



## Hyannis Main Street Waterfront Historic District Appeals Committee

367 Main Street  
Hyannis, Massachusetts 02601

### MINUTES OF THE HYANNIS MAIN STREET WATERFRONT HISTORIC DISTRICT APPEALS COMMITTEE HEARING APRIL 26, 2022

Members Present: Alison Alessi, Sarah Colvin  
Members Absent: Mary-Ann Agresti (recused)

Others Present: Jim Kupfer, Senior Planner, Karen Herrand, Principal Assistant, Planning & Development.

To all persons deemed interested or affected by the Town of Barnstable's Hyannis Main Street Waterfront Historic District Appeals Committee under Chapter 112, Article III of the Code of the Town of Barnstable, you are hereby notified that a public hearing is being held via remote participation methods at 6:00 p.m. on Tuesday, April 26, 2022. Alternative public access to this meeting shall be provided in the following manner:

1. Real-time access to the Hyannis Main Street Waterfront Historic District Appeals Committee meeting is available utilizing the Zoom link or telephone number and Meeting ID provided below. Public comment can be addressed to the Hyannis Main Street Waterfront Historic District Appeals Committee utilizing the Zoom link or telephone number and Meeting ID provided below.

Link: <https://townofbarnstable-us.zoom.us/j/89384147114>

Phone: 888 475 4499 US Toll-free Meeting ID: 893 8414 7114

2. Applicants, their representatives and individuals required or entitled to appear before the Hyannis Main Street Waterfront Historic District Appeals Committee 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. Please note that this meeting will be recorded and broadcast on Channel 18 and, in accordance with MGL Chapter 30A §20, anyone taping this meeting please make their presence known.

#### Call to Order

#### Attendance Roll Call

Alison Alessi  
Sarah Colvin  
MaryAnn Agresti – absent and recused from this matter

#### Continued Business

#### Appeal 2022 -01 – Stuart Bornstein, 297 North Street, Hyannis MA – Shoestring Properties LP – 110 School Street and 53 South Street, Hyannis

Wayne Kurker, has appealed the decision of the Hyannis Main Street Waterfront Historic District Commission (HMSWHDC) to approve the Applicant's request for a Certificate of Appropriateness for 110 School Street and 53 South Street (pending 115 School Street), Hyannis as described in the application submitted on February 2, 2022. The HMSWHDC voted to approve the application on February 16, 2022. The Appellant seeks reversal of the HMSWHDC

decision or a remand to the HMSWHDC for further proceedings consistent with the Decision of the Appeals Committee. The subject property is located at 110 School Street and 53 South Street, Hyannis, as shown on Assessor's Map 326 as Parcel 121 and 326 as Parcel 125. *Continued from April 5, 2022.*

Jim Kupfer in attendance. The role of the HHDC Commission and the HHDC Appeals Committee. Charter and ultimate jurisdiction to review was, in this case it is new construction. In the case of any new construction, the Commission shall consider the appropriateness of the size, shape and location of the building or structure both in relation to the land area upon which the building or structure is situated and to the building, structure and general vicinity. The Commission's original jurisdiction was to review that application for this new construction in that manner. The Commission is not the Zoning Board of Appeals or the Planning Board, it has a very strict role that it plays determining whether a Certificate of Appropriateness is appropriate for this project in the District.

The Appeals Committee's role, shall hear all pertinent evidence and act upon such appeals within 30 calendar days after the filing of such appeal. The decision of the Committee shall be determined by a majority vote of the Committee members and if they determine the original Commission's action is unsupported by evidence or it exceeds the authority of the Commission this Committee may annul the Commission's decision or remand it back to the Commission for review.

If the Appeals Committee has reviewed the evidence and believes that the Commission has reviewed the application had sufficient evidence for their Decision and did not exceed the authority of their jurisdiction than this Appeals Committee is to uphold the Decision. Staff did receive a letter from an abutter regarding this matter.

Chair Alison Alessi states she has reviewed all materials and watched the video, asks all to keep comments to what is new.

Wayne Kurker (Appellant) in attendance. It was unfair with no input from the most effected residences, closest resident, Mr. Trotto and himself. They had no idea of what this project entailed. They weren't notified. Asking to have the Hyannis Main Street Waterfront District Commission (HHDC ) re hear this proposal, so Commissioners are aware of our concerns. Would like to appear. Good idea for a nice project here, but not liking the proposed height. Many people coming back from Nantucket, doesn't think this is a good view to see, like a high rise. Not fair for Commission to take a vote, as they were not notified. Need to get input to Commission.

Jim Kupfer explains notification is standard mail not certified mail. Has abutters list that was issued and sent out from the Town. Docksider Marina was sent to 21 Arlington Street, also for Mr. Trotto, sent to address per Assessing information.

Wayne Kurker, did not know this was going on and not informed of a meeting.

Felicia Penn in attendance. Did not attend meeting in February - HHDC meeting. Did view. Would support a re hearing, doesn't recall any discussion re appropriateness of size. How project builds on and in the District. Only heard that this land is towards the edge of this District, like Hospital. Important to represent whatever parameters are in the area, on the edge. Did not hear a whole lot of discussion about the value, how it will enhance. Would like to correct the record regarding the Harborview Motel, 6 stories, it is 4 stories, including mechanicals. Site Plan letter indicated parking mostly underground, which is different than what was said. Comparison for this property was Lewis Bay Lodge. Two story duplexes here in the past. Wasn't always a parking lot. Wanted people to understand that the idea of new construction still needs to fit in the area. Not the purview of this Commission. Request a re hearing, thinks appropriate.

Laura Cronin in attendance. Sent letter yesterday. Did attend the HHDC meeting in February. The scope of approval of HHDC, states that Town regulates the building height. 5.5 stories does look high, ½ story for a workout room. This is 200% more than in the area now. Zoning may be re looked at, not sure where yet. 2.5 allowed right now. Request also a re hearing. Although this is better than what was presented in the past. Historic scope, got to try to preserve that. Waterfront, 5.5 is outside of purview for HHDC to approve. Needs more public input.

Dan Ojala in attendance, Downcape Engineering. Thinks carefully deliberated at HHDC. Is a tall project, but thinks fits pretty nicely. South Street is a stepped up design. Scale from a boat, thinks is appropriate. Added a porch on one side and corrected the water view a little bit. View from the water, they surveyed and scaled the image. Thinks it fits nicely. Was Lews Bay Lodge in the past, west parcel had a 2 story hotel previous. Very nice looking building. Not as big as if it were right on Main Street. Zoning met or not, subject to a development agreement, this can alter zoning. Hyannis Village District. This is pending Planning Board regulatory agreement and Town Council and Town Manager in order to be approved. A lot of chances for public to speak out about this at other Board/entities before it is approved.

Jim Kupfer, it's really to determine whether the original Commission made a decision supported by evidence. A little difficult, but not to further analyze the design, but simply look back to see if HHDC made an informed decision.

Cheryl Powell in attendance. Chair of HHDC. Talking as public comment as citizen. Spoke to Ethics Commission to make sure she is correct in speaking. Claim of non notification, all abutters should be heard. Mr. Kurker and Mr. Trotto, she did verify with him that he did not receive a notification. Parking. Stories of the bldg. wreck room, relaxing room, or computer loft. Zoning code would refer to it as another story. Elevator that goes to each floor, but unclear if for this area. Dan Ojala described as a bookend. Is on the edge of the District. Charter states in the case to considered, size shape and location and general vicinity, this would be the abutters. Changing the zoning to bring in line to what the Town needs. All abutters should be notified in a timely matter. Thanks the Appeals Committee noting that she has spoken with the State Ethics Commission. This is now a different project. These things were not presented to us – changes sent. There are some notices that are sent out certified to abutters. If remanded back want to be sure all taken in objectively and in addition to hearing the new information. Opportunity to see new information if remanded back to HHDC.

Stuart Bornstein in attendance. The Town mailed out excess of 30 notifications to abutters, seems strange that the only ones that didn't get them are closest to the project. The project has not changed, just added a porch on the side at recommendation of the design review. The project is identical to what was presented to HHDC. Haven't had one person that doesn't like this project. Legacy project for Hyannis, to make Hyannis a better place.

Wayne Kurker responds – building stepped up from the street side, not many rendering from the water side. It's one straight building on top of a 30 ft. hill. Waterline view is misleading, no one at the hearing to explain that. The Greenery building is 3.5 stories across from this. Picture taken from far away. Does not look the same at this far away distance. Doesn't fit the area. This is not in the character of the neighborhood.

Felicia Penn responds – the 2.5 story zoning. When this was new zoning, she addressed /noticed that the height of 2.5 had not changed in the harbor zone. Harbor View hotel, 4 stories knowing that Greenery is 4 stories, maybe make it by right. Director Elizabeth Jenkins replied to her that the zoning will be 2.5 stories. New zoning coming in still says 2.5 stories for the Harbor, is not changing.

Dan Ojala responds – not the architect of record for this. Thinks well vetted. Chair of HHDC did vote against it, split vote. Almost all parking is underground. Couple drop off areas. 40 something spaces underground. Expensive construction/garage underground.

Cheryl Powell responds – re changes, only a porch, but that is a change. You can add that porch if comes back to HHDC.

Jim Kupfer, any changes would have to come back to Commission, but if a change we would have to deal within a subsequent date.

Stuart Bornstein, will remove if porch is an issue. A lot of questions were asked at this HHDC meeting.

Chair Alison Alessi, not reviewing that/changes tonight.

**Chair Alison Alessi entertains a motion to close the public comment, moved by Sarah Colvin, seconded by Alison Alessi.**

**Vote:**

**Sarah Colvin – aye**

**Alison Alessi – aye**

Chair Alison Alessi confirms that any changes would come back to HHDC.

Sarah Colvin confirms that this project still has to go before other boards in order for approval.

Jim Kupfer, first step HHDC, then to Planning Board for a regulatory agreement, reason being in the Growth Incentive Zone (GIZ) and can apply for waivers, can coincide with Conservation, then to Town Council then to Town Manager for execution. This is essentially the layout/procedure.

Chair Alison Alessi does not know how to evaluate the abutter procedure, can't identify if received. Maybe consider certified for HHDC notices in the future. Did see evidence that these were mailed out.

Sarah Colvin understands challenging to get receive messages, has full faith that these were sent out, hard to determine. Registered mail cost more money, maybe moving forward, also some personal responsibility as well from public in the area. Difficult to assess mailings and receipt of. Doesn't think in the position to annul. Maybe remanding or upholding the decision.

Chair Alison Alessi has concerns about the scale and the height of the building, thinks there was a good discussion for this. Interested in seeing the rendering from the waterfront, only saw from South Street. Shares citizens concerns. The other Boards should see this. Zoning should not be in the HHDC discussion, this is for Planning Board or Town Council.

Sarah Colvin clarifies that there will be public hearings moving forward.

Jim Kupfer, yes Planning Board and Town Council and Conservation as well.

Chair Alison Alessi doesn't feel that HHDC didn't review or debate. I feel can uphold their Decision.

Sarah Colvin agrees, a lot of time to make comments moving forward, thinks HHDC did their due diligence.

**Chair Alison Alessi entertains a motion, moved by Sarah Colvin to uphold the Certificate of Appropriateness for 110 School Street and 53 South Street, seconded by Alison Alessi.**

**Roll Call Vote:**

**Alison Alessi - aye**

**Sarah Colvin - aye**

**Matters not Reasonably Anticipated by the Chair**

**Other Business**

April 5, 2022, Draft Minutes for approval

**Chair Alison Alessi entertains a motion to approve the draft minutes of April 5, 2022, moved by Sarah Colvin, seconded by Alison Alessi,**

**Roll Call Vote:**

**Sarah Colvin - aye**

**Alison Alessi - aye**

**Adjourn**

**Motion made by Sarah Colvin to adjourn, seconded by Alison Alessi,**

**Roll Call Vote:**

**Sarah Colvin - aye**

**Alison Alessi - aye**

Chair Alison Alessi mentions that possibly another way to notify abutters in the future.

The meeting adjourned at 7:00 p.m.

Respectfully Submitted

Karen Herrand

APPROVED