



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 Mecenas Raymond Sexton Tim O’Neill

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

Town of Barnstable PLANNING BOARD Minutes April 25, 2022

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

Also in attendance via remote participation were Planning & Development Staff; Elizabeth Jenkins, Director, Kaitlyn 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://us06web.zoom.us/j/84611106044>

Phone: 888 475 4499 US Toll-free

Meeting ID: 846 1110 6044

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 or calling 508-862-4064.

Vice Chair Stephen Robichaud will be sitting in for Chair Steven Costello tonight as he is not present.

Attendance Roll Call

Bob Twiss
Ray Sexton
Tim O’Neill
Mary Barry
Stephen Robichaud

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.

Public Comment – No General Public Comment

Subdivisions:

Pilots Way, Sub. No. 288, Modification of Definitive Subdivision, Deacon Crocker, Trustee seeks to amend the approved Definitive Subdivision plan, #288, as required by the existing covenant and plan in order to modify the roadway known as Pilots Way. (Majority of Full Board)

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

Roll Call Vote:

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

Attorney Senie in attendance representing the Crocker’s. He gives a history of the lots and covenants. No covenant recorded for 10 years. Other lots developed. ANR plans. Road never improved. 55 Pilots Way, would like to build house on it. Lot 5 owned by Deacon’s lot, undeveloped. What improvements for public safety. All Departments have walked the site with the applicant. Don’t want to lose the rural character of the small dead end road. He has sent a letter today with information as well.

Tim Santos, Merrill Engineers and Land Surveyor’s. Shares screen with a colored plan. Proposed road improvement modifications. Road widening, close to Route 6A, 16 ft. wide, would narrow down to 14 ft. in certain area. Road is very rural/country looking. Will keep gravel look as is. Max width to 14 ft. some widening at the four way section. Have list of waivers from 1973, 11 of them, basically drainage and width. Upgrade for safety of the lots.

Jim Kupfer, this would be amending a subdivision placed with an ANR plan, 1983, the covenant reflects requirement that any lot release would require upgrade to subdivision standards. Went back to 1973 rules and regulations. Fire Chief, haven’t heard back with any additional comments yet. Need final word. Also DPW didn’t express any concerns pertinent to DPW at this time. Expect to have feedback by next meeting from both entities.

Public Comment

Jessica Buonopane. Future Homeowners Association (HOA) and road maintenance in the future. Doesn’t want it to end up unmaintained.

Attorney Senie, road maintenance agreement, has some provisions, if need to improve Pilots Way, the cost to his client. Annually what funds would be put into a fund for improvements/mechanism. That calls for a majority vote for all properties. Not recorded, has an agreement and signed. Can get to the Board in a few days.

Jessica Buonopane. The end of Pilot's Way, turnaround, this is considerably overgrown at this point, how would this work?

Tim Santos replies currently this plan is for the improvements for a firetruck to turn around.

Town Councilor Gordon Starr in attendance. Private citizen/abutter here. Concerned that the map of the turnaround is unreadable, can't tell what is stone wall and what is trees. Very concerned about the turnaround, which is on private land. Way not plowed by town. No drainage plan. A lot of waivers in 1973. Can keep road gravel road. Very few places to turn around. Public safety need fire hydrant put in the road as well.

Roy_____ in attendance. He has book page of HOA, Book and page - 27126 pg, 185, 9310.

Gordon Starr, doesn't think the HOA has ever been addressed. Never had any meetings for this, need to start all over again.

Attorney Senie, Fire truck would be on Deacon's Aunt Priscilla Drier property. Not sure if agreeable for a Fire truck to back up on her property. We could modify the plan to do this. Gravel area for turnaround.

Priscilla Drier – no objection to put that on her property.

Deacon Crocker in attendance. Asks if seen any drainage problems, he has not seen any. Fire Chief and he have had conversation on site, has stated that the road is suffice as it stands. Hasn't had any issue turning around. Appreciates Priscilla Drier stating alright for property use.

Ray Sexton – Findings and Conditions. How to apply? Procedure for.

Jim Kupfer, yes, Conditions would be standard and more administrative. Road maintenance agreement. Once to a point where Board satisfied will do Findings. Road waivers may be granted to subdivision regulations. Review of all information with final conclusion.

Ray Sexton, map hard to read. Directs to Tim Santos to point out turnaround area.

Tim Santos, points out the areas, four way turn around. Pilots Way ends at the old railroad.

Gordon Starr, he lives along edge of tracks, west side.

Doug Cleary, he lives Lot 2. Looking forward to when revisions made.

Vice Chair Stephen Robichaud states will leave public hearing open.

Gordon Starr, maybe staked out where turn around is supposed to be, so all can look at.

Tim Santos, will do that.

Tim O'Neill – any major grade/slip changes.

Tim Santos, just a minor widening/resurfacing. Gravel, need new topping to. No major grade changes.

Tim O'Neill, drainage issues/concerns? Any comments?

Doug Cleary, at base, does get a pretty large pool area, flows downhill to the base of his driveway. Would like to see it addressed.

Tim O'Neill any ruts or potholes in road? Stable?

Gordon Starr replies, fairly stable, do get potholes. If this plan will change the cross section, not sure what will do to the drainage – creates ruts. Not the same all the time, continual upkeep job.

Tim O'Neill road maintenance/snow plow/up keep of, who's been doing the maintenance?

Gordon Starr replies, the Town has started to plow the road. Does not plow the back end, drop in grade area. Gets plowed about 8 ft. wide.

Mary Barry, they will need a maintenance agreement to be filed. Utility plan for drainage, doesn't sound like well drained. Private road.

Jim Kupfer, DPW does need to review. Likely minimal drainage changes with this type of roadway.

Vice Chair Stephen Robichaud, need more information from several entities. Will keep public hearing open until that time.

Vice Chair Stephen Robichaud entertains a motion to continue, moved by Bob Twiss to continue to May 9, 2022, seconded by Mary Barry,

Roll Call Vote:

Bob Twiss - aye

Ray Sexton - aye

Tim O'Neill - aye

Mary Barry - aye

Stephen Robichaud - aye

Regulatory Agreements:

Modification to RA 2017-003 Sea Captain's Row, CapeBuilt Pleasant Street, LLC seeks to modify Regulatory Agreement No. 2017-003 to include the addition of a single one-bedroom "walkout" apartment to be added in the basement level of each of the two buildings that were previously approved as Buildings A and B. This will increase the total project unit count from 60 to 62. The Applicant also seeks to modify the relief previously granted from the General Ordinance, Chapter 9, Article I Inclusionary Affordable Housing Requirements – Section 9-4-D. to allow for two 1-bedroom apartments at 50% of Area Median Income on a "floating" basis dispersed within the forty-four (44) rental apartments in Phase One. (Majority of members present and voting) Applicant has requested a continuance.

Vice Chair Stephen Robichaud entertains a motion to open the public hearing, moved by Mary Barry, seconded by Ray Sexton,

Roll Call Vote:

Bob Twiss - aye

Ray Sexton - aye

Tim O'Neill - aye

Mary Barry - aye

Stephen Robichaud - aye

Jim Kupfer, explains, draft regulatory agreement application, just got an updated draft. We are awaiting a few other items to be addressed on the plan.

Motion made by Mary Barry to continue the request to amend Regulatory Agreement 2017-003 Sea Captain's Row to May 9th 2022, at 7:00 PM, seconded by Bob Twiss,

Roll Call Vote:

Bob Twiss - aye

Ray Sexton - aye

Tim O'Neill - aye

Mary Barry - aye

Stephen Robichaud - aye

Staff Updates

Jim Kupfer – friendly 40B. Zoning Board of Appeals (ZBA) has for standard 40B regulations. Applicant that wants to pursue but has a public benefit for the community. Comes in the way by signature from Town Manager, goes to state prior to any permits that would go to ZBA. Public input for. Have some potential next steps for a process. Planning Board would be the entity to come before for this. This would be the exception, not the rule. Has to serve a real public benefit to the community. Two main avenues, minor and major. Minor habitat for humanity, could move forward. The major, may have impacts and need vetting. Would not be typical public hearing. Housing committee and Planning Board work together for this. Town Manager's consideration. Would determine if letter needs to go to the State, then could streamline to ZBA. Send any comments along.

Tim O'Neill thinks this is great. Has seen it get bogged down in other towns. Good opportunity for vetting major concerns and guidance before final to ZBA. Town will benefit from.

Local Comprehensive Plan

Elizabeth Jenkins – LCP update. Making progress, hope to have appointments ratified shortly by Town Council. Got support for housing production plan. CPC has partnered.

Matters Not Reasonably Anticipated by the Chair

Approval of Minutes

April 11, 2022, draft minutes

Vice Chair Stephen Robichaud entertains a motion to approve the draft minutes of April 11, 2022, moved by Mary Barry, seconded by Tim O'Neill,

Roll Call Vote:

Bob Twiss - aye

Ray Sexton - aye

Tim O'Neill - aye

Mary Barry - aye

Stephen Robichaud - aye

Future Meetings: May 9th and May 23rd, 2022, @ 7:00 p.m.

Adjournment

Motion made by Mary Barry to adjourn, seconded by Bob Twiss,

Roll Call Vote:

Bob Twiss - aye

Ray Sexton - aye

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

The meeting adjourned at 8:03 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>

APPROVED