



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 Mecenas 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 23, 2023

Stephen Robichaud – Chairman	Present
Robert Twiss, Vice Chairman	Present
Tim O’Neill – Clerk	Present
Mary Barry	Present
Michael Mecenas	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

Approval Not Required Plans

518 – 566 Yarmouth Road, LLC has submitted an Approval Not Required Plan entitled “Approval Not Required Plan for Premier Chrysler Dodge Jeep Ram, Hyannis, Massachusetts, dated September 29, 2023”

Attorney Jeff Ford representing the Applicant and Asa Smith, Atlantic Engineering in attendance. He explains the proposed ANR – parcels meet area and have been improved. Existing paved. Currently used for parking, no change in use.

Chair Stephen Robichaud entertains a motion to endorse/approve, moved by Ray Sexton to endorse the plan entitled “Approval Not Required Plan for Premier Chrysler Dodge Jeep Ram, Hyannis, Massachusetts”, by Atlantic Design Engineers, Inc, dated September 29, 2023” as an Approval Not Required Plan, seconded by Michael Mecenas

Motion re done

Chair Stephen Robichaud entertains a motion to endorse/approve, moved by Ray Sexton to

endorse the plan entitled “Approval Not Required Plan for Premier Chrysler Dodge Jeep Ram, Hyannis, Massachusetts”, by Atlantic Design Engineers, Inc, dated September 29, 2023” as an Approval Not Required Plan, with the following Findings; it does not constitute a subdivision because each of the lots have the minimum required frontage on an existing way having suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use and for the installation of municipal services to serve such use; and all materials and conditions of Chapter 801, Article IV Approval Not required Plans, have been submitted and are in full compliance, seconded by Michael Mecnas,

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

Special Permits

Nile Morin has submitted a Special Permit Application for 50 Main Street, Hyannis, Map 342 Parcel 026 – demolition and proposal to construct five residential duplexes

Motion made by Tim O’Neill to open the public hearing, seconded by Matt Teague,

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

John O’Dea from Atlantic Engineering in attendance. He explains the proposed special permit application. Demolish existing building and construct 5 duplex buildings. Has been before Site Plan review. Minimal required façade buildout, requires 80% on street frontage. Landscape setbacks hard to make, requesting setback relief.

Jim Kupfer, Downtown area. Application proposing a 45% build out. Landscape buffer, driveway buffer. Relief is for the difference between the 80 and 45% build out area.

Ray Sexton affordable housing unit, would like to see more than 1 unit. Asking for at least one more unit.

Nile Morin in attendance. Kept it at 9 units because of cost. Still putting the 10th unit in.

Ray Sexton, trying to encourage affordable and there are public subsidies for this.

Chair Stephen Robichaud would not want to condition this with affordable’s, but it is important for all to know this Board does prioritize affordable units. The CPC Committee can help aid with this for affordable units.

Bob Twiss, agrees with the affordable housing comments. Special permits mean we are giving something up. Application did not include an artist rendition of the façade for what building will look like. Concerns with how façade looks. Fronting on Main Street.

Tim O’Neill, formal site plan review, applied for permit and then come back here. Is it in HHDC?

Jim Kupfer, not in HHDC, has gone through formal site plan review and been deemed approvable.

Matt Teague suggests shutters? Chair Stephen Robichaud also encourages shutters.

Nile Morin, just finished 421 West Main Street project.

Chair Stephen Robichaud asks for any public comment. None.

Chair Stephen Robichaud closes public comment, moved by Matt Teague, seconded by Bob Twiss, Roll Call Vote:

Matt Teague - aye

Mary Barry - aye

Ray Sexton - aye

Bob Twiss - aye

Tim O’Neill - aye

Micheal Mecnas - aye

Stephen Robichaud - aye

Public hearing closed.

Bob Twiss, exterior lighting?

Tim O’Neill, alot of recommendations in the design guidelines – condition as such.

Bob Twiss, the application will include shutters, stone step fronting and will consult the design guidelines for lamps and other lighting – confirmed on the building.

Motion made by Bob Twiss to approve with conditions – Draft Findings read into record;

Draft Findings

1. The property location is 50 Main Street, Hyannis, MA, Hyannis is shown on Assessor’s Map 342 Parcel 026 in the Downtown Village Zoning District and Wellhead Protection Overlay District.
2. The Applicant and Owner Nile Morin, seeks a Special Permit pursuant to Section 240-24.1.7(B)(3)(c) of the Barnstable Zoning Code. The Applicant proposes a 45 percent building frontage buildout where 80 percent minimum is required.
3. The Planning Board finds that the issuance of the Special Permit is consistent with the Design and Infrastructure Plan and that the development meets the following criteria:
 - a. Creates housing opportunities for persons and households of all income levels;
 - b. Orients both residential entry to face public streets;
 - c. The development provides for the minimizing of curb cuts and driveways on Main Street through a shared driveway for all units.

4. The application falls within a category specifically excepted in the ordinance for a grant of a Special Permit. Section 240-24.1.7(B)(3)(c) allows the Planning Board to reduce façade buildout requirements by Special Permit.
5. After an evaluation of all the evidence presented, the proposal fulfills the spirit and intent of the zoning ordinance and would not represent a substantial detriment to the public good or the neighborhood affected.
6. A Site Plan has been reviewed and approved by the Site Plan Review Committee. The conditions of Informal and Formal Site Plan Review shall be incorporated by reference as conditions of this Special Permit.
7. The application proposes 10 residential dwelling units. Therefore, the Developer shall provide one (1) Affordable Housing Unit in accordance with Chapter 9 Affordable Housing, Article I Inclusionary Affordable Housing Requirements and as conditioned further herein.

Condition no. 9 to be added – Applicant provide shutters to the building facing Main Street and provide stone steps facing Main Street and lighting will be added according to guidelines, seconded by Tim O’Neill,

Roll Call Vote:

Matt Teague - aye

Mary Barry - aye

Bob Twiss - aye

Ray Sexton - aye

Tim O’Neill - aye

Micheal Mecnas - aye

Stephen Robichaud - aye

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

Attorney Kenney and Dan Ojala in attendance.

Four items to be reviewed.

First – requested waiver from HHDC – why Planning Board can grant a waiver for this project. General town ordinance, can grant waiver to Chapter 240. Found four instances, Harborview Hotel was four stories, had a waiver- positive recommendation and granted a waiver for COA. Sea Captains Row also granted a waiver for this regulatory agreement. Granby Hyland project, was not required to. Ruth Rusher Trust 111 and 105 Ocean Street, not required to get a COA.

This project did go before HHDC and was appealed by an abutter and was upheld April 26, 2022. Minor changes to the plans at the request of the Planning Board. HHDC’s Chair spoke about this and made public comment. Chapter 168 empowers the Planning Board to do this procedurally and Town Council and then Town Manager as well. Maybe HHDC do an administrative letter and give to Planning Board.

Attorney Kenny – stormwater report. Updated civil set in the Docksides report.

Dan Ojala, Downcape Engineering in attendance. Explains storm water. State of the art system. All parking is below grade – lacing plates. Majority is clean roof runoff, have great sand and gravel aquifers. Sub surface goes to catch basin and then secondary. Standard infiltration. Above ground water table. Steamship Authority and we did do a stress test. Good and robust system.

Ray Sexton, what percent of site is imperviable?
Dan Ojala, the west parcel is 76.7 and the east is 76.0.

Attorney Kenney
Third issue – elevations/height and how calculated.

Dan Ojala, new zoning lines up with IBC now. Established a grade. Finished grade. West bldg. height is 58.85 ft. east bldg. 60.08. from average finished grade around the building. Now consistent measurement.

Tim O’Neill – is there a difference in existing grade? Two extreme ends of South Street.

Dan O’jala, sloping site to some extent, South Street rises up. School Street, lowest side on the west. First floors are about 4 f. above the grade plane. Go up to about 31. West to east a pretty good grade. Replacing. Old retaining wall on the back of the old hotel. Will be leveling the grade.

Tim O’Neill – confirms the grade plane.
Dan Ojala, 26 all the way around the building. Average grades

Matt Teague, confirms the bldg. height from average height.

Dan Ojala, from the highest roof, A-203 sheet.
Mike Nee, around 27.7 and go up 60 ft. 1 inch from there. Average of dormer roof, conservatively 27 ft.

Matt Teague, what are the expected bldg. heights, what are the numbers? Certify. Important to be accurate.

Dan Ojala, 58.08 on east and west 60.08

Ray Sexton, what’s the altitude? Did crane test previously.
Tim O’Neill interjects sea level.

Dan Ojala, basically AC level. Grade plane. 89 above sea level.

Mike Nee, at 110 would be 87 ft. above sea level – clarifies that the buildings in elevation going to be this.

Ray Sexton confirms the height,
Discussion about feet.

Attorney Kenney, affordable housing units/plan. 6 affordable units (required to offer 3). Dockside has 29 proposed units. Plans shown for the units. Amenities reviewed. Proposed possible amendment is an option for Town Council to accept in lieu of the units a cash of 1.2 million, this is either or whatever Town prefers.

Chair Stephen Robichaud confirms the sq.footage of the units. Not in favor of the 1.2 cash alternative offer, because these units can be ready within a year. Confirms anticipated occupancy.

Stuart Bornstein, expect to be finished sometime by the end of February, the hold up is the switch gear. 9 units. Affordables have windows on all sides. These are the best units. Square footage for 1 bedroom, 750.

Ray Sexton, take the units not the money. HHDC question – Did we hear from Legal Dept.? Not obliged unless decide?

Jim Kupfer, not as of yet, local ordinance, nothing definitive at this time.

Chair Stephen Robichaud opens up public comment. New public comment persons can come forward – persons that have not already made public comment.

Roberta Mauch in attendance (has made previous public comment). Passes out pictures of the harbor.

Murray Scudder of Hy-Line Cruises in attendance. Would be an improvement and investment to the Harbor. Positive. In support.

Debra Dagwan in attendance (has made previous public comment). In opposition to the project. Has come to Town four times with this project. Affordable housing at this location. Residents could have had a chance to live here. This is not what we were told in the beginning. Not conforming with the height. Concerns with underground parking. Inner harbor master plan coming up – need to see this before ok this major project. And Harbor master plan coming up as well.

Favio D’Olivera in attendance. Likes the project. Problems with housing his employees. Would like project approved. Developer should be recognized as helping the Town.

Laura Cronin in attendance (has made previous public comment). In opposition. Concerns with height. Harbor District has not changed. Over the height allowed. Nothing has changed with this proposal. The value is 60 million dollars. All along this area will want to do the same with the height. Hold and find out what harbor zoning will be.

Felicia Penn in attendance (has made previous public comment). In opposition. Harborview Hotel is 4 stories, but on lowest point of Ocean Street and is across the street. 89 Lewis Bay Rd. this bldg. is across the street. The proposed bldg. will be right at the view of the water. Regulatory agreement review and procedure for. If this bldg. was 3.5 she would drop her opposition. Bring into scale with the general area. People will still see it from away, but relatively in scale to the area for the inner harbor. Refer to HHDC.

Mark McCartney in attendance. Beautiful piece of land. Review of real estate sales history. Affordable housing is a desperate need. In support of the project.

Attorney Lawler in attendance (has made previous public comment). In opposition. This is at the highest point in the harbor area. Six marinas. One working marina in Hyannis. Need to look to the future. Harbor needs to be protected. Something that fits and reasonably. That’s why 2.5 stories is the zoning.

Wayne Kurker in attendance (has made previous public comment). Hyannis Marina. He would support this project if three stories. Parking concerns. Need something that fits. Needs to contain itself.

Wendy Northcross in attendance. In support. Ten years in the making. We have done a lot to open vista and access. Need to elevate Hyannis and what’s here. Also on Housing Trust, agrees with taking the units instead of the cash.

Margo Pisacano in attendance. In support. Has seen and worked with Developers and rentals. There are going to be changes anyway.

Marty Brummel, Hyannis Chamber of Commerce. In support. Need the growth.

Brendon Bricklin, Centerville, Cape Gun works owner. In support. Town will benefit.

Brian Cobb, Centerville. Real Estate. Hyannis needs a change. In support.

Marie Souza – Real Estate. Hyannis is in need of a change. Likes the affordable units being offered. Height – heart of the harbor is Ocean, Village Green and this Town Hall. Doesn't have a problem with the height, why in the historic district anyway. Will benefit the town, tax revenue. The question is what's best for Hyannis. In support.

Marleece Lyon, on behalf of Chuck Carey for Carey Commercial. In support. Good to have a high end building.

Jake Dewey in attendance, Chair of ZBA. Out of date for inclusionary . Update.

Nile Morin, The improvement and a need for balance for this type of wealth for these types of units.

Eric Schwabb (has made previous public comment). In opposition. Doesn't understand the height. 25% affordable, anything less than 15 million. Hyannis needs a place for regular people to live.

Cheryl Powell in attendance, Chair of HHDC (has made previous public comment). Substantial and significant changes. HHDC's jurisdiction. Applications with HHDC statistics. Zoning has been changed. Remand back to HHDC. Is in the historic District. Exterior, no exceptions. Will be a precedent.

Chair Stephen Robichaud calls a 5 minute recess.

Back in session:

Attorney Kenney. Did get HHDC COA previously. We are not circumventing the HHDC. This is on the fringe of the Harbor District. Future proposals, we are 50 ft. Downtown Village District is can go to 66 ft. This is not waterfront property. Will not impose/impact the harbor, only visual. Can't be built with 2 stories, not with underground parking. Open spaces owned by the town. Sets a tone. Developer wants to build signature buildings.

Matt Teague- establish building heights in writing. Support 6 offsite instead of the cash payment.

Mary Barry – the site requires something that fits with the neighborhood. Drop down to 3.5 stories. Traffic concerns with the project. Negotiation, looking out for Hyannis. A scaled down version would be good.

Ray Sexton – proposal as stands tonight. The zoning has changed. Act as currently proposed. Has to be at least a story less.

Chair Stephen Robichaud, consistent view. Acknowledges the economics of this project.

Bob Twiss, thinks should vote tonight. Doesn't see any change in height for this.

Tim O'Neill – zoning changes and application almost the same. A lot of benefits with this project. The bldg. height is still his concern. Historic nature of the town. Form based code and fourth story. First floor commercial.

Michael Mecenias – The Planning Board has spent a lot of time with this. Doesn't see much change from previous submission. Vote tonight or refer back to HHDC.

Stuart Bornstein, appreciates the time all put into this project. Costs issues. Fifteen projects being done in Hyannis now. Probably 3,000 units in three years will be in Hyannis. Workforce housing. 3.5 stories doesn't work. First proposal was in 1997. Allowed to build 2.5 stories, 60 units, we can build that. Have tried to make Hyannis a better place with this particular project.

Chair Stephen Robichaud closes the public hearing, motion moved by Mary Barry,

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

Chair Stephen Robichaud thanks the public for comments. Thanks the Applicant for all of the work and concessions made and appreciates the cost of the project. A 60 unit proposal will be coming in now. This is transparency, to know if this project does not go through. Size and density concerns. Traffic and abutters concerns. A 60 unit project would be much more concerns that could be far worse. Historic Commission, recognize and commend for their work recently at 307 Main Street, they have done a phenomenal job. Any 60 unit project would have to meet their requirements. Supports the new form based code. Likes the affordable units being offered. 16 bedrooms, this is the most important thing. These would be ready and available soon, this will deliver more. Someone's private property doesn't mean they need to offer a view for the public. The view now would remain and would remain unchanged. 4.5 stories is tall. Other regulatory agreements and tall buildings in this area. This is not a waterfront project/property. Supports HHDC waiver, very little has changed the impact has been reduced.

Tim O'Neill – HHDC change in the application, mostly stayed the same. Also changes to the Historic regulations, that's why think should go back to HHDC. May recommend if gets a COA from Historic and condition as such.

Bob Twiss – beautiful buildings. This is a plus to have in a community. East end of Hyannis needs a lot of work. High quality will beget high quality. This will drive high end building/development. Thanks, commends applicant/Bornstein. We voted before and turned the proposal down. Voted in favor before. These are vacant lots/eyesore. Other alternatives now that are consistent with the zoning.

Ray Sexton, a lot of time spent with this, everyone and community. Height is not for this area. The alternative may be a good thing.

Mary Barry, thanks Applicant - needs to be dropped down a story.

Matt Teague, doesn't think a bldg. like this would be a detriment, thinks opportunity to create a beautiful space – great loss to forego something like this. The alternative is nothing or less attractive. He supports this very strongly and feels appropriate. He did the Greenery Regulatory Agreement, it was hard for them to do this, because everyone was afraid, it worked out well. This would be such a loss.

Chair Stephen Robichaud makes a motion to recommend the execution of Regulatory Agreement 2023-002 Dockside Residences, 110 School Street and 115 School Street to Town Council, seconded by Bob Twiss,

Roll Call Vote:

Matt Teague - aye

Mary Barry - nay

Ray Sexton - nay

Bob Twiss - nay

Tim O'Neill - nay

Michael Mecnas - nay

Stephen Robichaud - aye

Chapter 91 Notices

Notice – 150 Bay Rd., Barnstable – Hahn – construct and maintain pier/float

Staff Updates

Local Comprehensive Plan

Jim Kupfer, application has closed received 12 applications that will be reviewed in coming weeks for Nov. 30th.

Weekly Recap

Jim Kupfer, regulatory side, 201 Main Street approved and 307 Main Street approved and ZBA sign package finalized for Kmart plaza lot. Design guidelines finalizing joint meeting late November/early December. Town got a state grant to do master harbor planning process. Request for proposals.

Joint meeting will be for design guidelines finalizing to review – will be Planning Board and HHDC.

Matters Not Reasonably Anticipated by the Chair

Approval of Minutes

October 16, 2023 draft minutes

Chair Stephen Robichaud entertains a motion to approve the draft minutes of Oct. 16, 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

Michael Mecnas - aye

Stephen Robichaud - aye

Future Meetings: November 13th and November 27, @ 7:00 p.m.

Adjournment

Chair Stephen Robichaud entertains a motion to adjourn, moved by Matt Teague, seconded by Mary Barry,

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 10;22 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