



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 Matthew Teague
Felicia Penn – 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 January 13, 2025

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

Also in attendance were Planning & Development Staff; James Kupfer, Director and 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

Gladstone LP has submitted an Approval Not Required Plan entitled “ Plan of Land of 32 Pleasant Hill Lane Hyannis MA prepared for Gladstone LP” dated December 6, 2024, Rev. December 18th, 2024 (Town Comments) for approval

Dan Ojala, Downcape Engineering in attendance. He gives an explanation of the proposed application. Aaron Bornstein in attendance, owner of the property. Two different parcels. Wetlands have been adjudicated. Would like one perimeter of the lot. Combine the two parcels. Perimeter plan. Has adequate frontage. Meets zoning requirements.

Chair Stephen Robichaud entertains a motion to endorse/approve – with Pg. 2 of the Staff Report Findings;

Ray Sexton moves to endorse the plan of land entitled "Plan of Land of 32 Pleasant Hill Lane, Hyannis prepared for Gladstone LP" prepared for Gladstone LP, prepared by Down Cape Engineering, last revised December 18, 2024, as an Approval Not Required Plan with the following findings;

- It should be endorsed as it does 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 Michael Mecenias,

Roll Call Vote:

Matt Teague - aye
Michael Mecenias - aye
Ray Sexton - aye
Mary Barry - aye
Tim O'Neill - aye
Stephen Robichaud - aye

Cobb Trust has submitted an Approval Not Required Plan entitled "Plan of Land at 87 Oakmont Road, Barnstable, MA prepared for Cobb Trust" dated December 20, 2024 for approval

Dan Ojala, Downcape Engineering in attendance. He gives an explanation of the proposed application. Redivision of lot 4. Previous ANR done. School will get the benefit when lots are sold. Dividing off some excess property. Current owners, fence there, cut off a piece and cut off from the main tract. 83,000 after giving up some. Has zoning violation on Zone B. Parcel B is for conveyance purposes only. Remnant Lot 4A has frontage. Have over 40 ft. on a public way. Shape within. Cutting off one piece that meets all.

Chair Stephen Robichaud, we have received two pieces of correspondence for this application, one referenced a request to table, we cannot table, have to decide with ANR's within a time frame.

Ray Sexton, confirms fence and pool area. Confirms the square footage.

Dan Ojala, maybe a pool heater. Will convey and then all be on their land. Cleaner to cut it off and give to the owners here. There's a subdivision to the east. Can be surveyed, it's the same line, welcome to check. We are curing an encroachment. The lots may be sold. Just a conveyance parcel.

Chair Stephen Robichaud entertains a motion to endorse/approve, moved by Matt Teague to endorse plan of land entitled "Plan of Land of 87 Oakmont Road, Barnstable, MA prepared for Cobb Trust" prepared for Enoch Cobb Trust, prepared by Down Cape Engineering, last revised December 31, 2024, as an Approval Not Required Plan with the 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:

Michael Mecenias - aye
Matt Teague - aye

Mary Barry - aye
Ray Sexton - aye
Tim O'Neill - aye
Stephen Robichaud - aye

Zoning Amendments

ZA No. 2025-060 – Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning to Revise the Definition of Accessory Dwelling Unit (ADU) and to Revise Use and Dimensional Requirements, Floor Area Definition, and Clarify Parking Restrictions and No Owner-Occupancy Requirement for ADU's

Chair Stephen Robichaud entertains a motion to open the public hearing, seconded by Ray Sexton,

Roll Call Vote:

Michael Mecnas - aye
Matt Teague - aye
Mary Barry - aye
Ray Sexton - aye
Tim O'Neill - aye
Stephen Robichaud - aye

Jim Kupfer gives an explanation of procedure for the Zoning Amendment. Affordable Homes Act that state recently passed, with certain provisions. New law enacted on Feb. 2nd, 2025. State and local ordinance – found that we had to make some changes of the definition. 1a 40A. ADU size. Separate entrance. State building code - egress. New law requires that town's may not prohibit owner occupancy permits. No additional parking if .5 miles from transportation. The wave down busing counts, and bus station count. More than one in a single family home residential area. We have offered these changes to be consistent with the law. This is per the state requirements.

Chair Stephen Robichaud, Barnstable has led the way with the ADU ordinance. How is the Special Permit determined?

Jim Kupfer, if more than one ADU, through the Zoning Board of Appeals (ZBA).

Chair Stephen Robichaud, gross floor area and location from commuter rail stations.

Jim Kupfer, use of land structures shall not include accessory for owner occupancy.

Matt Teague, state is finalizing, and whether to use the term habitable living area. Need to define clearly, habitable space. Building code, habitable is heated living space, with ceiling being 7 ft. 6, excludes bathrooms. Term habitable should remain. Need to leave this, and/or clearly define this.

Jim Kupfer, state uses the word "gross". Common period ended last week. This is to match that of the state's requirements. Right now it is as defined by the law, that's how it's reflected. Can make a recommendation to the TC. Monitor possibly to change.

Mary Barry suggests possibly put verbiage that states something along the lines of following the state code?

Chair Stephen Robichaud, possibly recommend with the caveat of "habitable"

Ray Sexton, clarifies the gross area and habitable definitions.

Matt Teague explains, inside the walls and heated area, measure wall to wall. From the wall to the cabinets is not habitable space, which excludes things like bathrooms.

Discussion regarding gross and habitable living area - Want to have clear definitions.

Chair Stephen Robichaud, can recommend with the caveat that floor area is clearly defined by the Zoning.

Tim O'Neill, ADU by law see ZBA if over 900 sq. ft. and habitable amount. How is this working, by special permit?

Jim Kupfer, it does vary, each application is on its own. ZBA has considered withing existing structures. New build above 900.

Matt Teague reads section 4. Paragraph 4. ADU shall have minimum gross floor area not less than half of the habitable. Have to use the same term, either gross or habitable, under half should be changed to gross.

Chair Stephen Robichaud recommend Zoning Amendment with one condition, floor area is clearly designed by and section floor is consistently gross floor area.

Jim Kupfer, the redlined changes are to be consistent with the state law. Didn't make any changes to our local ordinance if not required by law.

Chair Stephen Robichaud, section 4 to have consistent language.

Chair Stephen Robichaud asks for any public comment.

Dan Ojala in attendance. Asks about definition for gross floor area. Living space. Allow attach garage for free is allowed now.

Jim Kupfer, yes, no change with the garage.

Dan Ojala, can't see why by special permit, if have more generous calculations. Some areas can support with adequate sewer. Urge to be generous with floor areas.

Motion made by Chair Stephen Robichaud to close public comment, seconded by Matt Teague,

Roll Call Vote:

Matt Teague - aye

Michael Mecnas - aye

Mary Barry - aye

Ray Sexton - aye

Tim O'Neill - aye

Stephen Robichaud - aye

Chair Stephen Robichaud moves to recommend Zoning Amendment Item No. 2025-060, to Town Council as presented with the one condition that the floor area, whether gross or habitable be clearly defined in the zoning and that section four of the ordinance is consistent in using gross floor area or habitable floor area throughout section four of the ordinance and consistent with the newly adopted state law, seconded by Tim O'Neill,

Roll Call Vote:

Matt Teague - aye

Michael Mecnas - aye

Mary Barry - aye

Ray Sexton - aye

Tim O'Neill - aye

Stephen Robichaud - aye

General Business

A minor modification request has been submitted by Waterside Engineering for Special Permit No. 2023-02 - 810 Wakeby Rd., Marstons Mills, MA - minor modification to the plan

Chair Stephen Robichaud explains the difference between a minor and a major modification to a Special Permit.

Robert Roseen, Waterstone Engineering in attendance, representing standard sola. He is not the original engineer, he is the civil engineer for the owner. Project is underway. The request is to shorten the road, site has four sides, the original approval wrapped the access road to the back of the project, a 2000 ft. road to the rear, this proposal would shorten it to 800 ft. mostly for logistics so can drive in and then only go halfway around the project. Final equipment pad in the rear, all pulled a bit further out.

Concerns for abutters and fire in respect to public safety.

He refers to the plan – red line, vegetated screening here, not changing. Approx. 800 ft. The prior equipment pad could be moved to this location, the electrical pad that would have held transformers. The furthest distance for fire dept. would be reduced to approx. 500 ft. Not a substantial change in terms of access. Point two would be with respect to abutters – set backs from property lines, 150 minimum set back from any noise generating equipment. This would still be maintained. Background noises are about 20 decibels, quite low, although still in compliance with the set backs.

Chair Stephen Robichaud comments that the access road is for safety and for that to change he feels a public hearing would be necessary, considers it to be a major change.

Matt Teague, how would the road change?

Robert Roseen, there is a turn around with a radius, possibly 30 ft. Same would happen now, but the final gate would be at the new location, only location has changed, not capability.

Matt Teague would like input from Fire Dept., this is not a minor modification.

Jim Kupfer, Comm Fire Dept. has reviewed this. They are not in favor of changing this. Would like to stick with the original plan.

Michael Mecnas, this should have a public hearing, and have Fire Dept. here as well for questions.

Mary Barry, what is the purpose to change? Cutting down on fire access? This is a major change.

Robert Roseen, to be able to turn a vehicle around – it does reduce some, but not substantially. Most is within the range of 400 plus.

Ray Sexton, we have walked the site more than once. Where the transformers are scheduled to be now, there are no houses, if changed - this is definitely a substantial change.

Tim O'Neill - COMM Fire's comments, he agrees this would be a major modification and will need a public hearing. Changing pad mounts and locations? Isn't it written someplace about the distance of the transformers to drainage basins?

Jim Kupfer, no distance from storm drainage, there is distance between residential sites.

Chair Stephen Robichaud, I would not change a thing, and would not vote to reduce access at all and will not vote to move a transformer.

All Board members are in agreement not to change anything.

**Chair Stephen Robichaud moves to find that modification proposed to Special Permit No. 2023-02 at 810 Wakeby Rd., Marstons Mills is determined to be not in substantial conformance with the approved plan and shall require an amendment to the decision and a public hearing, seconded by Ray Sexton,
Roll Call Vote:**

Matt Teague - aye
Michael Mecnas - aye
Mary Barry - aye
Ray Sexton - aye
Tim O’Neill - aye
Stephen Robichaud - aye

Robert Roseen appreciates the Board’s professionalism.

General Correspondence

Chapter 91 Notice and application – 365 Lakeside Drive, West – Katz – maintain seasonal dock

Staff Updates

Local Comprehensive Plan (LCP) is meeting on the 23rd of this month. Full plan in its entirety. Distribution towards the end of next month for full public comment. Seeking funding through CPC with open space and recreation plan. Engaging the Planning Board and others to get update done. Housing Production Plan (HPP) letter was offered to Town Council - Next steps. Marstons Mills Elementary school this past Thursday went to Town Council. Town Council will present to Ad Hoc Housing Committee and the Recreation Commission to formulate next steps.

Matters Not Reasonably Anticipated by the Chair

Approval of Minutes

December 9, 2024 Draft Minutes

Chair Stephen Robichaud entertains a motion to approve, moved by Matt Teague, seconded by Mary Barry,

Roll Call Vote:

Matt Teague - aye
Michael Mecnas - aye
Mary Barry - aye
Ray Sexton - aye
Tim O’Neill - aye
Stephen Robichaud - aye

Chair Stephen Robichaud entertains a motion to adjourn, moved by Mary Barry, seconded by Michael Mecnas,

Roll Call Vote:

Matt Teague - aye
Michael Mecnas - aye
Mary Barry - aye
Ray Sexton - aye
Tim O’Neill - aye
Stephen Robichaud - aye

Future Meetings: January 27, 2025 and February 10, 2025 @ 7:00 p.m.

The meeting adjourned at 8:08 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>

APPROVED