



Town of Barnstable Planning Board



www.town.barnstable.ma.us/PlanningBoard

Board Members

Steven Costello – Chair Jeffrey Swartz – Vice Chair Patrick Foran - Clerk Mary Barry Stephen Robichaud Aimee Guthinger Robert Twiss
Mathew Levesque – Town Council Liaison

Planning & Development Dept. Staff Support

Elizabeth Jenkins, AICP, Director
Paul Wackrow, Senior Planner
Karen Herrand – Principal Assistant - karen.herrand@town.barnstable.ma.us

BARNSTABLE TOWN CLERK

2021 JAN 13 PM 2:59

Town of Barnstable PLANNING BOARD Minutes December 14, 2020

Steven Costello – Chairman	Present
Jeffrey Swartz – Vice Chairman	Present
Patrick Foran – Clerk	Present
Marry Barry	Present
Stephen Robichaud	Present
Aimee Guthinger	Present
Robert Twiss	Present

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

The Planning Board’s Public Hearing will be held at 7:00 p.m. by remote participation methods as a result of the COVID-19 state of emergency in the Commonwealth of Massachusetts.

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/99352655821>

Phone: 888 475 4499 US Toll-free Meeting ID: 993 5265 5821

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

Attendance Roll Call:

Chair Steven Costello

Jeff Swartz

Patrick Foran

Mary Barry

Stephen Robichaud

Aimee Guthinger

Robert Twiss

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.

Approval Not Required Plans

An Approval Not Required Plan has been submitted by Christopher Pacelli, plan entitled "Plan of Land in Barnstable MA prepared for Christopher Pacelli, dated December 2, 2020" for 228 Old Mill Rd., Osterville, Map 142 Parcel 131 and 191 Robbins Street, Osterville, Map 142 Parcel 129 - the request is to combine the two lots.

Chris Pacelli in attendance. He gives an explanation of the proposed ANR. Back to back lots, in his family. Will be selling the property. Lot on Old Mill is no longer a buildable lot, only about 1/3 of an acre. Want to combine before they sell.

Elizabeth Jenkins confirms the lot merger and this will be more conforming. Recommend endorsement.

Chair Steven Costello entertains a motion to approve/endorse, moved by Robert Twiss, to endorse the land division plan entitled "Plan of Land in Osterville Barnstable MA prepared for Christopher Pacelli" prepared and stamped by Richard J. Hood, PLS dated December 11, 2020 as an Approval Not Required Plan, seconded by Jeff Swartz,

Roll Call Vote:

Steven Costello - aye

Jeff Swartz - aye

Patrick Foran - aye

Mary Barry - aye

Stephen Robichaud - aye

Aimee Guthinger - aye

Robert Twiss - aye

So voted unanimously.

Regulatory Agreements

Regulatory Agreement No. 2020-01 – 77 PLEASANT STREET REALTY TRUST

77 Pleasant Street Realty Trust, Wayne Kurker, Trustee seeks to enter into a Regulatory Agreement with the Town of Barnstable to use the property as a private open air parking lot. The proposal is for an 81 space gravel parking lot. The site is developed with a historic residential two-family dwelling. The dwelling is proposed to be preserved and moved within 21 feet of Pleasant Street and to continue as a two-family residential use. The subject property is 77 Pleasant Street, Hyannis, Massachusetts, shown on Assessor's Map 327 as Parcel 118. It is zoned HD Harbor District.

The Regulatory Agreement seeks waivers from the Zoning Ordinance, specifically:
Section 240-24.1.7(A)(1) Principal Permitted uses in the Harbor District – Neither a private open air parking lot nor a two-family dwelling are a permitted use in the District. The applicant also seeks the need for relief under 240-24.1.7(C) Dimensional, bulk, and other requirements to the extent required.
Continued from November 23, 2020.

Attorney Michael Ford in attendance. Matt Eddy and Wayne Kurker in attendance.

Additional material, refers to VHB memo, Randy Hart, Exhibit A. In response to Roger Parsons comments and traffic. There is a pedestrian access continuous on this site. Maybe a crosswalk suggested. This would facilitate to the harbor – pedestrian access. Community benefit – relocation of structure, streetscape. Proposal for this: Wayne Kurker – Hyannis is a dirty harbor, litter. Create a fund to keep the harbor cleaner. Tourists see the trash in the harbor, very unsightly. For the life of the parking lot, he could provide a fund to keep harbor clean. Done in the past by some students. Streetscape is bad on Pleasant Street. Has spoken to some of the neighbors. Letters received in support.

Chair Steven Costello asks who is currently responsible for cleaning the harbor?

Wayne Kurker, the Town of Barnstable is responsible. Budget restrictions with the Town, so he would pay for this.

Chair Steven Costello, some concerns with crossing and pedestrians, traffic concerns.

Attorney Ford refers to Roger Parsons letter, Exhibit B. This is more for the Islands to benefit from. If people parking in the proposed lot, then maybe a portion of the proceeds to pay for the trash in the harbor, this is the nexus of. Can set up designated accounts. Input of Town Manager. Maybe think out of the box. Town could extend funds for this purpose. These are people that are using the boats anyhow/ferry travel. Comments on Draft Reg. Agreement, Exhibit C.

Has statement from Rob Brennan/statement – support for relocation of the house and the parking, a revitalization is not possible without. Capebuilt looks forward to working with Mr. Kurker on improving this area.

Chair Steven Costello - Building is structurally sound to be moved. Mentions letters that have come in in support for this project. Some people do not want another open air parking lot. This is a very visible sight. Street is improving.

Chair Steven Costello opens up public comment.

Felicia Penn in attendance. Even with updated information this is a very unequal equation that should not be executed as it stands right now. The Applicant wants to use for updating the building. Show us the much needed use. 81 space parking lot on a residential lot. You have to show the need to waive zoning. Landscaped front yard, two part time jobs and now a fund - this is not enough of a significant benefit to waive zoning and put an open air parking lot here. Congested place, but doesn't mean ok to exasperate the situation and make more congested. Profit for parking for is projected at far more than a \$2,500 trash fund. Applicant is asking to give up residential zoning for an illegal use. Current zoning doesn't allow it. Asks to leave public hearing opened.

Chair Steven Costello interjects – we haven't discussed all of the terms for this regulatory agreement yet.

Review of the Draft Regulatory Agreement:

Attorney Ford – Exhibit C. Pg. 1, staff added bulk and dimensional requirements, agree with all on pg. 1 Agree in the HD district. Struck much needed. BID indicating on a radio show and comments regarding parking issues. Whereas, include Site Plan review. Have to return to Site Plan Review (SPR), the plan was not complete so have to come back to SPR with drainage designs and stormwater and lighting. Should be permitted to come to Planning Board and see if have recommendations. This is why we go back to SPR.

Waiver section:

Section d – Lot coverage – 70% covers parking areas as well. Not sure how Town would measure this. Gravel parking lot – if impervious we would be at 76% and we would need a waiver for that.

Trees – perimeter. Intend to have perimeter trees, but maybe not plantings. Retaining walls and perimeter parking to shield.

Internal landscaping – inside the lot- 10% to be planted. You won't see most of the parking lot, slope down. Maybe 6 to 9 trees. Would need a waiver. Entrance into parking lot and then lot with tree and the house itself. One tree fit nicely.

Paragraph 3 – no problems with staff changes here, either a, b or c. No problem with no. 4

No. 5 – this condition requires the completion of the dwelling prior to open air license. Would want to see completed on the exterior, but proceed with license while finishing house on the inside. Will need more time to finish. Ask for some reworking.

No. 6 – no problems with this.

No. 7 – Certificate of Appropriateness in all aspects.

Matt Eddy in attendance. Landscape around the perimeter, 6 to 8 trees. Shrubs along the perimeter edge for screening. Some narrow areas with the retaining wall – hedge. Street trees looking for a waiver to have 1 tree. Does not want to obstruct sight distance.

Elizabeth Jenkins all redlined changes are proposed by Staff. To reflect current working template. Open air parking lot should be consistent with adopted documents – parking for ferry use. Growth Incentive Zone (GIZ) related application. Lot coverage made change, definition does address parking surface. Jobs benefit did take out not a lot of specificity in terms of wages paid. Some concern about residential value re part time jobs as a public benefit. Details on the fence and ability to retain storm water on site.

Matt Eddy – part of the conditions and approval could be stated that storm water management would be in standard and in compliance. Culvert. Lighting, elements submit photometric plan for Bldg. and fence details to be at the final stage.

Elizabeth Jenkins – impervious vs. pervious, zoning compliance came up because of the miscalculation on the plan – asking for a benefit?

Attorney Ford clarifies – if you count lot/parking area at 76% as opposed to max of 70% - the majority is not proposed to be paved. How viewed pervious – if not we would need a waiver.

Elizabeth Jenkins, yes, coverage is calculated based on impervious as opposed to just building. The definition use the phrase parking areas. Should be made by the Bldg. Commissioner. Should be done on the plan.

Kate Maldonado comments on the memo, Exhibit D, last comment about handicapped parking Bldg. Commissioner, code requires 3.2 would need to round out to 4 spaces, 521 CMR.

Matt Eddy replies yes, we could add a 4th, this is correct, simple correction to the plan.

Jeff Swartz asks if developer suggests making a deal to use the parking area on the off season.

Wayne Kurker replies, yes, I have done this in the past.

Jeff Swartz likes/thinks ferry parking is good to go here. Good to contribute to public benefit. Doesn't like creating a fund for litter, need to go into what is needed, maybe the wastewater fund.

Patrick Foran, section no. 5 property has to be habitable prior to the open air lot opened/licensed. He will lose a season and we should have something that has to be done within a certain date – completion of the house.

Elizabeth Jenkins replies/thinks important to include some form of security that house does get completed.

Chair Steven Costello - are grandfathered open air lots going away/how many?

Elizabeth Jenkins replies parking lots never properly permitted – thinks at least 300 plus spaces on this street. Injunction for unlawful land use. Took parking away. HyLine has done special permits to accommodate for loss of this parking at another area.

Mary Barry, there are constraints with housing. What are the struggles that this applicant is having. There is a desperate need for housing. Original plan was for housing?

Wayne Kurker replies, yes, originally was going to do for employee housing. The problem with this lot is not conducive if you put one up by the street. He went to Rob Brennan to see if partner. One of the buildings he doesn't own. Not considered a decent area for housing. Set backs and drainage easements, not a lot of space to put here. Maybe deliver boats/store, the harbor district permitted uses. Maybe if property was combined with another abutter property.

Mary Barry clarifies because of the historic house that is there - Housing would be ideal, such a need, or another route.

Wayne Kurker, yes, if you gave it a view of the street, maybe a new house could be put there.

Chair Steven Costello states that the property is in a hole. Sea Captain's Row, no one was willing to maintain the previous buildings that were demolished on this road.

Stephen Robichaud asks if required minimum setback from drainage/easement?

Elizabeth Jenkins replies no minimum set back for this.

Stephen Robichaud, is a landscape plan required for this? Historic home here need to preserve. Screening is key. Signage?

Elizabeth Jenkins, yes, we would be looking for that, hybrid one now.

Attorney Ford signage would be minimal, not looking for anything beyond what is allowed. Would have rates and contact information.

Wayne Kurker, minimal, a directional down into the lot, wouldn't be viewable.

Stephen Robichaud a way to get out if in by mistake.

Wayne Kurker, yes a circle. Gravel lot there would be a concrete block, so people know what spot they are in.

Stephen Robichaud to Matt Eddy - storm water management and drainage? Also timing of.

Matt Eddy, yes, bringing water into center area, pre treat and into the ground through catch basins. Doesn't see an issue to culvert appropriately.

Aimee Guthinger need to work on language for final agreement. Tree, maybe put another one somewhere else in the Town. Time limit on the parking? Workers in the area. There is a 6 hour limit in the Town lots. Will this be an option to park and not have a time limit, need this as a community benefit for people. Hourly?

Wayne Kurker, no time limit. If he sees a practical need he will address it.

Robert Twiss cost benefit analysis, the Town does not want parking lots in this location. Historical restoration of the house – report from Philbrook, dated July 20th and what some other town's have done and interior of house/interior done. Will this be a cost benefit, is this an adequate benefit to putting an 81 parking spot lot.

Wayne Kurker replies re interior; have to build walls, attic and roof, the external will look beautiful, keep existing chimney. Will be restored.

Attorney Ford states that unlike some other areas, the inside and restoring of - Jurisdiction stops at the outside wall. Only for areas of public view. Regulatory protection stops. Have to bring up to code on the inside. It is the exterior that Historical Board is charged with protecting.

Felicia Penn – landscaping and waivers for parking lot. Doesn't agree with if can't see don't do. It's made for people using the lot. The shade from trees is extremely important. Senior Housing looks out over this lot. There are residential windows that look straight out to this. Wondering why owner/applicant bought this property anyway.

Elizabeth Jenkins suggests keeping the public hearing open – both applicant and town would like to put additional information on the record.

Chair Steven Costello entertains a motion to close public comment, moved by Aimee Guthinger, seconded by Robert Twiss,

Roll Call Vote:

Chair Steven Costello - aye

Jeff Swartz – nay

Patrick Foran - aye

Mary Barry - aye

Stephen Robichaud - nay

Aime Guthinger - aye

Bob Twiss - aye

Public comment is closed.

Chair Steven Costello would like to see site plan vetted out, and completion date and reasonable amount of time for structure to be done and livable. This area is a vital part of history of this town. Thinks the restoration of the building enhances. Crosswalk isn't very well laid out – maybe enhance. Public benefit. Thinks a fund for clean harbor would be a benefit as well, possibly finding new technologies, funds dedicated.

Attorney Ford clarifies - Site plan flushed out/more final. Work with DPW with respect to a crosswalk design. Finalize language of draft regulatory agreement. Staff suggestions/red lined draft. Timing as well. Staff – public benefit of the clean up of the harbor, build into agreement.

Chair Steven Costello entertains a motion to continue to January 25, 2021, moved by Jeff Swartz, seconded by Mary Barry,

Roll Call Vote:

Chair Steven Costello - aye

Jeff Swartz - aye

Patrick Foran - aye

Mary Barry - aye

Stephen Robichaud - aye

Aimee Guthinger - aye

Bob Twiss - aye

Special Permits

SPECIAL PERMIT NO. 2020-03 – Standard Holdings, LLC, seeks a Special Permit pursuant to Section 240-16.1 C(1) – Multi-family affordable housing development to allow for proposed construction of approximately 70,000 square feet multi-family housing, 53 dwelling units of which 14 will be affordable units. The property is 850 Falmouth Road and 3 Whitehall Way, Hyannis, MA and is shown on Assessor's Map 250 as Parcels 036 and 160. The subject property (850 Falmouth Rd.) is located in the MAH – Multi Family Affordable Housing District and the GP – Ground Water Protection Overlay

District. Continued from September 28, and October 26, 2020, November 9, 2020. This Application has been requested to be continued to January 11, 2021. New public notice of the hearing will be provided.

Chair Steven Costello entertains a motion to continue to January 11, 2021, moved by Jeff Swartz, seconded by Mary Barry,

Roll Call Vote:

Chair Steven Costello - aye

Jeff Swartz - aye

Patrick Foran - aye

Mary Barry - aye

Stephen Robichaud - aye

Aimee Guthinger - aye

Bob Twiss - aye

Zoning Amendments

ZA TC Item No. 2021-010 MAH District– 3 Whitehall Way. This item will be re noticed and will receive a new introduction at Town Council.

Elizabeth Jenkins explains that this is going to be restarted and Town Council and will have a new first read. No continuance, going to restart the record.

Mary Barry asks will the Special Permit need to be approved before we do the Zoning Amendment (ZA), is there a sequence?

Elizabeth Jenkins replies that we can lawfully condition on the passage of the ZA, vetting this now. Would be a condition in the Special Permit on the passage of the ZA.

Updates from Staff on Proposed Zoning Amendments

Downtown Hyannis Zoning Amendments – projected schedule

Discussion of Amendment to Home Occupation Ordinance

Elizabeth Jenkins proposal over a year – bringing good housing projects forward. Revising Hyannis Village Zoning (HVZ). Code based on form and frontage. Working with consulting company. Rezone all of the Downtown Hyannis District. Economic Development Task Force. Hope to have a final draft by the end of the year and official public comment. Give a wide reach out. Creating a guidance document to understand how it will work. Draft for public comment at the beginning of the year.

Town Council publish new strategic plan last month, how to support home businesses and working from home. People are trying to repurpose themselves. The home occupation is a restrictive ordinance. Want to encourage. A possible amendment that would remove this for a home occupation without additional review.

Chair Steven Costello asks would it be for any type of home business?

Elizabeth Jenkins replies, not all, will be some specifics.

Matters Not Reasonably Anticipated by the Chair

Future Meetings: January 11 and January 25, 2021, @ 7:00 p.m.

Adjournment

Chair Steven Costello entertains a motion to adjourn, moved by Jeff Swartz, seconded by Mary Barry,

Roll Call Vote:

Chair Steven Costello - aye

Jeff Swartz - aye

Patrick Foran - aye

Mary Barry - aye

Stephen Robichaud - aye

Aimee Guthinger - aye

Bob Twiss - aye

The meeting adjourned at 9:04 p.m.

Respectfully Submitted

Karen Herrand, Principal Assistant, Planning & Development

Approved by the Board on: January 11, 2021

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 – Regulatory Agreement No. 2020-01 - VHB memo, Randy Hart

Exhibit B – Regulatory Agreement No. 2020-01 - Roger Parsons letter

Exhibit C – Regulatory Agreement No. 2020-01 - Draft Reg. Agreement

Exhibit D – Regulatory Agreement No. 2020-01 - Staff Memorandum