CAPE COD
COMMISSION

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

Minutes | February 10, 2025 at 5:00 p.m.

Mary Pat Flynn Conference Center, Barnstable County Complex
3195 Main Street, Barnstable, MA

Summary of Actions Taken:

- The Subcommittee adjourned the meeting.

The Chair, Harold Mitchell, opened the Subcommittee hearing by reading the hearing announcement at 5:00 p.m.

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 said that Staff had been continuing to work with the Applicant on project plans. He said that additional materials were submitted the prior week, and Staff had put out a short memo. He said additional materials had been submitted just prior to the hearing but had not yet been reviewed by Staff for distribution.

Mr. Ribeiro said that the issue of a small lot to be created as a new parcel off of the Project Site still had not been addressed. He said that the creation of such lot would not create an issue, but it must be incorporated into a decision on the Project.

On Community Design, he said that the façade variation measurements had been provided. While they did not meet the recommendations, the Project likely meets the requirement for building design through other listed means. He said that the Applicant has now proposed to use fiber cement materials, which are more consistent with Commission design guidance. He said that the landscape plan needs further revisions despite being largely consistent with requirements for Community Design.

Mr. Ribeiro said that the issue area of Water Resources remains the primary concern of the review from Staff's perspective. He said that a portion of the site is located within the zone of contribution to the Lewis Bay embayment. He said that while stormwater has been addressed, the issue of managed turf remains an issue. He said that Staff suggests the general note that only non-nitrogen fertilizers will be used is insufficient. He said that there should be a more careful consideration of the landscape plan. He said that seed mixes and other information on turf types has still not been provided. He said that in response to questions at the previous hearing, Tara Lewis, Water Resources Analyst, would discuss the embayment areas on the site.

Ms. Lewis presented maps showing the Project Site with the full embayments mapped for Lewis Bay and for Barnstable Harbor. She then showed a more detailed image of the plans with the embayments demarcation line shown. She also showed the stormwater structures highlighted, noting that they were outside of the impaired Lewis Bay embayment.

Mr. Ribeiro said that Ms. Lewis would be available for questions later. Mr. Ribeiro said that due to the late submission of the Applicant's transportation memo, Transportation Staff had not been able to comment in the Staff memo. He said that recommendations at Wilkens Lane/Attucks Lane had not been fully adopted, and the Applicant propose applying congestion mitigation funds. Mr. Ribeiro said that the Technical Bulletin does not allow those funds to be applied toward improvement that are not of broad community benefit, which Staff felt was the case here. He said that the emergency vehicle pre-emption system at Attucks Lane/Wilkens Lane was also proposed to be addressed with congestion mitigation funds. He said that Staff intends to discuss the issue with the Town.

Mr. Ribeiro discussed the time schedule for the Project, noting that it would be useful for Staff to receive input on probable project benefits and probable project benefits. He provided an overview of the agenda for the rest of the hearing and said that Staff was available for questions later in the hearing.

Applicant Comments:

Atty. Michael Ford began comments from the Applicant. He introduced the project team, and began his presentation with the assistance of a slide presentation.

Atty. Ford discussed the issue areas with outstanding materials. He said that for Community Design only fiber cement would be used. He said that façade dimensions would be provided.

He said that for Water Resources, they were now proposing that no nitrogen fertilizer will be used anywhere on the site, including within the Barnstable Harbor embayment. He said that this would be a benefit of the Project. He said that the landscape plan has been updated but

was submitted after the cut off time for new materials. He said that the new plans showed seed mixes and grass types.

David Hall of the Hanover Companies discussed the design of the Project. He said that the Project included more small buildings than the first phase, and the larger buildings include portions with variations in roofline. He said that materials would also change.

Nate Cheal, Project engineer, spoke about the stormwater design. He said that all stormwater would be infiltrated on site.

Jeff Dirk, Project transportation engineer, provided comments consistent with the memo he submitted prior. He provided an overview of propose transportation improvements. He said that he did not understand recommendations from the Staff Report to be binding, but he would address them.

Atty. Ford said that all appendices to the Stormwater Report would be updated. He showed a plan that illustrated crosswalk locations internal to the site. He proposed a number of probably project benefits for consideration by the Subcommittee. He said that the team was available for questions.

Subcommittee Discussion:

The Chair asked for initial questions from the Subcommittee.

Ms. Ledec asked if there was adequate water for firefighting. The Barnstable Fire Chief Beale, who was present, was called upon and said that there is sufficient water in the area. Ms. Ledec said she would like to hear from the Water Superintendent.

Ms. Ledec said that there should be a recreational trail around the site. She said that native plants don't need fertilizers. She provided a variety of recommendations for the use of native plants. She said that site landscaping should be used for stormwater management.

Ms. Ledec said she that a nitrogen offset payment should be required. Mr. Ribeiro replied that nitrogen offset payments were only required when there are additions of nitrogen to impaired embayments.

Ms. Ledec provided recommendations on alternate plants that could be used in the landscape plan. She asked if substitutions could be used by the Applicant at the time of construction. Mr. Ribeiro said that landscape plans were reviewed during compliance stages, and a final site visit is conducted. He said that in some circumstances substituations were made with review by staff if certain plantings were unavailable.

Mr. Mealy asked if there was progress on the connection to public water. Atty. Ford replied that those discussions were ongoing with the Town and he did not expect any issues with the connection.

Ms. Etsten asked if memberships to amenities would be sold to the public. Atty. Ford replied they are only for residents. Ms. Etsten said that the edges of the site should be

Public Comment:

Federal, Local, and State Officials

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

Cynthia Cole read comments from Gordon Starr, Town Councillor, who could not be present. Mr. Starr did not think the housing proposed is needed. He says that the information provided was not sufficient. All of his comments were entered into the record in writing.

General Public

Tony Shepley said that he is a business owner and a parent. He said that his kids are not able to live on Cape Cod. He said that transportation is unlikely to be a concern. He said that this rental housing is needed. He said the Project should be approved.

Jere Miller said that he is a resident of Provincetown, and many workers are being forced off Cape. He said the Project should be approved.

Jocelyn Marshall said that the Project should be approved. She said that there is a dire shortage of housing, leading to many working people being forced to leave Cape Cod.

Paul Davies said that he is a teacher, and there are no housing options for young teachers. He said the Project is needed.

Jeff Morse said that more housing is needed.

Paige Tivnan said that there are not good housing options for the workforce, including young professionals. She said individuals like healthcare workers have barriers to work on Cape Cod, and that the Project should be approved.

Brittany Ward said that she supports the Project. She said that housing is needed for working people and families.

Walter Feinkrauss said that the Project is appropriately located. He said that it is needed to provide safe housing to Cape Cod workers.

Cynthia Cole said she does not oppose the Project. She said she has concerns about Barnstable Harbor, which has been deemed impaired by some entities. She said that fertilizers should not be used on the site. She said that phosphates could impair ponds.

Peter Eleftherakis said that housing is needed, but he is concerned about impacts to Barnstable Harbor. He said there should be compliance monitoring.

Avery Revere said that the first phase is not well managed. She said that she does not think the Project provides housing at attainable prices.

John Lipman said that the housing that the Project will provide is needed for professionals on Cape Cod. He said there is comment in the record that the first phase project is supporting

healthcare workers. He discussed other written comments from individuals who could not attend, which were entered into the record.

Eric Schwaab said that housing needs to allow people to park trucks.

Ben Feller said that he is in favor of the Project. He said that he is a manager at a local supermarket, and the Project will provide housing for individuals like assistant managers at his store.

Bill Kerry said he does not think the Project is needed. He said the apartments will be too expensive. He said that ownership units should be encouraged.

Further Subcommittee Discussion:

The Chair asked for further questions from the Subcommittee.

Mr. Fromm asked what the options were for the Subcommittee to act on. Mr. Ribeiro said that due to noticing if the Subcommittee wanted to have another hearing it would have to be held in person. He said that Subcommittee meetings could be held virtually, and a hearing had been noticed for the full Commission meeting on 2/27/2025. Ms. Velozo said that because the hearing period would not be closed, there is not a significant difference between holding meetings or hearings.

Mr. Fromm said that there is clearly a need for this Project, but there are still outstanding issues to be addressed. The Chair said that the options were to adjourn or continue to an in person hearing.

Mr. Ribeiro asked for clarification on whether the Subcommittee was ready to request a draft decision. The Chair said that he was not ready to request a draft decision and suggested to hold two public meetings on the Project prior to the full Commission hearing.

Ms. Ledec asked if additional information would be submitted. Mr. Ribeiro replied that new materials would be posted. Atty. Ford said that they feel they have addressed the issues in the new filings that had not yet been reviewed by staff

Motion to Adjourn:

The Chair asked for a motion to adjourn. Mr. Roy made the motion and Mr. Fromm seconded. All members were in favor, the motion carried, and the meeting was adjourned at 6:46 p.m.

Materials Used:

- Subcommittee hearing notice/agenda
- Staff Memo, dated 2/6/2025
- Applicant PowerPoint Presentation
- Staff PowerPoint presentation