

# Committee to Review and Assess Zoning and Review the Town's Use of Regulatory Agreements

James H. Crocker Jr. Hearing Room 2<sup>nd</sup> Floor Town Hall Building  
367 Main Street Hyannis, MA 02601

Councilor Jeffrey Mendes  
Councilor Matthew Levesque  
Councilor John Crow  
Councilor Kristen Terkelsen  
Councilor Charles Bloom  
Catherine Ledec  
Bob Schulte Chair  
Ken Alsman

September 06, 2024  
3:30PM

## MEETING MINUTES

Chair of Committee, Bob Schulte, opened the meeting of the Committee to Review and Assess Zoning and Review the Town's Use of Regulatory Agreements.

Chair of Committee, Bob Schulte took Roll Call: Members present: Catherine Ledec; Seth Etienne; Ken Alsman; Councilor Jeffrey Mendes; Councilor John Crow; Councilor Charles Bloom; Councilor Kristen Terkelsen; Bob Schulte, Chair; Absent: Councilor Matthew Levesque.

Chair of the Committee made the following announcement:

**In Accordance with MGL, Chapter 30A, Section 20, I must inquire whether anyone is recording this meeting and if so, to please make your presence known.**

Chair of Committee read into the record the purpose of this Committee:

**PURPOSE:** Work with the Town's Planning & Development staff to review and reassess recently adopted zoning changes, review the Town's use of regulatory agreements, and make recommendations to the Town Council.

Chair of Committee wanted to again thank the public for their interest in the committee and their participation both in person and via the zoom link provided for public comment. He encouraged the public to submit comments either in person or in writing as well, by sending the email to [Cynthia.lovell@town.barnstable.ma.us](mailto:Cynthia.lovell@town.barnstable.ma.us) and put in the subject line AD HOC Zoning Committee, and she will distribute to the members once she receives them.

Chair of Committee addressed some housekeeping items, by thanking the Administrator, and Karen Pina, from Planning and Development for getting the information to the members regarding the Solar Array project at 810 Wakeby Road, in Marstons Mills for the meetings that were held in front of the Planning Board.

Chair of Committee discussed any correspondence from the public, to which there was no new correspondence from the public since the last meeting.

Chair of the Committee asked for any public comment from the individuals joining the meeting today, and wanted to remind the public that the Zoom link goes away once public comment is closed by the Chair, and individuals can view on Xfinity Channel 8 or <https://streaming85.townofbarnstable.us/CablecastPublicSite/?channel=1>

Chair of Committee also mentioned to the public viewing that there was problem with the video portion of today's meeting, so for those watching from home, if the video goes out, the audio will remain on, and you will be able to hear the meeting.

Chair of Committee asked for any public comment from zoom, or from those present today, seeing none on either zoom or in person, the Chair closed public comment.

Chair of committee welcomed Mr. Kupfer, Director, Planning and Development to speak on the updated memo regarding Chapter 168.



## Town of Barnstable

### Planning & Development Department

[www.townofbarnstable.us/planninganddevelopment](http://www.townofbarnstable.us/planninganddevelopment)

July 24, 2024, Updated August 7, 2024, Updated August 23, 2024

To: Committee to Review and Assess Zoning and Regulatory Agreements  
From: Stephen Robichaud, Planning Board Chair  
Jim Kupfer, Director, Planning and Development

#### **Re: Potential Amendments to Chapter 168 Regulatory Agreement Ordinance and Map**

At the July 19, 2024 meeting of the Town Council Ad-Hoc Subcommittee entitled Committee to Review and Assess Zoning and Regulatory Agreements, the Chairman of the Planning Board along with the Planning and Development Interim Director presented an overview of Chapter 168 of the General Ordinance: Regulatory Agreements. In that presentation, the Interim Director provided an overview of the ordinance, how the process has functioned to date, a comprehensive list of regulatory agreements executed, and map amendments that have been made since inception of the district. The presentation led to committee conversation as to ways in which the ordinance and process may be improved. The request at the conclusion of the meeting was for the Chairman and Planning and Development staff to expand on the issues and opportunities discussed.

Subsequently, on July 26<sup>th</sup>, 2024, the Committee reconvened to discuss the matter further as well as on August 16<sup>th</sup> and 23<sup>rd</sup>. Below please find the main topic areas discussed as possible ways to improve the ordinance and recommendations for further discussion. Track changes reflect further edits and updates from July 26<sup>th</sup> and August 23, 2024.

#### **Potential Chapter 168 Policy or Ordinance Amendments**

##### ***Map Amendments***

The Regulatory Agreement District Map was adopted along with the ordinance in 2004. The original district was to match the Growth Incentive Zone. In 2007 two small properties abutting 291 Barnstable Road were added to the district, in what appears to be a clean up to match the Growth Incentive Zone boundary. In 2009, Town Council added properties on and near Centerville Main Street to the Regulatory Agreement District. In 2012, Town Council added 35 Scudder Avenue to the Regulatory Agreement District. Lastly, in 2018, Town Council added 790 Iyannough Road (Former K-Mart Plaza) to the Regulatory Agreement District.

The Committee suggested that these additions may need to be re-evaluated. If ultimately the Committee recommends an amendment to the map to Town Council, Planning and Development can assist Town Council in developing a formal process for map amendment(s) that shall require authorization by the Town Council during a public hearing and notification to the Cape Cod Commission.

**Potential Recommendation to Town Council:** The Committee recommends the Regulatory Agreement District Map be amended by adding or removing certain properties from the Map. **Priority consideration for removal should be given to the Regulatory Agreement District parcels outside of the Growth Incentive Zone.**

### ***Earlier Public Involvement and Final Reporting***

Chapter 168 identifies a process for receipt of a regulatory agreement application, requiring at least two public hearings. The application is to be deemed complete when all materials, draft agreement, and a plan are provided to the Town. The regulatory agreement process, as identified in the ordinance, begins with the Planning Board as the lead negotiator, who may or may not recommend the agreement to Town Council. Both Planning Board and Town Council shall hear the matter during public hearings.

The Committee raised concern about the lack of public notice of new proposed regulatory agreement applications. Staff agreed that the process could use improvement as recent agreements have spent months at Planning Board, only to be immediately turned away at Town Council. Enhanced early engagement with Town Council and the public could improve the process. The Committee may recommend adding language to this effect, either formally through an amendment to the Ordinance, or through policy directed by Town Council to the Planning and Development Department. **The Committee also recommended a template agreement be established, with standard terms, to provide consistency to the agreement negotiation process.**

**Additionally, the Committee suggested a final reporting out process may benefit both the Town Council and the process. Some on the Committee recommended adding a requirement for applicants to be required to provide a formal presentation or report to the Council as a condition of final approvals.**

**Potential Recommendation to Town Council:** **The Committee recommends Staff develop a template regulatory agreement for use by applicants. In addition, the Committee** recommends adding an introductory presentation to Town Council by the applicant at a regularly scheduled meeting of the Council prior to a public hearing being held by the Planning Board. The Town shall provide all applicable materials provided by the applicant on a town project webpage prior to the regularly scheduled meeting of Town Council. **Lastly, and** the Chair of the Planning Board shall provide notice of an application submitted at a regularly scheduled meeting of the Board upon notice of said application. **Lastly, all regulatory agreements shall be conditioned to provide a final report/presentation to Town Council prior to final approvals.** This recommendation may be by ordinance amendment or policy by Town Council.

### ***Defined Public Benefit***

The Committee reviewed the “public benefits” as identified in the ordinance which include contributions to, Town infrastructure, public capital facilities, land dedication and/ or preservation, affordable housing, either on or off-site, employment opportunities, community facilities, recreational facilities, alternative mass transportation and/or any other benefit intended to serve the proposed development, municipality or county, including site design standards, to ensure preservation of community character and natural resources. The Committee has asked for any suggested additions to this list of potential contributions. After further consideration we believe the list is fairly comprehensive in broad strokes. If the Committee were to consider a change to the procedural process, a recommendation may be to request Town Council offer more defined suggested public benefits, perhaps in their annual Strategic Plan, to offer proactive guidance to applicants and the Planning Board.

**Potential Recommendation to Town Council:** The Committee recommends Town Council consider adding a section to their annual Strategic Plan or other applicable guiding document, outlining certain current public benefit priorities in the district and update these priorities annually.

### ***Enforcement***

The Committee discussed enforcement measures available to the Town when a Regulatory Agreement is not adhered to. The Committee heard from the Building Commissioner and Assistant Town Attorney. As was explained, regulatory agreements are contracts and not zoning decisions. The agreements are enforced through local review of a team made up of Building, DPW, and Planning but any refusal of compliance is directed to “a Massachusetts court of competent jurisdiction” as a legal matter per the ordinance. In order to limit noncompliance, the committee suggested inserting performance bonds **and/or conservation bonds** with strict

limitations on access to the bond until such time as the agreement is completed in full, **such as minimum hold backs**. The Town has experience with performance bonds in other permitting processes and could facilitate this as standard practice. If the Committee would like to recommend to Town Council that they may wish to consider instituting this process, they may do so in the form of a policy or a formal amendment to the ordinance.

**The Committee also discussed the need to clearly articulate to an applicant that certain conditions are required to be adhered to for the life of the agreement, which may well be in perpetuity. The Committee recommended language be added to the ordinance to reflect that certain conditions shall extend beyond the 10-year time frame to complete an agreement. Furthermore, the Committee recommended included language in the ordinance that if ownership of the agreement was to transfer, that the Town Council would be notified.**

Additionally, the Committee suggested the Town investigate whether dedicated enforcement officers may improve compliance and may be utilized for enforcement beyond just regulatory agreements. The Committee suggested that if officers are considered, they may need to be staggered in hours and geography, so compliance is enforced in off hours and across Town.

**Potential Recommendation to Town Council:** The Committee recommends a formal policy or an amendment to the ordinance under subsection 168-11 Enforcement, that a performance guaranty through bond or other measure shall be required for a certain value as defined in the agreement and not released until full completion of the agreement. **In addition, the Committee recommends amending 168-9B to add language regarding explicit enhanced timeframes for certain conditions and change of ownership.** The Committee also recommends the Council direct the Town to explore adding additional enforcement officers for regulatory and zoning compliance.

Chair thanked Mr. Kupfer for his memo, and the fact that he captured the Chairs thoughts. Chair of Committee asked Assistant Town Attorney, Kate Connolly, about the document that she had asked to be sent to the members regarding off street parking, and if she would like to comment further on it. Assistant Town Attorney, Kate Connolly

9/6/24, 9:00 AM

Town of Barnstable, MA Purpose.

Town of Barnstable, MA  
Friday, September 6, 2024

## Chapter 240. Zoning

### Article VI. Off-Street Parking Regulations

#### § 240-48. Purpose.

It is the purpose of this article that all new, expanded or intensified uses within the Town provide adequate off-street parking.

#### § 240-49. Applicability.

No use shall be intensified, except for single-family detached dwellings, without providing adequate off-street parking as provided herein.

#### § 240-50. Computation.

Existing parking spaces may be counted to meet the minimum off-street parking requirements for an intensified use only if it can be demonstrated that they are not used as of right by existing uses and are exclusively available as of right for said proposed intensification.

#### § 240-51. Location of parking spaces.

[Amended 11-15-2001 by Order No. 2002-029; 7-21-2016 by Order No. 2016-166]

- A. All off-street parking spaces required by this article shall be located on the same lot as the use for which such spaces are required, except that in nonresidential districts, parking spaces may be located on another lot within 300 feet of, and in the same zoning district as, the use for which such spaces are required.
- B. Parking facilities, including those governed by § 240-24.1.11. The site development standards in §§ 240-24.1.11A(4)(d) and 240-24.1.10, Hyannis Parking Overlay District, may operate parking lots in other locations and propose shuttle service to transport patrons from these remote lots to their desired destination. Such proposals shall be subject to site plan review.

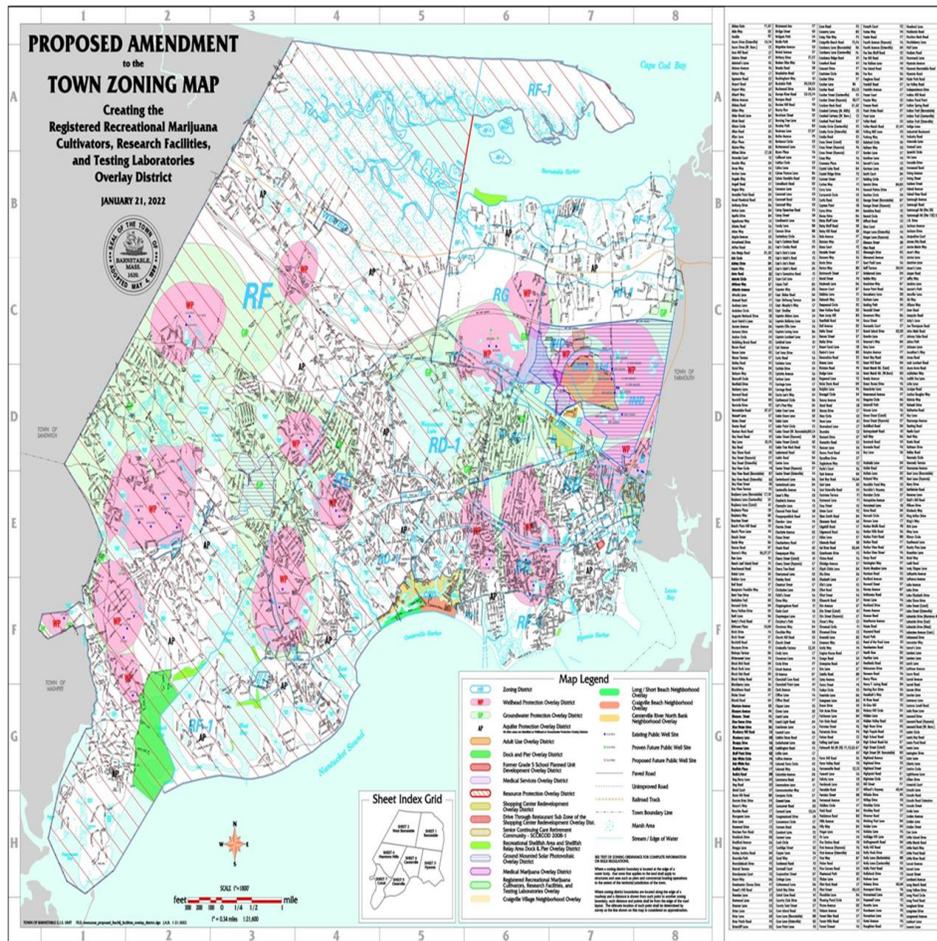
#### § 240-52. Design and screening standards.

[Amended 3-11-1999 by Order No. 99-056]

- A. Each off-street parking space shall have minimum dimensions of nine feet by 20 feet excluding the driveway to such space.
- B. Drainage facilities for each parking area shall be designed and constructed to contain stormwater runoff on the premises.

Assistant Attorney Connolly explained the reason for sending this document was based on the court case in Osterville, that was mentioned at a previous meeting, what the Town of Barnstable has is a Board of Health regulation which is why the court found it invalid, this should be in a zoning ordinance, and not a Board of Health regulation, because it is a land use. Assistant town Attorney explained that the court pointed out we have other regulations in the zoning ordinance that addresses some issues on parking, that is where this needs to be. Chair thanked the Assistant Town Attorney for the information, but he mentioned the parking with ADU's (Accessory Dwelling Units) and if that was addressed anywhere in Chapter 240. Assistant Town Attorney said there were other provisions within Chapter 240 that addresses certain parking regulations according to buildings, and landscaping, etc. Assistant Town Attorney will forward the additional information to the Administrator to forward to each of the committee members.

Chair of Committee asked Mr. Kupfer to address Item D which is an Overview and Discussion of Exempt Uses (§ 240-8). Mr. Kupfer explained the following slides:



§ 240-8 Exempt uses.

[Amended 10-7-1999 by Order No. 99-160A]

**A.** The following uses and structures are permitted in all zoning districts:

**(1)** Municipal and water supply uses.

**(2)** Municipal recreation use, including recreational activities conducted on Town-owned land under the terms of a lease approved by Town Council. In the case of such a lease, any improvements or changes to such Town-owned land shall be subject to the review of a committee

of five residents appointed by the Town Manager or Town Council, at least two of whom shall be from the precinct in which the land is located.

Mr. Kupfer explained the next section of slides:

**(3)** The use of land or structures exempt from the use provisions of this chapter pursuant to MGL Ch. 40A, § 3, and any other statute.

**(a)** Where such exempt uses are subject to reasonable regulation of bulk, density and parking regulations by MGL Ch. 40A, § 3, reasonable regulation shall be deemed to be: the bulk regulations of the zoning district, except that church steeples may be permitted up to 75 feet in height; Article **VI**, Off-Street Parking Regulations; and Article **IX**, Site Plan Review.

**(b)** Where the proposed use does not comply with Subsection **A(3)(a)** above, the Zoning Board of Appeals shall by a modification permit, modify the bulk regulations of the zoning district and/or the parking requirements of Article **VI**, Off-Street Parking Regulations, where such regulation would substantially diminish or detract from the usefulness of a proposed development, or impair the character of the development so as to affect its intended use, provided that the modification of the bulk regulations and/or parking requirements will not create a public safety hazard along the adjacent roadways and will not create a nuisance to other, surrounding properties such that it will impair the use of these properties.

**(c)** A modification permit shall be subject to the same procedural requirements as a special permit, except that approval of the modification permit shall require a majority of the members of the Board.

Next section on the explanation:

**(4)** Agriculture, horticulture, viticulture, aquaculture and/or floriculture on a parcel of land five acres or less in size shall be permitted subject to the following requirements in residential districts:

**(a)** Seasonal garden stands for the sale of seasonal fruits, flowers and vegetables shall be permitted, only for the sale of produce grown on the premises.

**(b)** No person shall be employed on the premises.

**(c)** No more than one temporary, on-premises sign may be erected, not to exceed two square feet, to be removed during the off season.

**B.** Any structure for agricultural, horticulture, viticulture, aquaculture and/or floriculture use shall conform to the setbacks of the zoning district, or a minimum of 25 feet, whichever is greater, except that the keeping of horses in a residential district shall be in compliance with the requirements of that zoning district.

Committee member Catherine Ledec had some concerns that there are not more detailed requirements that municipal uses need to follow, in her opinion land use if nor properly managed can lead to health issues. Storm water needs to be handled correctly, landscaping needs to be correct in the area, surface cover of landscaping, Ms. Ledec is not being critical, it is something she sees through the eyes of a resident, and we should be setting an example for others to follow, and the document that is before he, is not addressing those concerns, she is not saying we as a Town are not managing it correctly, but where in this document does it address those concerns, those are some of the thoughts she had.

Mr. Kupfer stated that there are other mandates that are required by the state, that a project must follow, there are MS4 permits, and DEP requirements as well that outlines your concerns.

Mr. Alsmen asked if this applied to Fire Stations as well? Mr. Kupfer stated it's a great question, however the Fire District are a private entity and not part of the municipality. The Building Commissioner would make that determination. The reasoning behind his question is partly from individuals that are from Cotuit, that watch this committee meeting from home, and they have asked me to do something about the 5 bay fire station they want to locate on a residential street, which most of us consider the central area of Cotuit, it seems as if it is going to overpower this tiny area. Mr. Kupfer would be happy to set up a meeting with the building Commissioner to discuss the plans, to see if there is anything that can be done, Mr. Kupfer said he has not seen any conceptual plans for the fire station, it does still need to go through site plan review, and typically, this is where adjustments and public input would be necessary. Councilor Mendes suggested the discussion starts with the Fire District in Cotuit, the Fire Chief, and the fire district meetings when this is brought up for discussion.

Chair of Committee said that the members could ask this question to Mr. Florence at the next meeting, he is going to be attending.

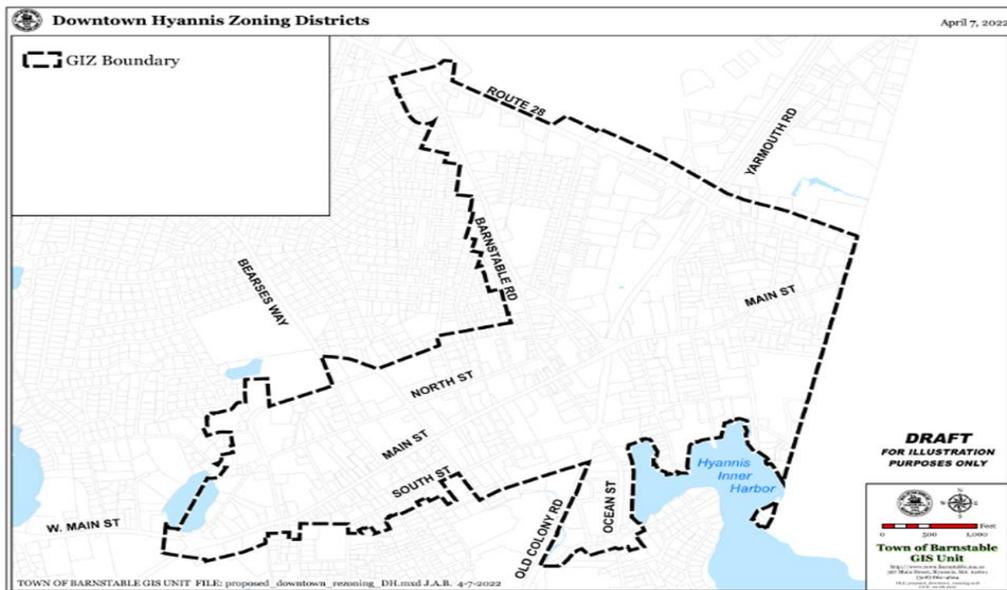
Councilor Terkelsen asked if Mr. Kupfer had any examples of *A. (2) Municipal recreation use, including recreational activities conducted on Town-owned land under the terms of a lease approved by Town Council. In the case of such a lease, any improvements or changes to such Town-owned land shall be subject to the review of a committee*

Mr. Kupfer answered he does not, however he believes this was added for a specific project and will do some internal searches to find out why and get back to the Committee. It was in 1999 when this came to him.

Ms. Ledec had some concerns about the schools and the land surrounding the schools, and if the town is not using good land practices, but we are teaching the kids about good stewards of the land, it is not a great example to show them, if the town isn't doing it, then why should they, we need to show them by example, and she believes it's a missed opportunity, she is not saying its not being done, however its not written down anywhere here.

Councilor Mendes mentioned that for years the school ground maintenance has been an issue, for many years, but don't underestimate the amount of help needed to accomplish this, and the school does not have the support it needs to maintain the facilities and hasn't for a number of years.

Chair of Committee introduced the next item of discussion which is the *Form Based Code Primer & Introduction of Discussion of Downtown Hyannis Zoning Districts (§ 240-24.1.1) and related sections Establishment of districts (§ 240-5) and Zoning Map (§ 240-6)*. Mr. Kupfer introduced the following slides:

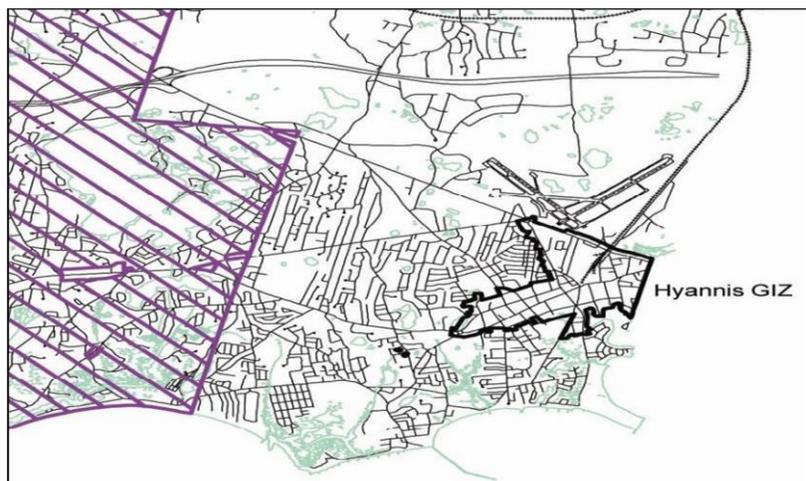


## Purpose & Objective

- Promote mixed use and multi-family housing development in the Downtown Hyannis area
  - Protect historic and maritime character
  - Improve urban fabric of downtown Hyannis in a manner consistent with historic character and traditional development patterns
- **Comprehensive Revision to Downtown Hyannis Zoning Districts: Supporting Plans**
    - 2018 Downtown Hyannis Growth Incentive Zone Strategic Plan
    - 2016 Housing Production Plan
    - Town Council Strategic Plan
    - Local Comprehensive Plan
  - **Housing Production Plan (2016)**
    - Address local housing needs
    - Create year-round rental units for residents
    - Provide diverse housing options in Villages
    - Encourage village-scale mixed-use and multi-unit development and re-development in village centers
    - Allow increased density for mixed use, multi-unit development in Hyannis GIZ
    - Amend zoning to achieve housing goals
  - **Town Council Strategic Plan**
    - “New growth opportunities from the redevelopment of underperforming parcels” &
    - “Identify & encourage redevelopment of underutilized and/or blighted properties”
    - “emphasize environmental protection while ensuring economic development as articulated in the Regional Policy Plan”
    - “Efficient, customer-friendly, predictable regulatory process”

### Hyannis Growth Incentive Zone (GIZ)

- Direct new investment into areas with infrastructure and concentrated community activity and away from open spaces and areas with critical natural resource value
- Established long-term planning and revitalization goals for Downtown Hyannis: it is a sustained, long-term, iterative commitment to Downtown



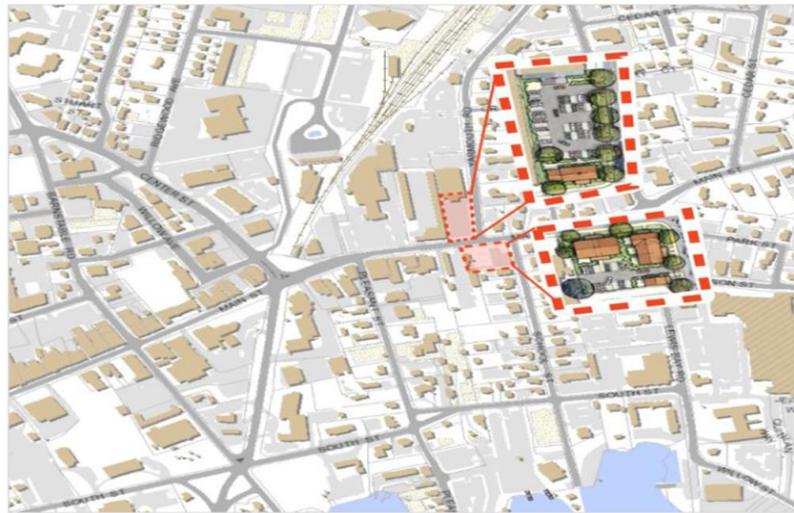
## Downtown Hyannis

- Revitalization through housing: new residents support local businesses and institutions
- Streamlined permitting process is an incentive for property owners to invest in redevelopment & infill opportunities

### Infill Underutilized Lots

There are several locations in the East End where parking lots on the street create “missing teeth” in the urban fabric

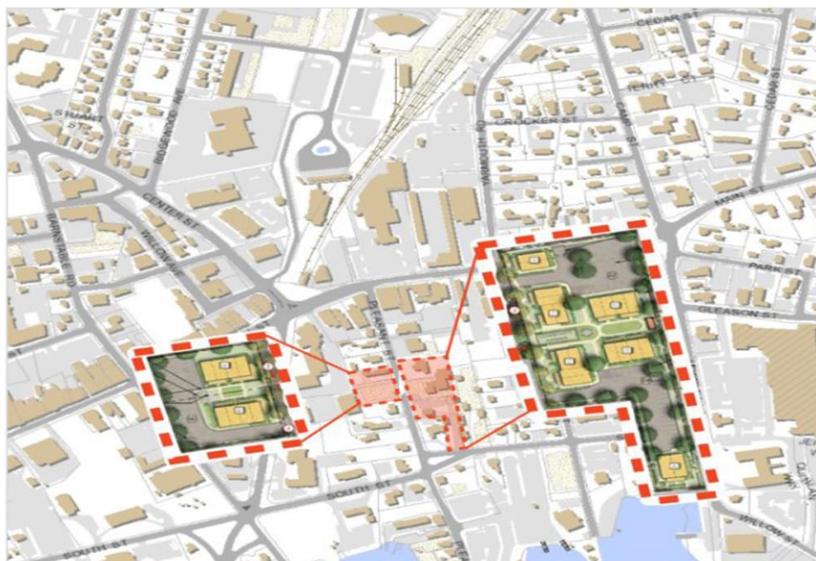
While parking serves an important need for the area, in some cases it may not be the highest and best use, or could be made more efficient



### Redevelop Underutilized Properties

New buildings can reinforce historic patterns and enhance pedestrian experience

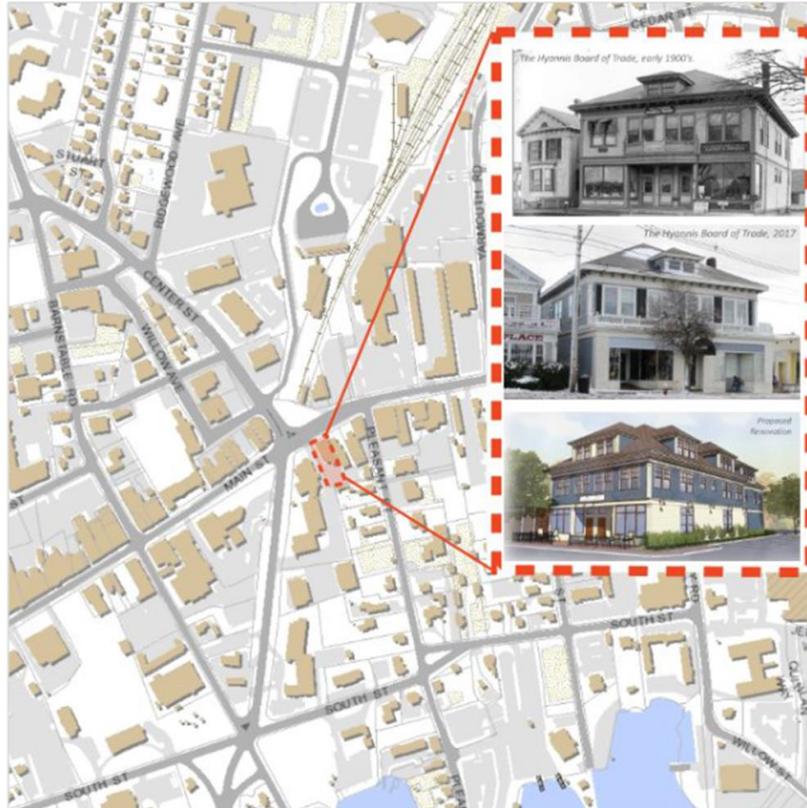
New spaces add amenities and create neighborhood within the neighborhood



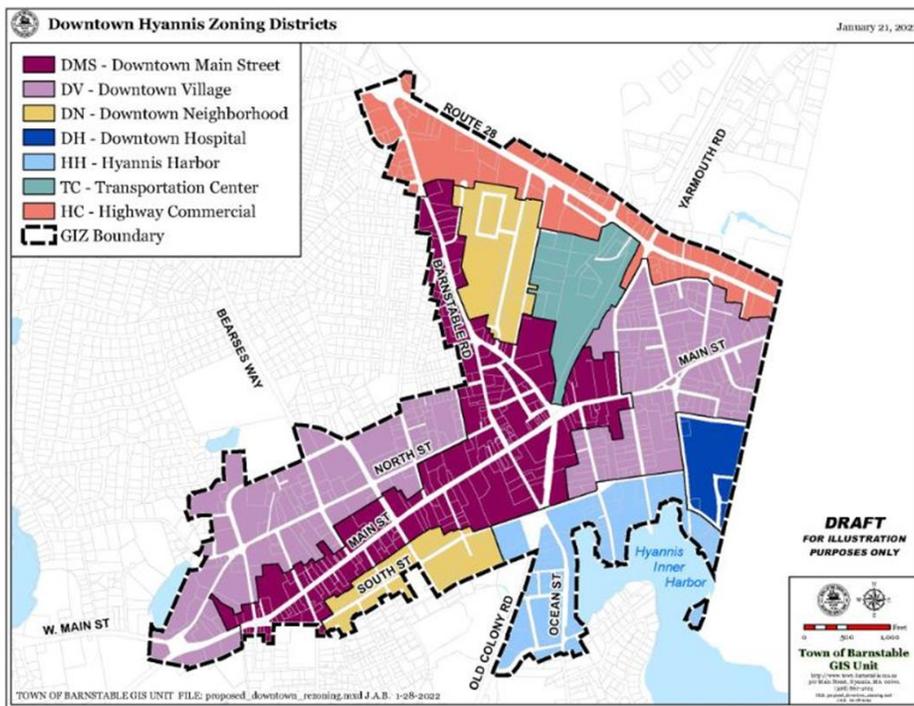
# Retrofit Existing Structures

“Top of Shop” housing

Converting underutilized buildings (formerly office) into housing



# 7 New Zoning Districts



**Form-Based Districts (2)**  
Downtown Main Street  
Downtown Village

**“Hybrid” Zoning Districts (5)**  
Downtown Neighborhood  
Downtown Hospital  
Hyannis Harbor  
Transportation Center  
Highway Commercial

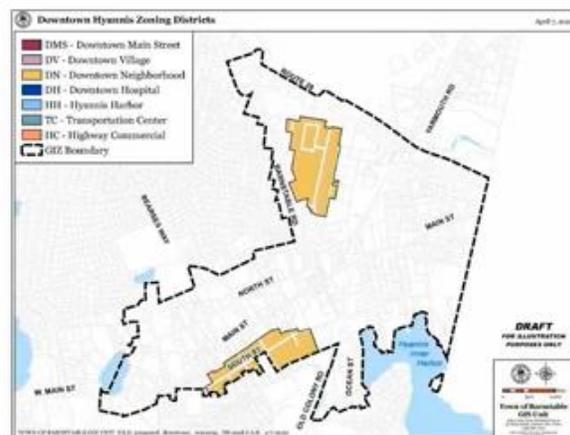
## Ordinance Organization

<b>Section 1:</b>	<i>Name</i>
<b>Section 2:</b>	<i>Title</i>
<b>Section 3:</b>	<i>General Provisions</i>
<b>Section 4:</b>	<i>Definitions</i>
<b>Section 5:</b>	<i>Standards for all Districts</i>
<b>Sections 6-12:</b>	<i>Standards for each of the (7) Specific Districts</i>
<b>Section 13:</b>	<i>Tables</i>

## “Hybrid” Zoning District

### Downtown Neighborhood District

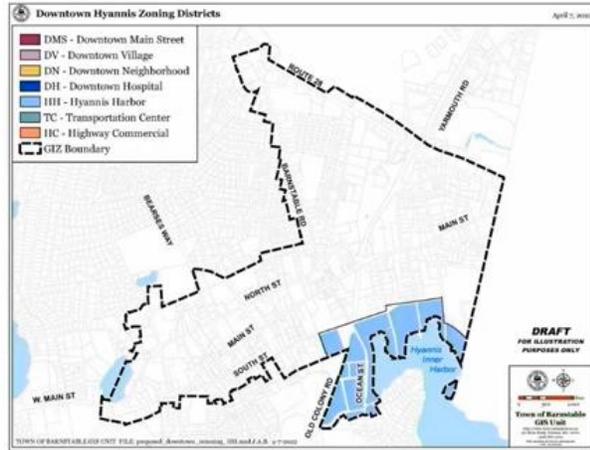
Promotes traditional uses and form of neighborhoods adjacent to downtown and is characterized by 19th and 20th century detached and semi-detached residential building types



# “Hybrid” Zoning District

## Hyannis Harbor

To maintain an area in close proximity to Hyannis Inner Harbor for maritime activities and water-related uses, and is characterized by a mix of commercial, maritime industrial, and residential development and the presence of the commercial ferry services



# “Hybrid” Zoning District

## Highway Commercial

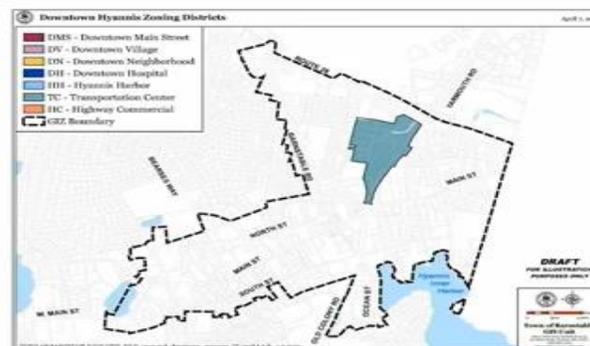
To maintain an area for larger-scale commercial land uses, with private parking appropriately screened, on a regional roadway and promote in the long-term transformation of the area into a cohesive gateway corridor into Hyannis. The area is characterized by detached low- and mid-rise commercial structures.



# “Hybrid” Zoning District

## Transportation Center

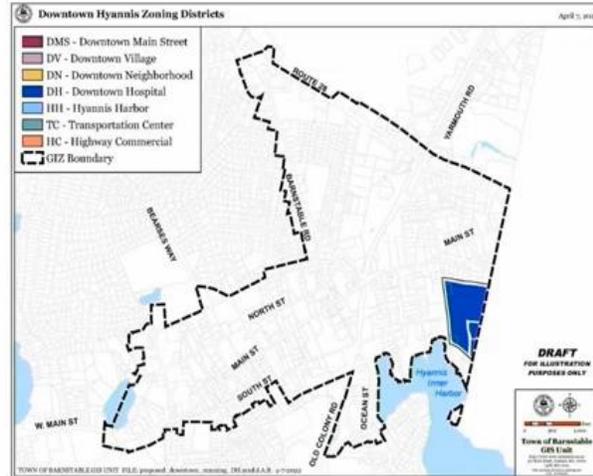
To accommodate transportation related-uses serving the downtown, harbor and the region and is characterized by functional buildings and parking areas screened and not highly visible from surrounding roadways.



# “Hybrid” Zoning District

## Downtown Hospital

To maintain an area of Hyannis for a large-scale Health Care Services institution and is characterized by moderate to large floor plate, multi-story buildings arranged in a campus-like setting, with clear pedestrian and vehicular connections to downtown and the region.



# Form-Based Districts

## Downtown Main Street District

To promote the continuation of a walkable, pedestrian-oriented downtown environment with continuous active streetscape. Development is characterized by mid-rise mixed-use buildings, continuous street walls and variety of materials with parking visually minimized. Land uses are mixed residential and active commercial, including retail, restaurant, office, hospitality, cultural and institutional.



# Challenges to Improve Streetscape

- Auto-dominant uses and underutilized parcels produce undesirable streetscape with large setbacks and large surface parking lots

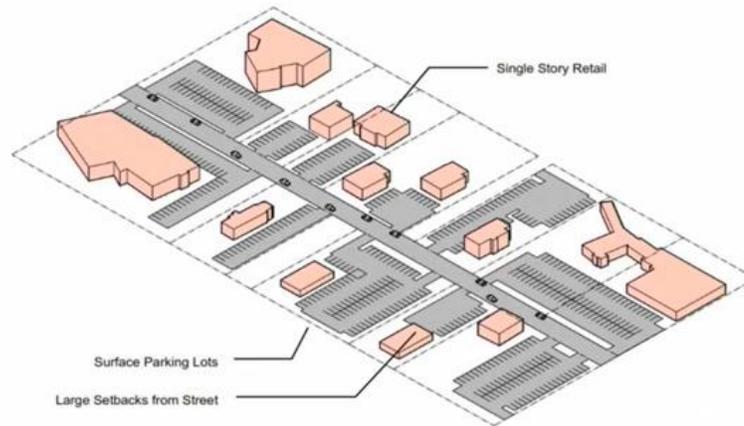


# Challenges to Improve Blighted Properties

- Directs new investment into areas with infrastructure and concentrated community activity and away from open spaces and areas with critical natural resource value
- Dwelling units allowed as of right as opposed to units/acre
- Smaller units and right-sized parking promotes housing affordability
- Benefits of a walkable environment



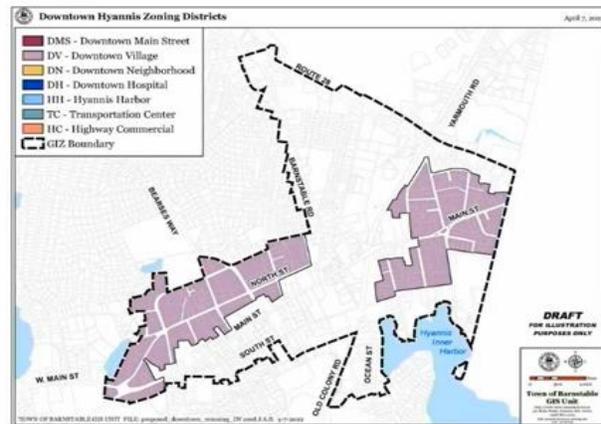
## Existing



## Form-Based Districts

### Downtown Village District

To promote mixed land uses that support the downtown core and reestablish or preserve traditional neighborhood forms and pedestrian orientation. Development is characterized by mid-rise single-use buildings and detached and semi-detached residential buildings.

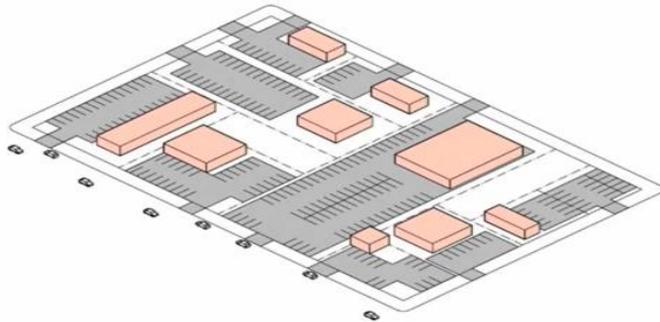


## What Does the Proposed Zoning Do?

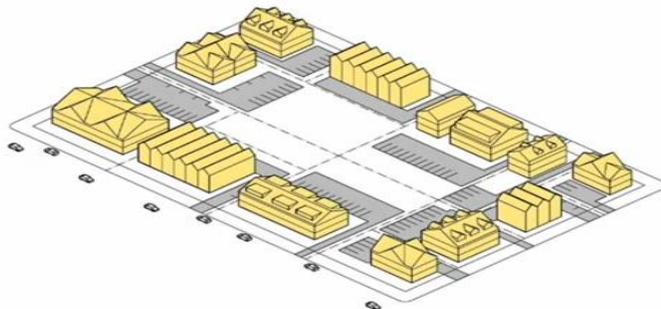
- Predictable Form + Enhanced Character
- Supports Increased Housing Production
- Greens the Urban Environment
- Emphasizes Place over Parking
- User Friendly Ordinance

Chair of Committee asked that Mr. Kupfer review the following:

### Existing



### Potential

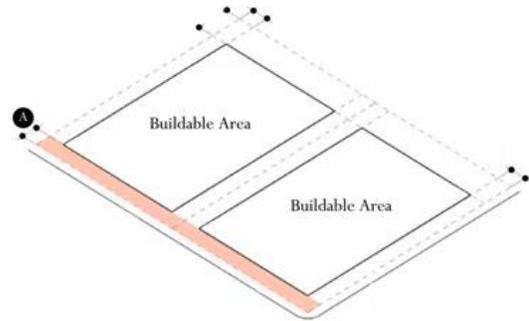


Mr. Kupfer wanted to mention these are just conceptual for description only.

## Predictable Form + Enhanced Character

### Lot Standards

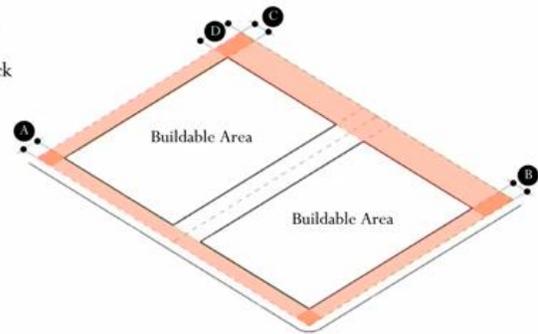
- Ⓐ Min/Max Primary Front Setback



## Predictable Form + Enhanced Character

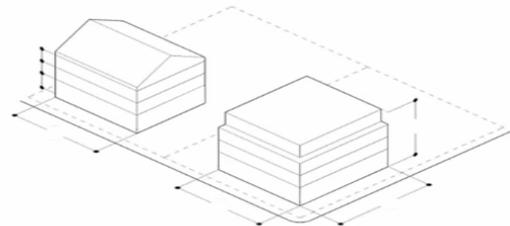
### Lot Standards

- Ⓐ Min/Max Primary Front Setback
- Ⓑ Min/Max Secondary Front Setback
- Ⓒ Side Setback
- Ⓓ Rear Setback



## Predictable Form + Enhanced Character

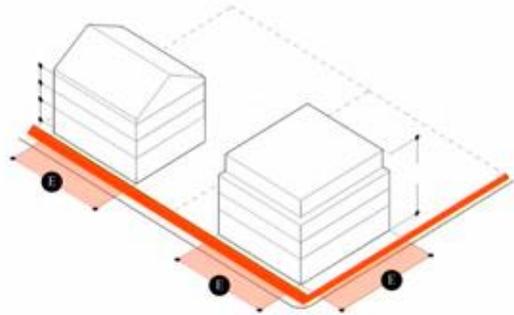
### Building Standards



## Predictable Form + Enhanced Character

### Building Standards

**E** Facade Build-out (min)

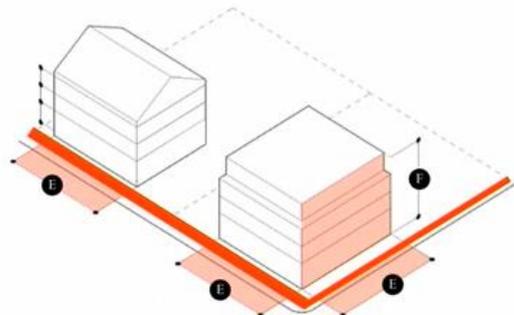


## Predictable Form + Enhanced Character

### Building Standards

**E** Facade Build-out (min)

**F** Number of Stories



## Predictable Form + Enhanced Character

### Building Standards: Upper Story Step Back

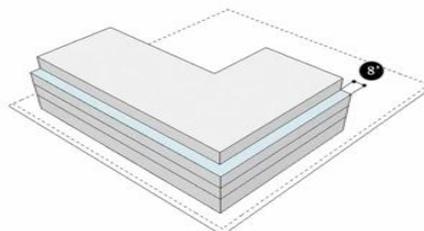
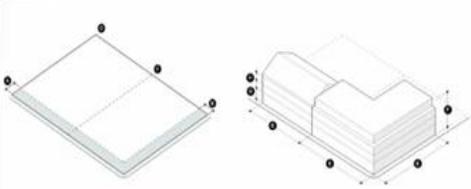


Table 3. DMS Dimensional Standards



LOT		BUILDING FORM	
Lot Width	30' min	E - Building Width	180' max
Lot Coverage	100% max	F - Number of Stories	3.5 or 4 max <sup>1</sup>
Façade Build Out (min)	--	G - Ground Story Height	--
Primary Frontage	80% min	Commercial	14' min
Secondary Frontage	40% min	Residential	10' min
<b>SETBACKS - PRINCIPAL BUILDINGS</b>		H - Upper Story Height	10' min
A - Primary Front Setback	0' min 15' max	<b>BUILDING FEATURES</b>	
B - Secondary Front Setback	0' min 15' max	Ground Story Fenestration	--
C - Side Setback	0' min	Primary Frontage	60% min
D - Rear Setback	0' min	Secondary Frontage	15% min
		Upper Story Fenestration	15% min
		Blank Wall	20' max
		Commercial Space Depth	20' min

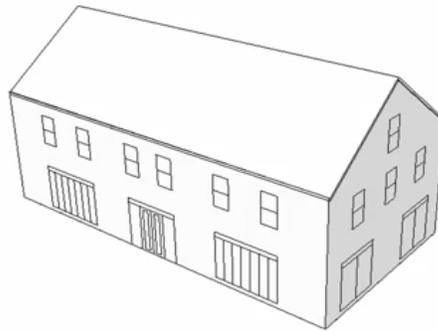


Committee to Review and Advise on the Use of Regulatory Agreements

the Town's Use of Regulatory Agreements - September 6, 2024

## Predictable Form + Enhanced Character

### Building Components



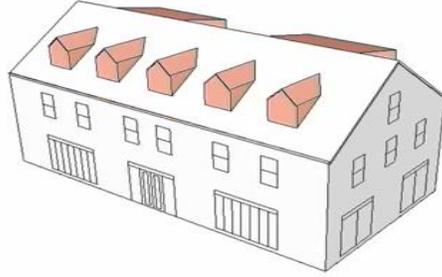
## Predictable Form + Enhanced Character

### Cross Gable



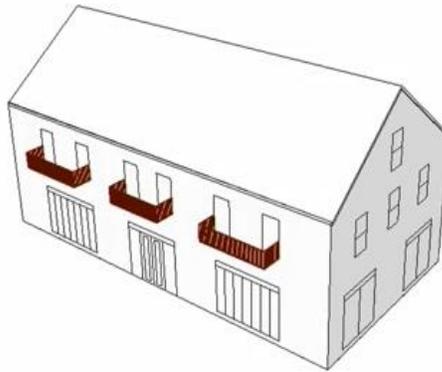
## Predictable Form + Enhanced Character

Dormers



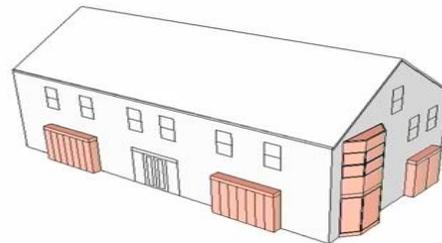
## Predictable Form + Enhanced Character

Balconies



## Predictable Form + Enhanced Character

Bay or Oriel Window



## Predictable Form + Enhanced Character

### Frontage Types



Entry Plaza



Front Garden



Front Porch



Dooryard Stoop

## Predictable Form + Enhanced Character

### Frontage Types



Storefront



Dining Patio



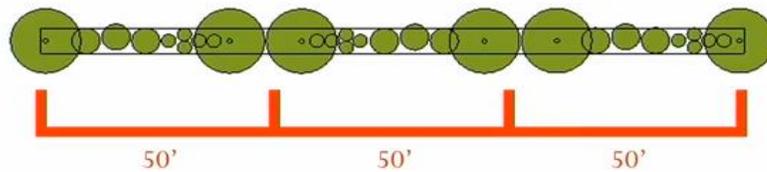
Gallery



Common Lobby

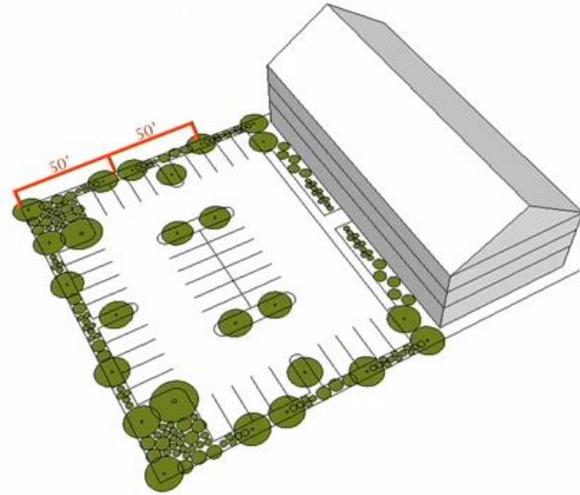
## Greens the Urban Environment

### Enhanced Landscape Requirements



# Greens the Urban Environment

## Enhanced Landscape Requirements



## Emphasizes Place Over Parking

- Minimum parking standards
- Incorporates provisions to reduce parking requirement for shared-uses

Use Category	DMS	DV	DN	DH	HH	TC	IC	On Site Shared Parking Adjustment <sup>1</sup>
Commercial Services (per 1,000 sf)	0	4	N/A	4	4	4	4	Subtract 80% of any spaces provided for any Residential uses on the same lot from the total required for all uses
Cultural Services (per 1,000 sf)	0	4	4	4	N/A	4	4	Subtract 20% of any spaces provided for any Residential uses on the same lot from the total required for all uses
Food & Beverage Services (per 1,000 sf)	0	4	N/A	4	4	4	4	--
Hospital (per 3 beds)	N/A	N/A	N/A	1	N/A	N/A	N/A	--
Office (per 1,000 sf)	3	3	3	3	3	3	3	Subtract 80% of any spaces provided for any Residential uses on the same lot from the total required for all uses
Residential or Artist Live/Work (per DU)	1	1	1	N/A	1	1	N/A	--
Retail Sales (per 1,000 sf)	0	4	N/A	4	4	4	4	Subtract 20% of any spaces provided for any Residential uses on the same lot from the total required for all uses
Visitor Accommodations (per room)	1.25	1.25	1.25	N/A	1.25	N/A	1.25	--

## User Friendly Ordinance

### Zoning Summary Tables

	DMS	DV	DN	DH	HH	TC	IC
<b>A. Lot</b>							
Lot Width	50' min	50' min	20' min	50' min	20' min	50' min	50' min
Lot Coverage	100% max	80% max	50% max	100% max	90% max	60% max	80% max
Facade Build Out	--	--	--	--	--	--	--
Primary Frontage	80% min	80% min	--	--	--	--	--
Secondary Frontage	40% min	--	--	--	--	--	--
<b>B. Setbacks - Principal Building</b>							
Primary Front Setback	1' min 15' max	0' min 15' max	10' min 20' max	20' min	20' min	20' min	40' max
Lawn/Planting Buffer 20'	--	--	--	--	--	20' min	20' min
Secondary Front Setback	0' min	0' min	10' min	20' min	20' min	20' min	20' min
Side Setback	0' min	0' min	10' min	10' min	10' min	10' min	10' min
Rear Setback	0' min	0' min	20' min	10' min	10' min	10' min	10' min
<b>C. Setbacks - Outbuilding</b>							
Primary Front Setback	--	--	40' min	--	--	--	--
Secondary Front Setback	--	--	--	--	--	--	--
Side Setback	--	--	3' min	--	--	--	--
Rear Setback	--	--	3' min	--	--	--	--
<b>D. Building Form</b>							
Building Width	180' max	120' max	--	--	--	--	--
Number of Stories	--	--	--	--	--	--	--
Principal Building	3.5 or 4 max	3.5 or 4 max	3 max	6 max	2.5 max	3 max	3 max
Outbuilding	--	--	--	--	--	--	--
Ground Storey Height	--	--	10' min	--	--	--	--
Commercial	14' min	14' min	--	--	--	--	--
Residential	10' min	10' min	--	--	--	--	--
Upper Storey Height	10' min	10' min	10' min	--	--	--	--
Building Height	--	--	65' max	55' max	40' max	40' max	40' max
<b>E. Building Features</b>							
Ground Storey Finestration	--	--	--	--	--	--	--
Primary Frontage	60% min	10% min	--	--	--	--	--
Secondary Frontage	15% min	15% min	--	--	--	--	--
Upper Storey Finestration	15% min	15% min	--	--	--	--	--
Blank Wall	20' max	20' max	--	--	--	--	--
Commercial Space Depth	20' min	20' min	--	--	--	--	--

<b>Permitted</b>						
Project has come before the Town's Site Plan Review Committee and has been approved to proceed and, as applicable, project has been granted zoning relief						
	Total Units	Total Affordable Units	50 % AMI	65 % AMI	80% AMI	100% AMI
Dockside						
110 School Street	54	5	-	5	-	-
28 Barnstable Road	4	-	-	-	-	-
307 Main Street	120	30	-	-	30	-
11 Potter Avenue	5	-	-	-	-	-
53 Camp Street	5	-	-	-	-	-
19 & 29 Bearse Road	8	-	-	-	-	-
473 Main Street (Phase 1)	20	2	-	2	-	-
50 Main Street	10	1	-	1	-	-
201 Main Street	95	10	-	10	-	-
310 Barnstable Road	30	3	-	3	-	-
442 Main Street	5	-	-	-	-	-
Sea Captains Row Phase 2 24, 28, 43, 44, 53, 56, 64 and 66 Pleasant Street and 86 South Street	14	2	2	-	-	-
68 Yarmouth Road	8	-	-	-	-	-
<b>TOTAL</b>	<b>378</b>	<b>53</b>	<b>2</b>	<b>21</b>	<b>30</b>	<b>0</b>



2022-144 Downtown  
Hyannis Zoning Distri

Councilor Bloom thanked Mr. Kupfer for his presentation but said he still does not understand the parking zoning, it just does not work for him. He has reservations about bringing everything to the street, and then you have 4 stories in Barnstable Road, so in 10 years or more is this area going to be a city. Is there going to be design added or more plantings, or something that makes the area look better, and not city looking, he believes there needs to be more planning.

Mr. Alsman mentioned he sees this as a positive to build things in a very difficult area. If you take this very cumbersome document, and break it down and really read it, it makes sense to developers as to what can be built and in what areas. He too agrees with Councilor Bloom about the parking, but it's a mixed-use area, and we need to figure out shared parking, or something along those lines in a positive way. We need to figure out the parking, or the surrounding districts will suffer from it, but believes it is a great start.

Councilor Mendes agrees with Mr. Alsman and is glad he is on this Committee because he has experience in this area. Councilor Mendes agrees that parking is going to be the biggest issue. He likes the idea of bringing things to the street, because if anyone can remember before Barnstable Road became so commercialized, everything was to the street. This is more Hyannis classic than what it is now. There is a lot of work to still be done, but we are slowly getting there. I like the form-base code, he voted for it, does it need work, yes, but it's a start.

Councilor Crow would like to see different roof lines being built, so there is difference than the standard box. He believes the square box can be designed with more architecture, possibly different siding.

Mr. Etienne asked how Mr. Kupfer arrived at the number for affordable housing as well as the number of parking. Mr. Kupfer answered we have inclusionary housing ordinance, which is separate from the downtown zoning ordinance, which means 10 percent of anything built needs to be affordable, as far as the parking, we have approximately 12-14 thousand public parking spots, and the idea around that is how to better utilize or consider shared parking.

Councilor Terkelsen asked about the setbacks, and where that comes from. Mr. Kupfer explained that the setbacks are in every zoning in the state, essentially what form base code means is you are bringing the building upfront and allowing parking in the rear. When you walk down Main Street Hyannis, that is what you're looking at, is form base code building to the street, with parking in

the rear of the stores along Main Street. Councilor Terkelsen mentioned that the form base code fixed one problem with the density, however it created another problem with parking. Councilor Terkelsen understands the need for a walkable community, but there are still many challenges ahead for the Hyannis area. There isn't a grocery store nearby to walk to which means you must get in the car and go to the grocery store on the other side of town. Mr. Kupfer asked what Councilor Terkelsen may see as a fix for this, Councilor Terkelsen mentioned possible a smaller scale grocery, she doesn't believe a large one would be profitable for someone, maybe putting a small-scale store in the Family Service building on the lower level, or maybe the person that owns it doesn't want that type of rental space. We need to think about what services will revitalize the area before we start putting things in motion.

Councilor Bloom said Hyannis downtown won't become a walkable area without a small-scale grocery store. You walk down Main Street and there are little shops and restaurants, but does it have everything the residents in the area need, or even a pharmacy, if you want people to walk in this area, you must provide things that people will use, without getting in their car and driving to what they need.

Councilor Mendes has had conversations with Mr. Kupfer, and the town must try things, and if it doesn't work for that area, you back to the drawing board and try again. Parking on Main Street has been an issue since he was a kid growing up in Hyannis. If we don't do something, Main Street is going to die. Retail shopping is becoming a thing of the past, when you can get everything online, we must start thinking out of the box to draw people here.

Mr. Alsman mentioned that there should be a model of what it is we are planning to have in certain areas, so people are aware of what it is going to look like after its built. Perception is key in planning what needs to go where. Mashpee does a great job with this, it may not be Form Base Code, but they figured it out, and the area is walkable. Mr. Alsman mentioned he never has had an issue finding parking in downtown Hyannis, yet.

Councilor Terkelsen mentioned that she never owned a car until she was 29. Every place she lived she walked, or there was some sort of transportation, and our transportation services currently doesn't support that type of walkability.

Councilor Mendes sees the most important issue right now to him is saving Main Street. We need feet on the ground there, and stores will come.

Chair of Committee allowed a member of the public to speak, Eric Schwaab thinks the members are missing the mark on the form base code, the biggest objection to Form Base Code is the town loses local control, the Hyannis residents object to the change that happened with notices given to abutters; the legal department went out of their way to make it so the public don't have input on large scale design projects; there was change in process of the permitting, which took away the multiple times the public had to have input on projects, what he means by that is a project would go before Planning and Development, Board of Health, Conservation and so on, which gave the public opportunities at the public comment of each committee meetings to speak about their concerns regarding the project. Now the process is you buy your box, and you can do whatever you want to with that box, and the only one that looks at it now is the building commissioner, who never meets in person, he only meets online, and quite frankly doesn't care about public comment. So please look at the process by which these boxes filled and create opportunities for resident to be able to express their ideas.

Larry Morin wanted to point out some things he sees currently as issues, we used to have 200 Main where you could get everything done and signed off on, that does not exist anymore, and it all online now it does not exist, the second thing is maybe we have overregulated the life style, he is not sure how this committee would tackle this issue.

Ms. Ledec thanked all the individuals who spoke this evening and the comments and thoughts you all have mentioned, but wanted to mention the square box is as basic as you can get, and very boring, there is not anything exciting about it, putting brick on the outside of a square box is now a square brick box, there is nothing architectural about a square, there is no mention of historic or maritime feel to the building, she would like to see more architectural ideas into the build. The other thing missing in the conversation and that is the comprehensive plan, and urban design guidelines, she feels are the two very critical components that will describe the vision of the project, and the last thing is the public realm, (public owned land such as street, the sidewalk etc.), how does the public realm figure into the project so the one question in the revitalization of Main Street that is missing, is there

going to be areas where people can just sit and enjoy Main Street or are there just going to be big square stores with no place to sit and enjoy the outside. Are the buildings going to be lined up with a small sidewalk, is there any gathering spots for the public when they walk Main Street or are they just exercising by walking from one end to the other. Ms. Ledec agrees with Councilor Mendes with the feet on the ground is important, a developer or individual is not going to put in a grocery store unless there are people using it, they won't expand the public transportation unless there is a need for it, so the feet on the ground is what will drive the services to come here, so she sees the town in a transition period right now. Ms. Ledec also believes that the 10 percent affordable housing is way to low, she feels it should be 20 to 25 percent. Ms. Ledec also mentioned workforce housing, this has been missing from the conversations of this committee, affordable housing is different from work force housing. Work force housing includes those professionals such as firefighters, police officers, teachers, nurses etc., these individuals make too much for the affordable income guidelines, workforce housing is 80 to 120 percent AMI, if we cant house our teachers, police, firefighters, nurses and others that are in this category, we need a program here in town to support the workforce housing, she plans on bringing to the attention of the AD HOC Housing Committee, she also mentioned that the AD HOC Housing Committee has asked that the public submit to them their top three housing issues that we may see in Barnstable.

Councilor Crow believes that the architecture is also important, he has been to other states and countries where design is very important to them, little balconies attached outside an apartment that lined a main street so individuals could step out and enjoy the outside, little canopies over windows to give the building character. We must make the buildings attractive, and people will live in them. He does not like the flat frontage on stores, he has seen some buildings that have cutouts in the doorway, it adds character.

Chair of the Committee met with Mr. Kupfer earlier this week to discuss how he thought the process was going so far. One thing that came up in the conversation was investment the town has seen already and some of the proposed projects that have already been permitted. We may need to be thinking about the tweaks having to do with parking, heights. One of the things Councilor Mendes talks about at the Appointments Committee is compromise; maybe these are areas we should be thinking about. We already have initial interest and a lot of the projects coming forward proposed are three story projects, so maybe we do not need four story projects everywhere; we may have some that are four story like the Cascade Motel, which is adjacent to a three story, so these are things we can look at.

A couple things that have not been talked about that we may want to bring to the attention of the Town Council, is the Form Base Code in Downtown Hyannis mentions no prohibition of short term rentals. When the town was in discussions with the design team, the design team told the town that much of what they were going to build would be market rate, because the affordability provisions were very low at 10 percent. If we end up building nothing but market rate housing, and our objective is to build more affordable housing and workforce housing, we may end up with Main Street being a vacation paradise area where investors come and buy these for the investment purpose and rent on weekends only. We need to be thinking about and revising those, these are designed to be built for those who live and work here. With the 10 percent affordable, we are never going to get ahead. He believes Mr. Schwaab made a good point on public input, what does the public want to see here.

Mr. Alsman sees the box as an opportunity to build something out of the plain box, with a lot of detail and high quality.

Chair of the Committee thanked Mr. Kupfer for his presentation. The Chair mentioned the topics for the next meeting:

- Zoning Enforcement Presentation by Brian Florence, Director – Inspectional Services.
- Form Based Code/Downtown Hyannis Zoning Districts – Follow-up discussion and identification of specific issues/topics for further review by the Committee from Mr. Kupfer

Chair of the Committee would like the Committee members to look at the Meeting dates for October as soon as IT sends them to the Administrator to look at. Fridays at 3:30 seem to work for individuals, so we will use that time for now.

Chair of the Committee also mentioned to Mr. Kupfer about possibly doing a workshop with a representative or two from the Local Comprehensive Planning Committee and a couple of representatives from the Committee to Assess and Recommend Strategies for Housing Creation Within the Town, and possibly some developers and attorneys and engineers of these projects to get the insights and thoughts of them. Mr. Kupfer will reach out to them for a meeting in October, so this committee has another round of understanding on the zoning before bringing them in.

Chair of the Committee wanted to take the opportunity to thank the members for all the efforts so far in this committee, he has received emails and feedback on how refreshing it is to see the committee members discuss these issues with different opinions in a very civil and outspoken way, so he wanted to thank them members for that, he thinks the discussion will get livelier as we start to discuss zoning, but appreciated everyone and the discussions so far and hope it can continue.

Chair of committee asked for a motion to accept the meeting minutes as written for the meeting held on August 26, 2024. Councilor Terkelsen made the motion, it was seconded by Ken Alsman, all member voted in favor with one abstention.

Chair of Committee reminded everyone of the upcoming meeting on September 20, 2024 at 3:30 pm.

Chair of Committee asked for a motion to adjourn, Councilor Terkelsen made the motion, this was seconded by Ken Alsman, all members voted in favor of adjournment

ADJOURN: 5:30pm