



Town of Barnstable Planning Board



www.town.barnstable.ma.us/PlanningBoard

Board Members

Stephen Robichaud – Chair Robert Twiss – Vice Chair Tim O’Neill - Clerk Mary Barry Michael Mecnas Raymond Sexton Matthew Teague
Paula Schnepf – Town Council Liaison

Planning & Development Dept. Staff Support

James Kupfer, AICP, Director
Kyle Pedicini, Assistant Director - kyle.pedicini@town.barnstable.ma.us
Karen Pina – Principal Assistant - karen.pina@town.barnstable.ma.us

Town of Barnstable PLANNING BOARD Minutes March 24, 2025

Stephen Robichaud – Chairman	Present
Robert Twiss, Vice Chairman	Present
Tim O’Neill – Clerk	Present
Mary Barry	Present
Michael Mecnas	Absent
Raymond Sexton	Absent
Matthew Teague	Present

Also in attendance were Planning & Development Staff; James Kupfer, Director, Karen Pina, Principal Assistant

Application materials may be accessed through the Planning Board website at:

<https://www.townofbarnstable.us/boardscommittees/PlanningBoard/default.asp?brd=Planning+Board&brdid=19&year=2023> or by contacting Karen.pina@town.barnstable.ma.us or calling 508-862-4064.

Notice of Recording The meeting will be televised live via Xfinity Channel 8 or high definition Channel 1072. It may also be accessed via the Government Access Channel live stream on the Town of Barnstable’s website: <http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

The Chair must inquire whether anyone else is taping this meeting and to please make their presence known.

Call to Order Introduction of Commission and Board Members

General Public Comment - None

Approval Not Required

Jeffrey Kaschuluk has submitted an ANR plan entitled “Plan of Land of 291 Flint Street, Barnstable (Marstons Mills) Mass” dated February 11, 2025, drawn by Sullivan Engineering & Consulting, Inc.

John O’Dea representing the applicant. 10.5 acres would like to divide into 5 lots.

Matt Teague moves to endorse the plan of land entitled “Plan of Land 291 flint Street, Barnstable (Marstons Mills) Mass” prepared for Jeffrey Kaschuluk, prepared by Sullivan Engineering, last revised February 11, 2025, as an Approval Not Required Plan; subject to following Findings

- It does not constitute a subdivision because each of the lots have the minimum required frontage on an existing way having suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use and for the installation of municipal services to serve such use or has been labeled as “not buildable”; and
- All materials and conditions of Chapter 801, Article IV Approval Not Required Plans, have been submitted and are in full compliance, seconded by Tim O’Neill,

Roll Call Vote:

Matt Teague - aye

Mary Barry - aye

Bob Twiss - aye

Tim O’Neill - aye

Stephen Robichaud - aye

Zoning Amendments

TC Item No. 2025-075 -Proposal to amend the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, to add three properties to the Multifamily Affordable Housing residential district to allow for by-right affordable housing in addition to special permit affordable housing, and to add parking requirements, roof mounted solar system requirements, principal permitted uses, and other multifamily affordable housing requirements – *continued from March 10, 2025*

Motion made by Tim O’Neill to open the public hearing, seconded by Bob Twiss,

Roll Call Vote:

Matt Teague - aye

Mary Barry - aye

Bob Twiss - aye

Tim O’Neill – aye

Stephen Robichaud – aye

Jim Kupfer explains Zoning Amendment procedure – Exhibit A - Reads amendment process into record: zoning proposal by Town Councilor Betty Ludtke. Proposal is to amend the zoning ordinance, Multi Family Affordable Housing (MAH). Add 3 properties to the multi family to allow by right. Add parking, roof mounted solar. Affordable family housing. Has been submitted to Town Council (TC) and now referred to Planning Board (PB). PB must forward advisory within 21 days. Once public hearing closed have 21 days to refer back to Town Council.

Walks through the red lined version. See Exhibit A. Request to expand by adding, refers to section B, to authorize by right uses of duplexes in this district as proposed. Adjustments to bulk regulations; minimum lot area to 1 acre from 2. Setbacks go from 60 to 15 ft. Height doesn’t change. Density, total allowed units, by right, special permit (SP) requirement, 20 units per acre. Allows for duplex use, this would allow for multiple duplexes on one parcel of land. TC has suggested parking be adjusted. 2 parking spaces per unit. 9 ft. x 18 ft. Red lined version. Solar requirement, each structure install roof mounted solar systems. Size and affordable units to 100% shall be affordable units. Affordable shall not be subject to Chapter 9 article 1. Percentages of income, per HUD.

Chair Stephen Robichaud, how does this differ from what is typically required, per income? This seems to appeal to workforce housing.

Jim Kupfer, yes. This would apply for workforce housing group.

Current percentages discussed.

Bob Twiss, would these units count towards our mandated affordable housing?

Jim Kupfer, 80% or less, area median income, deed restriction.

Chair Stephen Robichaud, does anything state if for purchase or for rent?

Jim Kupfer, doesn't require purchase or rent.

Bob Twiss, draft talks of both, rent or purchase.

Jim Kupfer, Use Restriction – Deed Restriction, 15 years set as a minimum. Section 2, should be struck and removed from this TC Ludtke suggested this-
Multi family- section a, does not exceed as determined by HUD,
This is SP criteria. Talking multi family here. Our inclusionary. Much lesser standard in our current.
Section B shall remain affordable - structured 1 and 2 continuing enforcement - subject to monitoring agreement. Local initiative prior to issuance. Affordable units – right of first refusal. Shall satisfy design - ...
Shall obtain at a rate. Not subject to variance.

Chair Stephen Robichaud, 577 Falmouth Rd, owned by Jake Dewey. Map shown, Exhibit B. Barnstable Adult Community Center and smaller lot next to it. Asks for confirmation for 720 Falmouth Rd.

Jim Kupfer, 720 Falmouth Rd, multi family comprehensive permit.

Chair Stephen Robichaud, storage – solar/battery systems. The words “or larger” would like to amend this. Also, possibility to extend 15 year term to 20. Commends TC Ludtke for this great concept and idea. Likes single family duplex style.

Matt Teague, this is spot zoning? Would like to be more contiguous. Issue with 15 year limitation for deed restriction. Doesn't like piece lots around town.

Jim Kupfer, would go above and beyond – purpose , was originally for multi family affordable. This would add it by right and remove SP option. Removing original that was allowed, in its entirety and restructure for single family and duplexes. Inserting in principal permitted uses.

Discussion median incomes at current. Discussion regarding incomes and workforce housing.

Jim Kupfer, not a lot of options to get market rate housing. Need for workforce.

Bob Twiss – reviews the percents of what we have for affordable in comparison. Persons in work force that would not be able to afford. How high could range go? 97,000 is a lot of money. Thinks this is high.

Tim O'Neil, clarifies income earner information.

Bob Twiss, why 15 years?

Jim Kupfer, modeled after Commonwealth Builder Program, this is their restriction.

Chair Stephen Robichaud, do people have to leave if they exceed income?

Jim Kupfer, renters would be subject.

Bob Twiss, federal tax credits for affordable housing, may pay for all construction costs.

Chair Stephen Robichaud, further break down the affordable requirements. Help us get to goals.

Tim O'Neill – how much is from the state and what's requirement, is it required to be in this type of zoning district? What is specified from the state? Unit count, solar?

Jim Kupfer, density requirements is one of them, minimum of 15 units, solar is not one of them, not state mandate. Affordable structure is by the state.

Tim O'Neill, are all in RB district? Well head Protection (WP)?

Jim Kupfer, yes, single family and yes, WP.

Tim O'Neill, setbacks, base residential district. Other lots coming from RB district. Haven't seen project like this. Not a large type apartment building, this is different.

Bob Twiss, 825 Falmouth Rd, Community Center. Will Town eliminate Senior/Community Center, or just space next to it?

Jim Kupfer, clarifies, not removing this. May have some joint access, coming off of Rte 28 trying not to have curb cuts.

Bob Twiss, there's a huge solar array as well, not eliminating parking?

Jim Kupfer, if to move forward and would like to pursue, it would be a public process. Master Planning initiative. Would have to get public involved.

Tim O'Neill – solar array, where in the area? Jim Kupfer, solar lot shown. Vacant lot near.

Town Councilor Betty Ludtke in attendance. Her Precinct in this area, northern most. Pitchers Way and Old Strawberry Hill Rd. Would not want it to be spot zoning. Town property here and private property. Commonwealth Builders model, does come at a slightly higher rate. We will never get to 10% affordable. Want to maintain single family neighborhoods. Along Route 28 has the infrastructure and utilities. Have to have two parking spaces. Doesn't like 20 units per acre, better if 15, won't crowd it. Wants some ownership. Is a new concept, then maybe apply somewhere else. Buy and sell a home to better themselves, this is a new program that the state has put out.

Peg Holmes, 39 Mark's path in attendance. 767 parcel. Was not aware looking at housing heres. Meeting in June had 4 presentation. One was a duplex, 5 or 10 units. This proposal is three times that. 15 buildings and 30 parking spaces. Maintaining existing landscaping, 10 ft. is all it is. Density – good idea for duplex. Adjacent neighborhood is low density. Why proposal zone to be so dense? Affordable housing is valuable. Concerns with the density. Most things are set back, wooded area.

Laura Shufelt in attendance. Affordable Housing professional. This is spot zoning. Original 850 was 100% affordables, then changed to 18%, now the same zoning to do 100% at various levels. Commonwealth Builders program, none of the units count – doesn't meet subsidized. Commonwealth does not provide foreclosure. Restriction is 30 years. After 15 years the difference for is split between the town and the buyer, the equity gets split with the town. Affordability eligibility goes away at 15 years. Minimum of 10% that have to be affordable. Median income is \$122,250 right now, but average wage is \$64,200. That's why can't afford. 79,000 for family of two. Restrictions, then need to make sure that all in ordinance is consistent. Should allow for multi family. Definition of affordable is 80% or below. Should be consistent across programs and ordinances. Occupancy permit – have to be approved by Commonwealth Builders Program. Commonwealth requires 15 units, not a density requirement then ties into how many affordable.

Matt Teague, any dollar incentives to the builders? Laura Shufelt, 250, 000 per unit, with a maximum of 10 million.

Catherine Finkenstead in attendance, 577 Route 28, Pitchers Way. Permitting market rate recently – 758 apartments being built currently. A small percent will be affordable. The Starbuck project will have 58 units and only 6 will be affordable. Will be at 1,000 market rate units shortly. The rezoning for this should be allowed, this is 100% affordable. Need more affordable housing. Way to much 40B happening. Need this project and more like it.

Eric Schwaab in attendance. This is spot zoning. These are ridiculous set backs. 15 ft from Route 28 is to close. Marks Path will be overwhelmed. Don't want spot zoning for West Hyannis. DPW projects are not prioritized because no plan. Bring before LCPC.

Jake Dewey in attendance, owner of 577. Thanks TC Betty Ludtke for doing this. There is flexibility in the numbers. Can make the numbers work. The intent is 100% homeownership. There is a subsidy, but limited to what we need to make the numbers work.

Matt Teague, if create this for common ownership should be bigger area. Should run further, and create opportunity to do something, not just for one lot. Likes the location, but if gonna do this, let's do it, not just a small area, one spot.

Bob Twiss, shouldn't be tying ourselves to Commonwealth Builders. Shouldn't adopt if not good for us.

Tim O'Neill, what is allowed now under special permit uses?

Jim Kupfer, RB district, single family, can also keep horses. Conditional uses, golf courses, bed and breakfast and open space (specific type of subdivision). Current setbacks for single family.

Tim O'Neill, why just these 3 lots, need to be path to develop different type of affordable housing. Potential look at bigger area. How, way to put a program like this and make obtainable. What would be the best avenue?

Bob Twiss, Local Comprehensive Planning Committee (LCPC) out for public comment, things discussed are what areas in town to pay attention to – goals and strategies, the West End area, should develop program to engage in a master plan for this area, no agreement, but proposed. Areas that are affected. Would add a lot of traffic – 66 units. This would take this whole issue out of LCPC plan when done. Concerned about 15 ft. setback. Falmouth Rd., the noise and air pollution here is bad. Doable next to houses, but not from road.

Dan Ojala in attendance. PHAD overlay done for Settlers and Schooner subdivisions. 50 units and 30 units. This lot is long thin lot. Maybe no access to Route 28, make setback a bit bigger. Likes solar aspect. Parking is modest, not unreasonable. Doesn't think spot zoning problematic unless someone appeals. Almost impossible to buy a home. This would be 100% affordable. A lot of positives.

Chair Stephen Robichaud – can continue this ask parties to see if they can make some adjustments per the comments made tonight;

Items: Solar, categories, density reduced down, setbacks adjusted, no access on Route 28 possibly, parcel abuts Marks Path removed from consideration, can do a 40B here as well. Or;

Take to LCPC and go to them. Would like to continue and way to make it work. Would like to get families into homes. Could sell after 15 years, a lot of challenges with this.

Matt Teague if reinstate multi family and expand the district.

Mary Barry, continue.

Bob Twiss, could use some fine tuning, come back. Concerns with the 15 years, if rental have to deal with rent not being the same per income. If buy, the unit becomes market rate after 15 year time,. This could become a market rate development. Setback from Falmouth Rd. Extending the life of the deed restriction.

Tim O'Neill – leave in section 2, language by special permit. Flexibility for other projects in this area. Spot zoning, has Town Attorney Nober reviewed would like review by Town Attorney about the spot zoning.

Chair Stephen Robichaud, Comprehensive Wastewater Management Plan (CWMP) looks at every lot for build out, memo from DPW stating this is sufficient.

Chair Stephen Robichaud moves to continue Town Council Item No. 2025-075 to April 28, 2025, meeting, seconded by Bob Twiss,

Roll Call Vote

Matt Teague - aye
Mary Barry - aye
Tim O'Neill - aye
Bob Twiss - aye
Stephen Robichaud - aye

General Correspondence

Chapter 91 Notice – 101 Center Lane, Centerville – Green Family Trust – seasonal pier
Chapter 91 Application – 60 Bay Shore Rd., Hyannis – Keinkrauss – maintenance of existing pile, pier and float

Staff Updates

Jim Kupfer, LCPC has completed first draft out for public review. Meetings to be held at villages and High School. Will have child care and pizza and movies. Press release will go out soon. Have copies. Updated Housing Production Plan (HPP), adding two public sessions in April and back to Planning Board with public feedback. Ad Hoc subcommittee final meeting, finishing memo to Town Council – discussion ADU's Law. Town Council requested a workshop, doing soon. Recreational Marijuana ZA before Town Council April 17th.

Matters Not Reasonably Anticipated by the Chair

Approval of Minutes

February 10, 2025 Draft Minutes (Click [HERE](#) for draft minutes)
February 24, 2025 Draft Minutes (Click [HERE](#) for draft minutes)

Chair Stephen Robichaud entertains a motion to approve, moved by Tim O'Neill to approve both February 10th, 2025 and February 24th, 2025 draft minutes, seconded by Bob Twiss,

Roll Call Vote:

Matt Teague - aye
Mary Barry - aye
Bob Twiss - aye
Tim O'Neill - aye
Stephen Robichaud - aye
BOTH sets are approved.

Chair Stephen Robichaud – Meeting on April 14th, CPC update. Consider for re appointment as well.

Future Meetings: April 14th, and April 28th, 2025 @ 7:00 p.m.

Adjournment

Chair Stephen Robichaud entertains a motion to adjourn, moved by Bob Twiss, seconded by Matt Teague,

Roll Call Vote:

Matt Teague - aye
Mary Barry - aye
Bob Twiss - aye
Tim O'Neill - aye
Stephen Robichaud - aye

The meeting adjourned at 9:00 p.m.

Respectfully Submitted,

Karen Pina, 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>

List of Exhibit Documents

Exhibit A - TC Item No. 2025-075 – Red lined version of ZA draft

APPROVED