



# Town of Barnstable Planning Board



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### Board Members

Raymond B. Lang – Chair    Mary Barry – Vice Chair    Holly Brockman-Johnson – Clerk    Paul R. Curley    Stephen Helman    David Munsell    Mark R. Ferro  
John Norman – Town Council Liaison

### Staff Support

Elizabeth Jenkins, Regulatory Review/Design Planner  
Anna Brigham, Principal Planner  
Karen Herrand – Principal Assistant - [karen.herrand@town.barnstable.ma.us](mailto:karen.herrand@town.barnstable.ma.us)

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BARNSTABLE  
TOWN CLERK

## Town of Barnstable PLANNING BOARD Minutes September 12, 2016

Raymond B. Lang – Chairman	Present
Mary Barry – Vice Chairman	Present
Holly Brockman-Johnson – Clerk	Absent - Resigned
Stephen Helman	Present
Paul Curley	Present
David Munsell	Absent
Mark Ferro	Present

Also in attendance were JoAnne Miller Buntich - Director, Anna Brigham - Principal Planner, Arden Cadrin - Housing Coordinator & Stacey Hurwitz - Administrative Assistant Growth Management Department (GMD).

Meeting called to order at 7:00 pm. Chair asks if anyone is taping the meeting. No reply. So noted.

### **Comprehensive Planning:**

**JM Goldson: Housing Production Plan (HPP) Presentation and Discussion** – Jennifer M. Goldson, AICP, JM Goldson, Community Preservation & Planning. Goal is to vote to adopt the HPP.

Presentation by Jen Goldson (hardcopy available at the Growth Management Department, upon request). Board members were provided copy of the Executive Summary & Link to the full plan. Objective to review & approve or make recommendations and clarifications. The state requires the Planning Board to adopt the HPP update. (Exhibit B – HPP Executive Summary)

It is the method of measuring progress toward the state’s affordable housing production goals. Local Planning Board approval. Town Council approval not required. Then it goes to the State (Department of Housing and Community Development – DHCH) for review/approval. If it’s not complete & is substantive it needs to go back to the Planning Board for approval (after completion).

Local approval & State (DHCD) approval – which is good for 5 yrs. If town then approves 103 units in one year you become ‘certified’. One half of 1% of your year round housing units which is 103 in Barnstable

Housing Needs Assessment (HNA) is a required section of the HPP. Timeline of this process was explained.

#### DHCD State Requirements for Approval

- Comprehensive Housing Needs Assessment
- Affordable Housing Goals
- Implementation Strategies

An additional 683 units are needed to reach the state's 10% goal in Barnstable (161 units that are permitted count toward that goal).

#### TOB HPP Executive Summary - Goals

- Focus local efforts to address local housing needs
- Create year-round rental housing affordable to very low and extremely low-income households
- Integrate more diverse housing options in and near Barnstable's Villages
- Provide housing choice to support an intergenerational community
- Provide assistance to stabilize housing for Barnstable's most vulnerable residents
- Ensure that new development promotes smart growth and protection of natural resources
- Strengthen partnerships with organizations addressing affordable housing needs
- Promote an inclusive community outlook about the need for affordable housing and nurture strong local leadership to promote local housing initiatives.
- Continue to actively monitor and preserve the long term affordability of existing affordable units

Most affordable housing / rental housing is located in Hyannis. We need to support aging while at the same time retaining younger residents. We need job production which is related to housing , we need better jobs so the younger residents can afford housing.

Lang: Are the agencies already in Existence? Who and How?

Goldson: Yes the agencies exist. Community Preservation funding (CPA), Housing Trust Funds. Can town land be used to support housing? Most agencies require that you don't spend more than 30-33% of your income on housing.

Miller Buntich: Everyone uses the same median income which is determined by the Department of Housing & Urban Development. These are the same numbers used to determine income eligibilities.

Strategies were created based on community feedback – 2 categories. Regulatory Strategies & Local Initiative Strategies: Regulatory Strategies – Zoning & Local Initiative Strategies – Allocate CPA funds.

Discussion: Lang has lots of questions / does not wish to take up all the time. Would like to have more time to review the HPP and provide comments.

JM Goldson agrees to allow the Planning Board to take additional time to review & give feedback.

Chair Lang asks the Board for feedback:

- Mark Ferro: Would like time to look at the full HPP report
- Stephen Helman: Would like to look through it and pass comments onto GMD
- Paul Curley: Asks Miller Buntich if the board adopts the HPP does it become part of the comprehensive plan? Is vote required tonight?
- Miller Buntich: Yes, that is what occurred last time. This is a community based plan. It would put you ahead of the game to include it in the housing portion of the Comprehensive Plan. A vote is not required tonight.
- Barry: Would also like to review it and forward comments

The Board unanimously agrees to forward comments to GMD / JM Goldson. Lang thanks JM Goldson.

**Zoning Amendment Discussion:** Hyannis Gateway Medical Services Area (along Iyannough Road – East End) Economic Development Committee proposal to add prior zoning uses back into the medical district. Landlords are having a difficult time filling vacant spaces. Board discussion with Hank Farnham & Tom Geiler. Chris Kehoe is also present. All are members of the Economic Development Commission (EDC).

Geiler: Business owners in the Hyannis Gateway Medical Services district are struggling to get tenants. It was a highway zoning district and then it changed to medical district zoning. GMD suggested adding the previous zoning uses back and keep the medical district zoning. Our hope is that the plan in front of you is palpable and the district continues with the combined uses.

Farnham: We have received property owner feedback. The zoning was created to entice a more comprehensive medical district, but it hasn't produced tenants, the properties remain vacant. EDC is charged with looking at zoning. We feel that bringing back the previous zoning uses, while keeping the medical uses would rejuvenate the area and fill vacant store fronts.

Lang Asks for Questions/Feedback from the Board:

- Mark Ferro: No
- Stephen Helmen: Asks about the size of this amendment.
- Miller Buntich clarifies that it is every property from the Yarmouth Town Line down to the gas station at KAM – all the businesses that have frontage on Rte. 28. There was not a lot of medical interest in that area, so the idea is to take a step back and allow more uses there.
- Paul Curley: Believes this is a good idea and strongly supports expanding the uses to what was previously allowed while keeping the existing medical uses.
- Barry: What was the reasoning that it went to just medical? Barry states she is in support of broadening the zoning in the Gateway Medical District.
- Lang: Since the GIZ, I have had disappointments in the amount of timing it took to complete the GIZ. I was disappointed in terms of the medical district zoning. It was told to us at the time that the medical district was extremely important to the hospital and medical offices and so we did this to protect the area so the area would remain available to the hospital and doctors. If this has failed it is not because we knew it would. The failure wasn't foreseen. Lang is not sure how he feels about adding the uses back. States he would have to look at the uses previously used or he would have to hear from the medical district to make sure we aren't going to need more medical uses in there. I would need to hear from doctors and the hospital.

Geiler: The sheet that GMD created explains the entire issue as well as what it will resolve.

Miller Buntich: We have a document that compares before & after (zoning). We are looking to move forward.

Farnham: The property owners that we spoke with were proponents for the medical district zoning (better clientele etc.) but it hasn't been successful. The trend in the medical field is spreading offices throughout town/villages.

Curley: What is the next step in this zoning amendment?

Miller Buntich: We finalize the order that goes to the Town Council with a draft map. The EDC has a Council sponsor. The proposed amendment is already being reviewed by the Town Attorney. It would go on the Town Council agenda for first read, Planning Board would then advertise/hold a hearing and then it goes back to Town Council for second read & adoption.

Miller Buntich to provide the red line zoning map to the members of the Planning Board.

**Special Permits:**

Motion was made at the August 22<sup>nd</sup> meeting to continue the Special Permit to Sept. 12 at 7 p.m. Application No. 2016-003 has been submitted by R.F. & R.M., LLP for "O" Engine House Road, Hyannis Map 328, Parcel 241, under Section 240-24.1.9.B. (1) for a pay to park parking lot with 117 parking spaces which includes grading of existing pervious parking area, placement of parking kiosk machine, protective bollards, curb stops, signage, and landscape buffer. The subject lot is 58,569 square feet in area and is located in the Transportation Hub District (TD) & Wellhead Protection Overlay District (WP).

**A Motion was entertained by Chair Lang to open the Public Hearing, moved by Paul Curley, seconded by Stephen Helman. Vote: All Aye.**

Scudder family, Marty Reilly and Atty. Dan Creedon in attendance.

R.F. & R.M LLP – Affiliated with HyLine Cruises (Scudder family in attendance). Marty Reilly introduces himself from Hyline cruises. Hyline Cruises acquired the property at O Engine House Rd. in May 2015. He is here on behalf RF & RM to ask the Planning Board to allow a pay to park lot. We searched for property to supply supplemental parking to accommodate our customers and for additional parking to assist the businesses on Main Street & alleviate some congestion down at the harbor. We have had 7 months of discussion with the site plan review committee & GMD. We made many revisions to our initial submittal.

April 4<sup>th</sup> was the date of the first plan - 133 spaces, second plan was 128 spaces, third plan 125 spaces & fourth plan 121 spaces. The final plan was unanimously approved by Site Plan Review on July 20th and is being presented tonight includes 117 spaces (including 5 handicap spaces).

Reilly: Respectfully asks the Planning Board to approve this plan. It alleviates congestion at the harbor, provides other relief for business lots on main street who have had Hyline customers parking in their lots. The property is zoned for this use in the TD district & it has been historically used for this use.

Atty. Creedon: The only change which was submitted today was to enhance the landscaping on the access road. We have no less than 5 separate standards. Reviewed the staff report & we agree with the findings and the conditions in the staff report drafted by GMD.

Locus is 1.33 acres. Only proposing to locate the pay lot in the northeast portion of the lot, the southeast (SE) portion continue to be used as parking by Pufferbellies. 183 Lyannough Rd. is the SE portion of the lot & is not before the board today only O Engine House Rd.

Worked with Deputy Chief Melanson; Center of the lot is a fire access lane, relocation of handicapped spaces (for easier access). Additional signage for traffic flow and compact cars, landscaping on buffer road. Pre-existing use here, what brings us here is the use that changed in 2005 that requires lots in this zoning district to apply for a special permit.

Staff Report: There are 5 sets of regulations to consider special permit findings and conditions. Exhibit Staff Report Dated August 15, 2016 (Exhibit C). Note: compatible draft version not available.

Speaks to the risk of contamination. Only risk to watershed is the leaking of hazardous materials into the watershed but the way cars are made better these days, this is not as big of a problem. Would alleviate parking issues in other parts of town. We are asking the Board to grant some relief on landscaping. We will augment the landscape buffer on the access road with Evergreen plantings. 240-53 F 3 the Planning Board does have the authority to grant relief from this.

The Discussion is opened up to the Planning Board:

Ferro: Who is parking there now?

Creedon: It is overflow from Pufferbellies parking at night, a collection of people from CCRTA or others during the day. The applicant had done nothing with the lot.

Reilly: The tenant at Pufferbellies at the beginning sent a letter dated 2/17/16 (Exhibit D & E) because of their changes in their business no longer had the need for the second lot. In the event they would need overflow parking RF & RM would provide that relief to them. Also letter from RF & RM to allow any tenant in the building to use the lot for overflow.

Ferro: What is the reason for the landscaping allowance?

Creedon: It would significantly reduce the amount of space for parking spaces.

Curley: The Hyline just added another high speed ferry increasing the expected patron load. How does 117 spaces help this at all?

Reilly: Hyline took a large vessel (800 passenger capacity) and replaced it with a high speed ferry (493 capacity). We need space to service our current clientele & provide additional parking in case of additional clientele. Also working with CCRTA to work out additional options.

Curley: Available to just Hyline customers? How do you get people from the lot to the water front?

Reilly: It would be open to anyone, we are working with CCRTA on a shuttle service from the offsite lots.

Curley: I don't see any specific drainage. Will it affect the results of the ongoing parking study?

Creedon: There are 3 catch basins, one way up in the NE corner onsite - two existing 1000 gallon tanks that collect storm water. There is nothing specifically there to treat the water.

Miller Buntich: It was a requirement of Site Plan Review that all storm water be retained on site. This lot was counted in the parking study because it was already being used as a parking lot. It will not affect the parking study.

It is clarified the parking lot will be dirt and gravel (pervious)

Miller Buntich asks for the submission of the additional referenced items. Items brought forth by Marty Reilly to include letters and affidavit.

Lang reviews the proposed parking lot at 0 Engine House Road diagram, out loud. Site plan review reduced the parking spaces 4 times we need to know how they did this. 14 ft. aisles aren't enough to maneuver a car esp. on a gravel lot. I do not agree – we looked to make this area available for housing and now this area is being all used up by parking. The parking lot will not be supervised. It is a self serve lot. The town just approved an ordinance that requires shuttle service to any offsite lot. If shuttle parking is available now that is one thing, if they are going to provide it in the future we would need to see that plan. Lang wants to know the process of how the Site Plan Review came to reduce the spaces and approve this proposal, before he votes. He voices additional concerns.

Miller Buntich: This special permit is specifically allowed in this district. It is allowed by special permit, it meets the criteria. If you look at the survey plan - you won't see those buildings.

It is established that there is no encroachment with the proposed parking lot.

Lang opens the hearing to the Public:

Felicia Penn: a resident in Hyannis who is generally in favor of parking lots that take parking away from the residential areas at the harbor. She is concerned that the special permit application does not indicate the primary use to be taking congestion out of the harbor area. It doesn't say in the application that this is for HyLine overflow parking. She hopes the Planning Board allows some flexibility in this permit when filed at the registry of deeds so they could come back to the Planning Board in the future (ie. if need to expand). Refers to a text from 1978 – where an entire chapter is dedicated to parking and shuttle bus service in this area (it was suggested 10 -12 acres of land for that use). Over the years the town has struggled with this, but there has always been a bigger picture for parking.

Penn's Concerns: Parking lots are a disincentive to economic development. She believes parking is a good use in that area & hopes it fits in with future plans. Suggests we find out the big picture with the Growth Incentive Zone (GIZ) expansion to see if it fits in with that. She is happy they are working with the RTA for shuttle services & would like the special permit to be granted only if there is shuttle service.

Helman: If we don't require the shuttle service, what will happen to the lot?

Penn: If we don't make it easy for people to come and go, they won't use that lot. I hope this is just phase 1 of many phases. I'm not opposed, I just think we need to think big picture on this lot.

Reilly: We have worked closely with Felicia on many matters. We have worked extensively with CCRTA to have shuttle service by next season. RF & RM has worked with all the different entities to arrive at this plan. HyLine made a 14-15 million dollar investment on a new vessel & 2 million on this parking lot.

Curley: Felicia's suggestion with the flexibility on the special permit is right on point. What is the flexibility here?

Miller Buntich: A special permit allows you in front of the Planning Board for another special permit at another time. There are a lot of properties in town that have more than one permission on them.

Curley: Can we grant a 5 year special permit with a review?

Miller Buntich: Is not sure what you can put in there. She will look into terms of granting special permits and get back to the Board.

Creedon: If anything changed from the plan, an applicant would need to come back to the Planning Board & ask for specific relief. That is built in flexibility. We can submit the prior site review plans for the board's review if needed.

Lang asks for clarification on curb stops, compact car spaces, handicap spaces, square footage of aisles.

Miller Buntich: To clarify, these are one way aisles which would allow for the narrowing of the aisles.

Creedon: We worked with site plan review with everyone in the town that has authority over it, the product of that is before you today.

Lang: Did you address easements & rights of way? Does Pufferbellies have an easement?

Creedon: The portion of the lot that looks like an easement is actually part of the lot. The road is a private road & it is owned by CCRTA. I have the deed & the pertinent rights over the paved access road. I

do not have the utility easement document (to the left). There is a 25 feet right of way to the electric and has since been abandoned by all the people that own property that the easement runs through. It is a right of way not an encroachment because we are not constructing a building.

Miller Buntich: Any special permit that is granted would not prevent a multi-story parking facility in the future. The next available hearing date is October 24<sup>th</sup>.

Mr. Lang entertains a continuation of the special permit. **Stephen Helman moves to continue this special permit to the October 24<sup>th</sup> meeting at 7 pm, seconded by Paul Curley. Vote: All Aye. The special permit application is continued until October 24, 2016 at 7:00 pm.**

**Motion made by Paul Curley, to accept the minutes of March 14, 2016, as written, seconded by Stephen Helman. Vote: All Aye.**

**Motion made by Stephen Helman to accept the minutes from July 11, 2016, as written, seconded by Paul Curley. Vote: All Aye.**

**Motion made by Stephen Helman to accept the minutes of the Joint Hearing with Town Council on July 21, 2016, as written, seconded by Mark Ferro. Vote: All Aye.**

**Future Meetings:** Regularly Scheduled Meetings: September 26, 2016, October 24, 2016 & November 14, 2016 @ 7:00 PM.

**Motion to adjourn made by Stephen Helman, seconded by Mark Ferro, so voted unanimously to adjourn at 9:47 pm.**

Respectfully Submitted

*David Kerrand for Stacey Hurwitz*  
by Stacey Hurwitz, Administrative Assistant, Growth Management Dept.

Approved by vote of the Board on

*Sept. 9, 2019*

\*\* 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 – Agenda dated September 12, 2016

Exhibit B – Housing Production Plan Executive Summary

Exhibit C - Staff Report Dated August 15, 2016 for 0 Engine House Road Map/Parcel 328/241

Exhibit D & E – Pufferbellies Letters of Support