



TOWN COUNCIL
Committee to Review Zoning and Permitting Regulations
Selectmen's Conference Room
Thursday April 06, 2017 – 5:30pm

MEETING MINUTES

PRESENT: Chair of Committee, Vice-President James Crocker; Councilor Jessica Rapp-Grassetti, Councilor Fred Chirigotis; Councilor Deborah Dagwan; **ABSENT:** Councilor John Norman, **Also in Attendance:** Paul Niedzwiecki, Cape Cod Commission, Bud Breault, Airport Manager, Katie Servis, Assistant Airport Manager, Melissa Allison Esquire, Anderson & Kreiger, LLP

Meeting was called to order at 5:30pm by the Chair of Committee, Vice-President James Crocker

Chair of the Committee opened up the floor to public comment, Councilor Paul Hebert stated that he sees this Committee as a very important one, we need business and we need housing, we need to protect our Seniors with accessory affordable apartment, we need housing for our Veteran's, for young professionals, but we need to also keep in mind the waste water issues as well, and we need to improve our situation and make it affordable for our community to thrive. He applauds this Committee for its work and knows that it is going to take many hours to accomplish this, and thanks all of the members for stepping up and becoming part of this Committee.

Chair of the Committee explained to the public in attendance what this Committee decided to do first and then we would have guest speakers to talk about the zoning issues that Barnstable is facing we have and to try and make it better, and if it decided we need to change some zoning to do that, then this Committee will make its recommendations with that being said we decided that the first meeting should be areas that are troubled which is why we have asked Bud Breault, Airport Manager, Katie Servis, Assistant Airport Manager and Melissa Allison Esquire, Anderson & Kreiger, LLP to this meeting for the discussion of zoning on Airport held land in Hyannis, both Route 132 and Route 28 properties.

Bud Breault thanked the Committee for bringing attention to this matter as the airport is strictly an enterprise account and relies heavily on the area surrounding the Airport for revenue; the solar array system is keeping the Airport afloat right now with its revenue coming in. The zoning around the airport is Highway Business (HB) Zoning; Industrial Zoning (IND), the ground water and well overlay protection hamper us, we have had to learn to navigate around it, and permitting issues are beginning to dig into our parking situation, Bud has been talking about a new Airport Overlay district for a while now, and was glad this Committee was formed to be able to look at these issues we face at the Airport and possibly change or add to them to be able to enforce some of our regulations, because right now we have no teeth for enforcement. Bud has had conversations with Elizabeth Jenkins, Director of Growth Management. If this Committee is looking at changing the zoning around the Airport, another issue we may want to look at is the flying of drones around the Airport, the law is there, the rules are there, but there is nothing we can enforce, so if there was an ordinance of some sort, we could enforce. The other area of concern for the Airport was the concession stands, the airport rental car agencies, currently we do not have any right in charging a concession fee for any of the business around the Airport, the offices of Enterprise has an offsite right outside the gates of the Airport, so we can't charge them even though the Airport is fueling their business, the only way we can charge a fee is if the office is inside the Airport and they are doing the actual business agreement and contract with the customer inside the Airport, what happens is if these business inside the airport have off sites, they are picking up the people from the Airport, and shuttling them to the offsite location, when they do this we can't charge a fee to them because the business was not conducted inside the Airport, this results in a lot of lost revenue for us. We have no enforcement in this area, parking is a huge issue, if people are utilizing offsite parking but are

using the airport we should be able to charge for this. Individuals are parking in parking lots to avoid parking at the main lot, which results in a loss of revenue. Bud would like to see the HB Business gone, or done away with. Councilor Chirigotis asked if Budget is on premise, yes Bud stated, however they have several off site areas. Enterprise has a location right outside the airport which a lot of our business goes there as well, but if we rezone this area to include these areas, then we can charge a fee to these businesses. Chair of the Committee had a question for Attorney Allison which he understands the zoning regarding height regulations and the areas surround the airports, he wanted to know how you would put a regulation in an overlay area for a concession fee on land that is leased by others. Attorney Allison said she would have to look into that as she had not considered that and whether it can be done with zoning; however she has been involved with issues with business putting up a sign at the counter saying report to or call this number for business. This may be able to be tied into a concession fee if this is what they business is doing, there may be a way to tie into that, but she will look into that and report back to Bud with the answer.

Bud Breault explained the KMART plaza has 25.88 acres, the lease started June 1, 1968 and expires August 31, 2024, and unilaterally the lease is unbreakable. It is currently managed by WS Development; current revenue is \$65, 000 for rent and rises to \$70, 000 this year. This means that we have leased this land for the last 5 years at 5.8 cents per square feet. If we were to rent the land at current 1.25 per square foot, we would have received 1 million per year in leasing fees. Bud would like to see the HB District gone and possibly redesigned the B District and working with the Cape Cod Commission to change the GIZ to incorporate more or Route 132 and increase the revenue and make the land more marketable well into the future. If there was any way to terminate the lease earlier than expected so that the bids could go out earlier for re-development or help WS Development develop something there and re-write the lease. Attorney Allison stated that the first thing she did was to look at whether or not the 30B would preclude them from putting the current lease out to bid early while it is still encumbered by the current lease, when she looked into this she did not see anything in the 30B would stop them from doing this, it is more of a business decision for the Town, does it make sense to go out early or wait until the lease expires. The Town would have to look at all the information that the Cape Cod Commission gathered as well as the Airport and find out if it makes sense economically for the town to do this now and prepare a scope of work to look at the now vs later decision. There is still outstanding information needed to make up the scope of work to give to a consultant to answer that very question. Retail may not be an option for that property in the future; our firm is also looking at a buyout option as well. Chair of the Committee said it sounded like the option is to lease over the current lease. If you were given a blank slate for the use of the property, could there be options based on a clean slate. Attorney Allison stated yes if there are no limitations on it will open the bid for more options. What we do in this plaza may affect the rest of Route 132 and its development. Councilor Jessica Rapp Grassetti asked about the appraisal, do you do the appraisal before or after the zoning. Attorney Allison stated that you want to look at the best possible use for the land, so if you re-zone first and open up the options the value will be more, if there are more restrictions the less you will get for bids because of the use of the land. Bud currently stated that there are some restrictions because of the HB district. The activity has to be aviation related; he can't put in a restaurant in because of the HB Zoning. Chair of the Committee asked if the restrictions are FAA restrictions or a zoning issue. Bud answered it is a zoning issue.

Chair of the Committee stated there seems to be a short fix for some of the issues, a medium fix for some of the issues and then a long term fix, so we should do the short term fix first to get those out of the way; Paul Niedzwiecki stated that there are residential areas off exit 6 which is a density you can work with, the downtown growth incentive area is also looking at this area too. The exit 6 is a gateway to Hyannis, and it has been developed to present that sort of opening to Hyannis. He would like to see and airport overlay designed. He does not see the need for the HB District, and would like to see if go away as well. The major concern he sees is traffic. That is going to be the problem in a re-development area such as this. It is a regional hub and most of the homes here are second homes, these homeowners do not want to have to drive forever to get to retail or a Home Depot, they want the close proximity of shopping. The retail business is not a free market system either, a lot of times if a retail store wants to open up in a popular area in Boston, the package deal is they can open one up in Boston, however you

also need to open one on the Cape. Councilor Debra Dagwan mentioned she would like to see something that produces jobs and keeps young individuals here that pay enough for young professionals to stay here.

Chair of the Committee would like to see the zoning changes made to be able to support growth in this area. The Chair of the Committee asked Bud Breault to create and overlay district proposal draft for the Airport; he has already started this with the GIS department. Councilor Jessica Rapp Grasseti asked if the Cape Town Plaza could be put out to everyone including the current lease holder, Attorney Allison said yes it really is two separate issues; the current Cape Town Plaza lease can be put out to bid to everyone, the question remains what is the highest and best use of the property, that is what we need to find out first before we really do anything. Chair of the Committee asked Bud to complete this and come back to this committee when it is in DRAFT form so that the Committee could make a recommendation based off of that DRAFT Plan with the help of a consultant to look at the best and highest use for this land. Councilor Jessica Rapp Grasseti asked how much land does the Airport own outside of the fence. Bud answered the Mildred's Chowder House is owned by them and some small parcels along Route 28 to Willow Street, we do not own the Auto Zone lot, or the abandoned gas station.

Bud also mentioned the state is also doing a huge project on Route 28 which incorporates Kitchen Appliance Mart purchase but the State has to stay compliant with the Hyannis Access Study through the Cape Cod Commission.

The Chair of the Committee asked for a motion to adjourn, Councilor Jessica Rapp Grasseti made the motion to adjourn; Councilor Debra Dagwan seconded the motion. All members voted in favor of adjournment

ADJOURN: 6:35pm