by Bob Twiss,

Roll Call Vote:

Steven Costello - aye

Stephen Robichaud - aye

Mary Barry - aye

Bob Twiss - aye

Michael Mecnas - aye

Mary Barry has concerns that this space was supposed to be office space or retail space when Walgreens RA was approved. Would like to look more at signage and traffic flow.

Stephen Robichaud states that the site looks great, this came before us and we weren't comfortable with a drive through being placed on Bldg. B. Concerns, that the Rte 28 curb cut has to be fixed. He works close to this site. Spent time in here today and 4 vehicles pulled out from this curb cut area and caused backup. This has to be completely cleared for a vehicle to make that turn. There are two options, to go around the Walgreens or keep going straight and go all the way around Bldg. B.

Attorney Princi replies that to drive all the way around and then back in front to enter the drive through lane - the intention is to direct the traffic around Bldg. B.

Stephen Robichaud - more signage may be ok, in order to safely get to the drive through, if it will be directional. Main concern is how to navigate this drive through in our most busy months. You cannot

compare the three sites of Wareham, Bourne and Marshfield. These types of drive throughs always back up. How will this be navigated safely? Safety concerns. Delivery concerns.

Attorney Princi replies that Starbucks deliveries are late night and mid-day he thinks.

Stephen Robichaud would like to review further, maybe a peer review for traffic within the site.

Stuart Bornstein in attendance. One third of the business is drive through, they are also keeping the Rte 132 Starbucks open. Could definitely do some directional signage. Would get DPW input to work with our traffic people to design something more directional. A lot less for Walgreens re traffic than what was proposed. Drive through may be a way of life at this point with COVID, we have to change our thinking of what is going to have to be of right to keep people safe. Have to take this into account. Will get a peer review at his expense.

Chair Steven Costello concerns with the left turn with a drive through. The property is, as of now done well. Have been to the site to see what's happening. The rotary is not going to change. A Peer review is definitely warranted. Making an island barrier that doesn't allow for any turn is an absolute must. The extra space is actually larger than the Starbucks itself. Trend for call in orders. The other Starbucks area is a very bad parking lot, they may leave in future, who knows. Thoughts for/on a traffic peer study.

Allan Cloutier, peer study of course is more money, more time. Can verify some of the numbers. What does the Town really want.

Chair Steven Costello - this is a significant waiver. Need to fully understand the ramifications. Impact when summer is done. Have someone review the data that has been submitted and the methodology. How can configure a barrier to prohibit any left turns? Thoughts about remaining retail space there.

Stuart Bornstein replies that they have had some inquiries for restaurant and fast food, working with a carpet store or furniture store now, looking for low impact for this. Possible brokerage office. Whatever we put here we do not want to have a lot of traffic. If drive through approved willing to put a clause that we can come before the board to take out the drive through.

Chair Steven Costello directional signage needed, barrier, peer review also would be helpful.

Stephen Robichaud asks if this site is viable without a drive through? Would want to keep parking along the South as far away as possible.

Stuart Bornstein replies no, they will not consider without a drive through, because of COVID nature of things at this point. A lot of restaurants today are not opening up dining rooms.

Elizabeth Jenkins, procedurally we will need a vote, per section Chapter 44, 53G to hire outside consultants. Will need to have a conversation about the scope of work. Will involve having a consultant do an assessment of the site and review the traffic study submitted. Site and circulation. Traffic measures. At this point the Applicant has not proposed any safety measures for the site. Should be clear that the Applicant will bear the cost, procurement for that. Chosen by Planning Board/or to Staff and consultant reports to the Planning Board directly. This is a public procurement process. Board would have to vote to authorize a peer review of the traffic study and cost to the Applicant.

Attorney Princi asks for Staff to share information with them with the Peer review.

Chair Steven Costello entertains a motion, moved by Stephen Robichaud to authorize a peer review of the traffic study with the fee to be incurred by the Applicant, and to defer to Town Staff to engage in

the process of hiring said consultant and define the scope of the review with cooperation of Attorney Princi, seconded by Mary Barry,

Roll Call Vote:

Steven Costello – aye

Bob Twiss – aye

Michael Mecnas – aye

Mary Barry – aye

Stephen Robichaud - aye

Elizabeth Jenkins will get request for quotes. Do consultant selection. Once fee received then can initiate the services and they can provide their analysis.

Chair Steven Costello entertains a motion to continue to Sept. 27th, 2021, moved by Stephen Robichaud, seconded by Mary Barry,

Roll Call Vote:

Steven Costello - aye

Stephen Robichaud - aye

Mary Barry - aye

Bob Twiss - aye

Michael Mecnas - aye

Matters Not Reasonably Anticipated by the Chair

Correspondence

Approval of Minutes

August 9, 2021, draft minutes

Chair Steven Costello entertains a motion to approve the draft minutes of August 9, 2021, moved by Stephen Robichaud, seconded by Mary Barry,

Roll Call Vote:

Steven Costello - aye

Stephen Robichaud - aye

Mary Barry - aye

Bob Twiss - aye

Michael Mecnas - aye

Staff Updates

Barnstable Local Comprehensive Plan

Elizabeth Jenkins - Staff will be providing updates once a month to Town Council and will update the Planning Board accordingly. Proceeding with update, first phase with RFP for consultant services and data analysis – received proposals back, have gotten a committee of 5 individuals. Will meet first week in September once a consultant is selected – work with them to establish best practices. Local Comprehensive Plan (LCP). Town Manager will make that selection and then Town Council will ratify that committee. Looking to engage residents. Staff has been working putting together maps, Channel 18 on communication strategies. Get communication tools up and running as soon as possible. Intercept survey program to collect data, doing on Main Street.

Future Meetings: September 13 and September 27, 2021, @ 7:00 p.m.

Adjournment

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

Roll Call Vote:

Steven Costello - aye

Stephen Robichaud - aye

Mary Barry - aye

Bob Twiss - aye

Michael Mecnas - aye

The meeting adjourned at 10:02 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 – Dunrovin Too, LLC – 68 Yarmouth Rd., Hyannis - Regulatory Agreement – letter from HAC dated 8-17-21

Exhibit B – Dunrovin Too, LLC – 68 Yarmouth Rd., Hyannis – Regulatory Agreement - existing conditions plan

Exhibit C – Dunrovin Too, LLC – 68 Yarmouth Rd., Hyannis – Regulatory Agreement – proposed conditions plan

Exhibit D – Jennifer and Jeffrey Lyon, Trustees, Lyon Investment RT – 80 Pearl St. Regulatory Agreement – pictures submitted

Exhibit E – Jennifer and Jeffrey Lyon, Trustees, Lyon Investment RT – 80 Pearl St. Regulatory Agreement - aerial picture of the property

Exhibit F - Airview LLC, Inc. – Modification of Regulatory Agreement - No. 2019-03 - Memorandum from Matt Eddy dated August 20, 2021