



# Town of Barnstable Planning Board



[www.town.barnstable.ma.us/PlanningBoard](http://www.town.barnstable.ma.us/PlanningBoard)

Board Members

Steven Costello – Chair    Stephen Robichaud – Vice Chair    Mary Barry - Clerk    Robert Twiss    Michael Mecenas

Mathew Levesque – Town Council Liaison

Planning & Development Dept. Staff Support

Elizabeth Jenkins, AICP, Director

Kaitlyn Maldonado, Assistant Director

Karen Herrand – Principal Assistant - [karen.herrand@town.barnstable.ma.us](mailto:karen.herrand@town.barnstable.ma.us)

BARNSTABLE TOWN CLERK

2021 AUG 26 PM 1:11

## Town of Barnstable PLANNING BOARD Minutes August 9, 2021

Steven Costello – Chairman	Present
Stephen Robichaud – Vice Chairman	Present
Marry Barry – Clerk	Absent
Robert Twiss	Present
Michael Mecenas	Present

Also in attendance via remote participation were Elizabeth Jenkins, Director, Kaitlyn Maldonado, Assistant Director, and Karen Herrand, Principal Assistant, Planning & Development Dept.

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/92277893023>

Phone: 888 475 4499 US Toll-free

Meeting ID: 922 7789 3023

3. Applicants, their representatives and individuals required or entitled to appear before the Planning Board may appear remotely and are not permitted to be physically present at the meeting, 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:**

**Michael Mecenas**  
**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 there is any public comment. No General Public Comment.

Chair Steven Costello states that Jeffrey Swartz has resigned as of tonight. There will be a vacancy notification for this for the Planning Board. Public are welcome to apply/join and encouraged. Thank you to Jeff Swartz for his years of service and for volunteering.

**Chair Steven Costello moves Agenda items are moved out of order.**

**Regulatory Agreements**

**Dunrovin Too, LLC seeks to enter into a Regulatory Agreement** for the property located at 68 Yarmouth Road, Hyannis, Map 327 Parcel 166. The Applicant's proposal is to demolish the existing building and redevelop the property with four (4) new two-story duplex buildings for a total of eight (8) units. Waivers are being requested for multi-family development exceeding the allowed density per acre, site standards and off-street parking requirements. (Public Hearing) (Majority of members present and voting)

Elizabeth Jenkins interjects for procedural guide - should not open public comment as not all members are here tonight, suggest to have all present in order to have up to date information. – not to open at this time as these items have been requested to be continued.

**Chair Steven Costello entertains a motion to continue this matter to August 23, 2021, moved by Stephen Robichaud, seconded by Bob Twiss,**

**Roll Call Vote:**

**Stephen Robichaud - aye**  
**Bob Twiss - aye**  
**Michael Mecenas - aye**  
**Steven Costello - aye**

**Jennifer and Jeffrey Lyon, Trustees, Lyon Investment RT seek to enter into a Regulatory Agreement** for the property located at 80 Pearl Street, Hyannis, Map 326 Parcel 008. The Applicant's proposal is to redevelop the property into a small apartment building consisting of eight (8) apartments with a combined total floor area of 4,481 sq. ft. with the option of a ninth (9) unit in a one story detached existing building. A waiver is being requested to allow development of multi-family units within the Single Family District. (Public Hearing) (Majority of members present and voting)

Bob Twiss makes a motion to continue this matter to August 23, 2021, at 7: 01, moved by Stephen Robichaud,

Roll Call Vote:

Michael Mecnas - aye

Bob Twiss - aye

Stephen Robichaud - aye

Steven Costello - aye

Approval of Minutes

July 26, 2021, draft minutes

Chair Steven Costello entertains a motion to approve the draft minutes of July 26, 2021, moved by Stephen Robichaud, Seconded by Bob Twiss,

Roll Call Vote:

Stephen Robichaud - aye

Michael Mecnas - aye

Bob Twiss - aye

Steven Costello - aye

Zoning Amendments

TC Item No. 2022-007 – Amending the Code of the Town of Barnstable, Part 1 General Ordinances, Chapter 240 Zoning by adding a Mixed-Use Sub-Zone of the Medical Services Overlay District. (Public Hearing) (Advisory Recommendation to Town Council) (Majority of members present and voting)

Attorney Michael Ford in attendance. Representing New England Development (NED).

Paul Sincotta of New England Development in attendance.

Attorney Liza Cox, representing Cape Cod Healthcare, in attendance.

Tim Sullivan, council for New England Development in attendance.

Mark Fougere, financial analyst for the project in attendance.

Cape Cod Healthcare (CCH) has 40 acres at 35 Wilkens Lane, within the current Medical Services Overlay District, this property is subject to terms of a development agreement from Cape Cod Commission (CCC) 2003, has been amended, authorizes 263,000 sq. ft. within the parcel. CCH has built 23,000 of this on one of the sites. Plan to build a smaller expansion in the future as additional phase at some point. Rest of site divided. NED will acquire 32 acres from the site. Refers to map, yellow colored, Exhibit A – proposed sub zone, lies within a portion. All property owned by CCH. All covered in the development agreement with CCC. Any further development requires CCC approval. NED has had series of meetings in anticipation of bringing forward a development plan for this subzone. Town is looking for housing to be a part of anything brought forward, in particular rental housing. NED has partnered up with a housing developer, if sub zone amendment goes forward, there will be a housing development in the area of Kidd's Hill Rd. This could bring some additional uses, senior living, assisted living, long term memory, these will become special permit uses within the sub zone. There is industrial district in this area. This proposed subzone would need an amendment to the existing. Two steps: first to file a notice of intent with CCC to determine if this proposal would be eligible – CCC voted that it was eligible. NED and CCH have submitted an amendment for that. Second was to draft and submit an amendment to create this subzone, this was filed with Town Council, after first reading then referred to Planning Board for public hearing. Housing requires special permit in the portion of more than a 1,000 ft. from Kidd's Hill Rd. The majority of the site will result in 32 acres coming back on the tax roles of the Town.

Mark Fougere in attendance. Financial aspect of project. One of the advantages is that this property will immediately start paying taxes, 670,000 in revenues. Expecting 143,000 going to Barnstable Fire

Dept. The Police, Fire, EMS and school Dept. cost averaging for proposed project and budget, came up with an estimate for this new use. 47,000 for Police, Fire, 138,000, ambulance, 118,000 for Fire Dept. School, approximately, 34 school age, approx. 20 to be in elementary, and lower percent for middle and up.

Attorney Ford clarifies that this information from Mark Fougere is for phase 1 if the zoning does go through.

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

**Roll Call Vote:**

**Steven Costello - aye**

**Stephen Robichaud - aye**

**Bob Twiss - aye**

**Michael Mecenas - aye**

**Public Hearing is open.**

Linda Edson of Barnstable in attendance. Worked with amnesty program at the Town. Strong advocate for needed housing. CCH parcel is undeveloped so isn't bringing in any tax revenue. In support of this amendment allowing for apartment use on this site.

Cynthia Cole in attendance. Any developer can do anything now. Concerned that this is unattractive, put solar panels on the top, at the very least.

John Lipman, of Orleans in attendance. Involved with housing and the needs. Strong support of this amendment for this parcel. To allow for both affordable and workforce housing. This parcel is not contributing to taxes. This will generate funds and also affordable housing. This is smart growth. Work together to make a unique mixed use housing. Would like to see the 10% be higher. Change the development agreement for this. In support. Sad news that Royden Richardson has passed.

Candace Hammond of Orleans in attendance. In support of this. Need affordable housing desperately. Involve CCC so there will be a min of 10%, but would like more. Work with NED to ensure that the development will provide more than the minimum of affordable housing percent.

Chair Steven Costello clarifies they are not changing the CCC agreement, this is just for the change of the zoning to the overlay district.

Stuart Bornstein in attendance. He is the abutter of the property next door. In support of this. Cape Cod Hospital and he shared the expense of putting the road in. He has 8.5 acres and would like to include in this zoning amendment package that is being proposed by NED and CCH. Has had this property for 10 or 15 years and would like to add to the area that is being considered for this zoning amendment.

Bob Twiss like the idea, good opportunity for some housing. 27 affordable units in phase 1, what is the percentage that will be affordable?

Attorney Ford replies that the Town of Barnstable has an ordinance that requires 10% so this is what is setting the percentage. CCC also has a requirement of at least 10%, but can negotiate.

Stephen Robichaud refers to Exhibit 1, item no. F, *with this amendment is multi family by right. (Exhibit B) Additionally, multi family dwellings/units on a lot, any portion of which is set back greater than 1,000 ft. from Kidd's Hill Rd. within the mixed use sub zone, shall be allowed by special permit, subject to the*

provisions of Section 240-38.1(c) above in lieu of the requirements set forth in Sections 240-21 (4)(9)(2) – (i) or 240.38(f) or any other provisions as may be set forth in this zoning ordinance.  
Does this mean it needs a Special Permit?

Attorney Ford replies, the first phase is within a 1000 ft. can go forward by right under local regulations. That phase needs CCC approval as an amendment to the current development agreement, any proposal for multi- family beyond 1000 ft., would require not only an amendment but also a special permit.

Stephen Robichaud agrees with Stuart Bornstein, he believes this part of the parcel, 75 & 80 Perseverance Way do support that and would have a positive impact on housing.

Steven Costello states that it makes sense to develop parcels near – bigger picture of the significant acreage there.

Attorney Ford states that he can't speak for CCH. The sub zone is 40 acres, 32 is being sold. They are holding onto 8 acres. There won't be any other property remaining.

Chair Steven Costello clarifies there is an agreement with the parcels owned by Stuart Bornstein.

Elizabeth Jenkins replies that Stuart Bornstein owns two adjacent parcels to the proposed new overlay. One currently developed, the other undeveloped. One had a Development of Regional Impact (DRI) for office building. Change of use for either, if triggered CCC threshold, which residential use would, it would have to be reviewed by that agency. The overlay will provide for density and height. Expanding would enable multi- family residential development, would be allowed to occur in compliance with new density regulations.

Chair Steven Costello confirms that nothing will be left out of what needs review. Good use, and prime location for much needed housing.

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

**Roll Call Vote;**

**Bob Twiss - aye**

**Stephen Robichaud - aye**

**Michael Mecnas - aye**

**Steve Costello - aye**

**Public hearing is closed.**

**Chair Steven Costello entertains a motion , moved by Stephen Robichaud to recommend adoption of the proposed zoning amendment with the addition of the two additional parcels, amendment to have the inclusion of the abutting properties 75 and 80 Perseverance Way, seconded by Bob Twiss,**

**Roll Call Vote;**

**Steven Costello - aye**

**Stephen Robichaud - aye**

**Bob Twiss - aye**

**Michael Mecnas - aye**

**Unanimously recommended to send to Town Council for adoption.**

**Matters Not Reasonably Anticipated by the Chair**

**Correspondence**

DEP Chapter 91 Notification for DPW to perform maintenance dredging - Barnstable Harbor Outer Entrance Channel

**Future Meetings:** August 23 and September 13, 2021, @ 7:00 p.m.

**Adjournment**

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

**Roll Call Vote:**

**Steven Costello - aye**

**Stephen Robichaud - aye**

**Bob Twiss - aye**

**Michael Mecnas - aye**

The meeting adjourned at 8:03 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** – TC Item No. 2022-007 - Map, yellow color area of proposed sub zone

**Exhibit B** - TC Item No. 2022-007 – Exhibit 1 w/Staff Report

**APPROVED**