



Town of Barnstable Planning Board



www.town.barnstable.ma.us/PlanningBoard

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 November 25, 2024

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

HHDC Members

Cheryl Powell	Present
Tom Doherty	Present
Jack Kay	Present
Laura Cronin	Present
Cornelius Cawley	Present
Matt Clark	Present
Peri Wentworth	Present
Jeniffer Hinckley Needham	Present
Kevin Matthews	Present
Conrad Watson	Absent

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

Barnstable Town Hall, 367 Main Street, Hyannis, MA, James H. Crocker, Jr., Hearing Room, 2nd Floor at 7:00 p.m.
Meeting notice previously filed with Town Clerk

Application materials may be accessed through the Planning Board website at:

<https://www.townofbarnstable.us/boardscommittees/PlanningBoard/default.asp?brd=Planning+Board&brdid=19&ear=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 – 7:04 p.m.

Planning Board Attendance Roll Call

Micheal Mecnas
Tim O’Neill
Matt Teague
Mary Barry
Bob Twiss
Stephen Robichaud

HHDC Attendance Roll Call
Elliot Zable is recording the meeting

HHDC Attendance Roll Call

Cornelius Cawley
Matt Clark
Jeniffer Hinkley Needham
Peri Wentworth
Tom Doherty
Kevin Matthews
Jack Kay
Laura Cronin
Cheryl Powell

Joint Meeting with the Hyannis Main Street Waterfront Historic District Commission

Unified Downtown Hyannis Design Guidelines and Regulations

In accordance with Section 240-24.1.3.B.2.(a) the Planning Board shall review proposed amendments to the Design and Infrastructure Plan with the Hyannis Main Street Waterfront Historic District Commission

Planning Board Chair Stephen Robichaud gives a background/history of the past meeting. Public art displays -Pg. 46 of the document is exception. All seems to agree and in light of the legal memorandum issued by the Legal Dept. Chair recommends to consider pg. 46 as reserved allowing time for more review, which will allow the Planning Board and the HHDC Commission to work on. Previous document is a huge improvement.

Jim Kupfer, Commission and Board received a letter late this month from Assistant Town attorney and stating regulations need to be content neutral. Have a small working group that’s been working on the language. Maybe some public outreach and input.

Planning Board Chair Stephen Robichaud, the content of Pg. 46 of the document is quite complex. Legal is very important. May be more appropriate for independent review for Pg. 46. That is his recommendation and to put this aside.

HHDC Chair Cheryl Powell states that we are just about there. Worked very hard on this so far. They feel it is good to bifurcate this page and mark as reserved and get more legal input to make sure it is done as it should be.

All agree on Planning Board.

All agree on the HHDC Commission.

Tom Doherty asks when will this start? Attorneys involved?

Jim Kupfer replies, will do the outreach. Attended and got information recently. Soon as all able to. Yes, attorney's as well.

Kevin Matthews, yes, need legal, just got this memorandum a few days ago.

Planning Board Chair Stephen Robichaud, in receipt of 8 pieces of correspondence that were received today. He reads off the list of persons/entities that sent in correspondence. These came in late, may not have had time to read all.

Jim Kupfer - any not received we will send to members.

Planning Board Chair Stephen Robichaud, the consensus is to reserve pg. 46, this document does not include any content for art displays. The future process will include the public. Looking for new public comment tonight.

Public Comment

Mary George, Co Executive of the Cordial Eye, in attendance. Supports bifurcating this page and have a better more in depth process for this. Program that hire historians that uncover historic properties. The conception of history is not neutral. We have an opportunity together to help with the inclusion. And support a public way for art in our community.

Anastacia Pacella in attendance, from the Cordial Eye. Open Meeting Guidelines, how applicable.

Jim Kupfer, confirms this was not a subcommittee, this is a working group.

Anastacia Pacella, particularly for this pg. 46. What does content neutral means? Appreciates the level of detail in present guidelines HHDC has. New unified design guidelines doesn't have appendix. Section 7b on pg. 46 - thanks for the change, that states "historic" section 7b a and b3, Hyannis is multicultural and diverse.

Mary Ann Agresti, Architect in attendance. Art is not necessary - a matter of opinion. Important to separate this discussion or have a separate committee, maybe have another entity do. This commission doesn't have skill for that. Protocol and traditions, mentors added, there's an opportunity to have an amazing group for this.

Antonia Stephens, Director of Hyannis Public library. Maritime wording is out of this now. Would like all to consider that putting an emphasis that is contemporary art. Doesn't want to be put to a disadvantage because in the historic district.

Christine Bologna, trustee on Hyannis Public Library Board. Art is subjective. Community art, would like to reflect the community – have great culture here , not just one dimensional.

Joe Diggs in attendance. Has been rejected to put art on Main Street in the past. Have artists here and are part of a cross section here. This is a financial institution, art makes and brings money. Our town isn't keeping up with the pace of what other towns are doing. Need to tap into those resources. Our community can support us in what we are trying to make. Source has not been tapped for this. Look at the overall situation for us.

Craig Florence, Hyannis artist in attendance. Need to find ways to celebrate in ways of the people that live here today. Never seen or heard any opposition for art. Only coming from individuals here.

Chair Stephen Robichaud, only considering the guidelines not any past applications.

Caitlyn Sawyer in attendance. A trustee of Hyannis Public Library. New Bedford museum, saw the most amazing mural about slavery. Made such a conversation, not about whaling or maritime, but an interesting piece – touch conversations sometimes. Need to learn from things such as this. Raising children in a tougher world. A community has to represent everyone.

Planning Board Chair Stephen Robichaud entertains a motion to close the public hearing, moved by Bob Twiss, seconded by Michael Mecenias,

Roll Call Vote:

Michael Mecenias - aye
Tim O’Neill – aye
Matt Teague - aye
Mary Barry - aye
Bob Twiss - aye
Stephen Robichaud - aye

HHDC Chair Cheryl Powell entertains a motion to close the public hearing, moved by Jack Kay, seconded by Tom Doherty,

Roll Call Vote:

Cornelius Cawley – aye
Matt Clark - aye
Jeniffer Hinckley Needham - aye
Peri Wentworth - aye
Tom Doherty - aye
Jack Kay - aye
Laura Cronin - aye
Cheryl Powell - aye

Planning Board Chair Stephen Robichaud thanks all for coming. A deeper review is definitely needed. Would like public to continue to be involved.

Chair Stephen Robichaud - point of order – to reserve pg. 46 – then motion to adopt as amended.

Planning Board Chair Stephen Robichaud entertains a motion to reserve page 46 of the Unified Downtown Hyannis Design Guidelines and regulations document and move forward, moved by Bob Twiss, seconded by Michael Mecenias,

Roll Call Vote:

Michael Mecenias - aye
Tim O’Neill - aye
Matt Teague - aye
Mary Barry - aye
Bob Twiss - aye
Stephen Robichaud - aye

Motion made by HHDC Chair Cheryl Powell to bifurcate and reserve page 46, seconded by Tom Doherty,

Roll Call Vote:

Cornelius Cawley – aye
Matt Clark – aye
Jeniffer Hinckley Needham - aye
Tom Doherty - aye

Jack Kay - aye
Laura Cronin - aye
Cheryl Powell - aye

Planning Board Chair Stephen Robichaud moves to adopt the updated Unified Downtown Hyannis Design Regulations and Guidelines as amended, seconded by Tim O'Neill,

Roll Call Vote:

Michel Mecnas – aye
Tim O'Neill – aye
Matt Teague - aye
Mary Barry - aye
Bob Twiss – aye
Stephen Robichaud - aye

HHDC Chair Cheryl Powell moves to adopt the updated Unified Downtown Hyannis Design Regulations as proposed and amended pursuant to Chapter 112-28 of the General Ordinance, seconded by Cornelius Cawley,

Roll Call Vote:

Cornelius Cawley - aye
Matt Teague - aye
Jenniffer Hinckley Needham – aye
Tom Doherty - aye
Jack Kay - aye
Laura Cronin - aye
Cheryl Powell - aye

Adjournment from Joint Meeting with the Hyannis Main Street Waterfront Historic District
Commission

Planning Board Chair Stephen Robichaud entertains a motion to adjourn, moved by Tim O'Neill , seconded by Michael Mecnas,

Roll Call Vote

Michael Mecnas - aye
Tim O'Neill - aye
Matt Teague – aye
Mary Barry – aye
Bob Twiss – aye
Stephen Robichaud - aye

HHDC Chair Cheryl Powell entertains a motion to adjourn, seconded by Cornelius Cawley,

Roll Call Vote:

Cornelius Cawley - aye
Matt Clark – aye
Jeniffer Hinckley Needham - aye
Tom Doherty - aye
Jack Kay - aye
Laura Cronin aye
Cheryl Powell - aye

Meeting ended at 7:49 p.m.

Planning Board Intermission – Reconvene at 7:55

Call to Order Standing Meeting of the Planning Board Introduction of Board Members

General Public Comment - None

Approval Not Required

Stephen J. Constantino, Trustee of Clifton-Constantino Living Trust has submitted an Approval Not Required Plan entitled “Plan of Land in Barnstable, MA, located in the Barnstable Fire District as surveyed and prepared for Stephen J. Constantino, Trustee of Clifton-Constantino Living Trust, owner; 37 Goodview Way, Barnstable” revised plan dated August 28, 2024, MTF, added zoning variance case no. & description, for approval – *continued from October 28, 2024*

Matt Teague recuses himself from this matter.

Matt Farrell in attendance for Stephen Constantino. Reestablish the lot line, side lot line.

Jim Kupfer, merged lots law, this is what has happened merged over time. Re establish the lot line. Would be short lot area, got relief from ZBA, granted bulk regulations this is next step. Proper access on private way and proper frontage.

Chair Stephen Robichaud entertains a motion to approve/endorse, moved by Tim O’Neill to endorse the plan entitled “Plan of Land in Barnstable, MA located in the Barnstable Fire District as surveyed and prepared for Stephen J. Constantino, Trustee of Clifton-Constantino Living trust, owner; 37 Goodview Way, Barnstable” prepared for Stephen J. Constantino, prepared by JM O’Reilly & Associates LLC, last revised August 28, 2024, as an Approval Not Required Plan -

Findings

The plan as submitted qualifies as an Approval Not Required plan and it should be endorsed by the Board as:

- **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 Mary Barry,**

Roll Call Vote:

Mary Barry - aye

Bob Twiss - aye

Tim O’Neill - aye

Michael Mecnas – aye

Stephen Robichaud – aye

Subdivisions

William A. Riley and Kenneth D. Polivy have submitted a Form M Certificate of Completion for approval in reference to Sub. No. 822, Aberle Way, Barnstable MA

Attorney Patrick Nickerson, JWK law office. Form M sign off. This is subdivision dating back to Oct. 2013. 6 separate lots. Road has been constructed all lots have been sold. Outstanding item, road profile plan, showed two 30 inch by 30 inch pillars not constructed. Residents did not wish to have

these installed, last Sept. emails to that effect. This is de minimis. No structural only decorative. Does not enhance the roadway, only for aesthetic purposes. Applicant has called for a lot owners meeting. All lot owners have received declaration of trust. Applicant is seeking to relinquish his duties as trustee and new ones elected.

Matt Teague, pillars challenged the line of site, doesn't have an issue with not having these constructed?

Jim Kupfer, this is the end result. Been working with the developer to achieve compliance with the full subdivision. Inspector has done a lot. Spoke with Fire chief and residents. Have completed infrastructure items.

Chair Stephen Robichaud entertains a motion, moved by Mary Barry to grant the certificate of completion and release the association surety, seconded by Matt Teague,

Roll Call Vote:

Matt Teague – aye

Michael Mecnas - aye

Mary Barry - aye

Bob Twiss - aye

Tim O'Neill - aye

Stephen Robichaud - aye

General Business

Accessory Dwelling Units (ADUs) Amendment

Jim Kupfer, refers to the draft summary. Affordable homes act by the state. Bi right in community some provisions by the state law that conflicted. Been evaluating our local ordinance to meet the requirement for the state law. Red lines are the edits to be consistent. Planning Board (PB) may consider being a sponsor for this zoning amendment (ZA) If PB in support could move forward and/to align – state law goes into effect February 2025.

Chair Stephen Robichaud, PB can sponsor a ZA. This is just to consider for and as a topic. Goes to Town Council first then to PB.

Matt Teague is in support to sponsor this. Sad that it took this long for the state to get involved with this. Housing bond bill was a huge effort to allow more multi units. Proud to support.

Motion made by Mary Barry to sponsor zoning amendments to the Town's Accessory Dwelling Unit (ADU) ordinance, as outlined in the meeting materials, seconded by Michael Mecnas,

Roll Call Vote:

Matt Teague - aye

Mary Barry - aye

Bob Twiss - aye

Tim O'Neill - aye

Michael Mecnas - aye

Stephen Robichaud - aye

General Correspondence

Chapter 91 Notice – 40 Bay Rd., Barnstable – Martin and Lee – pier, ramp and float

Staff Updates

Housing Production Plan update (HPP)

Jim Kupfer gives update. Different strategies. Presentation. Housing strategies. Planning, policy and zoning strategies. Have a lot of seasonal housing stock. Several identified. A lot of strategies to work from/with. Some priorities back to Town Council (TC).

Chair Stephen Robichaud, this highlights a lot. Very important to the Town. Might have more impact if we emphasize some priorities in the strategy aspect.

Priorities for Town Council

Matt Teague – waste water. Bedrooms and allocating. Possibly some short term.

Chair Stephen Robichaud, No. 1, 6, 7 and 8 bulleted items pointed out.

Jim Kupfer, residential property tax exemption. Rental year round. One way to get closer to incentivizing offering year round rather than a few months.

Chair Stephen Robichaud, No. 6 strengthening inclusionary affordable housing. Could stifle production.

Jim Kupfer, study what higher percentage would look like. Funding gap. Economic feasibility is crucial for this. Possibly state subsidies.

Chair Stephen Robichaud - No. 7, pg. 3 – ban corporate owned short term rentals – suggests this. No., pg. 3, vacant and underutilized land. Form based code has helped. Got to coordinate with the Comprehensive Wastewater Management Plan (CWMP).

Matt Teague, housing bond bill did allow – recommend lower the threshold to 5,000 sq. ft. the merger by zoning was a way to keep people out of town. A lot of great lots if we lower the threshold. Ties in with the CWMP. No smaller than 5,000 sq. ft.

Mary Barry, 1, 6, 7, 8 and 15 bulleted points for priority for TC to review.

Chair Stephen Robichaud, merge lots requirements? Could do.

Jim Kupfer, yes could do that.

Matt Teague, in fill lots, many that could be brought to 5,000 sq. ft. Add as a suggestion to Town Council.

Bob Twiss, agrees with lot reduction Local Comprehensive Plan (LCP) and move ahead, working on a land use map, this entire chapter would be gone.

Matt Teague, currently existing non conforming lots - Not for new lot creation.

Bob Twiss, LCP looking at concepts, wastewater making areas available for development and the environmental impact. Allow to build on smaller lots. Planning Policy section, No 4 bullet, this is highest priority. And No. 3 as well. No. 2 and No. 7. Lists priorities for each section.

Tim O'Neill, list priorities – No. 4. No. 3 No. 6 not sure about wording with this. Agrees with coordinating with CWMP.

Michael Mecenas, No. 6, what would be the higher percentage of affordable housing? List his priorities.

Chair Stephen Robichaud, important ones: 1, 3, 4, 7 & 15.

Matt Teague, are we talking about a full tax exemption?

Chair Stephen Robichaud, clarifies residential exemption. Reasonable exemption.

Mary Barry No. 16 – work and live here. Workforce housing.

Bob Twiss, Sandwich, new development, 88 units, for senior housing and workforce. How did this get financed?

Jim Kupfer, Marstons Mills school situation, the old Wing School, they sold property for lower cost and provided subsidies through funds to off set. A lot of state subsidies as well. They range restricted to certain area – a lot of local and state subsidies and through the town lesser cost for land. Made this higher affordability.

Bob Twiss, what can we do to take some of those factors and work into the related bullet points for encouraging for this?

Jim Kupfer, we have a lot of these programs in place. Removed a lot of regulations for developers and saw investment. We are trying to do something like this with the Marstons Mills school. Will be different from Hyannis. Want to target also for low income seniors. Things like amending zoning. CPC invest a lot in housing needs.

Chair Stephen Robichaud, town can use CPC funds to buy a lot as well and sell to developer for low dollar amount. RFP can state.

Discussion regarding HPP and housing ideas - Prioritize these 6 items.

Motion made by Chair Stephen Robichaud to recommend approval of the Town's Housing Production Plan to Town Council with the following six strategies identified as priorities;

- **Pursue the extension of Barnstable's residential property tax exemption to Barnstable property owners that provide year-round rentals to income-eligible tenants. Consider opportunities to use this incentive to strengthen the Accessory Affordable Apartment Program.**
- **Chair Stephen Robichaud entertains a a motion to recommend approval of Housing Production Plan (HPP) to Town Council with the following 6 strategies; Support village-scaled mixed-use and multi-unit development and redevelopment consistent with the local comprehensive plan by implementing community supported planning initiatives and zoning amendments, and studying what design, scale, and type of housing may be appropriate in other commercial corridors and pedestrian-oriented village centers.**
- **Identify zoning amendments and other strategies to support missing middle and "living little" forms of housing: such as allowing single family home conversions, duplexes, cottage clusters, townhouses, tiny homes, and infill design consistent with locations identified as suitable in the Local Comprehensive Plan.**
- **Consider regulations and other policies focused on short-term rentals to the extent they impact year-round affordable housing, *specifically banning corporate owned STR's following the lead of Nantucket and New York.***
- **Closely coordinate implementation of the Town's Comprehensive Wastewater Management Plan and housing planning to address both natural resource protection and housing needs and**

continue to support upgrades to wastewater infrastructure in the Downtown Hyannis Growth Incentive Zone.

- Explore public-private partnerships with the Town's largest employers, and opportunities internally with the Barnstable Public Schools, to create workforce and seasonal housing for employees and students. - seconded by Bob Twiss,

Roll Call Vote:

Matt Teague - aye

Mary Barry - aye

Bob Twiss - aye

Tim O'Neill - aye

Michael Mecnas - aye

Stephen Robichaud - aye

Matters Not Reasonably Anticipated by the Chair

Approval of Minutes

October 28, 2024, Draft Minutes

Chair Stephen Robichaud entertains a motion to approve, moved by Tim O'Neill, seconded by Matt Teague,

Roll Call Vote:

Matt Teague - aye

Mary Barry - aye

Bob Twiss - aye

Tim O'Neill - aye

Michael Mecnas - aye

Stephen Robichaud - aye

Future Meetings: December 9, 2024 and December 23, 2024 @ 7:00 p.m.

Cancel meeting of Dec. 23rd, 2024

Adjournment

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

Roll Call Vote:

Matt Teague - aye

Mary Barry - aye

Bob Twiss - aye

Tim O'Neill - aye

Michael Mecnas - aye

Stephen Robichaud - aye

The meeting adjourned at 8:59 p.m.

Respectfully Submitted,

Karen Pina, Principal Assistant, Planning & Development