



Town of Barnstable Planning Board



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Board Members

Stephen Robichaud – Chair Robert Twiss – Vice Chair Tim O’Neill - Clerk Mary Barry Steven Costello Michael Mecenas Raymond Sexton

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 October 3, 2022

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

Also in attendance via remote participation were Planning & Development Staff; Elizabeth Jenkins, Director, Kate 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://townofbarnstable-us.zoom.us/j/84423847693>

Phone: 888 475 4499 US Toll-free

Meeting ID: 844 2384 7693

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.

Call to Order

Introduction of Board Members and Staff Members

Attendance Roll Call

Bob Twiss
Tim O'Neill
Steven Costello
Michael Mecnas
Ray Sexton
Stephen Robichaud

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:

Chair Stephen Robichaud asks if there is any general public comment – None.

Subdivisions:

Preliminary Subdivision Old Stage Rd. and Parker Lane - William Eagan has submitted an application for a preliminary subdivision plan entitled "Preliminary Subdivision Plan of Land on Old Stage Road and Parker Lane in Barnstable, MA prepared for William Eagan 70 Newport Avenue, Osterville, MA 02655" dated June 21, 2022 – *continued from September 26, 2022* (Majority of members present and voting)

This is not a public hearing.

Frank Gallagher, design engineer in attendance. Parcel fronts on two streets, Old Stage Rd. and Parker Lane. Did an ANR about a year ago, created lots with frontage on Old Stage Rd. – two buildable lots and then a non buildable lot. All frontage from Old Stage Rd. This is a plan that would make improvements to Parker Lane. Beginning on Service Rd. and to lot 2a and 3a – these improvements would make adequate access and legitimize frontage on Parker Lane. It is existing as a pathway, extends from Service Rd. to Old Stage Rd. Existing 33 ft. layout on Parker Lane. Want to improve to 18 ft. gravel roadway. 9 inch thick gravel base, refers to plan, Exhibit A. Explains storm water procedure. Swale to Service Rd. to end in a leaching catch basin. Hammerhead type turnaround in compliance with subdivision regulations. Waivers being requested for roadway. Have met with Town Engineer, Assistant Fire Chief. The total length 827 ft. turn around at 738 ft. – not asking for waiver of length of a dead end road. Drainage from street cross section. Street trees. Trying to set aside wooded areas to.

Jim Kupfer explains the difference of preliminary subdivision. Seeking Board's guidance and direction prior to planning a full subdivision. Waiver request to allow with rural character of the neighborhood.

Tim O'Neill. Looks pretty straight forward. Would want a comment letter from Fire Dept. and Town Engineer with their comments. Public water supply issue – see what Fire Dept. has to say.

Ray Sexton, need input from Fire Dept. so that if any issues can address, turn around, hydrant etc.

Steven Costello, is turn around imperative, this is a beautiful wooded site. Fine with the waivers being asked.

Chair Stephen Robichaud entertains a motion,
Bob Twiss - propose the following Findings of Fact, dated Sept. 29th, 2022;
Suggested Findings:

1. The Application for Tentative Approval of Preliminary Plan (Form B) is William Eagan, Trustee, Old Stage Road Realty Trust on September 8, 2022.
2. The Preliminary Subdivision Plan is shown on, "Preliminary Subdivision Plan of Land on Old Stage Road and Parker Lane in Barnstable, MA", dated June 21, 2022, by Gallagher Engineering.
3. The Applicant has requested certain waivers in order to maintain the rural character of the area. In accordance with Section 801-5.B.(1) of the Code of the Town of Barnstable, waivers from construction standards to maintain rural character, the Planning Board has made the following findings:
 - a) Granting of the waivers requested are in the best interest of the citizens of the Town.
 - b) The plan is well designed, and in keeping with the general design principles set forth in Article VI of the Subdivision Rules and Regulations.
 - c) There is adequate access to the lots for the uses intended thereon.
 - d) The plan is in keeping with the character of the surrounding area.

Moved by Bob Twiss, seconded by Steven Costello,

Roll Call Vote:

Bob Twiss - aye

Tim O'Neill - aye

Steven Costello - aye

Michael Mecenas - aye

Ray Sexton - aye

Stephen Robichaud - aye

Regulatory Agreements:

Shoestring Properties, LLC seeks to enter into a Regulatory Agreement with the Town of Barnstable to construct thirty-four (34) condominium units in two (2) buildings with associated improvements at 110 School Street and 115 School Street, Hyannis. The redevelopment consists of twenty-two (22) 3-bedroom units and twelve (12) 2-bedroom units. A total of 70 parking spaces will be provided. (Majority of members present and voting) *continued from August 8, 2022, in order to form a sub committee and continued from September 26, 2022.*

Jim Kupfer gives a review. Public hearing is open, Subcommittee did meet this morning. Had a representation and questions by the subcommittee. Tonight is a continuation for the original presented to the Board. Staff recommends to continue to a date certain. Oct. 24th, 2022, is next meeting.

Chair Stephen Robichaud encourages all to watch recording from subcommittee meeting.

Attorney John Kenney, representing Shoestring Properties, LLC. - Request continuance. Several interested parties at Subcommittee meeting today. Oct. 24th would be a good date or first meeting in November.

Ray Sexton clarifies that no update of Subcommittee today?

Chair Stephen Robichaud gives an update, had presentation, first meeting today. Propose to hear from Dept. heads at the next meeting/to offer questions and concerns that Subcommittee has.

Chair Stephen Robichaud entertains a motion to continue, moved by Steven Costello, to continue Regulatory Agreement 2022-002 Docksides Residence, 110 School Street and 115 School Street to October 24, 2022 at 7:00 PM., seconded by Bob Twiss,

Roll Call Vote:

Bob Twiss - aye

Tim O'Neill - aye

Steven Costello - aye
Michael Mecnas - aye
Ray Sexton - aye
Stephen Robichaud - aye

Zoning Amendments:

Proposed Zoning Amendment – TC Item No. 2023-023 - The proposal is to amend Chapter 240 Zoning, Article III, § 240-39 Shopping Center Redevelopment Overlay District by repealing and replacing the existing zoning ordinance to allow for mixed-use development including multi-family dwellings, hotel and office uses with specified parking and dimensional requirements within the overlay district. In addition, the proposed amendment incorporates affordable housing requirements for multifamily dwelling development, updates parking requirements for retail and regional shopping centers, updates landscape requirements, and updates Special Permit provisions and procedures among other proposed amendments – *continued from September 26, 2022* (Majority of members present and voting for recommendation to Town Council)

Attorney Eliza Cox in attendance. Representing Cape Cod Mall property. Presentation/slides. Tim Fox from Simon Property in attendance as well.

Shopping Center Redevelopment Overlay District (SCROD). Established in 1996 as special overlay district. Boundary shown. Not proposing any changes to the map, just text, 65 acres.

Tim Fox, Simon Property Group. Initiative that has been in the works for a long time. Major industry trend. COVID has amplified a lot of changes. Higher quality retail has fared well. This amendment will expand the uses for the property. Some smaller office use. This will be next step for keeping current with Mall. There is an abundance of parking area not used.

Attorney Eliza Cox, overview of proposed modifications – seek to allow several new uses: Offices, hotels, multi family dwellings. Eliminate some existing uses, tire, battery and accessory. Building height, seeking to create the lessor of 55 ft. or 4 stories. When Medical overlay done, behind BJ's that was the height requested. Provision would require outdoor areas for recreational uses. Landscaping requirements. Parking requirements, updated parking ratios, that would lessen and incorporate new for hotel uses and for multi family ratios. Hotel .75 per guest unit. 1.5 for multi family per dwelling unit. Affordable housing requirement section – require the greater of whatever is under Chapter 9 of the code, or 10%, 65% AMI or 80% AMI. Economic Significance, they are the largest taxpayer. Nearly 1,000 jobs at the Mall and food and beverage, meals tax. This will lay the foundation for future redevelopment opportunities. Some zoning decisions would have to be modified.

Chair Stephen Robichaud comments – impressed how the Mall seems to continue to adapt/modernize. Good destination for Cape Codders.

Jim Kupfer, Board to review and provide recommendation back to Town Council.

Chair Stephen Robichaud thinks great proposal. This site, so much parking that is not utilized, even during holiday time, still a lot of parking left. Would like only multi family, not hotel. Section I paragraph 1 impervious surfaces, is this limiting, to restrictive?

Tim Fox, our engineers looked at this provision. As written it would not be limiting.

Bob Twiss likes that goes into multi use and affordable housing. Almost all impervious now, the lot. Does allow for recreational areas to be incorporated within. Landscaping, set backs, amenities – people who occupy. Will expand economics substantially. Will use business in the Mall greater, link to aspects for this. Approves with positive endorsement.

Tim O'Neill, this is beneficial zoning amendment. Affordable housing, good and also good area of Town. Already 70% impervious.

Tim Fox, clarify about impervious – note that qualifies one to one swap, have some offsite land that can be used for that, ground water mitigation.

Ray Sexton, would underground parking be contemplated? Maybe a way around to get to the permeable issue.

Tim Fox, yes, but not might be the most cost effective. There is a large surplus now.

Ray Sexton, does it allow for residences above shops, drive throughs? Target has now.

Jim Kupfer, refers to red line version, Exhibit B, Section f, permitted uses, restaurants and drive through banks is only allowed in sub zone, where Chic Fil-A is.
Above/over retail housing.

Attorney Cox, there is nothing that would prohibit from being above retail.

Ray Sexton – affordable housing to be at least 10%,. More ambitious goal for this.

Attorney Cox, either Chapter 9 of code or 10% per the AMI – 60 or 80. Right now you would have more than the 10%.

Steven Costello, how does this zoning amendment compare to the Cape Town Plaza, does this fall within same zoning?

Elizabeth Jenkins, base zoning is similar, both have at their base, 2 to 300 ft. back and business. This overlay was crafted with Cape Cod Commission (CCC) – 1996 to allow for comprehensive redevelopment of the entire property. This supersedes the development in the overlay. Almost boutique zoning. Multi parcel under comprehensive zoning scheme.

Steven Costello, medical overlay, exclusively for this use. How to maximize. Has there been inquiries for the types of hotels?

Tim Fox, first areas of focus, across from the bank. The common theme is quality, asset intensification. Some examples, Residence Inn. Some other types of Marriotts.

Review of map.

Tim Foxx points out where development of property would be. Back entrance, backside of Target. Retention ponds and explanation of use.

Steven Costello – 2 parcels being requested by Attorney Kenney's letter.

Public Comment.

Attorney Kenney, two parcels 230 Falmouth Rd. 793 Iyannough Rd. – to the left of TD Bank Bldg. these are leased with Cape Cod Mall. Both were part of the expansion of the Mall to be used for parking. Fresh Holes Road. Enters next door to TD Bank. Trying to get an easement to use the infrastructure. Has application pending with the State to reopen Fresh Holes Rd. This access was cut off as part of their expansion, then the median strip was put in on Rte 28. Not a safe layout. Can defer to give opportunity to get agreement for an easement. Could not reach an agreement with the Mall. Have no

commitments for an easement. Would like to include two parcels in this/rewrite. We would like to be included and need an easement.

Assessing map shown. Strip of land that goes through the Mall. Curb cut pending. 230 has no rights to get in and out. 793 Lyannough Rd. is under lease with Mall. Have no access to the front. Either open up Fresh Holes Rd. or get an easement.

Steven Costello, what kind of use? Is it adequate?

Attorney Kenney, housing, multi family housing.

Chair Stephen Robichaud, this zoning amendment is strictly related to the text, not the map.

Jim Kupfer, yes. No proposal to amend the zoning map itself. There are some merits to Attorney Kenney's clients concerns. The Town can work with the landowner. Easements, any proposal would have to go to CCC, this may be the case for Attorney Kenney's client. Tonight it is a text amendment.

Attorney Kenney, if these are separate parcels and then they develop their site, how can anyone make Mall demand them to do this? The concern is the proper layout of roadways, if not done now, we will reopen Fresh Holes Rd.

Steven Costello, can we allow Attorney Kenney and Simon Mall representative to speak?

Ray Sexton, providing access of this specific map to the Town Council? Changes to verbiage to add affordables for at least 10%.

Attorney Eliza Cox, agrees with comments with what is before the Board now, which is the text, not the map. Maybe a subzone, believes this is in the correct zoning now/existing. Easement and access, cannot require this, this is private property situation. Delaying it here is not the end of the process.

Tim Fox, has been involved with this property for 8 years, has just heard last week about this. Happy to have discussions but hate to see recommendation conditioned on this item.

Attorney Kenney, his client bought both properties recently, he has represented prior owner as well. The Mall and previous client had some issues. Current owner speaking with Tim Fox. Negotiations have been going on for several years, going nowhere. His concern is the easement, reach a binding agreement, simple request.

Attorney Eliza Cox, doesn't think it is appropriate, don't have the right to hold this up before the Planning Board.

Attorney Kenney, keep in mind the Mall shut off the access, they also put the median strip on Rte 28 as well. Need a safe layout of the road. They took the access away.

Chair Stephen Robichaud, this involves housing.

Steven Costello, not against the project, but doesn't see the harm to have this considered and get input from all. Don't see the harm in bringing this up at our next meeting.

Ray Sexton, agrees, best continued to next meeting.

Chair Stephen Robichaud entertains a motion to continue, moved by Tim O'Neill to continue to October 24, 2022, at 7 p.m., seconded by Ray Sexton,

Roll Call Vote:

Bob Twiss - aye
Tim O'Neill - aye
Steven Costello - aye
Michael Mecnas - aye
Ray Sexton - aye
Stephen Robichaud - aye

Staff Updates

Local Comprehensive Plan

Kate Maldonado, engaged in outreach, Cotuit Civic Association and Community Safety Day, and youth to get insight. Great feedback. Developing the calendar, listed some dates, working on better calendar. Will have events on this. Have developed a public comment tool, people can put in comments.

Ray Sexton, attended Cotuit session. Staff did great job. Such a cooperative effort.

Matters Not Reasonably Anticipated by the Chair

Approval of Minutes

September 12, 2022, draft minutes

Chair Stephen Robichaud entertains a motion to approve the draft minutes of Sept. 12, 2022, moved by Bob Twiss, seconded by Steven Costello,

Roll Call Vote:

Bob Twiss - aye
Tim O'Neill - aye
Steven Costello - aye
Michael Mecnas - aye
Ray Sexton - aye
Stephen Robichaud - aye

Future Meetings: October 24th, and November 14, 2022, @ 7:00 p.m.

Adjournment

Chair Stephen Robichaud entertains a motion to adjourn, moved by Bob Twiss, seconded by Michael Mecnas,

Roll Call Vote:

Bob Twiss - aye
Tim O'Neill - aye
Steven Costello - aye
Michael Mecnas - aye
Ray Sexton - aye
Stephen Robichaud - aye

The meeting adjourned at 8:45 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>

Exhibit A – Plan - Preliminary Subdivision Old Stage Rd. and Parker Lane

Exhibit B – redline version of zoning amendment - Zoning Amendment – TC Item No. 2023-023

APPROVED