

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

James H. Crocker Jr. Hearing Room 2nd 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

October 04, 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 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.

This meeting is being recorded and will be rebroadcast on the Town of Barnstable's Government Access Channel. In accordance with Massachusetts General Laws Chapter 30A, Section 20, the Chair must inquire whether anyone else is recording this meeting and, if so, to please make their presence known. This meeting will replay via Xfinity Channel 8 or high-definition Channel 1072. It may also be accessed via the Government Access Channel live video on demand archives on the Town of Barnstable's website: <https://streaming85.townofbarnstable.us/CablecastPublicSite/?channel=1>

Administrator of the Town Council took Roll Call: Members present: Councilor Charles Bloom; Councilor Kristen Terkelsen; Councilor John Crow; Seth Etienne; Bob Schulte, (Chair); **Absent:** Ken Alsman; Catherine Ledec; Councilor Matthew Levesque; Councilor Jeffrey Mendes.

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 and put in the subject line AD HOC Zoning Committee, and she will distribute to the members once she receives them.

Chair of Committee wanted to remind everyone that the Administrator is working with Robin Anderson, to schedule members of this Committee and members of the public at 200 Main to view the Code Compliance Program, if any members are interested in seeing this to please email Cynthia.lovell@town.barnstable.ma.us

Public Comment

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>

Eric Schwaab, resident of West Hyannis, He asks that the Committee members look at the downtown zoning call attention to the Site Plan review process, with specific attention to some of the approvals in the downtown area the demolition of the Church and how that relates to the Independence House, this is a perfect example of how the citizens of Hyannis are being disenfranchised by developers who are within the boundaries of the Growth Incentive Zone; the Growth Incentive Zone has a very stark uneven definition and if you are on the other side of that line, you basically have no right as to what is built there, there could be 3-4 story buildings built, with invading the privacy of those individuals outside of the Growth Incentive Zone, noise, traffic, because the form base code was designed that if you fit in the box of that you can do anything, is there anything that can be done to soften that line, there needs to be some recourse for aggrieved citizens, in the case of the Independence House, confidentiality is very important to them, so when they raised questions about fencing, and other measures to ensure the privacy, they were basically told to “go pound sand” they were told they had no recourse, and that is because of the zoning in that area, so he would ask that this committee think about those that live on the line, its very hard to get resolution from the town; he would also like answers to unauthorized parking on a private road, police will not handle it because it’s a private road, Mr. Schwaab stated Commissioner Florence went out of his way to exclude himself and his department to zoning enforcement on private roads, it does not fall under his purview. He wants this committee to look at enforcement, so that when situations like this happen who do we call in the town, he would like the committee to possibly consider when making suggestions to the Town Council, that enforcement be included in those recommendations for those that live just outside the Growth Incentive Zone.

Larry Morin, Cotuit, he would like to mention that he thought Mr. Florences presentation was very good, he has known Brian for several years, and he thought he did very well at the last meeting and presented his position very well. Mr. Morin asked about 810 Wakeby, and if it was discussed at all after it was mentioned here at the meeting. Mr. Schulte said yes, it was brought to the committee’s attention, and from what he understands, the citizen(s) who raised this issue regarding solar siting issues at this address and James Kupfer, Director of Planning and Development, and the Assistant Town Attorney, Kate Connolly addressed the status of the project’s permitting.

Chair of Committee closed public comment.

Chair of Committee moved onto Item F. of the Agenda which was the discussion request to be made to Town Council to extend sunset date for Committee, Chairman Schulte had a discussion with President Penn and according to the way the Ad Hoc committees were set up, he had to first get permission from the President of the Council for an extension and that she had no issues with the committee extending the sunset date. Chairman Schulte recommended extending it to December 31, 2024, given the number of topics that still needs to be discussed, and with the holidays coming up, there may be only 1 meeting scheduled that month around the holidays.

Councilor Terkelsen would like to extend the date according to the way it was structured, so if the Committee started at a certain date, and we were given 6-8 weeks to complete, does the date of December 31, 2024 take us through those 6 weeks’ time frame of completion, or do we extend it further given the holidays are coming up and we may only have one or two more meetings. Chair of the Committee mentioned that the December 31, 2024, date would push us to the 6-week completion time frame, but also mentioned going further out is not a problem either if the members wanted.

Councilor Bloom thinks we should extend it to the end of January or February, we do need to cut it off at some point, and as mentioned by Councilor Terkelsen, November and December have major holidays, and people are traveling, so if we can only meet a couple more times due to holidays, Councilor Bloom feels we still have topics to discuss to going out to at least the end of January possibly

February would give us the time we need, and if we finish before the end of February, we just sunset at that point.

Councilor Crow agrees with Councilor Bloom, he feels there is still more topics to discuss, and if the committee finishes before then we just sunset before the end of February, but at least it gives us more time especially around the holidays.

Chairman Schulte asked Mr. Etienne his thoughts since he joined the committee late, he agrees with the other members to extend the date to the end of February.

Chair of Committee, Mr. Schulte will ask President Penn for an extension to February 28, 2025.

All Committee members voted to extend the date to February 28, 2025.

Mr. Schulte also mentioned to President Penn in his conversation this morning about the presentation made by Mr. Florence at the last meeting and there was a lively discussion following his presentation on the topic of zoning enforcement and how it might be improved and how the town could better educate and engage the public. When Chairman Schulte was first appointed to the committee, there were two key issues that kept being mentioned about discussion, form base code and enforcement issues, these two things are linked, so he recommended to President Penn to request confirmation that zoning enforcement be included as a second phase of the Committee's work, with possibly recommending a separate group under the building commissioner for enforcement, he had done some research of other towns, and while he sees the format that Barnstable uses as common, there are other communities that treat these two separately, so he would recommend to the Town Council the process of Zoning and Zoning enforcement be treated separately be given consideration. Committee member Seth Etienne agrees, they should be separate. Mr. Etienne did not quite understand how they are all under one individual. Councilor Crow agrees, it was his understanding that Zoning and Zoning Enforcement is linked together and should be addressed together, that is why he wanted to be on this Committee, we have a real problem with enforcement, so that is why he wanted to be on this committee so be able to recommend ideas on enforcement. Chair of the Committee will ask legal if enforcement can be added to the charge of this committee, he does not see a problem with adding it, but he wants to make sure we have asked our legal department regarding the topic first. Chair of the Committee will reach out to President Penn and Assistant Town Attorney Kate Connolly.

Chair of Committee discussed Item D on the agenda, which was the follow-up discussion regarding the September 20, 2024, Zoning Enforcement Presentation Importance by Mr. Florence; Chair of Committee would like to put this discussion off until he receives feedback on this from President Penn, and Assistant Attorney, Kate Connolly.

- Importance of education and providing residents with complete and easily accessible information on the Zoning Enforcement process, committee member Catherine Ledec mentioned in a prior meeting that she has seen in other communities a tutorial on the town's web page explaining the step-by-step process, so perhaps we could develop something like this for our residents. Chairman Schulte has seen on other town web site the ability to file online the zoning enforcement complaint, he did not see anything like this on our town's web site, or an explanation on enforcement
- Councilor Crow mentioned that inspections be done on the weekends, outside of the normal Monday through Friday 9a to 5p inspections, as the most the violations take part in the evening hours and weekends, there may not be enough staff to do this, and he understands that.
- Councilor Terkelsen mentioned that the town departments speak to one another, and not operate in silos, and each department be made aware of the other departments actions when it comes to building and zoning and assessing, also a clear process on how to file a complaint and what a resident is to expect after the complaint is filed, is there a follow up a letter that is sent to the complainant.

- Councilor Crow mentioned the Citizens Resource Line on the Town's web site and how it could be utilized and advertised more so residents are aware it exists, and it is monitored and answered.

Councilor Crow mentioned that one of the issues with all the contractors parking in residential areas is because there isn't anywhere in the town for them to park, he remembers a conversation he had with President Penn regarding Independence Park, that was originally zoned for Industrial use: but in which, over time, there were zoning layers put there to allow other uses, such as residential buildings. Perhaps there is a way to get an area in Independence Park where there are bays set up for these individuals to put their construction trucks at the end of the day and go home in their cars so that there are not commercial trucks overloading the residential neighborhoods that Mr. Schwaab mentions, this may not be in our purview on this committee, but should be mentioned somewhere in our recommendations or note somewhere to work on a plan to provide an area for these commercial vehicles. It would be a positive for the neighborhoods, and good for the contractors that they have a place in town to do their business.

Seth Etienne asked if there was an ordinance that points to this and the area in which it pertains to. James Kupfer, Director of Planning and Development stated currently there is not, the Industrial Park was originally zoned for industrial, however over time it is also been zoned for mixed use, which allowed housing in that area. Mr. Kupfer also wanted to mention the Local Comprehensive Planning Committee (LCP) is currently looking at map land use in the town, so they too are looking at this as a priority area, and what it may look like in 10 years and how best to incentivize that area.

Chair of Committee asked if the Industrial Park has been divided at all when the zoning layers were added, meaning that housing can go here, and industrial goes on this side, and he believes that is part of the problem, that it was not zoned that way, meaning housing and industrial are mixed throughout, perhaps when looking at it we could look at that and separate it out, it may incentivize a developer to build such bays. Mr. Kupfer agrees that the zoning in that area needs to be flushed out and fixed and that is what the LCP is looking at.

Councilor Terkelsen asked if Mr. Kupfer has seen in other communities when there is a need such as the ones we discussed earlier, does he see any other towns doing anything to fix it. Mr. Kupfer stated that when there is a need, the zoning and planning are done around the need, but if the market does not call for such zoning and planning, then a developer would build based on demand, but if the town is only offering enough land to accommodate say 10 -15 bays for contractors' businesses, and the need was greater than that, then they become premium parking spaces and not enough to fix the problem.

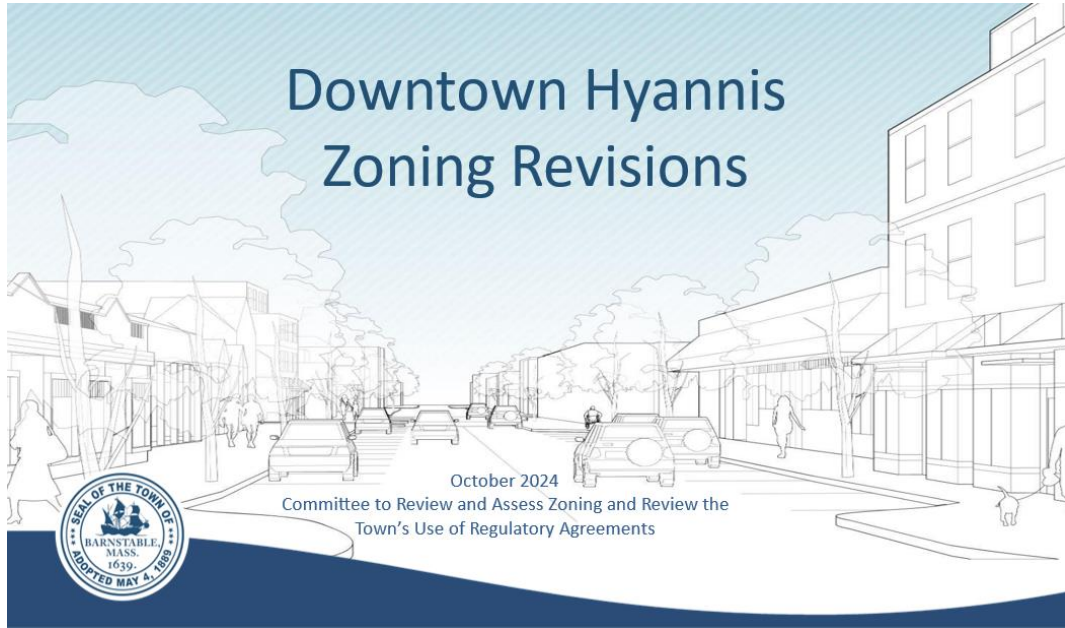
Seth Etienne asked if such a project was to come to reality, does Mr. Kupfer see it as a model for other Towns, and use. Mr. Kupfer stated he doesn't know how to limit it just to Barnstable, if word got out that a developer was building bays for commercial business storage, the only thing we do is zone for it, we do not build it as a town, that is up to a developer to do. I would imagine it would be open to anyone.

Councilor Crow would like to see the town get to a place where the zoning is done for housing here, and then industrial over here. There are far too many mixed uses allowed in areas that should only be residential areas.

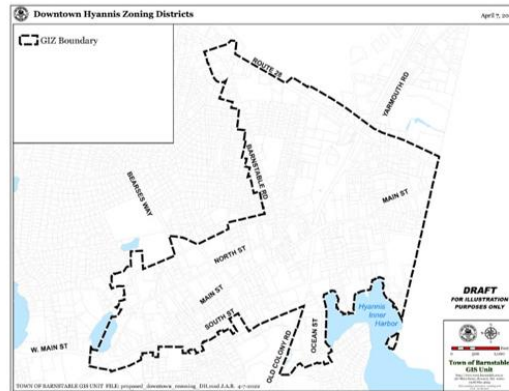
Chair of Committee welcomed Mr. Kupfer, Director of Planning and Development to do the presentation on Downtown Hyannis Zoning Revisions. Chair of Committee wanted to look at some of the concerns voiced prior, the committee had put this discussion off at the last meeting to be able to hear Brian Florence's presentation on enforcement. Chair of Committee wanted to do a quick summary of concerns

- Parking ratio
- Building heights
- Design guidelines

- Requirements for year-round housing vs Short Term Rentals
- Require more affordable housing by increasing the inclusionary percentage or requirements from developers
- Questions from the public, having to do with how much housing we do need
- Discussion on the new apartments where the Christian Science Church is and look at the zero-setback requirement make sense outside of Main Street and the impact on neighbors
- Look at where the Form Base Code could be applied, would it make sense to apply those to the feeder roads.



Downtown Hyannis Zoning Districts



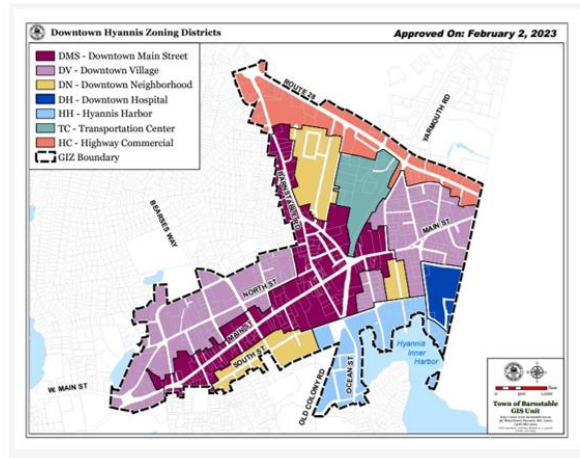
7 New Zoning Districts

Form-Based Districts (2)

- Downtown Main Street
- Downtown Village

“Hybrid” Zoning Districts (5)

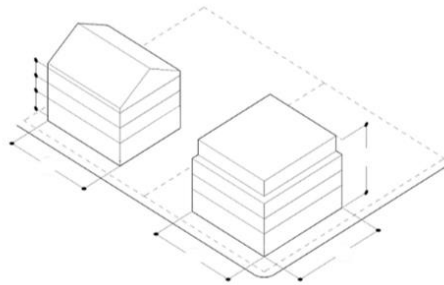
- Downtown Neighborhood
- Downtown Hospital
- Hyannis Harbor
- Transportation Center
- Highway Commercial



Concerns Raised for Discussion

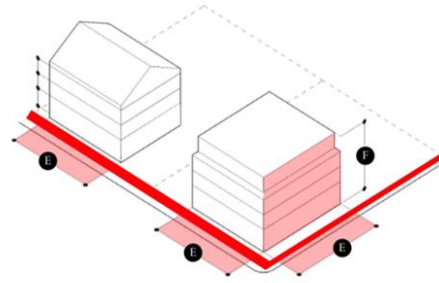
- Height of Building
- Design/Character
- Parking Ratio

Building Standards - Height



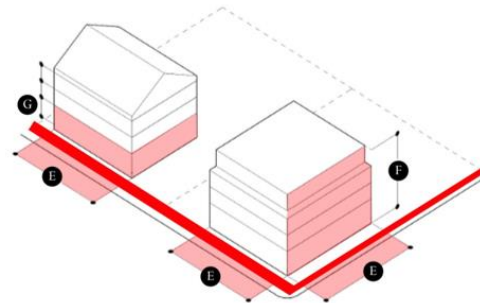
Building Standards - Height

- Ⓔ Facade Build-out (min)
- Ⓕ Number of Stories



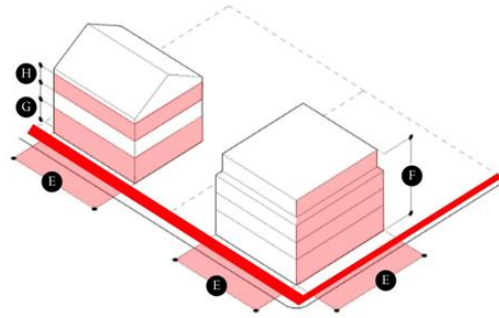
Building Standards - Height

- Ⓔ Facade Build-out (min)
- Ⓕ Number of Stories
- Ⓖ Ground Story Height



Building Standards - Height

- E** Facade Build-out (min)
- F** Number of Stories
- G** Ground Story Height
- H** Upper Story Height



Building Standards - Height

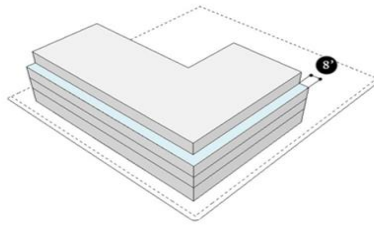


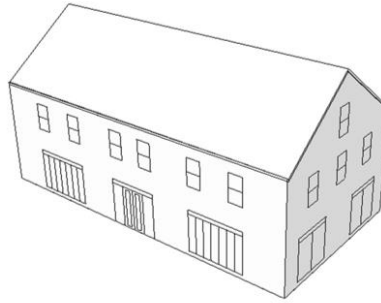
Table 3. DMS Dimensional Standards

LOT		BUILDING FORM	
Lot Width	30' min	F - Building Width	180' max
Lot Coverage	100% max	F - Number of Stories	3.5 or 4 max ¹
Facade Build Out (min)	--	G - Ground Story Height	--
Primary Frontage	80% min	Commercial	14' min
Secondary Frontage	40% min	Residential	10' min
SETBACKS - PRINCIPAL BUILDINGS		H - Upper Story Height	10' min
A - Primary Front Setback	0' min 15' max	BUILDING FEATURES	
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

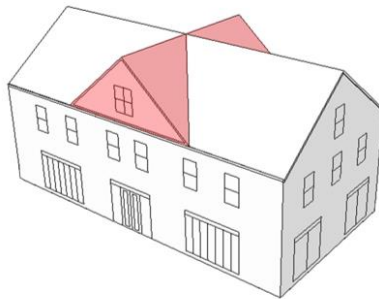
Height Requirements Previously:

- (2) Height:
 - (a) Maximum Building Height:
 - (1) The maximum height of buildings or structures, other than accessory rooftop equipment discussed below or special architectural features, is 42 feet or three stories not to exceed 48 feet.
 - (2) Maximum height may be increased to 46 feet or three stories when the roof pitch is in the range of 6 in 12.

Design/Character

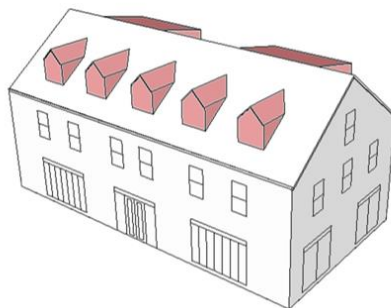


Design: Building Components Cross Gable



D. Cross Gable		
A	Width (maximum)	50% of the roof eave below
B	Height (minimum)	Equal to the height of the roof of the attached primary massing.
<p>Design standards: The roof ridge of a cross gable must be perpendicular to the main roof ridge of the principal building. The rakes and ridge of the roof of the cross gable must be structurally integrated into the eave and ridge of roof of the attached primary massing.</p>		

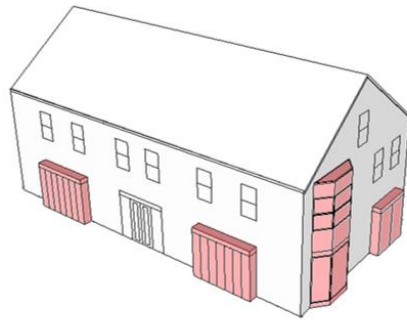
Design: Building Components Dormers



Mixed building component:		
C. Dormer		
A	Cumulative width of all dormers (maximum)	50% of the roof eave
B	Exterior wall setback (minimum)	—
	Roof with eave	0 feet
	Roof without eave	1 feet
C	Setback from gable (minimum)	3 feet
D	Separation from another dormer (minimum)	50% of dormer width
<p>Design standards: The face wall of a dormer window may not project beyond the exterior wall of the building and may not interrupt the eave of the roof.</p>		

Design: Building Components

Bay or Oriel Window



B. Bay or Oriel Window

A	Single bay width (maximum)	16 feet
	Cumulative bay width (maximum)	50% of the width of the exterior wall from which the bays project
B	Projection (maximum)	3 feet
C	Stories (maximum)	Same as the principal building
D	Front setback encroachment (maximum)	3 feet
Design standards: Bays may attach to any exterior wall of a principal building. A bay window may have a flat roof.		

Design: Building Components

Balconies

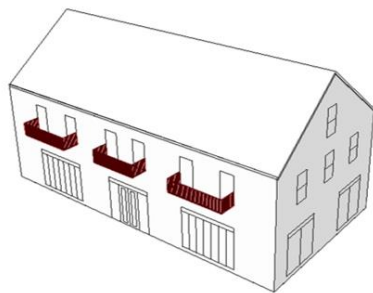


Table 12. Building Components

A. Balcony		B. Bay or Oriel Window			
A	Width (minimum)	5 feet	A	Single bay width (maximum)	16 feet
B	Depth (minimum)	4 feet		Cumulative bay width (maximum)	50% of the width of the exterior wall from which the bays project
	Area (minimum)	20 square feet	B	Projection (maximum)	3 feet
C	Front setback encroachment (maximum)	3 feet	C	Stories (maximum)	Same as the principal building
Design standards: Balconies may attach to any exterior wall of a principal building. Balconies may be recessed, projecting, a combination of the two, or terraced as part of the roof of a permitted building component.			D	Front setback encroachment (maximum)	3 feet
			Design standards: Bays may attach to any exterior wall of a principal building. A bay window may have a flat roof.		

Design: Building Components

Frontage Types



Entry Plaza



Front Garden



Front Porch



Dooryard Stoop

Design: Building Components

Frontage Types



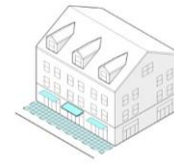
Storefront



Dining Patio



Gallery



Common Lobby

Parking

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

Parking Requirements Previously:

- (3) Parking spaces shall be provided for new and/or expanded building area, and for new and/or expanded outdoor uses, as follows:
- (a) Fifty percent of the spaces required under § 244-66 for all uses other than office uses and residential dwelling units.
- (b) Parking space requirements for residential dwelling units shall be one parking space per bedroom for one and two bedroom units or a total of two parking spaces for units with two or more bedrooms.
- (4) The SPGA may, by special permit, further reduce the parking required as follows:
- (a) Off-site parking. Parking requirements may be satisfied if an off-street municipal parking lot of 20 spaces or more exists within 500 feet of the proposed use and provided that a fee is paid which would be set aside for the creation of future municipal parking facilities to service the district, consistent with a schedule of fees, if any, to be adopted in the Design and Infrastructure Plan. Off-site parking may also be provided on a private parking lot with sufficient parking spaces within 300 feet of the proposed use, provided that a lease agreement is presented as part of the site plan approval or special permit process and provided that a fee is paid which would be set aside for the creation of future municipal parking facilities to service the district, consistent with a schedule of fees, if any, to be adopted in the Design and Infrastructure Plan. In no case shall shared parking be allowed on land that is residentially zoned for, or in residential use as, a single-family or a two-family dwelling.
- (b) The SPGA may reduce the on-site and off-street parking requirement for all uses except office uses and residential uses, based upon a consideration of:
- 1) availability of shared parking,
 - 2) other factors supporting the reduction in the number of required parking spaces.

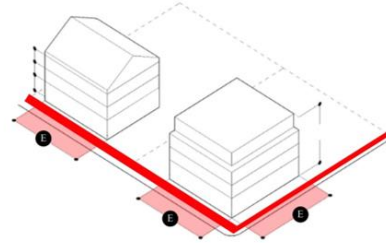
Use Category	DMS	DV	DV	DH	HU	IC	IC	On Site Shared Parking Adjustment ¹
Commercial Services (per 1,000 sf)	0	4	N/A	4	4	4	4	Subtract 80% of any spaces provided for any Residential uses on the same lot from the total required for all uses
Cultural Services (per 1,000 sf)	0	4	4	4	N/A	4	4	Subtract 20% of 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	--

Other Challenges noted while reviewing applications

Length of Frontage Buildout

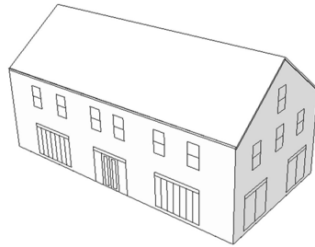
- 80% primary buildout in the DMS

Ⓕ Facade Build-out (min)



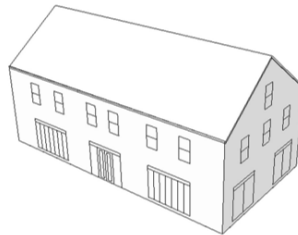
Fenestration Percentage

- 60% Ground Story Fenestration in DMS on primary frontage
 - Meant to limit blank walls. Has been a challenge for noncommercial uses such as residential or office space.

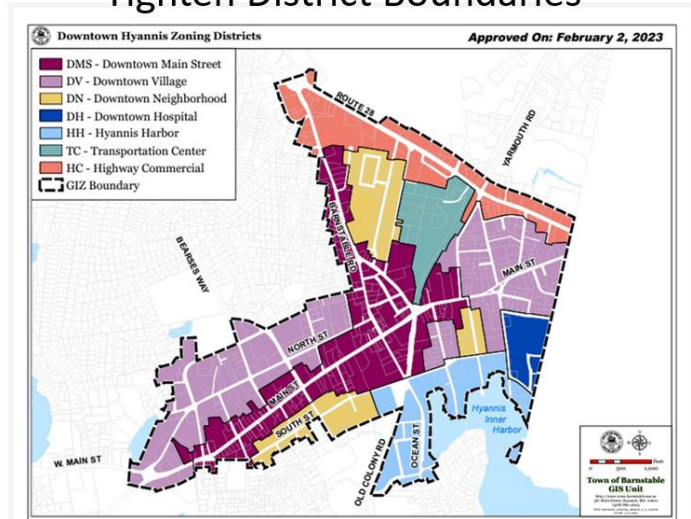


Roof Line Buildout

- No requirement for adjustment in roof line resulting in one straight line



Tighten District Boundaries



Other items

- Year-Round Residential Restrictions
- Short Term Rentals

Councilor Crow discussed possibly change the height differences, or design of the building. He is looking at a bunch of rows of building with all the same height, it looks like a row of boxes, is there anything that can be done to improve that. Mr Kupfer stated yes, they look at the neighbors, surrounding or abutting properties, and my department is looking at language to adress that very issue. Councilor Crow also said in other areas he has visited the building has a small balcony with a permanaent awning, it gives the building character, and makes the street more attractive, designs such as these make the building more attractive in the design standards.

Chair of Committee was happy to see the map representing possibly a tightening of the Hyannis District; to soften some of the issues of having a 4 story building being built beside a residential home.

Councilor Crow discussed the parking density, he believes there is going to be an issue with only 1 spot allowed per unit, and he doesn't want to see parking garages erected in Barnstable, or illegal parking going on all over town, so we may need to take another look at that restriction. Councilor Terkelsen discussed the problem with parking, and noticed in other towns there was a charge for parking and several different ways to pay for that parking. Councilor Terkelsen doesn't believe our public transportation is adequate enough to eliminate the number of cars in a certain area. If the town has all these parking spaces available in the town, do we charge for each area, or do individuals pay for a permit, how many parking spaces are available in Barnstable, do we know, because if we do a zoning change to limit the number of cars at a housing complex, then what do people do, is there an online

tutorial of where to park, because she is unaware of where these parking spaces are, do the residents know. Councilor Crow agrees, we need to look at the permitting of building and compare that to how many spaces we have left to use. Chair of Committee said more discussion on parking to come in the future.

Chair of Committee mentioned in prior conversations he has had with Mr. Kupfer and the applications that are coming in are for three stories, and the developers are finding this to be sufficient for a number of reasons cost being one of them, one of the possibilities this committee could recommend is an update to the Form Base Code to say the town only will allow 3 story building. Mr. Kupfer stated yes, you could recommend that. Councilor Bloom agrees with that idea.

The Committee suggested building heights may also need to be adjusted. The Committee discussed that the zoning may want to consider a more softer approach to building height taking into consideration abutting properties, roof lines, and varying heights over linear feet to reduce the likelihood of a canyon effect along Main Street.

The Committee discussed potential amendments to the Downtown Hyannis Zoning Districts. The Committee raised concerns about the abutter parcels and potentially reducing heights and density as parcels get closer to the outer limit of the Downtown Hyannis Zoning Districts to protect the residential housing look in the neighborhoods.

The Committee discussed that with the updating zoning, and with the Town creating a large number of new housing units, the Committee raised concern over the number of these units that would not be deemed restricted affordable. The Committee suggests that the Town Council may wish to consider requiring additional affordability requirements.

Chair of Committee asked that the presentation be sent to the Committee members for future discussion at the next meeting. Committee members decided to meet again on October 18, 2024. Chair of Committee asked the Administrator to do a doodle poll for the next meetings if Fridays are not good for individuals.

Chair of Committee asked for a motion to accept the meeting minutes of September 20, 2024, as written, Councilor Bloom made the motion to accept the meeting minutes as written, Councilor Crow seconded the motion, all members present voted in favor of accepting the meeting minutes of September 20, 2024.

Chair of Committee asked for a motion to adjourn, this motion was made by Councilor Crow, and seconded by Councilor Bloom, all members voted in favor of adjournment

ADJOURN: 5:35pm