



Town of Barnstable Planning Board



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Board Members

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

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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 April 10, 2023

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

Also in attendance were Planning & Development Staff; James Kupfer and Karen Herrand, Principal Assistant.

Call to Order: Introduction of Board Members and Staff Members

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.

Application materials may be accessed by contacting Karen.herrand@town.barnstable.ma.us or calling 508-862-4064.

Public Comment:

Chair Stephen Robichaud asks for any general public comment. None.

Approval Not Required Plans:

The Town of Barnstable has submitted an Approval Not Required Plan entitled “Approval Not Required Plan of Land at 140 Old Oyster Road in Barnstable, Cotuit MA, Barnstable County” prepared for Town of Barnstable, Department of Public Works, prepared by, JC Engineering, Inc, dated October 14, 2022

David Anthony, director of Asset Management in attendance. Former Cotuit Elementary School. School closed, 4 in total. This was leased to Waldorf. Declared surplus. Town of Barnstable (TOB) took property. Cotuit village and ideas for parcel. Last space for open recreation. Cotuit Fire district concerned, well in area. Town will retain 5 acres of recreation land off Main Street and Fire District 8 acres. Not demolish school. Well could eventually need water treatment facility. Exchange. Want to

maintain recreational facilities. 13 acres in total. Divide into 2 parcels and file conservation restriction and move to Town Council (TC).

Jim Kupfer, both lots have adequate access.

Ray Sexton, has property been transferred or pending?

David Anthony, still pending, Town will retain one of the parcels.

Ray Sexton, confirms 5 acres,

David Anthony, yes – ball field.

TC and Conservation Commission, steps to finalize.

Chair Stephen Robichaud entertains a motion to approve/endorse, moved by Ray Sexton to endorse the plan entitled “Approval Not Required Plan of Land at 140 Old Oyster Road in Barnstable, Cotuit MA, Barnstable County” prepared for Town of Barnstable, Department of Public Works, prepared by, JC Engineering, Inc, dated October 14, 2022, as an Approval Not Required Plan, seconded by Michael Mecenas,

Vote:

Mary Barry - aye

Ray Sexton - aye

Bob Twiss - aye

Tim O’Neill - aye

Michael Mecenas - aye

Stephen Robichaud - aye

Special Permits:

Bayridge Realty, LLC has submitted a Special Permit application for 78 North Street, Hyannis, for 11 accessory parking spaces in connection with the redevelopment of 78 North Street to provide for 11 residential units of housing where 30 spaces have historically been utilized on the municipal lot across the street

Chair Stephen Robichaud entertains a motion to open the public hearing, seconded by Bob Twiss,

Vote

Mary Barry - aye

Ray Sexton - aye

Bob Twiss - aye

Tim O’Neill – aye

Micheal Mecenas –aye

Stephen Robichaud – aye

Attorney Michael Schulz in attendance. Matt Eddy, Baxter Nye Engineering in attendance.

Attorney Schulz gives a history of the property. Professional office building now, reference to plan, Exhibit A. No space for onsite parking. Has used municipal parking lot. Proposed to modify existing structure for housing. Would allow greater conformance with ordinance under new zoning. This use requires 11 spaces. Would create housing opportunities. Walkable to Transportation and Main Street, eliminate curb cuts. Went to Site Plan review process. Parking agreement needed with the Town.

Matt Eddy in attendance. Existing conditions plan reviewed. Bldg. takes up the entire lot. Allowed up to 30 parking permits to park in Town lot. Lot has 60 ft. of frontage on North St. Town lot is south across on North St. No wooded areas. New zoning district is downtown village. Impervious coverage. No parking on the lot itself. Bldg. is connected to public sewer and water. This will be a great improvement for the area. 11 units proposed. Split level bldg. will have new landscape edges around

the front. Walkway will be reconstructed, 8 ft. wide. Flag pole area coming out. 11 spaces required. It will be less than half than what is being used by permit now. Pedestrians access also in rear of bldg. trash in rear, totes. Will get new fire service for sprinklers. New street light across from sidewalk. Limited drainage, have added additional drywell. Removing some hardscape, providing two street trees.

Kurt Rayber, of Catalyst Architecture, Yarmouth in attendance. Great re use of the office building in new form based code, new zoning. Renovation & Addition to Bayridge plans shown, Exhibit B. New vestibule and will have mailboxes for the 11 units here. Layout plan shown. Will be taking out majority of plate glass windows. Views of the bldg. steel fire escape. 3 residential units, total of 4 bedrooms. Then 4 units with total of 6 bedrooms. Same layout both floors. 18% fenestration. Bldg. will have 11 dedicated HVAC units – rooftop. Will replace all with double hung windows. New clapboard.

Chair Stephen Robichaud, this if for relief from 11 parking spaces. Staff Report refers to occupancy.

Jim Kupfer, will have one deed restricted affordable unit.

Chair Stephen Robichaud asks for any public comment. None.

Mary Barry, is there agreement now for 30 spaces with Town?

Matt Eddy, Town implemented, not a formal agreement, but provided parking permits to hang in car – could use for 6 hours without getting ticketed.

Mary Barry, this would include the specific parking for 11 spaces – clarifies. Rental – clarifies.

Tim clarifies municipal lot ownership.
Jim Kupfer, it is mixed ownership.

Jim Kupfer, if Board moves forward, one suggestion condition – inclusionary housing unit - condition Local Initiative Program, (LIP) affordable shall be applied prior to any occupancy permit for this location. Not on Staff Report, but offer for consideration. Shall be submitted prior to occupancy. Dept. of Housing and Community Development.

Discussion for amendments to conditions

Bob Twiss, new number 9 clause
Jim Kupfer, include LIP application. Can't say how long state will take on this application, but knowing in the works. State that it is one unit.

Chair Stephen Robichaud entertains a motion to close the public hearing, moved by Bob Twiss, seconded by Ray Sexton,

Vote:

Mary Barry - aye

Ray Sexton - aye

Bob Twiss - aye

Tim O'Neill - aye

Michael Mecnas - aye

Stephen Robichaud - aye

Chair Stephen Robichaud entertains a motion for the Special Permit, Bob Twiss moves to approve with conditions, Special Permit 2023-003 78 North Street with the following Findings and Conditions – Bob Twiss reads the Draft Findings into record:

Draft Findings

1. The property location is 78 North Street, Hyannis, MA, Hyannis is shown on Assessor's Map 309 Parcel 192 in the Downtown Village Zoning District and Aquifer Protection Overlay District.
2. The Applicant and Owner Bayridge Realty, LLC, seeks a Special Permit pursuant to 240-1.5C(2)(b). The Applicant proposes to enter in to a parking agreement for off-site parking at the North Street lot where the previous commercial property historically parked their vehicles.
3. The Planning Board finds that the issuance of the Special Permit is consistent with the Design and Infrastructure Plan and that the development meets the following criteria:
 - a. Creates housing opportunities for persons and households of all income levels;
 - b. The development provides for the minimizing of curb cuts and driveways on North Street through a shared use for parking purposes with a nearby property.
4. The application falls within a category specifically excepted in the ordinance for a grant of a Special Permit. Section 240-1.5C(2)(b) allows the Planning Board to reduce on-site parking requirements by Special Permit.
5. 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.
6. 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.
7. Lesser off-street parking is shown to be adequate given special circumstances including:
 - a. Supplementary parking provided off premises through a parking license with a nearby property.
 - b. Characteristics of use invalidating normal methods of calculating parking demand.
8. The proposed repairs, alterations and/or expansion are not substantially more detrimental to the surround neighborhood.

Add 9 – Inclusionary housing condition. Incorporate conditions 1 through 8 as set forth on Staff Report dated April 5, 2023.

Attorney Schulz asks for revision to Condition 5 – Informal Site Plan Review to the extent applicable under new zoning incorporated into this Decision. (as to reflect new zoning information).

Attorney Schulz revision to Condition 1 – to add plans as revised March 6, 2023.

Bob Twiss, modified as read in by Attorney Schulz for Condition 1 and Condition 5, seconded by Michael Mecenas,

Vote:

Mary Barry - aye

Ray Sexton - aye

Bob Twiss - aye

Michael Mecenas - aye

Tim O'Neill - aye

Stephen Robichaud - aye

General Business:

Definitive Subdivision Plan of Land on Old Stage Road and Parker Lane Modification Discussion

Frank Gallagher, Gallagher Engineering in attendance.

Bill Eagan in attendance.

Frank Gallagher - Would like one more waiver for this subdivision. From Section 801 35L, which discusses sub utilities and underground electric. Would like overhead utilities, electric instead of underground. There is an existing utility pole – would like to go from there and put 3 additional poles in to lot 2A. In trying to maintain the rural character, we think overhead would be best for this. Letter submitted and photograph of Pilot’s Way, to show what we are modeled like.

Chair Stephen Robichaud this is a subdivision plan – is this minor or major modification?

Mary Barry asks why changing?

Frank Gallagher, to enhance the rural character and cost benefit.

Mary Barry, if gone through the process already people should be able to comment.

Ray Sexton, yes, would like to reopen to the public. We are trying to harden the infrastructure. Weather/storms. Maybe more costly, but better looking without wires and overhead.

Chair Stephen Robichaud considers a major modification. Would want to get public comment. Thinks better street scrape, underground better character.

Bob Twiss, width of the road and gravel discussions when this came before Planning Board previously. Utilities were required to be underground at that time. Thinks it’s a major change. Significant factor. Public should know and be heard. Above ground would be the opposite of rural character. Major modification.

Tim O’Neill, sometimes underground utility installation can be difficult. Depends on how infrastructure is set up, may be difficult. Two building lots is not that big of an impact. Does warrant a public hearing.

Michael Mecnas, agrees major modification. Public should know.

Chair Stephen Robichaud entertains a motion, moved by Mary Barry for general business to require a public hearing for the requested modification to the “Definitive Subdivision Plan of Land on Old Stage Road and Parker Lane in Barnstable, MA”, last revised March 21, 2023, by Gallagher Engineering, seconded by Ray Sexton,

Vote:

Mary Barry - aye

Ray Sexton - aye

Bob Twiss - aye

Tim O’Neill - aye

Michael Mecnas - aye

Stephen Robichaud - aye

Downtown Hyannis Design Guidelines Discussion

Jim Kupfer gives a history of the Joint meeting. Update on project. Downtown Hyannis Design Guidelines. To enhance and improve zoning. Have a few members of the Hyannis Main Street Waterfront Historic District Commission (HHDC) that want to join the working group. Would be looking at documents and providing advice for Staff. Not a lot of time commitment, doing site walk on April 28th, probably 11 to 5 to walk the Downtown Historic area. What features want to maintain. Would not have to stay for the whole time. Potential design guidelines.

Mary Barry clarifies design guidelines.

Jim Kupfer, yes anything that's being permitted in the Downtown area. Beyond that, design and infrastructure plan. Main Street and Barnstable Road. HHDC incorporates other areas Harbor, they have separate guidelines.

Mary Barry, would the same guidelines be used by HHDC?

Jim Kupfer explains – would hopefully have the same.

Chair Stephen Robichaud, email to board and reference the area and current language that is in place now. He will be in attendance on April 28th, either morning or evening, probably not full 6 hours.

Ray Sexton, confirms from Joint Meeting – Planning Board has specific zoning ordinance. HHDC lacks this – to develop something that goes with what Planning Board has.

Staff Updates

Local Comprehensive Plan (LCPC)

LCPC committee met a few weeks ago will meet on May 11th. This will go onto Phase 2. Existing conditions report now online for review, Barnstable LCP.com through April 24th.

Correspondence

Chapter 91 Notice – 592 Popponessett Rd., Cotuit – Layton – Boardwalk, pier, ramp and float

Chapter 91 Notice – 340 Hollidge Hill Rd., Barnstable – Mathias – seasonal walk and pier

Chapter 91 Notice – 592 Popponessett Rd., Barnstable - Layton – boardwalk, pier, kayak rack, marine storage, ramp and float

Matters Not Reasonably Anticipated by the Chair

Chair Stephen Robichaud directs to Board regarding attendance- Reach out to each Board member – Would anyone prefer phone call or text as opposed to email? So all can know what to do.

Approval of Minutes

March 13, 2023, draft minutes – pg. 6

Bob Twiss, has two adjustments to be made to draft minutes – need to amend – to change to 2.5 stories from feet. Also second motion to not Recommend to Town Council, change vote for Bob Twiss to aye vote.

Chair Stephen Robichaud entertains a motion to approve the draft minutes as amended with two changes, seconded by Ray Sexton,

Vote:

Mary Barry - aye

Ray Sexton - aye

Bob Twiss - aye

Tim O'Neill - aye

Michael Mecnas - aye
Stephen Robichaud - aye

Chair Stephen Robichaud thanks Steven Costello after many years of service to the Planning Board.

Mary Barry yes, Steven Costello spent a lot of time and effort, excellent participant.

Future Meetings: April 24, 2023, @ 7:00 p.m and May 8, 2023, @ 7:00 p.m.

Adjournment

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

Vote:

Mary Barry – aye

Ray Sexton - aye

Tim O’Neill - aye

Michael Mecnas - aye

Stephen Robichaud - aye

The meeting adjourned at 8:18 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>

List of Exhibit Documents

Exhibit A – Plan - Bayridge Realty, LLC Special Permit application for 78 North Street, Hyannis

Exhibit B - Renovation & Addition Plan -Bayridge Bayridge Realty, LLC Special Permit application for 78 North Street, Hyannis