CAPE COD
COMMISSION

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

Minutes | February 19, 2025 at 5:00 p.m.

Virtual via Zoom

Summary of Actions Taken:

- The Subcommittee directed Staff to prepare a draft decision approving the Project.
- The Subcommittee adjourned the meeting.

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

The Chair then took attendance by roll call.

Roll Call:

- Harold Mitchell, *Chair*, Present
- Jacqueline Etsten, Present
- Douglas Fromm, Present
- Catherine Ledec, Present
- Richard Roy, Absent
- Stephen Mealy, *Alternate*, Present

Ms. Etsten joined at 5:03pm. A quorum of members of the Subcommittee being present, the Chair asked Staff for their presentation. The Chair noted that with one member absent, Mr. Mealy would be a voting member.

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 said that his comments would discuss the outstanding issues from the last public hearing. He said that the stormwater and landscape design concerns and transportation mitigation concerns had been addressed. He said that he would also propose project benefits.

He said that the landscape plans and stormwater report made clear that no nitrogen fertilizer would be used across the entire site. He said that sods, lawns, and seed mixes were now

native and would not require nitrogen, thus there is no managed turf per the nitrogen loading worksheet.

Atty. Ford said that the Project increases transportation mitigation, and a memo from the transportation engineer has been provided. He said that the Applicant has verified with the Water Superintendent there is adequate water for fire fighting.

He showed the landscape plan and noted the blended fescue grass for lawn areas, native seed mixes for outlying areas, and notations that no nitrogen fertilizer would be used. He provided an overview of the additional mitigation measures from the 2/12/2025 memo from the transportation engineer. He then suggested several probably project benefits.

Atty. Ford said that the project team was happy to take questions, and he hoped that the new information provided was sufficient to recommend approval of the Project.

Staff Presentation:

The Chair asked Jeffrey Ribeiro, Regulatory Planner, to provide staff comments. He did so with the assistance of a slide presentation.

Mr. Ribeiro noted staff available for questions. He provided an overview of the issues outstanding from the last public hearing. He said that the creation of a small lot, known as Lot 2C, had now been addressed. He said that he had confirmed that access to public water was proceeding normally with the Town.

He said that the Project meets Community Design Objective CD1 given the context and the Applicant agreeing to use fiber cement materials. He said that Water Resources Objective WR3 was met through a landscape plan that would reasonably not require nitrogen fertilizers. He said that the stormwater report and nitrogen loading worksheets had been properly adjusted.

Mr. Ribeiro said that concerns over transportation mitigation had been discussed by Commission staff, Town staff, and the Applicant. He said that they discussed language to address these issues, and he presented two possible conditions that staff suggested would allow the Project to meet Transportation Objectives TR1 and TR3.

He provided suggested probable project benefits and detriments. He said staff would be looking for input from the Subcommittee. He provided an overview of the meeting adenda, noting that public comment was at the discretion of the Chair, but that he would allow it.

Mr. Ribeiro said that an additional public meeting would be held on Monday, February 24, 2025 at 5:00pm. He said that the hearing on the Project had been continued to the meeting of the full Commission on Thursday, February 27, 2025 at 3:00pm.

Subcommittee Discussion:

The Chair asked Mr. Ribeiro if with the new information the Project is consistent with the Regional Policy Plan (RPP). Mr. Ribeiro replied that it is the opinion of Commission staff that the Project, with conditions as discussed, is consistent with the RPP.

The Chair then asked for initial questions from the Subcommittee.

Ms. Ledec said that the Project has improved since the first hearing. She asked if the Project would include a nitrogen offset payment. Mr. Ribeiro said that as there is no negative impact to the Lewis Bay embayment, a nitrogen offset mitigation payment is not required.

Ms. Ledec said that native plants do not need fertilizers. She said she was concerned about impacts from phosphorus fertilizers on freshwater ponds. Mr. Ribeiro said that the Project is not located within a Freshwater Recharge Area. He noted that landscape maintenance agreements typically allow some fertilizer use within a certain number of growing seasons for establishment, but that would be detailed in a final agreement. He noted that the landscape architect and Commission staff were available to provide further information. Tara Lewis, Water Resources Analyst, said that the Town of Barnstable does not allow phosphorus fertilizers unless a property owner provides a soil test showing the need to do so.

Mr. Fromm asked if there was a designated parking area for work vehicles and trucks, as had been mentioned during public comment at the last hearing. David Hall of the Hanover Company said that some residents of the first phase residential development were contractors or other similar workers, and pickup trucks and vans sized for regular parking spaces are allowed and would be at the Project as well. He said that the garages available for rent for an additional fee were particularly attractive for residents in such lines of work.

Ms. Ledec said that the landscape plan still includes non-native species. She asked how compliance with conditions included in DRI decisions would be verified and whether such information would be available to the Commission members and the public. Jordan Velozo, Chief Regulatory Officer, said that Certificates of Compliance would be issued and are posted to the Commission website. Mr. Ribeiro said that Certificates are also typically emailed to the Chair of the Commission and the member from the relevant Town when issued.

Public Comment:

Federal, Local, and State Officials

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

Gordon Starr, Town Councilor, asked if there would be a pedestrian connection to BJ's and said he had not seen the lighting plan. He said that a HERS report should be provided. The Chair replied to Mr. Staff that such a report would be required as part of the Building Permit process. Mr. Starr said that it would not be required as the Town has not adopted the Stretch Code. The Chair replied that was not relevant. Mr. Starr said that there should be more public EV charging stations.

General Public

Barry Alper said that this Project is necessary to address the housing needs for a certain segment of the population.

Steve Lipman said he supports the Project, and rental housing is a serious need. He said he is concerned about recent price increases of rental housing.

Ben Feller said that he supports the Project. He said there is a housing crisis, and he has a hard time finding housing for higher wage workers for his employer.

John Lipman said that additional letters in support of the Project were submitted. He said there is broad support for the Project. He asked that the Project be recommended for approval.

Paige Tivnan expressed support for the Project. She said the deed-restricted Affordable Housing units were a significant benefit in addition to benefits from the market rate units.

Further Subcommittee Discussion:

The Chair asked for further questions from the Subcommittee.

Ms. Ledec asked for information about a pedestrian connection to BJ's. Mr. Ribeiro said that staff looked at the matter and did not think a connection between the properties could be required. He said some past projects had been conditioned requiring an applicant to solicit interest for such an improvement from a neighboring property. He said the Applicant may want to respond. Atty. Ford said that the Applicant does not have a right to access the BJ's property, and there is a pedestrian route through Wilkens Lane to Attucks Lane.

Ms. Ledec said that she had seen the lighting plan in the application, and she asked staff to provide her with a page reference. She asked the Applicant to clarify the number of outdoor EV chargers, garages with plugs for EV charging, and EV-ready parking spaces. Mr. Hall said that there are 46 EV-ready spaces and 15 indoor garages with plugs. He said that they had not marked the total number of EV chargers to be installed, but it would exceed the percentages on phase 1. He said that chargers installed for phase 1 were currently under-utilized.

The Chair asked for final comments from the Applicant.

Atty. Ford thanked the Subcommittee and Commission staff. He said that the Project has been improved through the permit process.

The Chair asked for final comments from staff.

Mr. Ribeiro said that staff would appreciate direction on how to prepare a draft decision for review by the Subcommittee at its next meeting.

The Chair and Ms. Ledec proposed additional probable project benefits of the Project to be included in a draft decision.

Motions:

The Chair asked for a motion to direct Staff to prepare a draft DRI decision approving the Project for review by the Subcommittee. Mr. Fromm made the motion, and Mr. Mealy seconded. The Chair, Ms. Etsten, Ms. Ledec, Mr. Fromm, and Mr. Mealy were all in favor, and the motion carried.

The Chair asked for a motion to adjourn. Ms. Ledec made the motion and Mr. Mealy seconded. The Chair, Ms. Etsten, Ms. Ledec, Mr. Fromm, and Mr. Mealy were all in favor, the motion carried, and the meeting was adjourned at 5:58p.m.

Materials Used:

- Subcommittee hearing notice/agenda
- Staff Memo, dated 2/14/2025
- Applicant PowerPoint Presentation
- Staff PowerPoint presentation