



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

Town of Barnstable PLANNING BOARD Minutes June 27, 2022

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

Also in attendance via remote participation were Planning & Development Staff; 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/85338207803>

Phone: 888 475 4499 US Toll-free

Meeting ID: 853 3820 7803

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.

Roll Call Attendance

Tim O'Neill

Mary Barry

Ray Sexton - internet connect issue

Michael Mecnas

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 for any general Public Comment. None.

Subdivisions:

Pilots Way, Sub. No. 288, Modification of Definitive Subdivision, Deacon Crocker, Trustee seeks to amend the approved Definitive Subdivision plan, #288, as required by the existing covenant and plan in order to modify the roadway known as Pilots Way. (Majority of Full Board) *continued from April 25, 2022, May 9, 2022 and May 23, 2022*

Deacon Crocker in attendance. No new information. Went and asked if neighbors would help with the cost for the fire hydrant. None of the neighbors want to help pay for it. Looking to see if Board has any suggestions.

Chair Steven Costello explains outside the scope of Planning Board, we do not have the authority to decide, safety measures would not be for us to take authority on/of.

Jean Marie Crocker asks/directs to Chief Pulsifer – she lives at 2110 Main Street, Crocker Homestead, trying to get covenant lifted for some time. Got a letter from the Fire Dept. that said no problem with the road, now issue with a hydrant. Deacon's lot, does that lot need a fire hydrant, he is close to one near the way already? Other buildings in the area and not asked to get a hydrant. Is Deacon's lot in danger of loss without a hydrant?

Chief Pulsifer asks when and who drafted the letter?

Jean Marie Crocker, replies, in 2015 or 2016, 2017. Her attorney has letter she thinks. 67 Pilot's Way, when approved there was never a request for another hydrant. Doesn't understand where this is coming from. Does Deacon's lot need access to another hydrant. Surprised that Deacon not invited to the meeting with Gordon Starr and yourself. Covenant issue.

Chief Pulsifer will not give approval without another hydrant being put in. He has 4 letters, 1991, 2001 and 2004 from other Chief's, 2007 one from Deputy Chief Olsen. There is a lack of road width.

Deacon Crocker said no water, but would have to be trucked in. If builds a house on 55 Pilot's way would existing hydrant be available and for use?

Chief Pulsifer, yes.

Deacon Crocker – clear that this hydrant would be for other neighbors and not for his lot.

Chair Steven Costello, seems there needs to be some verification.

Deacon Crocker, if he installs and pays for hydrant, would he own it? Repair issues?

Chief Pulsifer, no, it would be Fire Dept. property.

Gordon Starr in attendance. Can someone from Planning Dept. explain what covenant is/how works.

Jim Kupfer, this lot covenant was assigned when subdivided, no further development along the subdivision can be added until the right of way is approved to subdivision standards. Applicant has submitted to approve to subdivision standards and to reduce to rural type way.

Chair Steven Costello, applicant mentioned other lots and homes being built here.

Jim Kupfer, yes, several iterations have evolved over the past and multiple covenants held on various lots. This covenant references this lot and holds the remaining lots on this way, as well as the lot behind, two vacant lots at this time.

Gordon Starr, across the railroad access wasn't part of original subdivision, this lot allowed to be developed. Another lot on Pilot's Way and there was a law suit for this. It somehow avoided the covenant.

Jean Crocker, house at the end of Pilot's Way, where this house is, it is still in need of a fire hydrant.

Chair Steven Costello, bring to a future meeting? Cannot lift covenant under the current scenario.

Stephen Robichaud, disappointing that could not make progress with the neighbors. We have to look at the entire subdivision and road.

Chief Pulsifer - Pilot's Way, dirt road, with 4 houses on it. The homes all pre date him. Access to properties and water in an emergency situation. The roadway goes from 16 to 14, then widens out a little. The problem is that if fire in that area and have to drop a feeder line, there is not enough road width to get trucks down. There is a minimum road width, we will concede to 18 ft. and not require any asphalt paving. Understand not heavily traffic road. Possibly reduce to 18 and then bring in a hydrant. This would provide a great benefit. Otherwise do a full 22 ft. road and do hard road/asphalt paving.

Tim O'Neill, road maintenance plan needs to be put in place.

Mr. Crocker, directs to Chief, Red Wing Lane, this road is acceptable. Off Rte 6A on east side of Barnstable Village. The narrowest part of this road is 8 to 10 ft. width. Pilot's Way is much wider than this acceptable road.

Chief Pulsifer replies, this road is less than subdivision standard. He will take a ride out there. He did not notice that it was that narrow.

Mr. Crocker, they have letters from other Fire Dept's. Thinks should continue this.

Deacon Crocker appreciates what all have done. Gordon Starr – he would like to know how his house was built even though under same covenant as his.

Chair Steven Costello we don't have any historical information for this.

Deacon Crocker, road width, would need to redo this and/to make it 18 ft. He can't afford to do that.

Chair Steven Costello – directs to Chief Pulsifer, would there have to be some significant work to be done for the road? Is Deacon's lot at the beginning of this?

Chief Pulsifer, we have no control over the site conditions. We are looking at a minimum of 18 ft. Yes, his lot is at the beginning, his house triggers the next tier of road width and emergency turn arounds. We had proposed bringing it further down. The house that he wants to build trips that requirement.

Deacon Crocker, can't afford to build the house and do all this other maintenance.

Chair Steven Costello entertains a motion, moved by Mary Barry to continue the public hearing and the matter to the next meeting, July 11th, at 7 p.m., seconded by Tim O'Neill,

Roll Call Vote

Steven Costello - aye

Stephen Robichaud - aye

Mary Barry - aye

Bob Twiss - aye

Michael Mecnas - aye

Ray Sexton - aye

Tim O'Neill - aye

Special Permits:

Seashore Homes, Inc, and Owner, Kindred Realty, LLC seek to alter and expand the existing medical office building into eight one-bedroom apartments with a first floor office at 63 Main Street, Hyannis, MA 02601. The Applicant has requested a Special Permit pursuant to Section 240-24.1.2, dimensional relief, requesting a 11.4 front yard setback to the proposed bulkhead where 20 feet is required; and lot coverage in accordance with Section 240-35, by providing 58.2 percent impervious surface where no more than 50 percent is allowed; and 240-24.1.11(A)(4)(a)[4] in accordance with Section 240-56 for parking reduction, by providing 10 parking spaces where 14 are required; and Section 240-24.1.11 parking lot landscaping . Assessors Map 342, Parcel 017, zoned Medical Services and Wellhead Protection Overlay District. The subject property is within the Hyannis Village Zoning Districts

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

Roll Call Vote:

Steven Costello - aye

Stephen Robichaud - aye

Mary Barry - aye

Michael Mecnas - aye

Bob Twiss - aye

Ray Sexton - aye

Tim O'Neill - aye

Debra and Dennis Mason in attendance. Plans are shown.

Dennis Mason explains there is an existing house here, offices. Property is vacant. Corner of Parkway Place and Main Street. New windows and roof put on by previous owner. Would like to remodel and

add to the back and create 8, 1 bedroom rental units. Parking, 10 spaces now. Will add bike rack, mail boxes and handicap space. Will keep as existing, nice character for the area. This will address a lot of needs for the area. We built units at 185 Ridgewood and High School Rd. Bulkhead, put sprinkler system and fire alarm. Has a full cellar.

Jim Kupfer, they have gone through Hyannis Main Street Waterfront Historic District Commission (HHDC) and received Certificate of Appropriateness (COA) for this and have gone through Site Plan Review.

Kate Maldonado – Dimensional relief being requested, set back. Walk coverage, in Well Head can have a max of 50%, Finding No. 3 lists this. Expansion per MGL 40A, if desired, Board agrees. Also parking relief, 14 required and only 10 provided. Relief for parking lot landscaping, code states required to make landscape requirements. In the medical services which allows mixed use as of right. Planning Board is the granting authority for this.

Chair Steven Costello asks if there is any public comment. None.

Tim O'Neill asks, were landscaping requirements required because of parking?

Kate Maldonado, residential units, seeking relief for parking.

Tim O'Neill any proposed screening for exterior HVAC equipment programmed for the lot?

Dennis Mason replies, no.

Ray Sexton, asks will these be market rate rentals?

Dennis Mason, yes, market rate.

Ray Sexton, consider making one unit designated as affordable?

Dennis Mason, did do with a previous project. We decided to make market rate only.

Bob Twiss thinks good idea, plans look good.

Mary Barry, likes the project, good location and for medical staff people. Confirms office space for their use.

Dennis Mason, do have on street parking. Yes, office space for them.

Stephen Robichaud, form based code. Mixed Use, looking for some relief, parking in rear. If approved at that time would this be necessary? Thinks great project.

Kate Maldonado, parking relief, wouldn't need for that, but dimensional maybe a smaller set back. Would still need lot coverage relief.

Chair Steven Costello clarifies the need for the sprinkler was because of the addition of units?

Dennis Mason replies yes.

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

Chair Steven Costello entertains a motion, moved by Bob Twiss to approve with conditions, Special Permit 2022-001 63 Main Street,

1. *The property location is 63 Main Street, Hyannis, MA. 63 Main Street is shown on Assessor's Map 342 as Parcel 017 in the Medical Services District and Wellhead Protection Overlay District.*
2. *Seashore Homes, Inc. seeks a Special Permit pursuant to Section 240-24.1.2 for dimensional relief for the proposed bulkhead to allow for a 11.4 foot front yard setback where 20 feet is required and for lot coverage relief by providing 58.2 percent impervious surface where no more than 50 percent is allowed in accordance with 240-35; Section 240-24.1.11(A)(4)(a)[4] in accordance with 240-56 for parking reduction providing 10 parking spaces where 14 are required and Section 240-24.1.11 for relief from parking lot landscape requirements due to an alteration of the structure or a change of a use that increases the parking requirements by (5) or more spaces according to the standards of 240-48 through 240-58 and the subsequent requirement to bring the entire parking lot into compliance with parking lot landscape requirements established per 240-24.1.11(A)(4)(d).*
3. *The applicant noted within the application that lot coverage is necessary in accordance with 240-35 Ground Water Protection Overlay Districts with reference to 240-24.1.2 General Provisions which states that relief can be sought by Special Permit for lot coverage. In accordance with MGL 40A Section 14 the Planning Board has the ability to modify any order or decision. Accordingly, additional relief should be sought from 240-93(B) for expansion of a pre-existing nonconforming building to be incorporated herein.*
4. *The applicant noted within the application relief for parking lot landscape requirements in accordance with 240-24.1.11(A)(4)(e) due to the increase in parking by (5) or more spaces according to the standards of 240-48 through 240-58, Schedule of Off-street Parking Requirements which requires the entire parking lot to be brought into compliance with parking lot landscaping requirements. However, the applicant is requesting a Special Permit for parking reduction. In accordance with 240-57 the Special Permit Granting Authority can reduce parking requirements by Special Permit provided defined circumstances apply. As such, should the Planning Board grant relief to the applicant for parking reduction, additional relief is not required for parking lot landscape requirements because the required parking will be reduced and subsequently will not amount to an increase in parking by (5) or more spaces.*
5. *The Planning Board finds that the issuance of the Special Permit is consistent with the Design and Infrastructure Plan and that the development meets one or more of the following criteria:*
 - a. *The development provides for or supports mixed use development where appropriate as mixed use development is allowed as of right within the Medical Services zoning district;*
 - b. *The development contributes to the historic and maritime character of the Hyannis Village area as the Hyannis Main Street Waterfront Historic District has approved a Certificate of Appropriateness;*

- c. *The development provides for or contributes to alternative transportation or travel demand management as it provides for workforce housing in walking distance to the largest job provider on Cape Cod, the Hospital;*
 - d. *The development provides workforce housing where appropriate and provides an appropriate mix of affordability levels by providing additional housing to be developed as 1 bedroom units;*
6. *The application falls within a category specifically excepted in the ordinance for a grant of a Special Permit. Section 240-24.1.2 enables the Planning Board to provide dimensional and lot coverage relief by Special Permit; and Section 240-24.1.11(A)(4)(a)[4] allows the Planning Board to reduce on-site parking requirements by Special Permit.*
 7. *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 the neighborhood affected.*
 8. *A Site Plan has been reviewed and approved by the Site Plan Review Committee. The conditions of Informal and Formal Site Plan Review shall be incorporated by reference as conditions of this Special Permit.*
 9. *Lesser off-street parking is shown to be adequate given special circumstances including:*
 - a. *Supplementary parking provided off premises as on-street parking is available on Parkway Place.*
 10. *The proposed repairs, alterations and/or expansion are not substantially more detrimental to the surround neighborhood.*

seconded by Mary Barry,

Roll Call Vote:

Steven Costello - aye

Stephen Robichaud - aye

Mary Barry - aye

Bob Twiss - aye

Michael Mecnas - aye

Ray Sexton - aye

Tim O'Neill - aye

Staff Updates

Local Comprehensive Plan

Kate Maldonado, first meeting will be held in person at 6 p.m. a meet and greet of the Committee. Project Consultant team will be there with a presentation and Cape Cod Commission information. Mapping activity. Associated efforts/plans will be reviewed as well and future scheduling.

The Planning Board will hear a report on the status of repairs and costs in the Whistleberry Subdivision No. 454 and may vote to approve and accept the report and to take any other action related thereto

Town Attorney Charles McLaughlin in attendance. They are making progress with this subdivision. Home Owners Association (HOA). Work has been ongoing and overseen by Town representatives. HOA, two lots have sold, creating income/escrow account. Attorney Brian Wall HOA attorney. Remaining costs. Wanted to update all with the progress. Lots are still under covenant.

Attorney Brian Wall in attendance. His clients/the HOA. The money recently released was turned over to contractors in order to complete.

Matters Not Reasonably Anticipated by the Chair

Correspondence

Approval of Minutes

June 13, 2022, draft minutes

Chair Steven Costello entertains a motion to approve, moved by Mary Barry, seconded by Bob Twiss,

Roll Call Vote:

Steven Costello - aye

Stephen Robichaud - aye

Mary Barry - aye

Bob Twiss - aye

Michael Mecnas - aye

Ray Sexton – aye

Tim O’Neill – aye

Adjournment

Chair Steven Costello entertains a motion to adjourn, moved by Mary Barry, seconded by Stephen Robichaud,

Roll Call Vote:

Steven Costello - aye

Stephen Robichaud - aye

Mary Barry - aye

Bob Twiss - aye

Michael Mecnas - aye

Ray Sexton - aye

Tim O’Neill - aye

Future Meetings: July 11, and July 25, 2022, @ 7:00 p.m.

The meeting adjourned at 8:33 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>