



# Town of Barnstable Planning Board



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Board Members

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

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 March 13, 2023

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

*Also in attendance via remote participation were Planning & Development Staff; James Kupfer, Senior Planner Kate Maldonado, Assistant Director, 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/83230368587>

Phone: 888 475 4499 US Toll-free

Meeting ID: 832 3036 8587

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**

**Bob Twiss**  
**Tim O’Neill**  
**Steven Costello**  
**Mary Barry**  
**Michael Mecenias**  
**Ray Sexton**  
**Stephen Robichaud**

**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:** General Public Comment – None.

**Approval Not Required Plans:**

The Roman Catholic Bishop of Fall River, has submitted an Approval Not Required Plan entitled “ Plan of Land Map 210 Lot 89 & 89-1, 97 Hayes Road, Centerville Village, Barnstable, MA” prepared for Roman Catholic Bishop of Fall River, dated October 13, 2020, signed February 21, 2023, by Thomas Hardman, PLS, Sitec/CEC, Inc., Dartmouth, MA

Karlis Skulte representing the applicant. Consolidated two parcels into one parcel. Meets frontage requirements.

Jim Kupfer – have determined that there is adequate access. Structure there now.

**Chair Stephen Robichaud entertains a motion to endorse/approve, moved by Mary Barry to endorse the plan entitled Approval Not Required Subdivision of Land at Map 210 Lot 89 and 89-1, 97 Hayes Road, Centerville, MA prepared for Roman Catholic Bishop of Fall River, by SITEC, dated October 13, 2020, as an Approval Not Required Plan, seconded by Steven Costello**

**Roll Call Vote:**

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

**Regulatory Agreements:**

**Shoestring Properties, LLC seeks to enter into a Regulatory Agreement** with the Town of Barnstable to construct thirty-four (34) condominium units in two (2) buildings with associated improvements at 110 School Street and 115 School Street, Hyannis. The redevelopment consists of twenty-two (22) 3-bedroom units and twelve (12) 2-bedroom units. A total of 70 parking spaces will be provided. (Majority of members present and voting) *continued from August 8, 2022, in order to form a sub committee and continued from September 26, 2022, October 3, 2022, October 24, 2022, November 14, 2022, December 12, 2022, January 23, 2023 and February 13, 2023*

Chair Stephen Robichaud provides an update – first hearing in August, then went to 5 member subcommittee. Town Dept’s heard from, DPW, Fire. Height and density and affordable units were

discussed. Offsite affordable units were increased. Have gotten a lot of public comments that are of record.

Attorney John Kenney in attendance and Attorney Patrick Nickerson. Have reduced the project to 29 units, 18, 3 bedroom and 11, 2 bedroom. Public comment should not be the same that has already been made.

Chair Stephen Robichaud – confirms that 210 Barnstable Road, this site will house offsite affordables, if Docksides project doesn't go through will that put these affordables at risk?

Attorney Kenney replies, Mr. Bornstein has control of this site, going forward this may or may not go through.

Stuart Bornstein – to get to 5, 3 bedroom units, had to go through the whole building. Barnstable Rd. will also have some market rate units available. Will be all brand new, have pulled the permit to do this. If no Docksides project we will go back to 3 affordable units.

Chair Stephen Robichaud did receive plans from and about 310 Barnstable Rd. after subcommittee meetings done.

Ray Sexton, affordable units – 30 units at 310, so a minimum of 3 have to be affordable. With Docksides project would be 5 being made available for the Docksides. Math doesn't add up, shouldn't it be 8 units?

Stuart Bornstein, correct, 8 units in total. 5 will be 3 bedroom units. 8 guaranteed and another 3 to 4 close to affordable pricing.

### **Public Comment**

Town Councilor Debra Dagwan in attendance. Need to listen to people that live here. Listen to the residents. Speaking as an abutter and has seen the project in 2013. Did have some concerns. Project hasn't gone anywhere. Same issues, height, density. Hyannis Harbor belongs to the citizens. Offsite affordable unit concerns. Asking to please listen to the citizens, let's not rush this through. Asking not to approve this tonight. Housing discrimination bill happening now.

Felicia Penn in attendance. Business Improvement District (BID) comment at last hearing. Main Street needs year round housing. Count on Planning Board to do job correctly.

Cheryl Powell in attendance. Precedent and procedure. We need to do right and get right and more time needed. Section 112-29 part a HHDC ordinance. Agrees with Debra Dagwan. HHDC did not approve what is being presented now. Significant changes.

Susan Truitt in attendance. Osterville resident. Opposed to this project. Feb. 2<sup>nd</sup> Town Council passed a whole new zoning look. This proposal has none of the characteristics for other districts. Quoted Elizabeth Jenkins - *"we talked a lot about the Hyannis Harbor District and why didn't go further and agreed a much more comprehensive study to be done about land use and comprehensive plan overall for Hyannis Harbor District"* Timing is wrong, against the project at any circumstances. This should be an open space for people to enjoy. Underground parking, hospital is now having trouble with water/issues in basement areas.

Marty Bruemmel, President and CEO of Greater Hyannis Chamber of Commerce. Supports this project, well thought out changes with zoning. Need to establish growth.

Attorney David Lawler. Debate issue of the moratorium. Hopes all read his letter submitted today.

John Julius. Serious concerns. Unfair to have this kind of meeting via remote, suggests to table meeting to allow an in person meeting for this matter.

Laura Cronin. Need answers to public comments made about this. Don't have answers to the precedent being set here. Concerns that HHDC hasn't had more to do with this. Need to maintain the characteristics of the village. Zoning issues.

Denise Johnson in attendance. Senior marketing. Member of the Zoning Board. Doesn't understand the Planning Board creating new zoning. High end units bring commerce? Doesn't think so. Million dollar condo's won't work. People passing through our town to get to the Islands. This isn't a great solution. Are we ready to take away the harbor space for this?

Attorney John Kenney replies – Mr. Bornstein has met with Chamber and has met with the BID. The restaurant has homeless people living under the deck of the Dockside restaurant. Mr. Bornstein has listened to the public. Not economically feasible to put affordable units here, that's why offsite. This vote is a recommendation that will move to Town Council (TC). Not making new zoning. TC did not remove the regulatory agreement process. This is a tool within the zoning. HHDC – the only change was to reduce a floor, other than that this is the same building.

Dan Ojala in attendance. West parcel did have a strip motel previously. It was different here previously, this is not a park. Density so high because tucking parking underground, expensive, 21 ft. above sea level, on a hill here. Safe design. This is higher than the hospital. Thinks fits with the harbor front. Set back a little bit, in scale with other buildings in the area. This is a negotiation and will get affordable offsite units. Public way people can go down. Doesn't think should have to come back to HHDC, it was a 4 to 1 yes vote.

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

**Roll Call Vote:**

**Bob Twiss - aye**

**Tim O'Neill - aye**

**Steven Costello - aye**

**Mary Barry - aye**

**Michael Mecnas - aye**

**Ray Sexton - aye**

**Stephen Robichaud - aye**

Bob Twiss – Applicant seeking a lot of waivers. Did a pro and con of all arguments. Has been to the site 3 times after the crane test. Height of the 2 buildings, each 4.5 stories. Very tall. Tallest residential building in the Town of Barnstable and the entire town. 110 School will be the 3<sup>rd</sup> tallest. Crane test demonstrated very high buildings. Other side of Harbor site looked/viewed and at Channel Point Rd. Corner of Lewis Bay Rd. Other entities that will come to these condominium units. Parking issues reviewed. 2 parking units are adequate for this development. Some may need offsite parking. Developer is assuming the risk for only 2 parking spaces per unit. Zoning ordinance at time of application was Harbor District, this falls into 3 zoning districts now, under new zoning laws. 2.5 under old and new zoning ordinances. Max 35 ft. under both old and new. 63.8 and 59.8 ft. respectively are being sought for. What we do with this project will set the tone in East End of Hyannis and also what we don't do. Precedent was set over a decade ago with Hyannis Harbor Hotel and Lewis Bay condominiums. Regulatory Agreement (RA) granted waivers to Hyannis Harbor Hotel. Lewis Bay Condo had an existing bldg. so zoning was included in the Medical District. Greenery 2007 RA allowed for 4<sup>th</sup> floor and max height of 61 ft. 2 lots are now open air parking for Lewis Bay Condo. Town has grown and

is now a city and will continue to grow. Retail cannot get sufficient staff. People can't afford to live here. Police and Fire and medical support, dental etc. can't afford to live here. Businesses will suffer and Barnstable will suffer. East End of Hyannis. 115 School unused lot. 110 is used as parking lot when Dockside restaurant is open. Most of lot is unused. Cost of land and inefficient use of land. Vacant lots is not the best use. Parking foot print. Has walked through this area. Stood and looked at the view through these streets. Buildings block almost all of the view. There is no panoramic view here at this current configuration. Did several views. Steamship Authority Terminal views at location. Inner harbor views. The view is not particularly attractive, more industrial looking here. Leaving these two properties in current condition he would vote to approve the current proposal. Not a binary choice. Can fill with a different project. If in another area, would not vote to approve, Aselton, Ocean Street area. Possibly a high end hotel, townhouses at 2.5 tall and other options. Best use would be two buildings for condos, 2.5 stories tall and underground parking.

Tim O'Neill – seem to be coming to the same points of concern.

To Staff – RA's acting as an advisory body to Town Council (TC). How would TC work through?

Jim Kupfer, Planning Board is acting as a body to recommend to Town Manager (TM) execution, next step is if Planning Board gives recommendation then to TC shall consider both go to TM. If waivers requested, it is a 2/3 vote of the TC, remains a majority vote of the Planning Board. Will move forward if the Planning Board recommends. If Planning Board does not recommend it does not move forward. If recommended TC will consider.

Tim O'Neill – height and the tone for the development in that area of Hyannis. Need smart development in this Town. Also, need mixed housing. Doesn't think this would be good at this height for this part of Hyannis. Waivers being requested – 3 on site and compatible design should be.

Steven Costello – RA is a tool specifically for these types of arrangements. Housing is clearly important. Affordables at this site is not feasible, the number of offsite is a good thing. Was involved in the last rendition for/of this project and did not like it. Many of the public comments are very emotional. Need to agree to disagree. This site is one of the biggest eyesores in the Town. There really is no view of the harbor going down South Street/School Street. Think we have to make some considerations, the Regulatory Agreement is a tool being used in this scenario. No development to this degree that provides a high end experience. This is not an attractive harbor. Outer harbor is picturesque. Primarily you see the Greenery Bldg. Will be more engaging for people to walk down the street with this. Need to get a little more creative to make it a better place.

Mary Barry – the zoning is here for a reason. The number of waivers is not something I am in favor of. Since this zoning has been implemented, Town obviously not in favor of. Would like to see something that fits with the culture and the layout of the area. Not in favor.

Michael Mecenas – did review all. After hearing public thinks it is a beautiful project. Not in favor.

Ray Sexton – thinks there are alternatives. Definitely a signature, legacy project. There is a reason we have the height limit implemented here. The harbor is the core and essence of Hyannis. Would like to see built on a site that can do the density and height. Access would be cut off. This will be strictly residential. It will be exclusive. RA is a trade off between the applicant and the Town. A lot of waivers. Most of the benefits will benefit the project not the Town. Concern that once done, cannot undo. We have a responsibility. Not in favor.

Chair Stephen Robichaud is in favor of RA as written. Would like to see the site developed in one way or another. Ok with the height because of surrounding buildings, specifically the Greenery. Every property stands on its own. This is not a waterfront property. Has water views. Waiver for Historic is

appropriate. Certificate of Appropriateness (COA) issued by this Commission. Affordable units is the biggest thing for him. We have a housing crisis. This would be an extreme help.

**Chair Stephen Robichaud entertains a motion to recommend, motion made by Steven Costello to recommend the execution of RA 2022-002 Dockside Residence, 110 School Street and 115 School Street Regulatory Agreement to Town Council, seconded by Bob Twiss,**

**Roll Call Vote:**

**Bob Twiss – aye**

**Tim O’Neill – nay**

**Steven Costello – aye**

**Mary Barry – nay**

**Michael Mecnas – nay**

**Ray Sexton – nay**

**Stephen Robichaud – aye**

Bob Twiss, thinks should be more affordables, disappointed by small number of these. Highest and best use would be 2.5 ft. stories

**Chair Stephen Robichaud entertains a motion to not recommend, motion made by Tim O’Neill to not recommend the execution of RA 2022-002 Dockside Residence, 110 School Street and 115 School Street Regulatory Agreement to Town Council, seconded by Ray Sexton,**

**Roll Call Vote:**

**Bob Twiss – ~~nay~~ aye**

**Tim O’Neill - aye**

**Steven Costello - nay**

**Mary Barry - aye**

**Michael Mecnas - aye**

**Ray Sexton - aye**

**Stephen Robichaud - nay**

Attorney Kenny thinks another missed opportunity, but respects Planning Board decision and all the effort. Thanks all.

**Staff Updates**

Local Comprehensive Plan

Kate Maldonado. Bringing it together workshops, good turn out. Key trends. Public comment. Good conversations about visions and good feedback. LCP will hold inperson meeting. Consultant will work with Committee. Visions for next 10 years. Vision Statement and existing Conditions will be available after that meeting. Information available at LCP.com Barnstable web site.

**Matters Not Reasonably Anticipated by the Chair**

**Approval of Minutes**

February 13, 2023, draft minutes – tabled at last meeting

**Chair Stephen Robichaud entertains a motion to approve, moved by Bob Twiss, seconded by Michael Mecnas,**

**Roll Call Vote:**

**Bob Twiss - aye**

**Tim O’Neill - aye**

**Steven Costello - aye**  
**Mary Barry - aye**  
**Michael Mecnas - aye**  
**Ray Sexton - aye**  
**Stephen Robichaud - aye**

February 27, 2023, draft minutes

**Chair Stephen Robichaud entertains a motion, moved by Mary Barry to approve the draft minutes of February 27, 2023, seconded by Steven Costello,**

**Roll Call Vote:**

**Bob Twiss - aye**  
**Tim O'Neill - aye**  
**Steven Costello - aye**  
**Mary Barry - aye**  
**Michael Mecnas - aye**  
**Ray Sexton - aye**  
**Stephen Robichaud - aye**

**Future Meetings:** March 27<sup>th</sup> and April 10, 2023, @ 7:00 p.m.

**Adjournment**

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

**Roll Call Vote:**

**Bob Twiss - aye**  
**Tim O'Neill - aye**  
**Steven Costello - aye**  
**Mary Barry - aye**  
**Michael Mecnas - aye**  
**Ray Sexton - aye**  
**Stephen Robichaud - aye**

The meeting adjourned at 9:10 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>