



# Town of Barnstable Planning Board



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Board Members

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

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](mailto:karen.herrand@town.barnstable.ma.us)

## Town of Barnstable PLANNING BOARD Minutes April 11, 2022

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

*Also in attendance via remote participation were Planning & Development Staff; Elizabeth Jenkins, Director, Kaitlyn 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://zoom.us/j/91059395056>

Phone: 888 475 4499 US Toll-free

Meeting ID: 910 5939 5056

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](mailto:Karen.herrand@town.barnstable.ma.us) or calling 508-862-4064.

**Call to Order**

Introduction of Board Members and Staff Members

**Attendance Roll Call**

**Tim O’Neill**

**Ray Sexton**

**Michael Mecenias**

**Bob Twiss**

**Stephen Robichaud**

**Steven Costello**

**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 Steven Costello asks if any public comment, general public comment. None.**

Ray Sexton states - we should think of the people of Ukraine and their struggles.

**Regulatory Agreements:**

Regulatory Agreement RA – 001 - Flagship Estates Hyannis LLC

To determine if the proposed amendment to eliminate the construction of Building E and install a parking lot in its place, and reduce the overall number of units from 29 to 24, thereby reducing the corresponding number of affordable units required by the Town’s Inclusionary Affordable Housing Ordinance, Chapter 9 of the Barnstable Code, from 3 to 2 affordable units qualifies as a minor amendment or a substantial amendment in accordance with §168-5D. (Majority of members present and voting)

Attorney Eliza Cox in attendance, representing the Applicant, Flagship Estates LLC.  
Jeff O’Neill also in attendance.

Attorney Cox screen shares some slides. Close out the 2006 Regulatory Agreement. No change in use. Minor amendment. Intensity is less than originally contemplated. Will result in full compliance with mitigation requirements. Original Oct. 2006. Relief from Town, inclusionary housing ordinance. 10% be restricted on site as affordable units. 29 units in 7 buildings, 3 offsite affordable units also. 2008, minor amendment approved, reducing number of offsite units to just 1 offsite unit and the rest on site. 320 Stevens St., Hyannis – 2.73 acres, 6 buildings. Total of 24 residential units. Bldg. E, never constructed – they do not intend to construct Bldg. E, instead remove and build 8 new parking spaces, bike rack and plantings – proposed site improvements shown. This meets all zoning requirements. Allow this regulatory agreement to be closed out by finding that these site improvements are a minor change. Did go to Site Plan Review and was approved. Relief is not required any longer – fully compliant now. Inclusionary – 2 affordable units now. They are on site. Allow to close out to reflect this proposed site plan as a minor amendment. Qualifies as the use does not change. Mitigation has been met or no longer applicable. Has provided the number of affordable units.

Tim O’Neill asks why not build the units?

Jeff O’Neill replies that they have been through a few market crashes. Constructed a sidewalk and 12” water line. The timing was not great for the project. The cost of construction far exceeds the sale of the

units, including the affordable. Have met with the unit owners and they like it. Want to get rid of the unsightly area not built on.

Ray Sexton the property has changed hands – is this a new ownership taking over the project?

Jeff O’Neill no, the association and the condos are still managed by them.

Bob Twiss why do they need additional parking spaces.

Jeff O’Neill replies, it would balance the area and some green space to. Each unit has one car garage and a space, this would allow extra.

Bob Twiss, doesn’t tenant space allow for this?

Jeff O’Neill – some, but others have used. These would be insider area to be used.

Stephen Robichaud , look at condition no. 12. What would stop this from moving to enforce this agreement and ask that the 3<sup>rd</sup> unit be set aside? Directs to Staff.

Elizabeth Jenkins replies, this would have been clean except that this original agreement wasn’t honored by either party. Now looking for modification. Board to try to weigh weather it rises to the scope that needs a public hearing or all agree to as minor.

Stephen Robichaud, because that language exists, not sure if minor modification could be done, would want the Legal Dept. to look into that. We have a housing crisis. Would like to see enforced.

Elizabeth Jenkins traditionally decisions about regulatory agreements have been straight forward, regarding use, this is a grey line. Scope of modification.

Attorney Cox this was to have one unit offsite. With this change we meet all of the changes. The benefit would be to allow for additional density on site.

Steven Costello, thinks minor amendment for various reasons; time frame, market conditions. Was done with expectation for 3 affordable units. Should be something that speaks to the essence of the percentage. May make sense to close out and move on.

Ray Sexton, should have been 3 affordable units by now. The time frame has expired.

Compromise – Housing fund.

**Chair Steven Costello entertains a motion to make a minor amendment/second amendment to the Regulatory Agreement RA – 001, Flagship Estates, Hyannis, LLC, with an appropriate contribution dollar amount of \$5,000 as determined by Staff to the Affordable Housing Growth and Development Trust Fund Board, and may proceed to the Town Manager for consideration in accordance with §168-5D, seconded by Stephen Robichaud,**

**Roll Call Vote:**

**Steven Costello - aye**

**Stephen Robichaud - aye**

**Bob Twiss - aye**

**Michael Mecnas - aye**

**Ray Sexton - aye**

**Tim O’Neill - aye**

## **Tim O'Neill recuses himself from these three Zoning Amendments**

### **Zoning Amendments:**

#### **Zoning Amendment TC Item No. 2022-144**

Amending the Code of the Town of Barnstable, Part 1 General Ordinances, Chapter 240 zoning by repealing the Zoning Districts known as the "Hyannis Village Zoning Districts" and replacing them with revised and updated Districts collectively known as the "Downtown Hyannis Zoning Districts" (Majority of members present and voting for recommendation to Town Council)

#### **Zoning Amendment TC Item No. 2022-145**

Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 zoning by amending Article VII Sign Regulations (Majority of members present and voting for recommendation to Town Council)

#### **Zoning Amendment TC Item No. 2022-146**

Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 zoning by moving and renumbering Section 240-122.1 Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories into a new Overlay Zoning District and repealing Sections 240-129 and 240-129.1 Expired Temporary Moratorium for Marijuana Uses (Majority of members present and voting for recommendation to Town Council)

**Chair Steven Costello entertains a motion to open the public hearing for all three of these Zoning Amendments; 2022-144, 145, and 146, moved by Bob Twiss, seconded by Stephen Robichaud,**

#### **Roll Call Vote:**

**Steven Costello - aye**

**Stephen Robichaud - aye**

**Bob Twiss - aye**

**Michael Mecenas - aye**

**Ray Sexton – aye**

Elizabeth Jenkins Presentation

Staff has been working with a Consultant Team.

Elizabeth Jenkins screen share. Downtown Hyannis Zoning Updates/Map Amendments – Zoning Amendment (ZA) 2022-145 is for changes to signage regulations and ZA 2022-146 adult use/recreational use of marijuana – is to maintain the current regulations both in geographic scope and regulate map with no changes.

Update Zoning – effort to support housing creative zoning. Increase opportunity. Protect historic and maritime character. Mixed use development. Improving urban form and predictable outcome. Economic development effort. Growth Incentive Zone (GIZ). Incentive and support institutions and businesses. Comprehensive planning efforts town been working on, starting with GIZ. Strategic plan. Local Comprehensive Plan. Housing Production Plan. GIZ is part of the early strategies to redevelop in a compact concentrated way in Hyannis. History since 2006. Units done in the area needed a regulatory agreement to establish. Town established a long term commitment for Downtown revitalization, long term effort. Zoning is a tool bringing to Board tonight. Looking at overall. Increasing density, walkability, affordability, sustainability, Predictable form to ensure community character is maintained. Cape Cod Commission (CCC) Community Resilience by Design in 2018. Infill underutilized lots, redevelop underutilized properties, retrofit existing structures. Challenges to housing production. Zoning standards create unpredictable way to produce housing. Started with 14 different zoning districts.

Dan Markham. Types of zoning – use based. Single family multi family, commercial, industrial. Ratio based zoning to determine the max amount that can be used. Types of development, not many dimensional controls. Performance based zoning. Traffic impact, noise levels. Negotiated zoning, has all over the country. Unpredictable outcome. Form Based zoning, ratio based. Emphasis on dimensional standards. Approach: calibrate for local conditions. Different codes. Approach to be based on our local conditions. Focused on local ordinance for local conditions. Have done a lot of planning that has led up to this point. Have Historic Main Street that can extend, with some specialized areas. Two primary form based zoning districts: Downtown Main Street and Downtown Village District. Five hybrid districts. These districts are awaiting additional planning. 7 new zoning districts. Two Form based. First – frontage area. Second – frontage types. Creates a strong interface. Form Based Dimensional Standard – facade build out, parallel facade. 3.5 stories, upper story step back. If commercial can have upper dining experiences. Differences is Downtown Main Street District. Continuous street. Add to the existing character. Infill buildings. Rehabilitating Barnstable Road. Village District, to promote mixed land uses that support the downtown core. Specialty districts – Downtown Neighborhood, Downtown Hospital, Hyannis Harbor, Transportation Center, Highway Commercial District (Hybrid). Permitted Use Table. Minimum Required Accessory Parking Table. Frontage Types. Building Components.

Elizabeth Jenkins – ZA’s 2022-145 & 2022-146

2022-145 -Amendment to Signage – Proposed Highway Commercial (HC) and Proposed Downtown Village (DV).

2022 - 146 – Existing allowed marijuana uses. Two districts currently as special permit uses in Gateway and Medical Services zoning districts. The boundary will change. Proposed overlay district. Will put them into an overlay zoning district. Will be the same locations and maintain the same regulations that were put in place.

Comprehensive zoning change. The elimination of the parking overlay district. Was overturned and is no longer relevant with this zoning. Use, form and architecture. Currently have a design and infrastructure plan. Did receive grant funding to pursue this and update our design guidelines, to bring Hyannis Main Street Waterfront Historic District Commission (HHDC) together with the design guidelines/elements to update. GIZ – boundary changes deserve their own study, there are other elements to take into account for this.

Andrew Nahmias. Form based code keeps in mind the uniqueness of the area. The character and this would be a tool that would help with goals for housing. Can also be adjusted going forward.

**Chair Steven Costello asks if any public comment. None.**

Ray Sexton asks about undesirable street scape? What is this?

Elizabeth Jenkins replies, consistent line of building fronts that encourages a comfortable sense of place, we see unscreened parking in front of buildings and unregulated access that degrade this for pedestrians and conflicts with vehicles and pedestrians. Has happened over time. Move towards traditional Main street pattern.

Ray Sexton, Form based, does that mean the diversity, eccentricity would be minimalized? Main Street eliminate parking spaces on Main Street and park behind?

Elizabeth Jenkins, no, not eliminating parking spaces on Main Street. Form based regulations are idea of a white box that maximizes the potential with a wide variety of architectural style and eccentricities.

Dan Markham, any building that meets the facade could move it up, maximum. Within the code what would maximize.

Elizabeth Jenkins we are struggling with a lot of types of buildings and mixing with what is on the street today. This is a way to enhance what's already there.

Ray Sexton asks about the Marijuana Overlay District, the uses do not include retail? Would there be in the future?

Elizabeth Jenkins, correct, do not include retail. Would have to come as a separate amendment for any future changes.

Michael Mecenass thinks this is great.

Stephen Robichaud asks about the architecture. No language, but there is another set of requirements?

Elizabeth Jenkins replies when regulations first came into play – GIZ and the rezoning, adoption of regulatory agreement ordinance and design and infrastructure plan. More specific site design elements. HHDC overlapping, play an important role to protect important historic properties within the district, but don't match up. The goal would be to set out those design guidelines and standards to regulate how the white box gets filled in. Will be working with the Board and Commissions for this.

Stephen Robichaud asks/directs to Dan Markam to talk about Sommerville. do you feel like new zoning accomplished goals and the result?

Dan Markam, Sommerville Mass, seven years and nine months in the making. Comprehensive plan. Zoning was out of context. You could propose anything by special permit. The ordinance, 70% covered by residents. Code codified what the public wanted to be built. Littleton has had first proposal, suburban, multiple buildings. Buildings closer to the street, minimizing curb cuts. Doing first project now.

Stephen Robichaud, some are intimidated with the process, once this is implemented this will help. In support.

Elizabeth Jenkins, have been tweaking this for some time and as new projects have come through we feel confident and hope to produce - descriptive land scape, building heights. A lot of incredibly important pieces.

Kate Maldonado, our housing is now measured as units per acre, but with multi, can meet form, units and parking. We can have many as can fit.

Chair Steven Costello ZA 144 specifies, is this also now part of this whole amendment, design also now part as well?

Dan Markam, yes parking after the use table.

Elizabeth Jenkins, some general building provisions as well as the building component to get codified. Separate document.

Chair Steven Costello clarifies what the specifics will be.

Elizabeth Jenkins, use and parking table. Hyannis Main Street, exist in non conforming, where they are not meeting traditional parking requirements. It's not clear in our code now. This table would clear up confusion. One space per unit, per residential. This is minimum parking requirement, or one space per bedroom.

Chair Steven Costello, directs to Dan Markam, not a lot of development has taken place here, thoughts on creating type of environment, street scape, opinion.

Dan Markam replies, complex for parking, would have to be a large building servicing as well. Parking garages can fit well into urban settings. Not a whole lot of investment for this, when you add up the size.

Chair Steven Costello, height, how and where does height fit into the overall scheme, what is out of character or would change the scope of the Downtown Hyannis. A lot of buildings haven't been remodeled, thoughts on providing incentives for people to take advantage of this new zoning?

Dan Markam replies, Hyannis regional center. The scale, now 3.5. Midrise from 2 to 6 stories. Range and character have to be taken into consideration. There are not a lot of tall buildings here. Would the limit be 6? Conversations need to be done for that. Most in this code, not having a discretionary permit, is holding back a lot of progression. Predictable product can happen because people can proceed.

Chair Steven Costello asks about the seven distinct villages in Barnstable, how would this translate to other areas of Barnstable? West Main Street, a lot of areas along this corridor.

Dan Markam replies, haven't looked at the other villages, thinks these techniques and tools could be used, but would need new regulations that would reflect their unique character. The plans that back up the code – unique based coding. Individual. Not to be replicated in that respect.

**Chair Steven Costello entertains a motion to close the public hearing, moved by Bob Twiss, seconded by Ray Sexton,**

**Roll Call Vote:**

**Steven Costello - aye**

**Stephen Robichaud - aye**

**Bob Twiss - aye**

**Michael Mecnas - aye**

**Ray Sexton - aye**

**Chair Steven Costello entertains a motion, moved by Bob Twiss to recommend Zoning Amendment Town Council Item No. 2022-144 as presented to Town Council, seconded by Stephen Robichaud,**

**Roll Call Vote:**

**Steven Costello - aye**

**Stephen Robichaud - aye**

**Bob Twiss - aye**

**Michael Mecnas - aye**

**Ray Sexton - aye**

**Chair Steven Costello entertains a motion, moved by Bob Twiss to recommend Zoning Amendment, Town Council Item No. 2022-145 as presented to Town Council, seconded by Stephen Robichaud,**

**Roll Call Vote:**

**Steven Costello - aye**

**Stephen Robichaud - aye**

Bob Twiss - aye  
Michael Mecenias - aye  
Ray Sexton - aye

Chair Steven Costello entertains a motion, moved by Bob Twiss to recommend Zoning Amendment TC Item No. 2022-146 as presented to Town Council, seconded by Stephen Robichaud,

**Roll Call Vote:**

Steven Costello - aye  
Stephen Robichaud - aye  
Bob Twiss - aye  
Michael Mecenias - aye  
Ray Sexton - aye

**Staff Updates**

Local Comprehensive Plan (LCP)

Elizabeth Jenkins, selection team did do interviews. There will be a deliberation for Thursday morning at 9 a.m. Zoom link available on Town calendar. LCP ratified by next meeting.

**Matters Not Reasonably Anticipated by the Chair**

**Correspondence**

DEP Notice – 1855 South County Rd., Barnstable – Carla Raffo – access to boardwalk, pier, ramp

**Approval of Minutes**

March 28, 2022, draft minutes

Chair Steven Costello entertains a motion to approve, moved by Bob Twiss to approve draft mins from March 28, 2022, seconded by Stephen Robichaud,

**Roll Call Vote:**

Steven Costello - aye  
Stephen Robichaud - aye  
Bob Twiss - aye  
Michael Mecenias - aye  
Ray Sexton - aye  
Tim O’Neill - aye

**Future Meetings:** April 25<sup>th</sup> and May 9<sup>th</sup> @ 7:00 p.m.

**Adjournment**

Chair Steven Costello entertains a motion to adjourn, moved by Stephen Robichaud, seconded by Ray Sexton,

**Roll Call Vote:**

Steven Costello - aye  
Stephen Robichaud - aye  
Bob Twiss - aye  
Michael Mecenias - aye  
Ray Sexton - aye  
Tim O’Neill - aye

The meeting adjourned at 9:17 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>

APPROVED