

## 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

January 31, 2025  
3:30PM

### MEETING MINUTES

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

This meeting is being recorded and will be re-broadcast 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 be replayed 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>

Chair of Committee read the purpose of this Committee:

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

Chair of the Committee, Bob Schulte asked for Roll Call: Members present: Bob Schulte, Chair Councilor Charles Bloom; Councilor John Crow; Catherine Ledec; Ken Alsman; Councilor Kristen Terkelsen. Absent: Councilor Jeffrey Mendes; Councilor Matthew Levesque (prior commitment); Seth Etienne

Also in Attendance: James Kupfer, Director, Planning and Development, Assistant Town Attorney Kate Connolly (joining remotely)

Chair of the 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.

Committee member Seth Etienne was unable to attend the last meeting but wanted to ask about the thought process behind the parking space increase from 1 space to 1.5 spaces; the building height restrictions, and the building restrictions talked about leading into neighborhoods and the short-term rental subject. Chair of Committee will address all Mr. Etienne concerns after public comment, as the committee will go over Mr. Kupfer's memo regarding those considerations mentioned.

The Chair of Committee asked for public comment from those that were in person attending the meeting first, then those on zoom. The chair of committee mentioned the zoom link will remain open for Attorney Connolly and will not go away after public comment is closed.

Larry Morin- Cotuit asked if he could make his comments at the end after the committee had had their discussions. The Chair of Committee will allow questions if there are any after the presentations and discussions.

Eric Schwaab- Hyannis; at your January 17, 2025, meeting there was some discussion regarding the shelter moving from 77 Winter Street in Hyannis to 470 West Main Street, Hyannis, and the request for some data, which Mr. Schwaab was able to gather. He wanted the committee to understand the cost of operating a homeless shelter.

1. 240 police calls in 2024 with an average cost of \$1,000 per call or \$240,000.
2. There was 180 Hyannis Fire responding to the shelter which was mainly transport to the hospital for medical reasons, but are reimbursed by MassHealth

Mr. Schwaab stated that even if the medical calls add up to \$200,000 plus the police call, that's a half million just in service calls for the shelter to be on our streets in the town. He also wanted to remind the committee that the housing Assistance Corp. does not pay any taxes, which include the fire tax and local property taxes; the only thing they do pay is water and sewer. Mr. Schwaab also mentioned he had heard that the Housing Assistance Corp was going to invoke the Dover Amendment to force the move of the shelter from 77 Winter Street to 470 West Main Street and bypass the Planning Department, the Town Council and go straight to Site Plan Review, which is not the most citizen friendly venue. If Housing Assistance is allowed to invoke the Dover Amendment, that basically allows them to ride roughshod over the Town of Barnstable and allow this sort of move anywhere or anytime. Mr. Schwaab stated if the Town allows this it could easily cost the taxpayer in the town \$10 to \$20 million dollars a year to run the shelter. Mr. Schwaab stated the Housing Assistance Corp has roughly \$20 to \$30 million dollars a year in revenue stream from donors and the state, and they are expanding their footprint, and disregard our Town Manager, and it is a very adversary relationship with them and the Town. He would like the program payment in lieu of taxes implemented so that the town receives something. Mr. Schwaab would like to see some our Town Councilors have a conversation with them and ask how they plan on modifying some of the behaviors so that they are a productive part of our community, as far as the residents in and around the West Main Street area Mr. Schwaab said they are all aghast at the move, and can't believe its going to be allowed; however they are also caring people and compassionate people, so there was also discussion on possibly taking half of the burden, maybe there is another village or town that would like to take on some of this so it is not all of Hyannis that has to.

Chris Gregory- Centerville: Mr. Gregory mentioned he is raising kids here and is in walkable distance from the area of the shelter move, and he is not worried if they move it to West Main Street. Mr. Gregory had questions regarding the parking limit and wanted to know if the committee had access to data that maybe the public has not seen, he watched the video of the last meeting, and it gave him the appearance or his interpretation, after Mr. Kupfer gave his presentation, that the town was not really concerned about parking in the areas that are being built, and that the data was from an old study, and that concerned some members of this committee. Mr. Gregory liked the idea that was mentioned about creating a parking permit system, in Mr. Greory's opinion all those ideas brought up were ignored and not discussed by this committee. Mr. Gregory would like to see the data that was used to make that decision or at least recommend that discussion for this committee to recommend increasing parking. Mr.

Gregory would also like to see projects put on hold until a current study can be done regarding parking. He really likes the parking permit idea, especially if it is going to help the lower income individuals with cost. Mr. Gregory hopes that the decisions being made are based on data, and not a gut feeling, or I don't want it feeling. Mr. Gregory also mentioned that the discussion on 3 story vs 4 story and if this committee is looking at roof top bars and landscaping instead of additional housing, he is opposed to that, he would like more housing if it were 4 stories. He is afraid that options are being taken out of discussion just because some do not want them to be there. He believes there is a way to make the frontage appear 3 stories, but the building is 4 stories in the back, as he also does not want Main Street Hyannis with 4 stories the entire length. Mr. Gregory mentioned between this committee and the other two housing committees all looking at this, there should be some middle ground somewhere that makes them more affordable for individuals that need the housing at a cost that they can afford. Mr. Gregory asked that this committee look at the parking situation real close, as this is not a walkable community, and people need cars to get where they need to go, Mr. Gregory is fortunate enough to work from home, but unfortunately he has a car, and would like not to have to have a car and all the expenses that come with owning one, it depreciates just sitting in the driveway, however he needs it in order to get around.

Councilor Bloom mentioned he has a totally different outlook on things after last night's Council meeting, Councilor Bloom mentioned he just heard Mr. Gregory speak about cooperation, and after last night's politicized atmosphere, he does not feel like the Council can cooperate on anything, he has tried as a Councilor to work cooperatively with everyone, but he does not see a path of cooperation and compromise.

Chair of Committee asked Assistant Attorney Kate Connolly to explain the Dover Amendment to the Committee members:

*Established in 1950*

*The Dover Amendment is the common name for Massachusetts General Law (MGL) Chapter 40A, Section 3. This law exempts agricultural, religious, and educational uses from certain zoning restrictions. By limiting what zoning requirements apply to land and structures that hold these uses, the Dover Amendment makes it easier for these uses to build structures to serve their needs. The Dover Amendment allows many developers to build facilities that are substantially larger than zoning laws would ordinarily allow, or which would be considered inappropriate, by some, for the neighborhood.*

Assistant Attorney Kate Connolly, explained some exempt uses would be agricultural, schools, churches, daycares, and recently solar projects from zoning because they are special categories. Assistant Attorney Kate Connolly also mentioned that the dover Amendment is often looked at to add more to the list of exempted uses.

Chair of Committee clarified that this was talked about at our last meeting, however Mr. Schulte had heard about it that morning, and he is uncertain as to this committee's ability to address that specifically, this committee is charged with looking at recent changes to zoning, and he is not sure this is a topic this committee can really discuss. Mr. Schulte lives in that area and can sympathize with Mr. Schwaabs comments as he has heard similar comments from people, however Mr. Schulte is not sure this committee can discuss since nothing formal has come before the town. Mr. Schwaab answered it was his goal to bring awareness to the issue and expand the vocabulary of the town to get people to talk about it. Mr. Schwaab mentioned there are going to be some very big projects coming to the town, and the town will have very little to say about it, so he wanted to bring awareness to the residents to start the discussion. The Chair of Committee asked Mr. Schwaab to send any information he would like this committee to see to the Town Council Administrator and she can distribute to the members.

Chair of Committee asked if anyone would like to speak to Mr. Gregory's comments about the data presented on the parking study of 2017. Mr. Kupfer feels confident that the data in that study is

accurate, and if anything, else, there is more parking added to that original number given, so he is confident in the study and its data. Mr. Kupfer mentioned that if this committee recommends an upgrade of the study, we can certainly do that as well, but keep in mind that many of the recommendations made in 2017 have been implemented or are actively being worked on now. Chair of Committee wanted to comment that this committee does not have any information that the public would not be able to see, in fact the Parking Study is online for the public to view. Chair of Committee mentioned that the discussion that this committee had on the number of parking spaces was based on what is currently available in the town, and also feedback from the public in comments that have been made in the past that 1 space was not enough for individuals, as the discussion evolved, this committee took into consideration the number of handicap spots needed in these projects, so the 1 space went to 1.5 spaces based on those discussions. Mr. Schulte stated there is probably a large population that would like to be rid of their cars and not have the expense, but the reality is this community does not have the transportation system the big cities have that enables people to get rid of the car. The increase in spaces discussion came from property owners, businesses, and public comments, it was not something we decided on our own. The topic of permit parking was not dropped, but the reality is most spaces available are private lots owned by individuals, its not town owned property, so permits would have to be worked out with the private owners of these lots. The town does have parking permits, but it is very limited. Councilor Terkelsen wanted clarity on overnight parking, the Town does not have any overnight parking because it is not allowed on town property. Mr. Kupfer said there are some overnight permits issued for the residents that live above a business on Ocean Street, but it is limited to those that reside there; also, in the parking study that was done it was suggested that the town not be the parking authority for those overnight permits.

Mr. Gregory asked if there was any way that the town could do something for the affordable units only, give them a reduced parking fee or a space somewhere it does not cost them, it would be one more expense that someone would not have to afford, if they are having difficulty affording just the rent. Mr. Schulte said that it would be something for the individual to work out with the developer, not necessarily the town. Mr. Schulte asked Mr. Kupfer if other towns did something similar in other towns, and how did they handle it. Committee member Catherine Ledec likes the idea, the whole point in making things affordable is not to strap those that are already in economic strata to give them a hand up so they can potentially grow their incomes to be able to get out of the affordable housing category. Parking is expensive everywhere, but Ms. Ledec believes it is worth looking into. Committee member Seth Etienne asked if there is an actual law that states no overnight parking anywhere in the town. Mr. Kupfer answered yes there is, Mr. Etienne would like to look at what it would take to amend that; Mr. Etienne also wanted to know if there was discussion at all in the option of owning a car vs not owning a car and are we at that junction with our transportation system that an individual can make that decision here in this area. Committee member Catherine Ledec answered that this committee has had those discussions, however this community needs to be a walking community where everything a person needs is in a walkable distance, right now the grocery stores for example for your basic needs are not for those that near Main Street, Ms. Ledec has lived in those types of communities, and they are great because you do not need a car, but that is not here, we are not there yet.

Committee member Ken Alsman stated from a memo that the cost of building a unit with government help is \$600,000, and without government help it is \$291,000, and doesn't think the government has all the solutions for this but believes the more we add the more complicated and costly it becomes.

The Chair of Committee will take everyone's thoughts and comments made tonight under consideration. Committee member Seth Etienne suggested that maybe the developers can work together if the projects are in the same area to offset each other's parking needs and work it into the rental price if needed. The chair of the Committee is not sure how that would work, as each developer needs at least the minimum parking needed. Councilor Bloom also mentioned that those individuals that are buying

the market rate housing have two cars because they can and they can afford it, it those that are in the affordable units that don't have two cars, not everyone is as conscious as Mr. Gregory and Mr. Etienne is about the environment, and until we get others to think that way individuals will always have a car or two here.

Chair of the Committee introduced Mr. Kupfer to go over the following memo updated from the last meeting discussions:

**Town of Barnstable**  
**Planning & Development Department**  
[www.townofbarnstable.us/planninganddevelopment](http://www.townofbarnstable.us/planninganddevelopment)

**DRAFT**

October 11, 2024, updated November 19, 2024, and **January 24, 2025**

To: Committee to Review and Assess Zoning and Regulatory Agreements

From: Jim Kupfer, Director, Planning and Development

**Re: Potential Amendments to Chapter 240 Zoning Ordinance and Map**

At the September 6<sup>th</sup> meeting of the Town Council Ad-Hoc Subcommittee entitled Committee to Review and Assess Zoning and Regulatory Agreements, the Planning and Development Director provided a comprehensive list of amendments to Chapter 240 Zoning Ordinance that have been approved over the last 20 years and facilitated a discussion identifying each. In that presentation, the Director provided an overview of the zoning ordinance and provided a general overview of each amendment. The discussion led to committee conversation as to which amendments they wish to further discuss. The request at the conclusion of the meeting was for the Planning and Development staff to expand on specific recently amended zoning changes including Exempt Uses and Downtown Hyannis Zoning. The Committee also identified the need to discuss short-term rentals and inclusionary housing.

Subsequently, on September 20, October 4, 2024, October 18, 2024, November 1, 2024, and November 15, 2024 the Committee reconvened to discuss the matter further. Below please find the main topic areas discussed as possible ways to improve the ordinance and recommendations for further discussion.

Potential Chapter 240 Policy or Ordinance Amendments

***Exempt Uses***

The Committee requested to review §240-8 Exempt Uses in the Zoning Ordinance. Staff presented the section in whole to the Committee.

Committee members suggested that there was a lack of regulation surrounding exempt uses, specifically municipal uses. A committee member noted that better management of municipal properties is necessary to provide a model standard for those required to meet the zoning ordinance that the Town has set forth and that enhanced standards in §240-8 may be necessary.

**Potential Recommendation to Town Council:** The Committee recommends Exempt Uses, §240-8, establish standard policies or that §240-8 be amended by adding certain standards for municipalities to adhere to for site development when proposing new construction or substantial alterations.

***Downtown Hyannis***

Chapter 240 §24.1 through 13 of the Barnstable Zoning Ordinance is defined as the Downtown Hyannis Zoning Districts and includes the Districts' development standards. These sections were amended February 2, 2022.

The Committee requested to review the entirety of the Downtown Hyannis Zoning Districts. Staff presented the section in whole to the Committee.

Committee members highlighted several issues they would like to discuss further. Those items being parking ratios, heights of structures and the districts as defined on the zoning map. In addition, while not specified in the Chapter 240 §24.1 through 13, the Committee also raised concern over the Inclusionary Housing Ordinance, the uniform requirement of 10 percent of the units being affordable as insufficient, as well as a potential need to prohibit short term rentals within these districts.

Staff presented each item requested more specifically at subsequent meetings. The Committee noted the following:

#### Parking

The Committee suggested that the parking ratios for residential dwelling units may need to be adjusted and studied further as one space per unit may not be enough for future development. The Committee reviewed recently approved site plans in the district, discussed the 2017 Hyannis Parking Study, as well as several members conducted a site walk with staff. The Committee concluded that while existing private parking is underutilized and could be managed better there is no guarantee that new development will utilize existing private parking in a shared manner and as a result may impact public facilities if additional parking is needed above one space per unit. The Committee also recognized that Downtown Hyannis is a more walkable district than most areas of Barnstable and trends such as uber, door dash, etc. may limit the necessity for multiple vehicles. Ultimately the Committee recommended increasing the parking ratio.

**Potential Recommendation to Town Council:** The Committee recommends Town Council consider amendments to Chapter 240 §24.1.5.C Table 2 Minimum Required Accessory Parking Spaces by increasing “Residential or artist live/work (per DU)” from one space per unit in all districts to a parking ratio greater than one space per unit *up to no more than but less than* two spaces per unit, *and when calculating the overall parking count for a specific project, the Committee recommends that the state mandated handicap parking spaces that shall be required for any proposed project are not to be included in the parking count. Additionally, it is recommended that the Council may wish to include parking dimension standards for all districts in Downtown Hyannis Zoning. These dimensional recommendations are that new proposed parking spaces shall be a minimum of 9’ by 18’ and that a drive aisle between parking spaces shall be a minimum of 20’.*

#### Building Height

The Committee suggested building heights may also need to be adjusted. The Committee noted that the zoning may want to consider a more nuanced approach to building height considering abutting properties, roof lines, and varying heights over linear feet to reduce the likelihood of a canyon effect along Main Street. The Committee specifically identified the Downtown Main Street District and the Downtown Village District as districts to reevaluate height requirements. The Committee reviewed recently approved site plans in the district as well as several members conducted a site walk with staff.

**Potential Recommendation to Town Council:** The Committee recommends Town Council consider amendments to Chapter 240 §24.1.6 Downtown Main Street District Table 3 by amending Section F of the Table “Number of Stories” from “3.5 or 4 maximum” to a maximum height of 3 stories, however it is recommended allowing for a 3.5 story if the rooftop is proposed to have active space such as rooftop amenities for residents, active commercial space such as a restaurant, green roof, etc. as well as eliminating 240-24.1.6.C.6 “The fourth story of any building must be recessed (“stepped back”) from the façade of the stories below at least eight feet”.

The Committee also recommends Town Council consider amendments to Chapter 240 §24.1.7 Downtown Village District Table 4 by amending Section F of the Table “Number of Stories” from “3.5 or 4 maximum” to a maximum height of 3 stories, however it is recommended allowing for a 3.5 story if the rooftop is proposed to have active space such as rooftop amenities for residents, active commercial space such as a restaurant, green

roof, etc. as well as eliminating 240-24.1.7.C.4 “The fourth story of any building must be recessed (“stepped back”) from the façade of the stories below at least eight feet”.

#### District Boundaries

The Committee discussed potential amendments to the Downtown Hyannis Zoning Districts. The Committee raised concerns about the outer parcels and potentially reducing heights and density as parcels get closer to the outer limit of the Downtown Hyannis Zoning Districts. The Committee reviewed recently approved site plans in the district, existing conditions of boundary neighborhoods, as well as several members conducted a site walk with staff. The Committee suggested amendments to the Downtown Village District that would allow for similar development patterns as those abutting the outer perimeter of the districts.

**Potential Recommendation to Town Council:** The Committee recommends Town Council consider amendments to Chapter 240 §24.1.7 Downtown Village District and the zoning map by replacing in its entirety §24.1.7 Downtown Village District with §24.1.8 Downtown Neighborhood District or the creation of a new zoning district that reduces heights and density. In turn, the zoning map would need to reflect the proposed amendment to the district as well.

#### ***Inclusionary Housing***

The Committee has noted that with the updating zoning, the Town is creating a large number of new housing units. The Committee raised concern over the number of these units that would not be deed restricted affordable. The Committee suggests that the Town Council may wish to consider requiring additional affordability requirements either in the Downtown Hyannis Zoning Districts or in Chapter 9 of the General Ordinance, townwide.

**Potential Recommendation to Town Council:** The Committee recommends Town Council consider amendments to Chapter 240 §24.1 through 13 and the zoning map. The Committee shall continue to work through specific issue areas to provide a comprehensive list of suggested amendments.

#### ***Short Term Rentals***

Similar to above, the Committee has noted that with the updating zoning, the Town is creating a large number of new housing units. The Committee raised concern over the number of these units that may result in short-term rentals. The Committee suggests that the Town Council may wish to consider requiring a prohibition of short-term rentals either in the Downtown Hyannis Zoning Districts or added as a General Ordinance, townwide.

**Potential Recommendation to Town Council:** The Committee recommends Town Council consider amendments to Chapter 240 §24.1 through 13 and the zoning map. The Committee shall continue to work through specific issue areas to provide a comprehensive list of suggested amendments.

Committee member Seth Etienne asked if we are considering increasing the parking to 1.5 to no more than 2 per unit, are we now eliminating an affordable unit away from someone because now that space is on pavement not earning rent. He thinks that this is what will happen. Mr. Etienne asked if there is anything in the developer that entices them to come here, Mr. Kupfer answered yes, we have someone that attends the Economic Development Conference and ask the business here what it would take to come to Cape Cod, and the three things that top the list are people, housing, infrastructure to support, which we do not have. Mr. Etienne also mentioned the rent here on Cape Cod is comparable to Quincy and the Boston area, at the median price being \$2900 a month and the average being \$2600 a month, which is unbelievable, especially when your workers here that support the infrastructure are only making \$15.00 to \$20.00 per hour for the service or retail jobs, these individuals are not even paying the rent. We need to do something about closing that gap.

Chair of Committee asked Mr. Kupfer to continue going through the memo highlighting the changes, so they can discuss them at the next meeting, so that committee member Catherine Ledec’s can do the presentation she has put together.

*Presentation to the  
Town of Barnstable's*

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

*Cathy Campos Ledec  
January 31, 2025*

*This presentation will cover:*

*A. Selected Items Missing/Omissions/Gaps*

*B. Selected areas for improvement (in addition to those already identified by the Committee)*

***Selected items missing, omissions, gaps:***

- 1. Tree Preservation associated with land disturbing activities*
- 2. Climate Resiliency*
- 3. Wildlife-friendly/Bird-friendly building design*

***Selected areas for improvement:***

- 4. Landscaping – Biodiversity*
- 5. Other?*

***1. Tree Preservation – Missing***

*The Zoning Ordinance includes actions required for specimen trees (trees of a certain size).  
**THIS IS EXCELLENT but more is needed.***

***Current Practice:*** *completely clear trees and vegetation from a site except on protected lands (e.g. wetland buffers) This is intensifying the impacts of climate change through deforestation and is not necessary.*

*The current zoning ordinance should provide **clear rules for tree preservation for land disturbing activities.***

*Extensive tree removal is not necessary, needs to stop...the time is now...before it is too late and we lose significant tree cover that will take could take many years from which to recover.*

**Trees**, especially large native shade trees, provide many ecosystem services, most times this goes unnoticed. Why should we care?

**Trees:**



- Inhale carbon dioxide, exhale oxygen
- Filter pollutants from the air
- Absorb and filter large quantities of stormwater
- Buffer noise
- Provide Wildlife Habitat
- Prevent erosion by holding soils
- Cool the air around us through shade – reducing the heat island effect saving energy
- And more

**Trees also protect us from the adverse impacts of climate change.**

- Slow the impacts of heavy precipitation events
- Reduce the Heat Island effect by providing shade
- Protect us from heavy winds
- Prevent soil erosion
- Absorb and filter stormwater
- And more

**We all NEED and DESERVE all of these benefits.**

**Recommendation: This committee should consider recommending to the Town Council the enacting of a Tree Preservation Ordinance for all land disturbing activities.**

Let's not reinvent the wheel...rather seek out examples from other localities with Tree Preservation Ordinances. Keep in mind other localities have had these for many years, improved them over time, learning from actual practice on what works.

**Local examples:** Mashpee's Tree Preservation By-law (Approved by MA Attorney General January 17, 2024)

**Others:** State of Rhode Island has guidance at the state level for local tree preservation ordinances; Fairfax County, VA; Nags Head, NC; Cape May, NJ ... to name a few...

## **2. Climate Resiliency**

All development & redevelopment projects (including municipal projects) should include an action plan for climate resiliency

This should include implementation of mitigation and adaption measures that reduce the impacts of,

- ✓ Increased intensity and frequency of precipitation events
- ✓ High wind events
- ✓ Flooding, including from sea level rise, and from increased intensity and frequency of precipitation
- ✓ Urban Heat Island effect – need to reduce this
- ✓ And more...

### **Climate Recommendation to the Committee:**

This Committee should consider recommending to the Town Council a requirement that all land

disturbing projects (definition needed) be climate resilient and incorporate actions to adapt, mitigate and protect us from the increasing impacts of climate change.

Also recommend including at least some of these suggested areas that would result in projects that adapt and mitigate for climate impacts such as:

- This might apply to projects with land disturbance greater than 2500 sq feet (a suggestion?)
- More (25% more?) stormwater management than is required
- Re-use of grey water and stormwater
- 100% native plantings with biodiversity targets,
- Tree preservation and tree planting with space for large native canopy trees to achieve mature height and breadth so we benefit
- Green infrastructure that become landscape features
- There could be many more....these are introductory ideas...

**We, current and future residents, deserve to be protected from the adverse impacts of climate change.**

### **3. Wildlife-friendly/Bird-friendly Building Design**

Collisions with glass kill more than 1 billion birds each year. Current scientific research suggests these numbers are likely even higher.

Birds provide important ecological functions in support of humans including pest control, pollination of plants, seed dispersal and more. Birds are also indicator species...telling us that our environment is healthy for them ... AND for us.

We must ensure that all buildings (residential, commercial, municipal) are not hazards to our wildlife.

#### **Current Zoning Ordinance includes:**

Lighting needs to be Dark Sky Compliant – EXCELLENT!!

I recommend to the Committee that we request the Town Council **add to the Zoning Ordinance** the need to:

- Use wildlife safe and bird-safe materials including
- No mirrored or reflective surfaces such as mirrored windows
- Fully screen windows that open
- Large expanses of glass must include exterior decals, fritting or etched designs on the exterior of the glass to break up reflected images – these become feature design elements for some buildings
- Varied roof lines (also architecturally more interesting) – avoid long expanses of the same architectural materials

The Yale Bird-friendly Building Initiative includes links to Wildlife-friendly/Bird-friendly Ordinances approved and implemented to date including links to the language of these ordinances:

<https://bird-friendly.yale.edu/usa-policy-database>

Municipal Buildings State-wide require this in: Minnesota, Illinois, Wisconsin, Maryland

Localities: Cook County, IL; San Francisco, CA; Oakland, CA; Portland, OR; Sunnyvale, CA; Richmond, CA; Minneapolis, MN; Mountainview, CA; Washington, DC; Alameda, CA; Santa Cruz, CA; San Jose, CA; New York City, NY; Arlington County, VA; Emeryville, CA; Highland Park, IL; Madison, WI; Howard County, MD; Cupertino, CA; Evanston, IL; Berkeley, CA; Lake County, IL; Middleton, WI; Portland, ME

US Forest Service, National Park Service, US Fish and Wildlife Service Visitor Centers are retrofitting windows with Feather-friendly decals. New construction uses bird-friendly building design.

There are numerous research reports and publications that cover this material including:

Kornreich A, Partridge D, Youngblood M, Parkins K (2024) Rehabilitation outcomes of bird-building collision victims in the Northeastern United States. PLoS ONE 19(8): e0306362.  
<https://doi.org/10.1371/journal.pone.0306362>

<https://home.nps.gov/orgs/1252/upload/Bird-collisions-handbook.pdf>

[https://abcbirds.org/wp-content/uploads/2015/05/Bird-friendly-Building-Guide\\_2015.pdf](https://abcbirds.org/wp-content/uploads/2015/05/Bird-friendly-Building-Guide_2015.pdf)

And more...

### **Selected Areas of the Zoning Ordinance that could be strengthened**

This does not include those topics that have already been discussed by the committee

## **4. Landscaping Plans and Biodiversity**

Global Biodiversity Crisis – current scientific research documents this

There are many peer-reviewed, published scientific references on this topic

Here's one:

**The long shadow of biodiversity loss:** Technological substitutes are poor proxies for functioning ecosystems Larsen, A. et.al., **SCIENCE**, 5 Sep 2024, Vol 385, Issue 6713, pp. 1042-1044, DOI: [10.1126/science.adq2373](https://doi.org/10.1126/science.adq2373)

Another:

**Decline of the North American avifauna.** Rosenberg, K. et.al. **SCIENCE**, 19 Sep 2019, Vol 366, Issue 6461, pp. 120-124, DOI: [10.1126/science.aaw1313](https://doi.org/10.1126/science.aaw1313)

And more...

What's causing this biodiversity crisis?

Many factors including human-caused climate change, habitat loss, deforestation, land use change, overuse of pesticides, and more.

The resulting insect declines, bird declines, plant species declines are well documented in current peer-reviewed scientific research journals. These declines contribute to degrading environmental conditions – this impacts us humans.

How can the Zoning Ordinance improve this situation?

Current Zoning for Landscaping Plans require a focus on native species. **THIS IS EXCELLENT** and will bring us sustainable landscapes.

**Goal: Sustainable and Resilient Landscapes**

**Achievable by increasing the diversity in our planned landscapes**

Keep in mind that each landscape plan is an ecological restoration project AND every land disturbing activity should aim to reduce its impact and improve environmental conditions.

**Recommendation: The committee should consider recommending to the Town Council - ensure that the following requirements for all Landscaping Plans (including municipal plans) are codified into the zoning ordinance.**

- a) % native plants
- b) Plant Diversity: a biodiversity target should be followed. Achieve no more than 10% plants in any one plant category (trees, shrubs, perennials, grasses) should be of one species, and no more than 30% of any genus. No fertilizers (native plants thrive in local soils without fertilizers)
- c) All lawn/turfgrass areas should be replaced with native sedges & ground covers, or non-woody native meadow species.
- d) Use of fertilizers should be prohibited – these contribute to the degradation of water quality (consider a town-wide ban/limit on fertilizer use – review the Orleans fertilizer ban of October 2022 - this is being considered at the state level). Review examples from other localities.

**We need this to maximize ecological restoration on our landscapes.**

**In Summary:**

I recommend that this committee consider including this material in the recommendations to the Town Council.

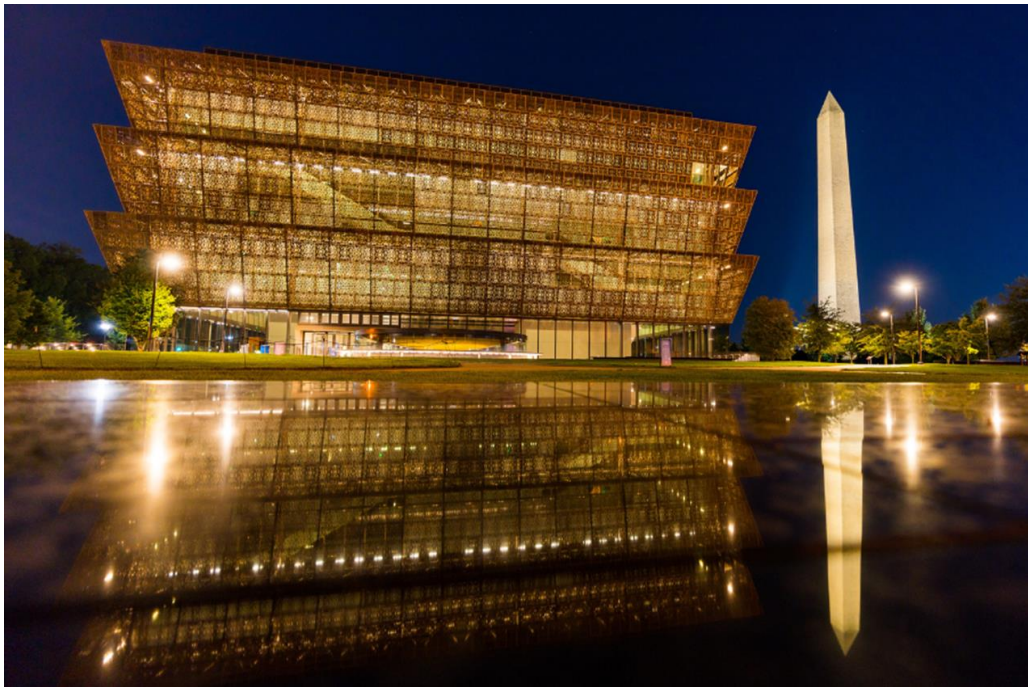
Implementing these recommendations will improve management of the built and natural environment and contribute to improved environmental conditions.

**This benefits all of us...we deserve this.**

**Sample images of Bird – friendly buildings below:**



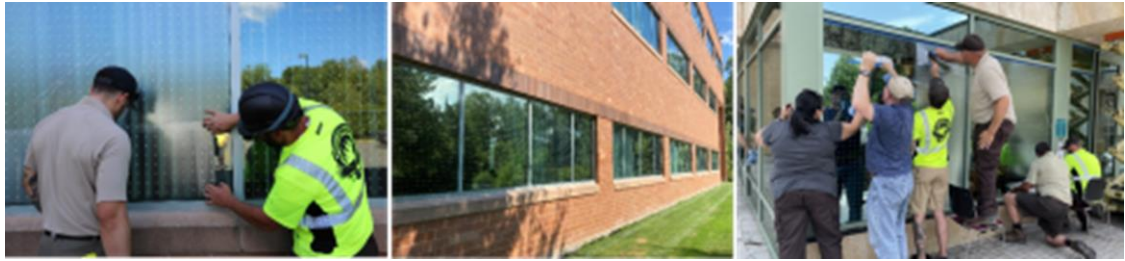
**National Museum of African American History and Culture, Washington DC**



**Sample images**



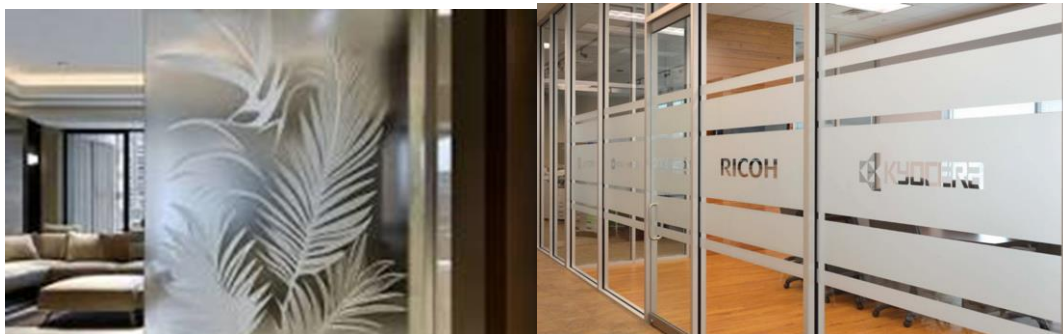
## Sample images



## Images of windows with exterior decals



## Sample images of etching on glass



## Sample images of etching on glass



Ms. Ledec offered the committee some time, it doesn't have to be tonight, but anytime anyone has any questions or just wants to have a discussion o what was presented. Chair of Committee decided given the time of 6pm right now that the committee will take up the following Items at the next meeting:

- F. Solar presentation by Jim Kupfer.
- G. Follow-up on Inclusionary Housing Ordinance presentation given at our 12/13/24 meeting.

The Chair of Committee has also asked Mr. Kupfer to do a little research on the Provincetown proposal that was presented at the Mass Municipal Association and will report that information back to us at the next meeting. The Town Council Administrator was able to find out the information on the Provincetown proposal, and they also went 4 stories if the developer did a bonus for inclusionary.

The Chair of Committee addressed the next Item on the Agenda which is to confirm the date and time and topics for February meetings, after receiving feedback on the possible February 14, 2025, date was okay with most but to start it at 5pm instead of 3pm, and to choose another date after the 14th. There is another sub committee looking at the 14<sup>th</sup>, so the Administrator will find out and reach out to the Committee members as soon as the date is confirmed with IT. The Committee members decided on February 11, 2025, at 5pm and February 21, 2025, at 3:00pm.

In March the committee looked at the 14<sup>th</sup> and the 28<sup>th</sup> for a final review.

The Chair of Committee asked that the two sets of meeting minutes be moved to the next meeting to give members an opportunity to review them.

Chair of the Committee asked for a motion to adjourn, Councilor Kristen Terkelsen made the motion, this was seconded by Councilor Charles Bloom, all members voted in favor of adjournment at 6:37pm

ADJOURN: 6:37 pm