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CAPE COD
COMMISSION

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Cape Cod Commission Staff Report Development Agreement Review

DATE:	April 7, 2022
PROJECT:	35 Scudder Residential Community (Emblem Hyannis) (Cape Cod Commission File No. 20065)
APPLICANT:	Lennar Multifamily Communities, LLC
PROPERTY:	35 Scudder Avenue, Barnstable, MA 02601
ASSESSOR'S ID:	Map 2819 Parcel 110
SUBCOMMITTEE:	Harold Mitchell (Chair), Fred Chirigotis, John D. Harris, Robert Mascali, David Weeden, and Elizabeth Taylor (Alternate)

This staff memorandum provides project information and Commission staff analysis relative to the Regional Policy Plan (RPP) issue areas of **Housing, Economy, Capital Facilities and Infrastructure, Waste Management, and Cultural Heritage**, and is intended to supplement a staff memorandum on the project dated March 16, 2022.

Development Agreement Review

The subcommittee shall review the proposed development for consistency with the Act, the RPP and the Local Comprehensive Plan (LCP). The subcommittee may recommend and the Commission may approve a development agreement which is inconsistent with the Act or the Regional Policy Plan or a Local Comprehensive Plan if the inconsistency is necessary to enable a substantial segment of the population to secure adequate opportunities for housing, conservation, environmental protection, education, recreation or balanced economic growth and the interests protected by the Act, RPP or LCP can be advanced or protected by an alternate approach, which shall include appropriate mitigation.

Housing

The Housing Goal of the RPP is to promote the production of an adequate supply of ownership and rental housing that is safe, healthy, and attainable for people with different income levels and diverse needs.

The RPP identifies housing affordability and diversity among the most critical challenges facing Cape Cod and emphasizes the development of the year-round housing supply and additional housing stock as methods to address these challenges. Recognizing that housing growth is necessary for the region, the RPP also affirms the need to consider the location of proposed housing, encouraging the use of Placetypes to direct growth to add housing to centers of activity, taking into account the existing infrastructure and built and natural resources present.

Hyannis Community Activity Center

- The Hyannis Community Activity Center provides infrastructure and public facilities able to support higher density residential development. Emblem Hyannis will have walkable connections to Main Street and the surrounding area which enjoys multiple types of businesses and employment opportunities. The development of housing in a Community Activity Center, particularly denser housing with most unit sizes under 1,200 sf, is consistent with the RPP.

Housing Diversity and Choice

- Emblem Hyannis will provide 312 rental housing units through a mix of studio, one, two, and three-bedroom units with a focus on small-scale units of less than 1,200 square feet, with an anticipated unit mix of:

Unit Type	Average SF	Unit Count	% of Mix
Studio	666	30	10%
1 Bedroom (Type A)	738	42	13%
1 Bedroom (Type B)	774	72	23%
2 Bedroom (Type A)	1099	96	31%
2 Bedroom (Type B)	1194	42	13%
3 Bedroom	1434	30	10%

This smaller unit size will provide diversity and choice in the local housing market, consistent with the RPP.

- All building designs will comply with the Massachusetts Accessibility Code (521 CMR 9.00). All ground floor units will be designated as Group 1 Adaptable Units. Five percent of the units on-site will be designated as Group 2A Adaptable Units. A total of 16 handicapped-accessible units will be constructed in Buildings 1, 3, 7, and 9 (4 units each).

- Year-round housing options are limited on Cape Cod due to housing competition from retirees and second-home buyers. Cape Cod's tourist economy and short-term rental market exacerbate a lack of year-round housing options. With Emblem Hyannis, Lennar Multifamily Communities (LMC) proposes to provide year-round rental housing to support the local workforce and local retirees looking to downsize from their homes who wish to stay in the community.
 - Emblem Hyannis will have an on-site property management team and will establish year-round occupancy, with 12 months as a standard lease term, and preclude short-term rentals entirely.
 - Subject to the negotiation of the parties, the Development Agreement can include a limitation on condominium conversions such that the housing remains rental housing.

Housing Affordability

- Emblem Hyannis will reserve 10% of its housing units (31 units) for those with income qualifying at 65% of the Area Median Income (AMI) on-site and distributed evenly throughout the community and unit mix, consistent with the Town's Inclusionary Housing Ordinance. These units will qualify for inclusion in the Department of Housing and Community Development subsidized housing inventory. These units will remain "affordable" (as defined in 760 CMR 45) in perpetuity and the affordable monitoring/marketing agreement will comply with 760 CMR 45 eligibility and selection criteria. The remaining 281 units will be rented at market rate.
- The affordable rental units will be constructed along with the market rate rental units, and will be identical in exterior design, appearance, construction, and quality of materials as the market rate rental units.

Economy

The Economy Goal of the RPP is to promote a sustainable regional economy comprised of a broad range of businesses providing employment opportunities to a diverse workforce.

- The Project will provide year-round housing opportunities that could support the regional workforce.
- Emblem Hyannis will provide short-term local construction employment and full-time, long-term employment upon construction completion. The Project will result in approximately 283 construction-related full-time equivalent positions during construction, and the applicant notes that local contractors and construction workers will be employed where possible, as well as purchase of locally available products and materials as available. Additionally, Emblem Hyannis will hire 10 permanent on-site property management and maintenance staff.
- The Project's location within a Community Activity Center would provide access to many amenities and services, including local businesses in downtown Hyannis, for its residents and may contribute to tax revenue streams of the Town.

Capital Facilities and Infrastructure

The Capital Facilities & Infrastructure Goal of the RPP is to guide the development of capital facilities and infrastructure necessary to meet the region's needs while protecting regional resources.

- LMC has confirmed available water, sewer, and wastewater treatment capacity to serve the Project with the Town Department of Public Works (DPW).
- A new water main, designed to the Hyannis Water Supply Division's specifications, will serve the Project. To support the Project's connection to the sewer collection system, LMC will contribute \$175,000 to upgrade an existing sewer pump station located at 720 Main Street. Wastewater treatment, relative to water quality, will be further discussed at a future hearing to include the Water Resources issue area.

Waste Management

The Waste Management Goal of the RPP is to promote a sustainable solid waste management system for the region that protects public health, safety, and the environment and supports the economy.

- LMC proposes to incorporate building materials that include recycled content and source materials regionally, where feasible. During the construction phase, construction debris management and the separation of building materials will be provided.
- Once constructed, waste disposal and collection of recyclables will be provided through a local commercial waste management firm. Emblem Hyannis will have an on-site recycling program for residents to divert common household recyclables from the waste disposal stream.

Cultural Heritage

The Cultural Heritage Goal of the RPP is to protect and preserve the significant cultural, historic, and archaeological values and resources of Cape Cod.

- Based on Commission staff review of the state's MACRIS database of cultural resources, there are no known historic resources on the Redevelopment Site or its vicinity. Commission staff note that some portions of the property appear to have been undisturbed in recent history and, due to their proximity to wetland resources, may be archaeologically sensitive.
- The Applicant submitted a Project Notification Form (PNF) to Massachusetts Historical Commission (MHC) but MHC did not issue a response within their required timeframe. MHC later issued a letter dated November 10, 2021, confirming they did not respond to the project PNF and that no further review of the Project by MHC was required.

- The Applicant contracted with Heritage Consultants to conduct a Preliminary Archaeological Assessment of the Redevelopment Site. Heritage Consultants performed a desktop analysis and examined historical maps of the area as well as MHC's archaeological database and concluded that the Redevelopment Site has undergone substantial impacts and is not likely to yield intact soil or cultural deposits and is not a significant archeological site. The Subcommittee may consider requiring an agreement that includes a protocol for addressing unexpected archaeological finds if they arise during the construction period.