



Town of Barnstable Planning Board



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Board Members

Stephen Robichaud, Chair Tim O'Neill, Vice Chair Matthew Teague, Clerk Mary Barry Michael Mecnas Raymond Sexton Catherine Finkenstaedt
Paula Schnepf – 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 November 24, 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&year=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 - None

Scenic Road Application

Thomas and Patricia Butler have submitted a Scenic Road application for 105 Scudder's Lane, Barnstable MA – Map 258 Parcel 014 to remove a portion of historic stone wall and create new curb cuts

Motion made by Chair Stephen Robichaud to open the public hearing, 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

Jim Kupfer explains the application procedure. Chapter 180 of Town Code. Designated by state, a scenic road. Majority vote needed. Criteria is preservation of scenic area/road. No trees in this application. Old King's Highway (OKH) recommendation letter received.

Dan Ojala of Downcape Engineering in attendance and Landscape architect as well.
Dan Ojala explains the proposal, curb cut. Take stones to close the existing. North side of property. All dry fit stones, not mortared. Will look very similar.

Chair Stephen Robichaud, this is very historic area. Two new curb cuts, filling in and maintain the same character?

Dan Ojala, yes, in kind replacement.

Mary Barry, clarifies closing off

Chair Stephen Robichaud asks for any public comment.

Town Councilor Lisa Daluz in attendance, are curb cuts being put in for safety?

Dan Ojala, mainly a better use of the property - Architect, turn around radius will be safer.

Chair Stephen Robichaud closes the public hearing, moved by Tim O'Neill, 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

Chair Stephen Robichaud entertains a motion for the Findings, moved by Ray Sexton - Findings read into record:

As follows;

- 1. The property location 105 Scudder's Lane, Barnstable, is shown on Assessor's Map 258, Parcel 014 in the Residential (RC-2) zoning district.**
- 2. The applicant, Thomas and Patricia Butler, propose to create two new curb cuts and remove portion of an existing stone wall to accommodate a semi-circular driveway located on Scudder's Lane. The applicant also seeks to extend the existing stonewall to close off an existing curb cut.**
- 3. The property is located in the Barnstable Old King's Highway Historic District. The Barnstable Old King's Highway Historic District Committee approved an application for this project on October 22, 2025.**
- 4. The application materials give evidence that the proposal is consistent with the purpose of the Scenic Roads ordinance; to protect historic values, natural resources and environmental systems of this portion of Scudder's Lane in Barnstable - Conditions 1 – 3 referenced to approve,**

Seconded by Mary Barry,

Roll Call Vote:

Mary Barry - aye

Ray Sexton - aye

Matt Teague - aye

Tim O'Neill - aye

Mchael Mecenas - aye

Catherine Finkenstaedt - aye

Stephen Robichaud - aye

Zoning Amendments

TC Item No. 2026-005 – 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, 2025 and October 27, 2025*

The public hearing is still open.

Chair Stephen Robichaud gives update – Revised staff report. Staff Report (SR) dated November 14th.

Jim Kupfer, reviews what staff reported/SR. Eliminate 4th story and moving to 3.5 stories. Practical construction of. – reviews SR. Properly define and calculate building height. Original measured by stories. Numerical building height was asked to be proposed. Did some building heights on Main Street. Numerical 56. Reference to pg. 3 of SR and pg. 4. DMS, DV and DM, proposed building height.

Chair Stephen Robichaud – Ad Hoc pointed out height based on stories. Talked about adding specificity for more manageable expectations. Subsection A definition of Staff Report. Natural mean grade.

Matt Teague, average finished grade. Mounding of site can lead to more.

Chair Stephen Robichaud, Table 3 vs. Table 5. Table 3, DMS dimensional proposing building height. End dimensional standards – number of stories. Table 3, be changed to 3.5 maximum, strike so that just states that. Story height 14 ft. minimum, residential. Take the 56 ft maximum and 14 ft. min, to end up with 49 ft. maximum. This lines up with Table 5.

Review of the information in this table.

Tim O'Neill, footnote, also put 3.5. Minimum and maximum heights.

Jim Kupfer, in terms of residential, aesthetics has come into play.

Matt Teague, explains height from floor, mechanical systems. Most of the multi projects are not built this way anymore.

Tim O'Neill, commercial is typically taller space.

Discussion – predictable results. Residential. Could remove minimal criteria. Proposed edits.

Table 3. DMS dimensional to read building height 49 ft. maximum, eliminate story minimal.

Table 4. Same changes – cross out.

Table 5. Dimensional standards, strike minimum related to minimum story.

Catherine Finkenstaedt, ½ a foot. Concerns about the maximum. Looking at 89 Lewis Bay Rd. We could have buildings that are like this on Main Street. Feels like it should be lower/smaller.

Chair Stephen Robichaud, we are eliminating the 14 ft. We are working off of the existing zoning.

Tim O'Neill, the building on corner of South St. has parapet elevator shaft. Is the 49 to the building ridge or is it to the parapet roof elevator?

Jim Kupfer, the Regulatory Agreement (RA) was from ground elevation to where the fence line was or the shaft, might be in the 40 range.

Matt Teague, 89 Lewis Bay Rd. had allowed the additional, to allow this building height to happen.

Tim O'Neill, before Form Based Code.

Chair Stephen Robichaud gives some examples of buildings in the area. RA for the Greenery - 48.5 to the roof.

Chair Stephen Robichaud asks for any public comment.

Ken Alsman, 460 Old Post Rd., Cotuit in attendance. Thinks the façade is what we should be concerned with. How designed. Concerns with surrounding areas and how development affects. Community. Planning is not zoning.

Lisa Daluz in attendance. Concerns with building heights. How do these four story buildings get built? What's wrong with three feet? We need affordable housing, 10%, that doesn't do much. Concerns with ponds being polluted.

Bob Schulte in attendance, former chair of Ad Hoc Committee. Think this still needs some additional work. Discuss potential changes. Downtown zoning. Public concerns.

Two things: states release of socioeconomic and decline projections – may not need as much market rate housing. Orleans has downtown housing overlay, 2 stories. Suggest 3 stories and 45 ft. in Downtown area. 2.5 for Downtown Neighborhood. 6.5 ft. is nowhere near addressing the citizen's concerns. Needs to be lower, recommend 45 ft. This does not adequately address concerns that Ad Hoc committee recommended.

Bob Shulte – population going down, based on socioeconomic report, UMass provided population projections, based on changes – aging population.

Chair Stephen Robichaud clarifies, main reason is for aging population going down.

Bob Schulte, housing prices going down. Maybe building 3 stories is adequate. Moderate and look at 3 instead of 4. If 3.5, this should have the 8 ft. setback.

Ray Sexton, if fewer people, less demand. Fact is less demand means less housing will be developed. The median sales price of single family home here has declined, lower number now. Gap between asking and selling. What will affect the demand is fewer people looking for places. Reasonable limits. Let developer figure out what meets the standards.

Bob Schulte why enable the 4 stories, think about 3, look for compromise.

Tim O'Neill, comments, Orleans was not a two story – downtown was 3.5 story with a 54 ft. Their downtown zone. Form based code is how the zoning is regulating. Started at 3.5 from Ad Hoc, we are saying need to get away from the story thing, let's talk about ridge height.

Bob Schulte clarified the Orleans district, downtown and their zoning.

Matt Teague, population decline, did Ad Hoc ever discuss about converting existing commercial space? Is that a consideration? Did this ever come up?

Bob Schulte legal would have stated out of our purview.

Eric Schwaab in attendance. Wants the 8 ft. set back. Less height. No more than 3.5 and should transition to 2.5. Ad Hoc Committee negotiated all of this. Planning Board doesn't have to change this. Negotiating against a compromise.

Kristin Terkelson in attendance. Spent nine months working on this, would like three stories. Four stories is too much. This is not a compromise. Consider 3 stories. Bigger sidewalks needed. Set backs. This wasn't discussed. The Cascade building is not walkable in front.

Ken Alsman. Height limit, first floor retail. Most buildings are older.

John Crow, Town Councilor, Precinct 5. He agrees with three stories. Streetscape and trees important. Area where old Cascade building is too close to the road. Think of the streetscape.

Paul Falon in attendance. Concerns with the direction the town is going in. Building materials being used may not look Cape Cod like.

Jeffrey Daluz in attendance. Concerns with zoning for residential and commercial being mixed. Opposed to a proposed development going into a residential area. Concerns with pond and water table. Pleasant Hill Lane. Housing Assistance Corporation (HAC) owns this property.

Eric Schwaab. Concerns with commercial parking. Mixing commercial with residential makes people crazy. Ad Hoc Committee listened. We need to transition.

Tim O'Neill – context of how Planning Board (PB) works. Intent was from an Ad Hoc Committee and had no idea how zoning works. The actual structure, bulk regulations, there are a lot of nuances. The wording has a lot to do with. This came to us as written, was pretty simple. This Board identified a lot of issues with this, there was no definition for a half story. Form based definition. There are so many loop holes and don't want developers to run wild. Have to come to what works. 56 ft. is to the ridge. We are finding the best way to lower the building heights. Max height. Footage calculated. Could have had a 68 ft. building the way it is. We are trying to add and make effective zoning changes.

Chair Stephen Robichaud, there was nothing written down about building height. Trying to focus on this, not based on stories. What could have been under old zoning is massive.

Bob Schulte – the Form Based Code is ludicrous, shouldn't have gotten passed and allowed. Relied on input from Planning & Development. People of the town were objected to what is being built and people have seen. Public wants to bring down at least a full 10 ft.

Ray Sexton, clarifies the Form Based Code was approved by the Town Council. Will tighten the loop holes and try to accomplish what is being asked for.

Tim O'Neill – this is the way as written and came to us from Town Council.

Jim Kupfer, building residential to commercial. Did have an Ad Hoc discussion. Didn't really discuss stories vs. overall building height. What height would make sense.

Discussion regarding height vs. stories. Section 240 – item 3f. Building height.

Kristin Terkelson. Form Based Code where does it originate? Planning Board had it as height.

Ken Alsman. Four story clarification. Set back minimums. Recommend have some drawings done and some visual explanation.

Chair Stephen Robichaud, Table 3, is footnote included where we need it?

Jim Kupfer, diagram on top of table 3, shows that setback.

Chair Stephen Robichaud, if no 4th story would this not be applied. First time discussion on building height. Six members in favor of 3.5. Setbacks. Not in favor of the step back.

Matt Teague, if go to 3.5 have to change the definition of how looks or eliminate the step back. 8 ft. could not do. Support eliminating the step back. Would have to go with the half story.

Mary Barry, Tim O'Neill and Michael Mecnas, in favor of eliminating the set back.

Catherine Finkenstaedt, building next to old Cascade is 49 ft.

Chair Stephen Robichaud, allow Staff to get final. Can find a building around 45 ft., maybe a visual reference.

Discussion step back and heights.

Kyle Pedicini, building next to old Cascade built in 1950.

Chair Stephen Robichaud, visual between 40 and 50 ft. will add for visual aids.

Motion made by Matt Teague to continue Zoning Amendment TC Item No. 2026-005 to December 8th, 2025, 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

5 minute recess taken at 9:16 p.m. return 9:25

TC Item No. 2026-006 – Proposal to Amend the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning to Repeal the Downtown Village District and Amend the Zoning Map to Replace the Downtown Village District with Downtown Neighborhood Zoning District – *continued from September 22, 2025 and October 27, 2025*

Jim Kupfer gives a review of the map, existing and proposed. Maps shown. Colors for each area. Proposed. Downtown Neighborhood (DN) is yellow area.

Proposed. Looking at DV and DN – not Downtown Main Street. Parcels front on North Street. ADU where can do. Hospital area.

Chair Stephen Robichaud, properties on North Street and Main Street should be retained. As to outskirts shift outwards. This is first time public looking at the proposed map.

Mary Barry, thinks more representative, likes the improvements. need public comments.

Ray Sexton, the proposed shows the intent of the transitioning to the outer residential areas.

Matt Teague, would like to hear from the public.

Tim O'Neill, commercial structure of the DV, bulk regulations thinks important, great compromise.

Michael Mecnas and Catherine Finkenstaedt would like to get public comment.

Chair Stephen Robichaud, some properties this will be a big change. Will still have our Regulatory Agreement (RA) that could have.

Bob Schulte, agrees with the mapping. This does address the transitions. Good compromise. Stories would be 2.5?

Jim Kupfer, maximum of 3 stories in the Downtown area. Can only occur with attic space.

Bob Schulte, 2.5 max heights for the DM and 35 ft. for building height. That would make sense for this transition. Pleasant Hill would now fall into Downtown neighborhood.

Chair Stephen Robichaud proposed language does offer 3 story .

Bob Schulte, consider 2.5 and 35 ft. for downtown neighborhood zone.

Kristin Terkelson, agrees with concept of maximum building height.

Matt Teague, on pre existing non conforming building is measured to the highest peak of the wall. If bldg. that is pre existing non conforming, height is applied differently. Not measured to the peak of the roof. It's a different calculation. Only to new construction. Would have to see what Bldg. Commissioner says. 35 ft. to the highest ridge, if a building looks taller if renovated this would apply. 2.5 stories to 35 ft. good transition to a neighborhood.

Chair Stephen Robichaud, if look at the map north of that is our neighborhood zoning – allows a little more density.

Tim O'Neill, comparison to town zoning areas. RB district.

Jim Kupfer, 1 acre zoning here , lot frontage 20 ft. 100 ft. width, 20 setbacks, and 30 ft. max building or 2.5 stories whatever is less.

Discussion regarding a half story and a sloped roof. Different zoning districts and heights.

Jim Kupfer, can get it out that seeking comments, from Town Website and other .

Bob Shulte, clarifies, would like to look at a half story. Parking?

Jim Kupfer, still per unit, whatever the ratio is for RB at that time.

Motion made by Mary Barry to continue TC Item No. 2026 – 006 to December 22, at 7 p.m., seconded by Stephen Robichaud,

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

Staff Updates

Kyle Pedicini, Open Space. Accepting public comment through Wednesday.

Chair Stephen Robichaud did read and went through diagrams and good discussion.

Matters Not Reasonably Anticipated by the Chair

Approval of Minutes

November 10, 2025, Draft Minutes

Chair Stephen Robichaud entertains a motion to approve draft minutes of November 10, 2025, moved by Matt Teague, 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 8, 2025 and December 22, @ 7:00 p.m.

Adjournment

Motion made by Stephen Robichaud to adjourn, seconded by Ray Sexton,

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

The meeting adjourned at 10:00 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>