



# Town of Barnstable Planning Board



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Board Members

Steven Costello – Chair    Stephen Robichaud – Vice Chair    Mary Barry - Clerk    Robert Twiss    Michael Mecenas    Raymond Sexton    Tim O’Neill

Mathew Levesque – Town Council Liaison

Planning & Development Dept. Staff Support

Elizabeth Jenkins, AICP, Director

Kaitlyn Maldonado, Assistant Director

James Kupfer, AICP, Senior Planner

Karen Herrand – Principal Assistant - [karen.herrand@town.barnstable.ma.us](mailto:karen.herrand@town.barnstable.ma.us)

**Town of Barnstable  
PLANNING BOARD  
Approved Minutes  
May 23, 2022**

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

*Also in attendance via remote participation were Planning & Development Staff; Kate Maldonado, Assistant Director, James Kupfer, Senior Planner, and Karen Herrand, Principal Assistant.*

The Planning Board’s Public Hearing will be held at 7:00 p.m. by remote participation methods. Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be viewed via the Channel 18 website at <http://streaming85.townofbarnstable.us/CablecastPublicSite/>
2. Real-time access to the Planning Board meeting is available utilizing the Zoom link or telephone number and Meeting ID provided below. Public comment can be addressed to the Planning Board by utilizing the Zoom link or telephone number and Meeting ID provided below:

Link: <https://townofbarnstable-us.zoom.us/j/87969766094>

Phone: 888 475 4499 US Toll-free

Meeting ID: 879 6976 6094

3. Applicants, their representatives and individuals required or entitled to appear before the Planning Board may appear remotely and may participate through the link or telephone number provided above. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting so that they may be displayed for remote public access viewing.

Application materials may be accessed by contacting [karen.herrand@town.barnstable.ma.us](mailto:karen.herrand@town.barnstable.ma.us) or calling 508-862-4064.

**Call to Order**

Vice Chair, Stephen Robichaud sitting in for Chair Steven Costello tonight.

**Introduction of Board Members and Staff Members**

**Attendance Roll Call:**

**Bob Twiss**  
**Ray Sexton**  
**Tim O’Neill**  
**Michael Mecnas**  
**Stephen Robichaud**

Notice of Recording - This meeting is being recorded and broadcast on Channel 18 and in accordance with MGL Chapter 30A §20. The Chair must inquire whether anyone else is taping this meeting and to please make their presence known.

**Public Comment:**

**Vice Chair Stephen Robichaud asks if there is any public comment, general comment - None.**

**Approval Not Required:**

William Eagan, Trustee of Old Stage Road Realty Trust has submitted a request for an approval not required for the plan entitled “Plan of Land on Old Stage Road and Parker Lane in Barnstable, MA, prepared for William Eagan, 70 Newport Avenue, Osterville, MA 02655” stamped and sealed by Frank Joseph Gallagher, dated April 15, 2022, continued from May 9, 2022 (Click [HERE](#) for application materials)

A Request to withdraw has been received from the Applicant.

**Vice Chair Stephen Robichaud entertains a motion, moved by Bob Twiss to accept the request to withdraw for the Approval Not Required Plan entitled “Plan of Land on Old Stage Road and Parker Lane in Barnstable, MA”, by Gallegher Engineering, dated April 15, 2022, seconded by Tim O’Neill,**

**Roll Call Vote:**

**Stephen Robichaud - aye**  
**Bob Twiss - aye**  
**Ray Sexton - aye**  
**Tim O’Neill - aye**  
**Michael Mecnas - aye**

**Subdivisions:**

**Pilots Way, Sub. No. 288**, Modification of Definitive Subdivision, Deacon Crocker, Trustee seeks to amend the approved Definitive Subdivision plan, #288, as required by the existing covenant and plan in order to modify the roadway known as Pilots Way. (Majority of Full Board) continued from April 25, 2022 and May 9, 2022

Deacon Crocker in attendance. His surveyor has staked out the road. Turn around at end of Pilot’s Way, on Ronald Crisps property. This was put in place during 2001. Fire Hydrant, doesn’t feel he should be paying for something serving other lots/houses, cannot absorb the cost for hydrant.

Jim Kupfer, there has been discussion with Fire Chief and Deputy Fire Chief. Layout changes. Site walk suggested to move, possibly a third option for turnaround. Applicant looking for some suggestions for improvement. Will need an updated plan with any updated modifications that may come.

**Vice Chair Stephen Robichaud, asks for public comment.**

Gordon Starr in attendance. Covenant on road, confused how can release, only two lots left. If we release this one, how would this work. Would like to see the hydrant placed down to wear the road splits. The fire truck down there the other day and it was a pretty tight fit.

Jim Kupfer, the two lots under covenant. Right now Planning Board is not contemplating releasing any lots. Needs to be improved to subdivision standards and this request is to modify, reduce the standards. They can then come back, with a secondary request. Board would then make a decision regarding releasing per work being completed. Standards required by the Board. They are requesting to improve the way and will return to request a release of covenant.

Vice Chair Stephen Robichaud is comfortable with the waivers applicant has proposed. DPW and Fire Dept. would like to see what they have to say per the roadway conditions, width, rural feel.

Chief Frank Pulsifer in attendance. The width has been an issue. Previous letters regarding this as well from Deputy Chiefs. Would like to see an 18 ft. wide roadway, can keep it gravel roadway. Extend water supply will increase safety of residences as well. Brought new ladder truck down to this area. For pumping as well, to navigate this district. Will need to tie into water supply. Need roadway area for hose. Farthest house away at 2,000 ft. 18 ft. is the narrowest we can go. Turnaround, elevation difference, easement driveway - not a level surface. Would like to see a hydrant placed and 18 ft. road width.

Vice Chair Stephen Robichaud does want to see the roadway plan with the hydrant on it – will most likely have to continue and consider this plan.

Bob Twiss, it is pretty narrow. Road splits at 68 Pilots Way. Drove down the road, could turn around. Truck trying to come down when he was leaving, not a lot of flexibility for two cars/in and out. Concern if a house at the end had a fire, how deal with that, if Fire Dept. can't get down there. Will need to see the plan. Did not see turn around stop, there was a staked out area. Need to satisfy safety issue and Fire Dept.

Ray Sexton, homeowners association in effect (HOA)? Would hydrant be covered with this and have paid for?

Dean Crocker replies, doesn't want to see anyone's house burn down. John Mackey road, is hydrant useable? Four other houses built and no hydrant put in with this. Would like to see houses safer. Can't afford to pay for others safety. He's close to the other hydrant.

Vice Chair Stephen Robichaud, doesn't think there is an HOA here.

Dean Crocker, has read the HOA, thinks specifically excludes persons from financial responsibility. There's 5 homeowners on the road, so reasonable to split the cost, \$10,000 a piece. Doesn't feel he should pay for an oversight on the Town's behalf.

Jim Kupfer, HOA can be part of a condition of this subdivision modification. The substance is a private matter with those who share ownership in the way. If Applicant would like to discuss with others, they can do that. What is before the Board is what needs to be improved, health, safety and welfare.

Ray Sexton, can we require HOA that would pertain for/to? What areas can be encompassed?

Jim Kupfer, it does state in subdivision rules should/can be established. The enforcement of this is a private way. This is their own private agreement, common ownership and their responsibilities.

Chief Pulsifer, the hydrant on John Mackie road is not accessible by Fire Dept. truck. There have been several subdivisions that they have had to get hydrants on. This has come up before. Letter previous, could not find 12 ft. width mentioned.

Tim O'Neill – defers to Fire and DPW comments and agrees that need a revised plan, road width and need for fire hydrant. HOA, would like to see a draft/make a condition to the modification to the subdivision, to have their own agreement. Road maintenance, something in place.

Dave Crocker in attendance. Respects Fire Chief's suggestion, doesn't understand why now, after many houses built here. There is an HOA in place, about 10 years ago. Seems unfair that burden is on us. They can construct the roadway. Have done some improvements in the past by the family and some neighbors as well. The hydrant cost is extreme. Would like to come to an agreement and get it done.

Cilla, in support of her family.

Tyler Crocker in attendance. Supports his brother, trying to build a house here and the \$50,000 hydrant cost will make this impossible. Doesn't understand why they should have to pay for everyone's security.

Doug Cleary in attendance. Would like info: HOA update and plan update, shows the whole turnaround and more detailed layout of everything.

Gordon Starr, what is a Form S?

Jim Kupfer, replies, this is the road maintenance agreement, declares that the applicant will put forth, to maintain in perpetuity. Town not responsible for the road.

Vice Chair Stephen Robichaud, this would be a major benefit to everyone who lives on the road. Between the residents. This may not be able to move forward if the applicant has to take on himself.

Ray Sexton – where does the \$50,000 quote come from for the hydrant?

Chief Pulsifer, it is handled by the Water Dept. he will get the information and forward to Staff.

Deacon Crocker, letter submitted in May 2001, 12 ft. – can email to Chief. Will have conversation with people/neighbors and what should be on the new plan.

Chief Pulsifer, he doesn't have anything on file regarding the turn around. Can't approve outside an engineered plan/sketch. Ask if any neighbors have from when originally put in.

Jim Kupfer, will need updated plan sets – maybe continue to June 27<sup>th</sup> meeting?

Deacon Crocker, yes, this will give enough time.

**Vice Chair Stephen Robichaud entertains a motion to continue, moved by Ray Sexton, that the Fire Chief has requested and the Applicant agreed to modify the roadway plan and the Board is not in receipt of new plan, it is recommended for a continuation to receive additional materials to June 27<sup>th</sup>, at 7:00 p.m., seconded by Bob Twiss,**

**Roll Call Vote:**

**Stephen Robichaud - aye**

**Bob Twiss - aye**  
**Ray Sexton - aye**  
**Tim O'Neill - aye**  
**Michael Mecnas - aye**

**Sub. No. 820 Wayside Lane Extension** - a request has been received by Quram Mohammed, owner, for an extension of time to complete Subdivision No. 820, Wayside Lane Extension, West Barnstable, MA. Original Decision, Book 27840 Page 167 and Subdivision Plan, Book 651 Page 42. (Majority of members present and voting)

Quram Mohammed in attendance, his is new owner. Wasn't aware that subdivision time to build was up in January. All documents have been recorded.

Jim Kupfer, met with the Applicant. Condition 15 has expired. DPW has no concerns with the extension as long as done per the original decision. Builder has gone to Conservation and they have extended the condition.

Jim Kupfer, length of extension – recommendation to extend for no more than 3 years.

Vice Chair Stephen Robichaud, no issue granting this request. Things can be challenging now.

Bob Twiss, in favor of approving and for 3 years.

Ray Sexton, supports all.

Tim O'Neill, has no problem with 3 year extension. Refers to Staff Report, Exhibit A, no formal process, not listed in original subdivision.

Jim Kupfer, the regulations state “unless extended” matter of what the Board deems to be. Difference would be a legal notification as opposed to an administrative change. Board can choose whichever they think, amendment to Decision, would need noticing of a hearing.

**Vice Chair Stephen Robichaud entertains a motion, moved by Tim O'Neill to grant the request for an extension of the Wayside Lane Definitive Subdivision Plan Approval for no more than 3 years, the extension of time qualifies as a minor amendment to Condition 15 of the Wayside Lane Extension Definitiv Subdivision Plan Approval dated August 15, 2013, seconded by Michael Mecnas,**

**Roll Call Vote:**

**Stephen Robichaud - aye**  
**Bob Twiss - aye**  
**Ray Sexton - aye**  
**Tim O'Neill - aye**  
**Michael Mecnas - aye**

**Staff Updates**

Local Comprehensive Plan (LCP)

Kate Maldonado – update as of today the new LCP website is up and live. Features photos of villages and defined categories. Will have progress updates, Newsletter. Workshops and meetings to come. More sophisticated than previous page. Map/Data viewer. Transportation, housing, open space. Working with Cape Cod Commission (CCC) with this. Everyone can look existing conditions. Great visual.

Ray Sexton, Mashpee has also undertaken LCP. There has been a lot of hard feelings of things being done out of the public eye. Selection process. All the villages involved need to have a legitimate say. Important for all to have a say.

Jim Kupfer, engaging the public. We like to hear what everyone has to say, they will have ample opportunity. They will be going to the people.

**Matters Not Reasonably Anticipated by the Chair**

**Correspondence**

**Approval of Minutes**

May 9, 2022, draft minutes

**Vice Chair Stephen Robichaud entertains a motion to approve the draft minutes of May 9, 2022, moved by Bob Twiss, seconded by Tim O’Neill,**

**Roll Call Vote:**

**Stephen Robichaud - aye**

**Bob Twiss - aye**

**Ray Sexton - aye**

**Tim O’Neill - aye**

**Michael Mecnas - aye**

Future Meetings: June 13 and June 27, 2022, @ 7:00 p.m.

**Adjournment**

**Vice Chair Stephen Robichaud entertains a motion to adjourn, moved by Ray Sexton, seconded by Michael Mecnas,**

**Roll Call Vote:**

**Stephen Robichaud - aye**

**Bob Twiss - aye**

**Ray Sexton - aye**

**Tim O’Neill - aye**

**Michael Mecnas - aye**

The meeting adjourned at 8:13 p.m.

Respectfully Submitted

Karen Herrand, Principal Assistant, Planning & Development

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 – Staff Report, Sub. No. 820 Wayside Lane Extension**