CAPE COD COMMISSION

Wilkens Housing Phase 2, Barnstable (CCC File No. 24026)
Development of Regional Impact Review
Subcommittee Hearing

Minutes | January 27, 2025 at 5:00 p.m.

Virtual via Zoom

APPROVED 02/28/2025

Summary of Actions Taken:

- The subcommittee continued the public hearing to February 10, 2025.

The Chair, Harold Mitchell, opened the Subcommittee hearing by reading the hearing announcement at 5:00 p.m. He said the subcommittee hearing is being held virtually via Zoom with all members participating remotely.

The Chair then took attendance by roll call.

Roll Call:

- Harold Mitchell, *Chair*, Present
- Jacqueline Etsten, Present
- Douglass Fromm, Present
- Catherin Ledec, Present
- Richard Roy, Present
- Stephen Mealy, *Alternate*, Present

A quorum of members of the subcommittee being present, the Chair asked Staff for their presentation.

Staff Presentation:

The Chair asked Jeffrey Ribeiro, Regulatory Planner, to provide staff comments.

Mr. Ribeiro presented with the assistance of a PowerPoint presentation and noted his comments would follow the Staff Report that was issued on 1/23/2025. He said additional materials were still needed from the Applicant. He provided a history of the Project site, including the Site having been part of a Development Agreement. He explained why the Project was being reviewed as a Development of Regional Impact (DRI) because it did not meet the criteria for a Development Agreement.

He then discussed the Regional Policy Plan (RPP) issue area of Water Resources. He said that the Project meets the 5-ppm/N nitrogen loading standard and is consistent with Objective WR1.

Mr. Ribeiro then discussed Objective WR3, which deals with Marine Water Recharge Areas (MWRAs) including both the Lewis Bay MWRA and the Barnstable Harbor MWRA. He said that the Project is contributing nitrogen to groundwater within the Lewis Bay MWRA, which is not allowed under the RPP. He said the Applicant could remove nitrogen use from the portion of the site within the Lewis Bay MWRA or, at the discretion of the Commission, make a nitrogen offset payment. He showed plans of the Site with the embayment boundary.

Mr. Ribeiro said that the Project is consistent with Objective WR4 related to stormwater, and the Project has been designed with bioinfiltration and other best management practices. He said that there was concern over the availability of drinking water from the Barnstable Water District. He said that Objective WR5 is related to aquifer management, which is done by the water district. He said that as long as the Project connects to public water supply it is consistent with Objective WR5.

He discussed the RPP issue area of Community Design. He said that the Project was designed with some variation in façade, roof height, and materials. However, he said that Staff does not think that the proposed vinyl siding was appropriate and would prefer fiber cement or natural materials for exterior surfaces. With this change staff suggested the Project is consistent with Objective CD1. He said that the Project is redevelopment and parking areas are broken up with planting beds, consistent with Objective CD2.

Mr. Ribeiro discussed Transportation, beginning with safety issues associated with the Project. He said the Applicant had submitted a memo regarding the location of the site drive, and Staff was satisfied with his response. He discussed identified high crash intersections and proposed improvements at those intersections, consistent with Objective TR1.

He said that the Project is proximate to transit and includes a Transportation Demand Management Plan, consistent with Objective TR2. He said there is a sidewalk gap that was identified and should be closed. He said that for Objective TR3 the Applicant would be consistent with a mitigation payment of $324,000 and the identified intersection improvements.

He briefly discussed RPP consistency for the issue areas of Energy, Waste Management, and Climate Mitigation. He said that his comments were discussed in the Staff Report.

Mr. Ribeiro presented the Housing Objectives of the RPP and discussed the number and types of units in the Project, including Affordable Housing units. He said the RPP seeks additional market rate housing, thus it should not be a discussion point that the Project should be all Affordable Housing. He said the Project includes small units consistent with Commission guidance, and the local zoning will require restrictions on short term rentals. He said the Project exceeds the Commission's Affordable Housing requirements. Based on this, he said that the Project is consistent with the Objectives of the Housing issue area.

He presented sample benefits and detriments of the Project, which the Subcommittee could consider. He said that the Town submitted comments regarding consistency with local development bylaws, the Local Comprehensive Plan, and District of Critical Planning Concern implementing regulations.

Mr. Ribeiro provided an overview of the agenda for the rest of the meeting. He noted that there had been requests for an in-person hearing, which had been arranged as an option.

Applicant Comments:

Attorney Michael Ford began comments from the Applicant. He introduced the Project team.

Atty. Ford showed an aerial photo of the Site and discussed the neighboring properties. He briefly discussed the history of the Site, having been owned previously by Cape Cod Healthcare. He said the Project is being reviewed as a DRI. He noted that under the Development Agreement a neighboring residential development was constructed.

Atty. Ford asked John Twohig to describe the Project. Mr. Twohig said the Project is designed to reduce building size, increase green areas, and vary roof heights. He said the Project will be 320 units of housing, with 42 being deed restricted as affordable. He said the Project would use fiber cement rather than vinyl siding. He said the Project would have EV charging and electric HVAC.

Mr. Twohig said that the majority of people moving into the first phase are from Cape Cod, and many work in jobs such as teaching. He said there has been incredible demand for all of the units. He then asked Mark Jackson to discuss pedestrian connectivity.

Mr. Jackson showed an aerial phone with an overlay showing existing sidewalk networks and the proposed extension of the Cape Cod Rail Trail. He said there would be a pedestrian connection to the first phase, and the site would have crosswalks and be accessible to those with disabilities.

Atty. Ford said that they would now discuss the RPP, and he asked project engineer Nathan Cheal to discuss Water Resources. Mr. Cheal discussed stormwater systems and said that landscaping would not use nitrogen-based fertilizers. He said that drinking water use has been analyzed based on data from the first phase. He said they believe the Project will be able to connect to the public water supply.

Transportation engineer Jeffrey Dirk said the Project was consistent with the RPP. He discussed the physical improvements that are proposed within the study area, which was established in consultation with Commission Staff. He said that he would review additional recommendations from Staff in the Staff Report. He said there is a Transportation Demand Management Plan proposed, and bus service is in the area.

Atty. Ford discussed consistency with the issue are of Energy through measures including electric vehicle charging and electric HVAC systems. He discussed the Housing issue area, including the history of the zoning for the Project, which was adopted anticipating housing development. He said there will be restrictions on short-term rentals.

He said benefits of the Project include transportation improvements, revenues to the Town, pedestrian infrastructure, the provision of housing units, and incorporating environmentally friendly design. He said the detriment related to transportation proposed by Staff has been mitigated.

He responded to past questions from the Subcommittee and from the public. He said that pedestrian accommodations were discussed earlier, the issue of water access is being dealt with, the location of the site drive was addressed by the transportation engineer, no nitrogen based fertilizer will be used, residents will only have access to amenities at their phase of the Project, and they are coordinating emergency access with the Fire Chief.

He said that the team was available for questions and turned the floor back to the Chair.

Subcommittee Discussion:

The Chair asked for clarification on the income level for the Affordable Housing units. He said that Atty. Ford stated 65% of Area Median Income while Mr. Ribeiro stated 60%. Mr. Ribeiro confirmed that it was his error, and it is 65% of AMI.

Ms. Ledec asked if fire suppression and irrigation were considered in the analysis of available public water. Mr. Ribeiro said that was an issue to be determined by the water district. Mark Jackson said that they had spoken with the Water Superintendent, and he had agreed with their data. He said they were continuing to work on the issue.

Ms. Ledec asked about statements that Barnstable Harbor is an impaired embayment. Mr. Ribeiro said that impaired MWRAs are mapped by the Commission through the RPP, and Barnstable Harbor is not designated by the Commission as impaired. Tara Lewis, Commission Water Resources Analyst, said that a full report on Barnstable Harbor has not been generated at this time.

Ms. Ledec asked if stormwater would be infiltrated on site. Ms. Lewis confirmed that it would be infiltrated on site, specifically on the portion of the site in the Barnstable Harbor MWRA. Ms. Ledec asked for a visual to be shown at a future hearing. Mr. Ribeiro said that he would present such a graphic.

Ms. Ledec asked what the source of water would be for an irrigation well. Mr. Ribeiro said it would be from the ground water. Ms. Lewis said that it would draw from the ground, but irrigation would not draw much water.

Ms. Ledec asked to see an exhibit of the internal sidewalk and crosswalk network at the site. Mr. Ribeiro replied that something could be shown at the next hearing.

Ms. Ledec asked how many people applied to the first phase of housing and the occupancy rate. Mr. Twohig replied that the occupancy rate is 82%, which is exceptional for having only been open a short time. Mr. Ribeiro said that it was only a few months since the third building of the first phase opened. Mr. Twohig said that it typically would take 12-14 months for a building this size to lease up, and the first phase is well ahead of that.

Mr. Mealy asked for the number of EV charging spaces. David Hall of the Hanover Companies said that the same number on the first phased would be provided. He said those are being under utilized.

Public Comment:

Federal, Local, and State Officials

The Chair asked for comments from any federal, local, or state officials.

Gordon Starr, Town Councilor, said he was concerned about water usage. He said that he was surprised there was support from other developers. He said the Project should be fully reviewed by the Commission.

Charlie Bloom, Town Councilor, said only Affordable Housing units are needed, and he said that market rate units are not a benefit. He said workforce housing is needed.

General Public

John Lipman read letters from individuals who were not able to attend. The letters were from Cape Cod Healthcare CEO Michael Lauf, business owner Tony Shepley, and Cape Associates CEO Matthew Cole. The letters were all in support and were submitted for the record with others. He said the housing proposed is needed.

Barry Alper said that he is involved in housing issues, and market rate housing is needed in addition to Affordable Housing. He said the Project is important for the region.

Jocelyn Marshall said that she lives in Barnstable and has two children in high school. She said the lack of stable, long term housing was a regional crisis. She said that Cape Cod is losing vital workers. She said that Project should be approved.

Avery Revere said the Project does not meet regional housing needs. She said the Town needs "missing middle" housing. She said that Wilkens Lane and Kidds Hill Road does not have good sight lines. She said that Barnstable Harbor information is out of date. She said she hopes non-nitrogen fertilizers will be used site wide.

Bill Carey said he would like there to be an in-person hearing. He said the Project needed a feasibility study. He said that there were many residential buildings in Independence Park. He said there needs to be room for commercial development. He said it will affect local culture.

Cynthia Cole said that she is not opposed to this Project, but the Project will impact the infrastructure of Barnstable Village. She said she was concerned about the Barnstable Harbor watershed. She said all nitrogen should be contained.

Further Subcommittee Discussion:

The Chair asked for further questions from the subcommittee.

Jacqueline Etsten said that it would be beneficial to visit the first phase Project. The Chair said that Staff would look into the issue, which Mr. Ribeiro confirmed.

Ms. Ledec asked if there would be a connection to the BJ's parking lot. Ms. Ledec said she would like the Applicant to contain all nitrogen on site.

Hearing no more questions, the Chair asked for comment from the Applicant. Atty. Ford said that they would work out the date and time for the next hearing.

The Chair asked for comment from Mr. Ribeiro. Mr. Ribeiro said that any future hearing would be a formal proceeding and not a workshop. He said that if the Subcommittee wanted to hold the hearing in-person he had secured the Mary Pat Flynn room at the County Complex for 5:00pm on February 10, 2025.

The Chair asked if that time and place worked for the Subcommittee. All Subcommittee members were available, as was the Applicant.

Motion to Continue:

The Chair asked for a motion to continue the hearing to February 10, 2025 at 5:00pm to be held in person at the Barnstable County Complex located at 3195 Main Street, Barnstable, MA in the Mary Pat Flynn Conference Room. Ms. Etsten made the motion and Mr. Fromm seconded. The Chair took the roll.

Roll Call:

- Elizabeth Taylor, Chair, Yes
- Jacqueline Etsten, Yes
- Douglas Fromm, Yes
- Catherine Ledec, Yes
- Richard Roy, Yes

All members voting yes to continue the hearing, the motion carried, and the meeting was continued at 6:49 p.m.

Materials Used:

- Subcommittee hearing notice/agenda
- Staff Report, dated 1/23/2025
- Applicant PowerPoint Presentation
- Staff PowerPoint presentation