



Town of Barnstable Planning Board



www.town.barnstable.ma.us/PlanningBoard

Board Members

Stephen Robichaud, Chair Tim O'Neill, Vice Chair Matthew Teague, Clerk Mary Barry Michael Mecnas Raymond Sexton Catherine Finkenstaedt
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 December 8, 2025

Stephen Robichaud – Chairman	Present
Tim O'Neill – Vice Chair	Present
Matthew Teague - Clerk	Present
Mary Barry	Present
Michael Mecnas	Present
Raymond Sexton	Present
Catherine Finkenstaedt	Present

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

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: <https://barnstable.cablecast.tv/internetchannel/watch-now>
The Chair must inquire whether anyone else is taping this meeting and to please make their presence known.

Call to Order Introduction of Board Members

General Public Comment

Chair Stephen Robichaud reads into record: Public Comment Rules and Statement

I wish to remind everyone that no member of the public, a board member, an applicant, a presenter or town staff may speak without first being recognized by the Chair. The public will have an opportunity to speak during the general public comment period which takes place at the beginning of each meeting, as well as during any public hearing on an agenda item.

This evening we have 5 opportunities for the public to speak: The Agenda Items are; General Public Comment, Roadway Rescission for Hawes Ave, ZA Item No. 2026-008, ZA Item No. 2026-012, ZA Item No. 2026-005.

During these five opportunities to speak, members of the public are free to express their thoughts, opinions and criticisms. However, comments must be directed to the board as a body, through the

Chair. The public may not speak directly to any individual board member. The public also should not be addressing comments directly to anyone else in this room – not to town staff, an applicant, a presenter or to any member of the audience. Again, public comment is to be addressed to the board as a whole.

Members of the public are to refrain from making audible comments during the meeting unless they have been recognized by the Chair. All members of the public are allowed to speak without disruption or interruption.

For each of the five opportunities to speak this evening, each member of the public shall be provide one opportunity to speak. During each of these opportunities to speak, each member of the public shall be allotted 4 minutes. At 3 minutes, the Chair or a designated Board Member shall notify the speaker that they have 1 minute remaining, and to please begin to wrap up. At 4 minutes, the speaker will be notified that their time is up and they are to stop speaking and leave the podium at that time.

During public comment, Board Members are instructed to listen respectfully without interrupting the speaker. Once all members of the public have had an opportunity to speak, each board member will have an opportunity to respond to public comment, however members are not obligated to do so. To reiterate – during each of the 5 opportunities to speak outlined earlier, members of the public will have one opportunity to speak.

These rules apply to all board, committees and the public.

General Public Comment

Eric Schwaab in attendance. Do any of the members - have they filed conflict of interest . One member is an officer on a board for large scale housing. This is inappropriate. Seems that member of this board are having difficulty in separating their own business aside when considering zoning.

Bob Schulte in attendance. clarifies that Zoning Amendments 2026-008 and 2026-012 did not come from Ad Hoc Committee Zoning Committee. Barnstable Quality of Life Working Group presented these, to clarify.

Chair Stephen Robichaud asks for any Board response to public comment. None.

Roadway Rescission (New Public Hearing)

Claudio and Maria Diletizia/Tsien Eddy, LLC has submitted a request to rescind a private way located at 81 and 91 Hawes Ave, Hyannis, Map 323 Parcels 009 and 010

Chair Stephen Robichaud moves to open the public hearing, seconded by Michael Mecnas,

Roll Call Vote:

Mary Barry - aye

Ray Sexton – aye

Matt Teague – aye

Tim O’Neill – aye

Catherine Finkenstaedt – aye

Michael Mecnas – aye

Stephen Robichaud - aye

Jim Kupfer gives an explanation of this application. This is rescission of a private way. Structured similar to subdivision rules and regulations. Majority vote of the Board. Originally approved by Board of Surveyors which predates Subdivision Control Law. Plan has come revised – Dec. 4, 2025.

Attorney Schulz on behalf of the applicants.

John O'Dea in attendance, surveyor.

Applicants are the owners. Board of Surveyor plan. Originally created to access lots 3 and 4. Frontage on Hawes Ave. No home built on lots 1 and 2. Lots 2 and 3 are merged. Maintain required frontage. No others have rights in the roadway.

Chair Stephen Robichaud, current way was never named?

Attorney Schulz, correct. They will construct their own roadway.

Chair Stephen Robichaud asks will an ANR be constructed?

Attorney Schulz, yes.

Ray Sexton clarifies that rescinded way and why.

Tim O'Neill asks if the applicant reviewed the comments from DPW - or to be done in ANR plan?

Attorney Schulz, yes, in revised plan received today.

Catherine Finkenstaedt, frontage lots they are not merged? Upon sale could they be divided?

Attorney Schulz, no they are owned by separate individuals.

Chair Stephen Robichaud opens public comment. None.

Chair Stephen Robichaud entertains a motion to close the public hearing, moved by Ray Sexton, seconded by Tim O'Neill,

Roll Call Vote:

Mary Barry - aye

Ray Sexton - aye

Matt Teague- aye

Tim O'Neill - aye

Michael Mecnas - aye

Catherine Finkenstaedt – aye

Stephen Robichaud - aye

Matt Teague moves to approve the application as presented for the road rescission with the following Findings;

- 1. The property location is 81 and 91 Hawes Ave, Hyannis, is shown on Assessor's Map 323 Parcels 009 and 010 in the Residential B (RB) zoning district.**
- 2. The Applicant, Claudio and Maria Diletizia and Tsien Eddy, LLC, is proposing to rescind the private way located between 81 and 91 Hawes Ave, as shown on the Plan originally approved by the Board of Surveyors, recorded with the Barnstable Registry of Deeds in Plan Book 111, Page 139, dated August 31, 1953.**
- 3. After an evaluation of all the evidence presented, the proposal fulfills the spirit and intent of the zoning ordinance and would not represent a substantial detriment to the public good or the neighborhood affected.**
- 4. The proposed repairs, alterations and/or expansion are not substantially more detrimental to the surrounding neighborhood.**

Reference to Conditions 1 through 5 – to approve as well, seconded by Tim O’Neill,

Roll Call Vote:

Mary Barry - aye

Matt Teague - aye

Tim O’Neill - aye

Ray Sexton - aye

Michael Mecenias – aye

Catherine Finkenstaedt - aye

Stephen Robichaud - aye

Zoning Amendments

TC Item No. 2026-008 (Continued Public Hearing) – Proposal to Amend the Code of the Town of Barnstable, Part I General Ordinances Chapter 240 Zoning, Article V Accessory Uses by Repealing and Replacing Section 240-46, Home Occupation with a New Section 240-46 Home Occupation that Adds Definitions, Licensing Requirements and Makes Certain Other Revisions – *continued from September 22, 2025, and November 10, 2025*

Chair Stephen Robichaud comments correspondence received today from Chris Gregory. Chair gives a history of what happened at the last meeting. A lot of public comment previously. Planning Board continued working through the draft document. Board previous consent was to give a negative review.

Continue review then allow staff to get all of our feedback and to accompany our negative recommendation and talk about on Dec. 22nd.

Jim Kupfer, reviews the red lined draft.

Ray Sexton, the park and ride term – is that appropriate use of this term?

Jim Kupfer, is it defined within the section – location which drivers leave and go to another location. Can change it. No more than two on the premises. No cap before, now limiting to two. Uses that are not eligible. Explains the removal/addition of language. Proposal to add a license from Bldg. Commissioner. Subsections read into record regarding renewal and requirements. License number, name, photo, license plate info, telephone contact and parking info. May be revoked – violations of these provisions. Failing to register vehicles. Failure to timely communicate regarding enforcement action. Appeal to zoning board.

Chair Stephen Robichaud how will enforce, not a fan.

Tim O’Neill would like to hear what Bldg. Commissioner has to say.

Brian Florence, Bldg. Commissioner in attendance. Licensing part to consider the most. It’s about assisting our business owners. 650 brick and mortar in Barnstable, the majority in residential zoning districts. Can’t hone it down to how many of each. Licensing can do that. This will put the Home Occ in our database. Have a registration now. We don’t know when a business closes. This is about being able to track them. Not for income.

Tim O’Neill, other communities that have done this?

Mary Barry, no other way to collect this data? Nothing at the Town level?

Bldg Commissioner, explains the difference LLC and d/b/a Mass Gen Law 110 – you would file a business license with the Town Clerk.

Ray Sexton, not enforcing in an efficient way now. New regulations being proposed, how will this make better? I don't think there should be a cost, just register. It's the same for rental properties.

Bldg. Commissioner, he rejects that enforcement is not taking place. We are doing our job and enforcing. We do a good job with our work.

Chair Stephen Robichaud, if a license renewal doesn't get done – how to reinstate?

Bldg. Commissioner, Article 1 fining schedule. First a warning is issued. If non compliance then there is a fine that graduates. There is a lot of warning, also can always re apply.

Matt Teague, state law enforceability in the term license and registration.

Bldg. Commissioner, he thinks one in the same.

Matt Teague, any help in terms of revising i.e., septic and space. If add a room with a door then it's a bedroom, not an office. Nitrogen loading counts. Permits/licensing and use change. Why should it not follow septic, health dept. rules/regs?

Bldg. Commissioner, home occupation states existing assuming no employees there and wouldn't need extra flow for septic.

Matt Teague, why not put in general ordinance.

Bldg. Commissioner, Town Clerk has nothing to do with this.

Tim O'Neil, what is current registration and cost?

Bldg. Commissioner, thinks \$50 and online portal as well.

Catherine Finkenstaedt, is license based on income? Semantics.

Bldg. Commissioner, flat fee. All applications come through the online portal. Licensing are the same thing as the registrations. Wants to make it clear, that can call a license or a registration.

Ray Sexton clarifies the procedure with Town Clerk. Is there another way to share the information and then share?

Bldg. Commissioner either a license or permit have to apply. Bldg. Commissioner is the central point. No option to that. He reviews all with Site Plan every week.

Jim Kupfer, moving to section e. some exceptions may be considered for a special permit with the Zoning Board. Parking. Off street. Red line items that are being removed. ZBA may allow within an accessory structure. Not greater than 25% of the dwelling occupied by the applicant. Second home occupation. May have up to two home occupations. Could have 2 commercial vehicles. ZBA is Special Permit Granting Authority (SPGA) for this.

Ray Sexton confirms max number of vehicles allowed – 2.

Chair Stephen Robichaud asks for any public comment.

Eric Schwaab in attendance. This rewrite is not helpful. Two businesses at one address, that would have twice as many vehicles. Should go through a special permit process, and a Planning Board review. Truck and trailer are two different entities. The current zoning is pretty good, but not enforced to the letter. This is what is causing the conflicts. How to move from a complaint to transitional system. Should matter if LLC or dba. Quality of life committee had promised a review of the regulations. Public meeting with the community. Advise town council that has not gone through a public review.

Matt Teague, what is the Quality of Life Committee?

Jim Kupfer, administrative working group by Town Council, head up by Assistant Town M, Andy Clyburn. Enforcement concerns. Noise discussions, customer service re enforcement. No avenue for public comment through an administrative group, this is one of our concerns. For public review. Asked for zoning and regulatory committee to be established by Town Council.

Catherine Finkenstaedt, two occupations does change the profile for the home/neighborhood. Should go before zoning board.

Chair Stephen Robichaud leaves public comment open.

Chair Stephen Robichauds moves to continue ZA TC item no. 2026-008 to Dec. 22nd, at 7 p.m., seconded by Ray Sexton,

Roll Call Vote:

Mary Barry - aye

Ray Sexton - aye

Matt Teague - aye

Tim O'Neill - aye

Michael Mecnas - aye

Catherine Finkenstaedt - aye

Stephen Robichaud - aye

TC item No. 2026-012 (Continued Public Hearing) – Proposal to Amend the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article V Accessory Uses, by Repealing Section 240-45 Off-Street Storage of Trailers and Replacing with a New Section 240-45 Off-Street Parking and Storage of Commercial Vehicles, Trailers and Mobile Homes – *continued from September 22, 2025 and November 10, 2025*

Jim Kupfer, reads into record the existing ordinance. Really addresses adding mobile homes. For trailers associated with the commercial vehicle and does not regulate boat trailers/storage. Commercial vehicles and permitted. Mobile homes and storage and placement/parking. Commercial trailers. Max of one unregistered vehicle. Temporary vehicles on site allowed. In excess of two needs a special permit to be issued by zoning. Trailers of 20 ft. in length – commercial not on grass, except mobile home. Prohibited vehicles.

Bldg. Commissioner. No limit to the number of home occupations as of now, but reducing to two is being proposed. Costly to go to zoning board. Have to have surveyor and attorney, special permit will cost a lot of money to operate.

Catherine Finkenstaedt, one size doesn't fit all. In residential neighborhood is much different. Landscapers would have more than an architect etc.

Chair Stephen Robichaud, different size lots, make it hard to differentiate and to allow for the amount of space/acreage. Define different ways parking on lawn. Must exclude boats and recreational vehicles, i.e., go carts, side by sides. These are more leisure and hobby.

Mary Barry, the wording commercial vehicle added would not restrict that.

Tim O'Neill, some definitions can be misconstrued, vehicles on trailers, boats and other recreational vehicles.

Ray Sexton, ratio, behind or to the rear of the house, out of site and screened. Want to try to preserve the character of the neighborhoods.

Chair Stephen Robichaud thinks this is the harder – a lot of time in the research of this.

Catherine Finkenstaedt. are aquaculture protected from these restrictions,?

Bldg. Comm anything listed, the state is protected.

Chair Stephen Robichaud, this exemption should be noted.

Michael Mecnas – space and if have should be able to park. Some people have much more space. Thinks more research to be done for this.

Tim O'Neill, size of properties. The one size fits all is difficult to take. Don't want to inhibit businesses from starting up. But can't allow residential properties to become commercial and for that use. Yarmouth had boats to be kept far back of the home/residence. How to be fair and screening.

Discussion

Chair Stephen Robichaud asks for any public comment

Eric Schwaab in attendance. Reference to C3 in the definitions. Allow two conventional trailers, that has to change. Dimensional zoning. Need buffer zone and lights information. 6 ft. stockade fence will not be sufficient to shield you from a dump truck. Buffers, light intrusion should be added to this.

Paul Rose in attendance. prohibited use, does this pertain to home business or residential? Has a bobcat in his yard. For personal use, not business. Mobile home, is that RV? How do I shield that?

Bldg. Commissioner, comments personal bobcat would not count for this.

Matt Teague, light control ordinance.

Bldg. Commissioner, not in residential.

Paul Rose, a bobcat is commercial if making money with it. It is a construction vehicle.

Mary Barry, clarifies would it be commercial plate?

Tim O'Neill, no registration for these.

Discussion -

Chair Stephen Robichaud is there a separate ordinance that speaks to registered vehicles?

Bldg. Comm, yes, Chapter 228.

Motion made by Ray Sexton to continue TC Item No. 2026-012, to December 22, 2025, at 7 p.m., seconded by Tim O’Neil,

Roll Call Vote:

Mary Barry – aye

Ray Sexton – aye

Matt Teague – aye

Tim O’Neill – aye

Michael Mecnas – aye

Catherine Finkenstaedt – aye

Stephen Robichaud - aye

Chair Stephen Robichaud calls for a 5 minute recess. 8:52 - 9:00 p.m. reconvene.

TC Item No. 2026-005 (Continued Public Hearing) – Proposal to Amend the Code of the Town of Barnstable, Part I General Ordinances, chapter 240 Zoning, Article III District Regulations to Modify Building Height Requirements in the Downtown Main Street District and Downton Village District – *continued from September 22, 202, October 27, 2025 and November 24, 2025*

Chair Stephen Robichaud – review of tables previously.

Jim Kupfer, gives a review of the heights and feet that were reviewed previously and the discussion in height. Refers to the information graph/picture of buildings existing to proposed.

Chair Stephen Robichaud, between 8 and 12 ft. assumption for a typical roof?

Matt Teague and Tim O’Neill - could definitely be more.

Tim O’Neill, depends on how wide the building is going to be. Varies depending on building size and shape.

Jim Kupfer, Hyannis Village Business district (HVB).

Recommendation from Ad Hoc - maximums shown.

The last discussion – intent to lower the overall height. Around 49 ft. maximum, but adjusting the bldg. height definition to top of ridge. Graduated feet. Downtown existing presentation shown. Survey team looked at various buildings and the roof lines. Buildings on Main Street and on Ocean Street.

Chair Stephen Robichaud, public has been clear about the reduction of heights. Max allowable in downtown Hyannis. The average would be between 62 and 68 ft. Measure from ground level to the top height. HVB from 2005 to 2023 – does not offer a predictable precise result. The top plate can vary. Starting at average mean grade at the lot to ridge height. Offers the public a clear and predictable result that has all of the building max allowable set and defined in 49 ft. will allow for the lowest in the past 20 years. Reducing stories does not equate to building height. Bldg. height was what Ad Hoc asked us to address.

Chair Stephen Robichaud thinks should be a goal to get consistent building height.

Tim O’Neill, what is experience with building heights as determined by the top plate and 3 Hyannis areas going to a total ridge height.

Bldg. Commissioner, have seen structures – uses natural grade to ridge height and the most practical approach. This is the most practical approach.

Tim O’Neill, why plate, Barnstable has been dealing with?

Bldg. Commissioner, doesn’t know.

Chair Stephen Robichaud can’t change the natural grade.

Matt Teague, the intent is to still create a half story, could be developed but under a sloped roof. How do you see this?

Bldg. Commissioner, the approach is more enforceable than being taken.

Chair Stephen Robichaud opens public comment.

Bob Schulte in attendance. Former chair of Ad Hoc Committee. Thinks need some additional information. Technically accurate. Half story with roof line looking for 54. Max roof height was previously not considered. Look at 46 full height. Would help to see some sites on Main Street. Fresh Ketch building to see with a 35 or 40 ft. bldg. Need to see what may actually look like on the street. So people can see what it will look like. Help to see these buildings on the street. A lot of people looking at 199 bldg. would like to see that kind of height. Would like to bring heights down even more. Need to see actual diagrams.

Eric Schwaab in attendance. Why not taking up the set backs?

Chair Stephen Robichaud, not part of what Town Council has asked us to look at.

Jim Kupfer, this is not what’s before the Planning Board at this time. Set backs was not included on what Town Council has asked.

Eric Schwaab, complaints are focused on setbacks. Building is so close to the side walk. Suggest some measurement for setback that starts at the curb. People don’t want 55 ft. – talk of 35 ft. Town Council will need guidance for the 35 ft.

Chris Gregory in attendance. Thinks that the problem on Main Street and geared towards tourist visitors. Thinks should have some people living here year round. Worried about the loss of units by reducing the height. Need to have more affordable units in this area. Can put a subsection regarding a 40B. if took recommended height and use as incentive to get people to build what want people to build. There are other people that have comments and things to say besides the same people every meeting.

Chair Stephen Robichaud - set backs, Town Council has asked us to review this building height. Direct to Chris Gregory, we do still have Regulatory Agreements for applicants to apply for development.

Ray Sexton, thanks Mr. Gregory for coming and making comments.

Chair Stephen Robichaud does support housing generation. Many applications have been within the range.

Matt Teague, eliminating the bldg. height to the ridge is the only way to do this.

Tim O'Neill, shares the concern don't want to stifle development/housing.

Michael Mecnas, agrees with the sidewalk in front of 201 Main Street, there is no curb here. Thanks Mr. Gregory for his valid comments. The same people do not represent the entire community.

Chair Stephen Robichaud moves to close the public hearing, seconded by Michael Mecnas,

Roll Call Vote

Mary Barry - aye

Ray Sexton - aye

Matt Teague - aye

Tim O'Neill - aye

Michael Mecnas - aye

Catherine Finkenstaedt - aye

Stephen Robichaud - aye

Jim Kupfer explains. Procedure for moving to Town Council. Tim O'Neill reviews and clarifies. Discussion.

Chair Stephen Robichaud moves to not recommend Zoning Amendment TC item No. 2026-005 as presented and further recommend that Town Council consider the revised ordinance from the Planning Board, Seconded by Ray Sexton,

Roll Call Vote:

Mary Barry - aye

Ray Sexton - aye

Matt Teague - aye

Tim O'Neill - aye

Michael Mecnas - aye

Catherine Finkenstaedt - aye

Stephen Robichaud - aye

General Correspondence

Chapter 91 Notice – 0 & 87 Salten Point Rd., Barnstable Harbor-restoration/protection of existing marsh

Chapter 91 Notice – Town of Barnstable Maintenance and Improvement Dredging - Barnstable Harbor et al

Staff Updates

Matters Not Reasonably Anticipated by the Chair

Approval of Minutes

November 24, 2025, Draft Minutes

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

Roll Call Vote:

Mary Barry - aye

Ray Sexton - aye

Matt Teague - aye

Tim O'Neill – aye

Michael Mecnas - aye

Catherine Finkenstaedt - aye

Stephen Robichaud - aye

Future Meetings: December 22, @ 7:00 p.m. and January 12, 2026

Adjournment

Chair Stephen Robichaud moves to adjourn, seconded by Mary Barry,

Roll Call Vote:

Mary Barry – aye

Ray Sexton - aye

Matt Teague - aye

Tim O’Neill - aye

Michael Mecnas - aye

Catherine Finkenstaedt - aye

Stephen Robichaud - aye

The meeting adjourned at 9:57 p.m.

Respectfully Submitted,

Karen Pina, 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>

APPROVED