



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
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

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BARNSTABLE
TOWN CLERK

Town of Barnstable PLANNING BOARD Minutes May 11, 2020

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

Also in attendance via remote participation were Paul Wackrow, Senior Planner, Planning & Development and Karen Herrand, Principal Assistant, Planning & Development.

In accordance with the Governor’s Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Certain Workplaces, and Prohibiting Gathering of More Than 10 People issued on March 24, 2020 and extended on March 31, and April 28, the May 11, 2020, public meeting of the Planning Board shall be physically closed to the public to avoid group congregation.

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/94668690839>

Phone: 888 475 4499 Meeting ID: 946 6869 0839

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 to Paul.Wackrow@town.barnstable.ma.us, so that they may be displayed for remote public access viewing.

Application materials may be accessed by contacting paul.wackrow@town.barnstable.ma.us or calling 508-862-4703.

Application materials are available at www.townofbarnstable.us/PlanningBoard

Call to Order: Introduction of Board Members and Staff Members

Attendance – Roll Call:

Steven Costello – present

Jeff Swartz - present

Patrick Foran - present

Mary Barry - present

Stephen Robichaud - present

Aimee Guthinger - present

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:

J. Bruce Macgregor, Trustee of Cape Commerce Nominee Trust have submitted an Approval Not Required plan for 60 High Noon Drive, Centerville, Ma, - Map 193 Parcels 215 and 216 - said plan dated February 12, 2018, and entitled "Plan of Land of #60 High Noon Drive, Centerville, MA, prepared for Cape Commerce Nominee Trust" stamped by Daniel A. Ojala, PLS of Downcape Engineering, Inc.

Dan Ojala of Down Cape Engineering in attendance. He gives an explanation of the proposed approval not required plan. Two buildings lots, close to street, decided to merge together. Refers to the plan, Exhibit A, on screen. Conveyance purposes, not a building lot, meets zoning.

Chair Steven Costello entertains a motion to endorse/approve, moved by Aimee Guthinger, *I move that the Board endorse the land division plan entitled "Plan of Land of #60 High Noon Drive Centerville, MA" drawn and stamped by Daniel A Ojala, PE, PLS of Down Cape Engineering, Inc., dated February 12, 2018 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

So voted unanimously.

Eric Hesse and William Chapman have submitted an Approval Not Required plan for 39 and 53 Meadow Lane, West Barnstable MA, - Map 133 Parcels 005003 and 006 - said plan dated August 29, 2019, and entitled "Plan of Land of #39 & 53 Meadow Lane, West Barnstable, MA, prepared for Hesse/Chapman" stamped by Daniel A. Ojala, PLS of Downcape Engineering, Inc.

Dan Ojala of Down Cape Engineering in attendance. He gives an explanation that this is a correction plan, even land swap, two parcels in RPOD. Refers to the plan, on screen Exhibit B. Zoning Board of Appeals (ZBA) issued a special permit. This was originally done in 1990 and was not recorded so it is being brought back. Driveway cuts across lot 6. Even trade. Will need to note the ZBA variance number on the plan, which will cross reference this.

Chair Steven Costello entertains a motion, moved by Stephen Robichaud, that the Board endorse the land division plan entitled Plan of Land in for 39 & 53 Meadow Lane West Barnstable MA prepared for Hesse

Chapman prepared and stamped by Daniel Ojala of DownCape Engineering dated August 29, 2019 with reference to Zoning Board of Appeals Decision 2020-06 as an Approval Not Required Plan, seconded by Jeff Swartz,

Roll Call Vote:

Chair Steven Costello - aye

Jeff Swartz - aye

Patrick Foran - aye

Mary Barry - aye

Stephen Robichaud - aye

Aimee Guthinger - aye

So voted unanimously.

Special Permits

Aaron Bornstein, Manager of Main Street Times LLC, seeks a Special Permit pursuant to Section 240-24.1.3.(B)(2)(b) - Mixed use development with a building footprint greater than 20,000 square feet or a total building square footage greater than 60,000 square feet, and Section 240-24.1.3.(D)(4)(a) - Off-site parking on a private parking lot with sufficient parking spaces within 300 feet of the proposed use in the Hyannis Village Business District to allow the redevelopment of existing structures at 319 & 331 Main Street to a mixed use-development with office space and 22 apartments. The subject property is addressed 319 & 331 Main Street, Hyannis, MA and is shown on Assessor's Map 327 as Parcels 102 and 106. Plans submitted with the application indicate that off-site parking is proposed for 30 Ocean Street, shown on Assessor's Map 327 as Parcel 101. Subject properties are in the HVB – Hyannis Village Business District.

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

Roll Call Vote:

Jeff Swartz recuses himself

Patrick Foran - aye

Mary Barry - aye

Stephen Robichaud - aye

Aimee Guthinger - aye

Chair Steven Costello mentions that this is the first public hearing for this matter before the COVID-19 happened. It may be difficult to get all comments in.

Dan Ojala of Down Cape Engineering in attendance.

Attorney Michael Princi in attendance.

Dan Ojala explains that the building is combined with 319 and 331 it's over 20,000 sq. ft. mixed use, can do as of right. Housing for downtown. Reference to the plan, Exhibit C, picture of bldg., site plan/floor plans. Window changes. Workforce housing. Cape Cod Times has shifted, and they don't need the same space amount. Have been to Site Plan review. There's a 30 ft. right of way. Cape Cod Times has parking lot and some leased by the Town. Asking for additional 22 spaces, but really need only 13 spaces. Possible off site parking. Interior work to be done, sprinkler systems, clean up front of building and need adequate parking. Great need for downtown housing. No abutter opposition.

Attorney Princi states that he has provided a copy of the lease from Cape Cod Times. Issue is that Cape Cod Times gives back 22 spaces. Still need a higher number to satisfy needs. Would need offsite if cannot obtain the spaces in total from Cape Cod Times. There is a huge need for workforce housing. Has discussed this with Staff.

Chair Steven Costello asks for any public comment.

Elizabeth Wurf Bain in attendance. This will increase more of a year round resilient economy. 22 apartments is a good amount. Will add more of investment to the area as well. She is in support and the Business Improvement District (BID) is in support of this project.

Patrick Foran thinks a great project for the area. Good for housing, redevelopment. Parking concerns.

Mary Barry, parking concerns, maybe put something in that's more stable if lease agreement doesn't work. Clarifies that these are 22 apartments not condo's right? Is it income limited/price range. Likes mixed use. Attorney Princi replies/confirms that two units will be designated affordable. Not low income, but market rate housing.

Aimie Guthinger asks if they are intended for sale or rental/both?

Attorney Princi replies designated for rental apartments.

Chair Steven Costello thinks a good project to move ahead.

Stuart Bornstein in attendance. He would like to start construction in mid June to be completed by September of this year and ready for occupancy by October.

Paul Wackrow interjects, there is parking and the lease that exists now. We could make a use for required parking spaces/condition number 4, reference to Exhibit D, draft Staff Report. Word as conditions to grant subject to. He and Attorney Princi can work out language, proposed language for condition no. 4- "The Applicant's current Tenant has a lease for parking at 30 Ocean Street with the Town of Barnstable . The reduction of on-site parking requirements granted by this special permit pursuant to Section 240-24.1.3.(D)(4)(a) is conditioned on the continuation of a valid lease agreement between the applicant and/or the current tenant (Cape Cod Times) for the use of parking spaces at the 30 Ocean Street. Should this lease end or be terminated without the Applicant agreeing on a continuation arrangement for parking with the Town, and the Building Commissioner determines the required number of off-street parking spaces cannot be provided on-site for 319 and 331 Main Street, a modification of this special permit may be necessary as determined by the Building Commissioner".

Attorney Princi comments that he thinks this would be appropriate language. They are optimistic about having spaces available. They would look for offsite within 300 ft. if not, otherwise we come back to the Planning Board.

Paul Wackrow states also inclusionary housing, - need some condition for this for the decision.

Elizabeth Jenkins in attendance. The project is subject to inclusionary housing, need to include a condition to that effect. 10 percent will need to be deed restricted per Chapter 9, Article 1.

Chair Steven Costello entertains a motion to close the public hearing, moved by Patrick Foran, seconded by Mary Barry,

Roll Call Vote:

Steven Costello – aye

Patrick Foran - aye

Mary Barry - aye

Stephen Robichaud - aye

Aimee Guthinger - aye

So voted unanimously.

Patrick Foran moves that the Board make the following Findings:

1. *Main Street Times LLC seeks a Special Permit pursuant to Section 240-24.1.3.(B)(2)(b) - Mixed use development with a building footprint greater than 20,000 square feet or a total building square footage greater than 60,000 square feet, and Section 240-24.1.3.(D)(4)(a) - Off-site parking on a private parking lot*

with sufficient parking spaces within 300 feet of the proposed use in the Hyannis Village Business District to allow the redevelopment of existing structures at 319 & 331 Main Street to a mixed use-development with office space and 22 apartments.

2. The property location is 319 and 331 Main Street, Hyannis, MA, shown on Assessor's Map 327 as Parcels 102 and 106 in the HVB District.
3. The proposal that is the subject of this application complies with the certified Local Comprehensive Plan.
4. 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 neighborhood affected.
5. The proposal meets Sec.240-24.1.2 E specifically in that the proposal complies with the provisions of the zoning ordinance and is consistent with the applicable criteria for granting special permits. The project provides for mixed use development in an appropriate location and is generally consistent with the Downtown Hyannis Design & Infrastructure Plan Goal 1, as minimal alterations are proposed to the buildings' historic fabric, the site will remain consistent with the historic and maritime character of the area.
6. The plan has been reviewed and approved by the Site Plan Review Committee under application #20-2020. The conditions of that decision shall be incorporated by reference as conditions of this Special Permit.
7. The proposal for 319 and 331 Main Street, Hyannis is within the Hyannis Main Street Waterfront Historic District and exterior modifications to 319 and 331 Main Street are subject to approval from the Hyannis Main Street Waterfront Historic District Commission.

Chair Steven Costello entertains a motion for the Findings, seconded by Mary Barry,

Roll Call Vote:

Steven Costello – aye
Patrick Foran - aye
Mary Barry – aye
Stephen Robichaud – aye
Aimee Guthinger - aye
So voted unanimously.

Condition no. 3 replaced parking. Parking condition and new condition number 8 to be inclusionary/deed restricted housing, per Chapter 9, per the code of the Town of Barnstable to be deed restricted as affordable.

Chair Steven Costello entertains a motion, moved by Patrick Foran, to grant Planning Board Special Permit 2020-01 subject to draft conditions 1 through 7 in the staff report dated May 8, 2020, with an amendment to condition #3 to read “The Applicant’s current Tenant has a lease for parking at 30 Ocean Street with the Town of Barnstable . The reduction of on-site parking requirements granted by this special permit pursuant to Section 240-24.1.3.(D)(4)(a) is conditioned on the continuation of a valid lease agreement between the applicant and/or the current tenant (Cape Cod Times) for the use of parking spaces at the 30 Ocean Street. Should this lease end or be terminated without the Applicant agreeing on a continuation arrangement for parking with the Town, and the Building Commissioner determines the required number of off-street parking spaces cannot be provided on-site for 319 and 331 Main Street, a modification of this special permit may be necessary as determined by the Building Commissioner. In addition condition no. 8, the project is subject to Chapter 9 of the code of the Town of Barnstable for affordable housing in that 10 percent of the units will be deed restricted as affordable housing, seconded by Stephen Robichaud,

Roll Call Vote:

Steven Costello- aye
Patrick Foran -aye

Mary Barry -aye
Stephen Robichaud - aye
Aimee Guthinger -aye
So voted unanimously.

Revision of Development of Regional Impact Thresholds in the Industrial and Services Trade Area

The Town of Barnstable is seeking to revise Development of Regional Impact Thresholds within the Industrial Service and Trade Area, pursuant to Chapter H of the Cape Cod Commission Regulations of General Application. The Cape Cod Commission previously approved revised project thresholds in the mapped Economic Centers and Industrial Service & Trade Areas outside of the Growth Incentive Zone pursuant to Chapter H on April 4, 2019. The Town of Barnstable is seeking to revise the 2019 Chapter H Decision to amend the threshold revision applicable in the Industrial Service and Trade Areas, as mapped in that decision. The request is to allow the revised DRI threshold of 40,000 sq.ft to apply to a third category of land use, wholesale use. The Planning Board will hold a public hearing on the proposed revision of Development of Regional Impact Thresholds on Monday, March 23, 2020 at 7:00 p.m. at Town Hall, James H. Crocker, Jr. Hearing Room, 367 Main Street, Hyannis, MA and may vote to authorize the Town Manager to submit this application subject to Town Council approval. *Continued from March 23, 2020, and April 13, 2020, and April 27, 2020.*

Chair Steven Costello entertains a motion to open the public hearing, moved by Jeff Swartz, seconded by Mary Barry,

Roll Call Vote:

**Steven Costello - aye
Patrick Foran - aye
Mary Barry - aye
Stephen Robichaud- aye
Aimee Guthinger - aye**

Paul Wackrow explains that this is a request to amend. He refers to the document, on screen - Development of Regional Impact (DRI), Exhibit E, and Growth Incentive Zone (GIZ) map. Chapter H Cape Cod Regional Land Use Vision map. Square footage of the areas, within the Resource Protection Overlay District (RPOD). Approved in 2019. This request would add a 3rd category, an addition of wholesale use. Proposed Revision to Industrial and Service Trade Area. Seemed that this would be appropriate for other areas as well. Any application for Chapter H needs Planning Board input and then to Town Council and then to Cape Cod Commission for full consideration.

Chair Steven Costello refers to the map/Phinney's Lane area. A lot of industry uses here already. BJ's is in this area as well.

ary Barry refers to the North, some residential areas here.

Paul Wackrow states that it would have to be fully vetted.

Chair Steven Costello asks about what medical facilities are here now. Any other types of entities that could go here/fit here, any inquiries?

Paul Wackrow replies not that different from the light industrial use now. Wholesale based with retail operations possibly.

Aimee Guthinger how is it that different from what's there now?

Chair Steven Costello confirms that this is just outside of the area – over 10,000 sq. ft.

Chair Steven Costello asks for any public comment.

Roy Catignani in attendance. He thinks it's a good idea.

Paul Wackrow explains the procedure of how the amendment would happen, Town Council and Cape Cod Commission.

Chair Steven Costello entertains a motion to close the public hearing, moved by Mary Barry, 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

So voted unanimously.

Jeff Swartz comments/refers to map Attucks/Phinney's Lane, Exhibit E. Thinks good use. Cannabis debate/boundaries already certain limitations. Likes housing in this area. Would like the Town to look at more/other areas/unused land for housing, doesn't want to do that if nowhere to build.

Stephen Robichaud likes this idea.

Aimee Guthinger in support to allow businesses here/this area.

Chair Steven Costello agrees.

I, Mary Barry move the Board make the following findings:

- 1. The proposal is consistent with the Town's Local Comprehensive Plan in that it supports and directs economic growth in appropriately designated areas and demonstrates the Town's commitment to encouraging commercial and industrial investment that will support the year-round economy.**
- 2. The proposal is consistent with purpose of Chapter H and the Cape Cod Commission's Regional Policy Plan, in that it implements a regulatory approach at a regional level to concentrate growth and, in turn, preserves and protects sensitive resource areas. The ISTA, and adjoining commercial area, serve as the primary regional center for the provision of goods and services, and incentivizing investment, infill and redevelopment in an appropriate location.**
- 3. The proposal is consistent with Section 1 of the Cape Cod Commission Act, in that it directs and concentrates development to appropriate areas, thus preserving environmentally sensitive areas and areas with traditional village character.**
- 4. The ISTA is supported by plans and capital facilities funding to address anticipated growth.**
- 5. The Town of Barnstable's regulatory framework is designed to guide growth towards areas adequately supported by infrastructure and away from areas that must be protected for ecological, historical, or other reasons, 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

So voted unanimously.

Chair Steven Costello entertains a motion, moved by Mary Barry, that the Planning Board submit the "Request to Amend April 4, 2019 Chapter H Decision revising thresholds in the Industrial Service and Trade Area to include wholesale uses" to the Cape Cod Commission, 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
So voted unanimously.

Approval of Minutes:

April 27, 2020, draft minutes

Jeff Swartz - add elections to the next Agenda.

Chair Steven Costello entertains a motion to approve the minutes, moved by Jeff Swartz, seconded by Mary Barry,

Roll Call Vote:

Steven Costello – aye
Jeff Swartz - aye
Patrick Foran - aye
Mary Barry - aye
Stephen Robichaud- aye
Aimee Guthinger- aye
So voted unanimously.

Upcoming Events/Workshops

Paul Wackrow - Citizens Planner Conference, May 14th at 7 p.m., online training, very helpful, encourages all to view, CPTC. Another one for subdivisions and ANR's – putting together decisions. Discussion with some trainings that may be online. On Demand training as well.

Matters Not Reasonably Anticipated by the Chair:

Future Meetings: June 8, and June 22, 2020, @ 7:00 p.m.

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

Roll Call Vote:

Steven Costello – aye
Jeff Swartz - aye
Patrick Foran - aye
Mary Barry - aye
Stephen Robichaud - aye
Aimee Guthinger – aye
So voted unanimously.

Adjournment

The meeting adjourned at 8:17 p.m.

Respectfully Submitted


By Karen Herrand, Principal Assistant, Planning & Development

Approved by vote of the Board on June 8, 2020

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** – ANR plan – 60 High Noon, Centerville – Map 193 Parcels 215 & 216
- Exhibit B** – ANR plan – 39 & 53 Meadow Ln., W. Barnstable – Map 133 Parcels 005003 & 006
- Exhibit C** – Special Permit No. 2020-01 Plans – Map 327 Parcels 102 & 106
- Exhibit D** – Special Permit No. 2020-01 – Staff Report
- Exhibit E** - Revision of DRI – Information/map document

APPROVED

