

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

Selectmen's Conference 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 Alsmann

March 14, 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 (zoom); Councilor John Crow; Ken Alsmann; Councilor Jeffrey Mendes; Catherine Ledec; Seth Etienne; Absent: Councilor Kristen Terkelsen; Councilor Matthew Levesque (prior commitment)

Chair of Committee announced that Councilor Terkelsen notified the Chair she would not be in attendance.

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

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.

Chair of the Committee addressed a couple of housekeeping issues, second to the last meeting before the committee sunsets.

Chair of the Committee asked for public comment: Eric Schwaab- West Hyannis- sent an email (below)

*Appendix A – West Main Street Neighborhood Commercial (NC) District*

*Summary: Recommendation for changing the zoning of West Main Street to a Neighborhood Commercial (NC) District which focuses on small, locally owned businesses serving nearby residents.*

*1. Purpose*

*The Neighborhood Commercial (NC) District is designed to:*

- *Support small-scale businesses that serve the daily needs of nearby residents.*
- *Maintain the character of surrounding neighborhoods by limiting large-scale commercial development.*
- *Encourage mixed-use development, including residential units above retail or office spaces.*
- *Enhance walkability and promote alternative transportation options, including biking and public transit.*
- *Integrate safe and accessible pedestrian and bicycle infrastructure to connect commercial areas with surrounding neighborhoods.*

*2. Permitted Uses*

*The following uses are allowed by-right:*

- *Small retail establishments (under 5,000 sq. ft.)*
- *Professional offices (medical, law, accounting, real estate)*
- *Restaurants (excluding drive-thrus)*
- *Coffee shops and bakeries*
- *Personal services (salons, dry cleaners, fitness studios)*
- *Mixed-use buildings (commercial on the ground floor, residential above)*
- *Artisan shops and galleries*

*3. Special Permit Uses*

*The following may be permitted via Special Permit from the Planning Board:*

- *Boutique hotels or bed & breakfasts (up to 12 rooms)*
- *Community centers and small event spaces*
- *Farmer's markets and outdoor vending spaces*

*4. Dimensional Requirements*

*Minimum Lot Size: 10,000 sq. ft.*

*Maximum Building Height: 2.5 stories (35 feet)*

*Front Setback: 10 feet (to encourage pedestrian-friendly design), Side Setback: 10 feet,*

*Rear Setback: 10 feet, Maximum Lot Coverage: 60% (to allow greenspaces and walkways)*

*5. Design Standards*

- *Buildings must maintain a Cape Cod architectural style, incorporating pitched roofs, wood siding, and appropriate signage.*
- *Parking must be located behind or beside buildings, not in front.*
- *Outdoor seating areas and landscaped buffers are encouraged.*
- *Storefronts must include large display windows and pedestrian-scale signage.*

*6. Parking & Transportation Requirements*

- *Retail: 1 space per 300 sq. ft.*
- *Restaurants: 1 space per 4 seats*
- *Mixed-Use: 2 space per residential unit, plus 2 per 500 sq. ft. of commercial space*
- *Shared parking agreements are encouraged to reduce excessive parking lots.*

- *Bicycle Parking: All new developments must provide bike racks with a minimum of 1 bike space per 1,000 sq. ft. of commercial space.*
- *EV Charging Stations: Required for parking lots with more than 10 spaces (Optional)*

## 7. Pedestrian & Bicycle Infrastructure

### *Sidewalks & Walking Corridors*

- *All new developments must include sidewalks that are at least 6 feet wide to ensure pedestrian safety.*
- *Sidewalks must be ADA-compliant, with ramps at all crossings and textured surfaces where needed.*
- *Pedestrian crossings must be clearly marked with high-visibility striping and, where appropriate, include pedestrian-activated crossing signals.*
- *Pocket parks or pedestrian plazas are encouraged in commercial areas to provide gathering spaces.*

### *Bicycle Paths & Connectivity*

- *All developments must include designated bike lanes where feasible, connecting to existing or planned bike path networks.*
- *Bike lanes must be at least 5 feet wide, with clear signage and pavement markings.*
- *Multi-use paths (for pedestrians and cyclists) are strongly encouraged, especially in areas adjacent to major roads or natural features like marshlands or scenic areas.*

### *Transit & Mobility Enhancements*

- *New developments are encouraged to include shuttle stops or designated transit waiting areas where public transportation is available.*
- *Traffic calming measures, such as raised crosswalks, curb extensions, and landscaped medians, should be implemented to enhance pedestrian and cyclist safety.*

## 8. Environmental & Sustainability Considerations

- *Tree-lined streets and shaded walkways should be incorporated to enhance the pedestrian experience.*

### *Appendix B – Commercial Vehicle Storage*

#### *Summary: Amendment for Commercial Vehicle Storage in Residential Areas*

*Section 1 - This is a proposed amendment to the Zoning Ordinance, Article V Accessory Uses by adding new section 240-43.1 to Section 240-43. This new section allows the overnight parking of one commercial vehicle to accommodate the transportation needs of working people in neighborhoods. The new section then prohibits other types and numbers of commercial vehicles on lots in residential areas.*

#### *Section 2*

*Adds information to the existing Home Occupation ordinance to clarify commercial vehicle storage for this use and make this section relate better to the new section 240-43.1 described herein.*

*The following amendment should be considered:*

*2016-154 AMEND ZONING ORDINANCE, ARTICLE V ACCESSORY USES § 240- 43 BY ADDING SECTION 243-43.1 AND AMEND SECTION 240-46 SECTION B. (11)*

*ORDERED: Section 1 of the Order. That the Zoning Ordinance, Article V Accessory Uses be amended by adding new section 240-43.1 to Section 240-43 as follows:*

*240-43.1 Commercial Vehicles Accessory to Principal Residential Use*

*The continued and regular parking of one (1) commercial vehicle owned or operated by a resident of the premises is permitted by right in all zoning districts.*

*A. Only one (1) commercial vehicle is allowed per residence or residential lot.*

*B. All such commercial vehicles shall be parked in a driveway or an enclosed structure. In no case shall such vehicles be parked on the street or on a lawn or other natural area.*

*C. For the purposes of this section, acceptable Commercial Vehicles shall not include tractor trailers, or construction vehicles including but not limited to backhoes, bulldozers and dump trucks. These vehicles are prohibited.*

*D. Overnight storage of more than one multi-passenger commercial vehicle is prohibited.*

*E. Vehicles temporarily on the premises due to permitted building or sitework that is continuing in good faith are allowed.*

*F. Nothing in this section shall be construed as authorization for the conducting a business on the premises, unless that business is permitted by the Town.*

*Section 2 of the Order: That the Zoning Ordinance, Article V Accessory Uses 240-46, Section B. (11) Home Occupation be amended as follows:*

*Add new sentence at the end of the section as follows: "In the case of take-home work vehicles, the owner of a commercial vehicle will be required to apply for a special permit from the Planning Board for authorization to park more than one commercial vehicle in a residential neighborhood."*

*So that the amended Section 240-46, section B. (11) reads:*

*B. (11) There can be no commercial vehicles related to the home occupation, other than one van/SUV or one pickup truck not to exceed one-ton capacity, and one trailer not to exceed 20 feet in length and not to exceed four tires, parked on the same lot containing the home occupation. This section does not apply to residents of a dwelling who park take-home work vehicles that are not registered to them and that do not have a home occupation on- premises. In the case of take-home work vehicles, the owner of the commercial vehicle will be required to apply for a special permit from the Zoning Board of Appeals for authorization to park more than one commercial vehicle in a residential area.*

#### *Appendix C – Boarding Houses and Rental Parking*

*Summary: The second most frequent complaint in neighborhoods is overcrowded rental houses. These rentals are ordinarily associated with excessive numbers of vehicles.*

*In the Town of Barnstable, a three-bedroom home can house up to five unrelated adults.*

*See: § 59-3 Maximum number of occupants*

*First bedroom: Up to 2 occupants, Second bedroom: Up to 2 occupants, Each additional bedroom: Up to 1 occupant*

*There are exemptions for children, grandchildren, and foster children of an owner or occupant; they are exempt from these occupancy limits.*

*The only restriction we currently have on the books for parking at rental properties is:*

*§ 170-9 Parking restrictions.*

*A. The occupant of a dwelling shall use, or allow to be used, no more than 25% of the front yard and no more than 20 feet of frontage as a parking area and/or driveway.*

*Clearly, this isn't enough. We can also explicitly limit the number of vehicles registered tenants can park on a residential rental property.*

*Relying on parking space dimensions for each off-street parking space is cumbersome. We should update and expand upon the existing code by limiting parking to one vehicle per registered tenant. For example, if you have five tenants in a three-bedroom home, you can have five parked vehicles. If there are more than five vehicles in the driveway, there is potentially a problem. Simple, right?*

*I would also explicitly require off-street parking in the rental ordinance and the rental registration, making it clear that the owner is responsible for parking enforcement—even on private roads.*

*Our proposed Rental Parking Ordinance would look something like this:*

*Replace § 170-9 Parking restrictions:*

*A. The occupant of a dwelling shall use, or allow to be used, no more than 25% of the front yard and no more than 20 feet of frontage as a parking area and/or driveway.*

*B. Nothing in this section shall be deemed to supersede the parking requirements set forth by site plan review.*

*With the following: § 170-9 Vehicle Limitation and On-Street Parking Restriction for Rental Properties*

*A. Purpose*

*The purpose of this ordinance is to regulate vehicle usage at rental properties to prevent overcrowding, ensure adequate parking availability, and maintain public safety and neighborhood aesthetics by restricting the number of vehicles per renter and prohibiting on-street parking.*

*B. Definitions*

*Renter: An individual or group who has entered into a rental agreement with the owner of a residential property.*

*Vehicle: Any motorized transportation, including but not limited to cars, trucks, motorcycles, and recreational vehicles.*

*Registered Renter: A person who has legally signed a rental agreement for a residential unit.*

*On-Street Parking: Parking a vehicle on any public or private roadway adjacent to or near the rental property, including streets, alleys, and cul-de-sacs.*

*C. Vehicle Limitation*

*A maximum of one (1) vehicle may be registered per registered renter.*

*Each vehicle must be registered with the property owner or management, including the make, model, and license plate number.*

*Vehicles exceeding the one-vehicle limit per registered renter are prohibited from being parked or stored on the premises or in any areas designated for residential use, except by special permit.*

#### *D. Off-Street Parking Restrictions*

*The occupant of a dwelling shall use, or allow to be used, no more than 25% of the front yard and no more than 20 feet of frontage as a parking area and/or driveway.*

#### *E. On-Street Parking Prohibition*

*No renter, tenant, or occupant of a rental unit may park or allow their registered vehicles to be parked on public streets adjacent to or near the rental property.*

*Renters must utilize designated on-site parking spaces, driveways, or garages as assigned by the property owner or management.*

*Any vehicle found in violation of this section may be subject to fines, towing at the owner's expense, or other penalties as determined by local enforcement authorities.*

#### *F. Enforcement*

*The property owner or management shall ensure that renters comply with both the vehicle limitation and the on-street parking restriction.*

*Violations will be subject to the following enforcement measures:*

*First Offense: Written warning.*

*Second Offense: Fine of up to \$100 per violation.*

*Third Offense and Beyond: Additional fines and/or potential termination of the rental agreement.*

*Local law enforcement or code enforcement officers may issue citations and coordinate towing for non-compliant vehicles.*

#### *G. Exceptions*

*Additional Vehicles: Renters may request a written exemption from the property owner or management for an additional vehicle, subject to approval and space availability.*

*Visitor Parking: Short-term visitor parking is permitted in designated visitor spaces or other approved areas but must not exceed a maximum duration of 12 hours.*

*Disability Accommodations: Special exemptions may be granted for renters requiring accessible parking arrangements.*

#### *H. Severability*

*Nothing in this section shall be deemed to supersede the parking requirements set forth by site plan review.*

*If any provision of this ordinance is declared invalid or unconstitutional by a court of law, the remaining provisions shall continue in full force and effect.*

#### *I. Effective Date*

*This ordinance shall take effect on 6/1/2025.*

#### *Appendix D – Additional Home Occupation Refinements*

*Summary: Commercial districts in Barnstable are required to maintain appropriate buffers, observe strict limits on noise, and restrict light trespass. By-right home occupations operating in residential areas are not subject to the same restrictions. The following is a suggested revision to the Home Occupation code to address this situation.*

§ 240-46 Home Occupation (revised)

*A. Purpose and Intent - The purpose of this section is to allow residents to conduct business from their homes while preserving the residential character of neighborhoods. Home occupations should be incidental to the residential use, not create nuisances, and not negatively impact neighboring properties.*

*B. Permitted Home Occupations*

*A customary home occupation is allowed by right in all zoning districts, provided it complies with the following conditions:*

*Residency Requirement: The business must be conducted by a permanent resident of the single-family dwelling and be located within that dwelling.*

*Space Limitation: The business shall occupy no more than 400 square feet of the dwelling.*

*Exterior Appearance: No external alterations shall be made to the dwelling that would alter its residential character.*

*Traffic: The home occupation shall not generate vehicular or pedestrian traffic exceeding normal residential levels.*

*Parking: Business-related parking must be accommodated on-site and not within the front yard or on the streets of the neighborhood.*

*Employment: Only permanent residents of the dwelling may be employed by the home occupation.*

*Storage & Display: There shall be no outdoor storage or display of materials, equipment, or products associated with the business.*

*Signage: No exterior signage or advertising indicating the presence of a home occupation is permitted.*

*Hazardous Materials: Storage or use of hazardous, flammable, or toxic materials shall not exceed household quantities.*

*Prohibited Uses: The following uses are prohibited as home occupations: barber/beauty shops, commercial kennels, auto repair, junkyards, and retail businesses with on-site sales. (Note: we have a lot of complaints about auto repair shops in the neighborhoods. These are expressly prohibited. This is an enforcement problem).*

*C. New Section: Buffer Requirements - A minimum 10-foot vegetative buffer of trees, shrubs, or fencing is required between any home occupation and adjacent residential properties. The buffer shall be dense enough to obstruct views of any business-related activities. If a vegetative buffer is impractical, a 6-foot opaque fence must be installed. No business operations, storage, or parking shall occur within this buffer zone.*

*D. New Section: Lighting Restrictions - All outdoor lighting associated with the home occupation must be fully shielded and directed downward to prevent glare.*

*No direct light may spill onto adjacent properties or public roads. Motion-activated security lighting is permitted but must turn off within five minutes of activation.*

*Decorative or business-related lighting that creates glare or excessive illumination is prohibited.*

*E. New Section: Noise Control - Home occupations shall not produce noise exceeding:*

*55 decibels (dB) at the property line during the day (7 AM – 10 PM), 45 decibels (dB) at night (10 PM – 7 AM).*

*Restricted Noise Sources: Power tools, machinery, and amplified sound must be contained indoors with soundproofing or limited to 8 AM – 8 PM operation. (Note: These hours are subject to debate.)*

*Mitigation Measures: If noise complaints arise, the home occupation must install sound barriers, insulation, or acoustic fencing to comply with noise limits.*

*Enforcement: The town may conduct noise level inspections based on complaints. Violations must be addressed within 30 days, or the home occupation permit may be revoked.*

*Additionally please review § 240-52 Design and screening standards and § 240-53 Landscape requirements for parking lots. Here change § 240-53 Landscape requirements for parking lots from five vehicles to any vehicles.*

Natalie Pittinger- Hyannis- creating empty lots for commercial vehicles, if they are not allowed on their property, then we need to find space for them to go, it can be done, it will take work, but it can be done and believes it would be a good thing. She also asked that the set backs be looked at, she is a member of the Zoning Board of Appeals, and there was an applicant for installing a pool, and there was an issue with the setbacks not being clarified which made our job in granting the variance very difficult. Ms. Pittinger is working on a letter that will be sent to the Town Council on behalf of the Zoning Board of Appeals (ZBA) asking for clarity.

Chair of Committee thanked both speakers at public comment for coming in and voicing your concerns; Mr. Schulte wanted to mention as the committee goes through the DRAFT memo, some of those areas of concern that Mr. Schwaab addressed are in the memo as areas of concern. Councilor Bloom watched the ZBA meeting and not only was there confusion about the setbacks, but also on signage, so if there are issues like that they absolutely need to be corrected or clarified. Councilor Bloom also thanked Mr. Schwaab for his appendix he sent in, it was well thought out. Both Councilor Crow and Mendes liked the Appendix that was sent, but also mentioned that a lot of the rules and regulations were established way back when in the days, but the demographics and dynamics have chaged over time, and we need to be able to change with that.

Chair of Committee addressed some of the public comments sent via email: Eric Schwaab- West Hyannis;

*Dear Cynthia and Bob,*

*Please distribute to the members of the Ad Hoc Committee on Zoning the suggested revisions to the Town's Home Occupation code. I'm sorry for the late submission. It took me a while to review this code and suggest enhancements.*

*I'm sure you know that businesses in commercial districts in Barnstable are required to maintain appropriate buffers, observe strict limits on noise, and restrict light trespass.*

*For some reason, by-right home occupations operating in residential areas are not subject to the same restrictions.*

*The following is a suggested revision to the Home Occupation code to address this situation.*

*§ 240-46 Home Occupation (revised)*



*A. Purpose and Intent - The purpose of this section is to allow residents to conduct business from their homes while preserving the residential character of neighborhoods. Home occupations should be incidental to the residential use, not create nuisances, and not negatively impact neighboring properties.*

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*Hazardous Materials: Storage or use of hazardous, flammable, or toxic materials shall not exceed household quantities.*

*Prohibited Uses: The following uses are prohibited as home occupations: barber/beauty shops, commercial kennels, auto repair, junkyards, and retail businesses with on-site sales. (Note: we have a lot of complaints about auto repair shops in the neighborhoods. These are expressly prohibited. This is an enforcement problem).*

*C. New Section: Buffer Requirements - A minimum 10-foot vegetative buffer of trees, shrubs, or fencing is required between any home occupation and adjacent residential properties.*

*The buffer shall be dense enough to obstruct views of any business-related activities. If a vegetative buffer is impractical, a 6-foot opaque fence must be installed. No business operations, storage, or parking shall occur within this buffer zone.*

*D. New Section: Lighting Restrictions - All outdoor lighting associated with the home occupation must be fully shielded and directed downward to prevent glare.*

*No direct light may spill onto adjacent properties or public roads.*

*Motion-activated security lighting is permitted but must turn off within five minutes of activation.*

*Decorative or business-related lighting that creates glare or excessive illumination is prohibited.*

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*Restricted Noise Sources: Power tools, machinery, and amplified sound must be contained indoors with soundproofing or limited to 8 AM – 8 PM operation. (Note: These hours are subject to debate.)*

*Mitigation Measures: If noise complaints arise, the home occupation must install sound barriers, insulation, or acoustic fencing to comply with noise limits.*

*Enforcement: The town may conduct noise level inspections based on complaints. Violations must be addressed within 30 days, or the home occupation permit may be revoked.*

*If you want to get in the weeds, see § 240-52 Design and screening standards and § 240-53 Landscape requirements for parking lots. Here all we have to do is change § 240-53 Landscape requirements for parking lots from five vehicles to any vehicles. It's the small businesses with 3-5 trucks that are overusing their properties. This activity needs to be expressly prohibited*

*Thank you for your consideration.*

*Eric*

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*Dear Mr Schulte,*

*As Ad Hoc Chair of the Advisory Committee to Review Zoning and Permitting Regulations I was advised to contact you about my current concerns about the above noted subject matter.*

*First, it might be helpful for me to give you some background information about why I am very concerned about not only this project but a number of others currently approved by the TOB and or proposed, under design or under construction or imminent development:*

*I have been (primarily) a resident of the TOB since 1956...*

*I grew up on Louis St which was during my elementary, middle school and some high school years: a wonderful neighborhood area to be raised in...*

*To those of us (~Senior Citizens~) still with us and still living in the surrounding neighborhoods...*

*It has been a long and distressing almost 70years watching what has happened to what was once a "Beautiful (including Downtown) Hyannis" - Then a village.*

*Where there were once healthy towering Elm, Oak, and Chestnut trees that lined North, South and Main St...*

*With magnificent homes, estates and small businesses...*

*They are essentially all gone...*

*In its place, only the (truly historic) Puritan Clothing building remains almost as the only reminder of the "class" and charm that this town once exuded and where pride of ownership, community and good standing are still quite evident.*

*In the place of (I guess) "The Days of Yore" ...*

*We now have a hodgepodge of honkey-tonk "tourist traps"/ a number ill kept and...*

*A slew of various themed restaurants - admittedly some with great food and drink - and a number that would appear to be on the verge of shutting down and in disrepair the meantime...*

*(Yes, of course there are a few other exceptions.)*

*Main Street ~street lighting~ and "decoration" that definitively belong in some more appropriate "city" or urban/suburban community of Boston. Honestly.*

*To me, it seems Hyannis has lost its way. While other large...*



*The Mass Land Court ruling, upheld by the SJC, of the Tracer Lane II Realty v. the City of Waltham established that an access road is part of a utility scale solar installation. This means that an access road should not lie within the setbacks established to abutting properties. The access road should lie outside the setbacks, so that it is furthest from the abutting properties.*

*With the town undergoing litigation by TJA Solar, the ZBA granted TJA Solar's request to reduce the setbacks on the 810 Wakeby Road project. Setbacks that had been established by our solar bylaws which had been newly rewritten with the guidance of TJA Solar's attorneys.*

*Setbacks to residential properties were reduced by the ZBA from 150' to 140'. Setbacks to the Hayden well field conservation restriction land, newly established by the town, were reduced from 100' to 16'.*

*(These reductions were just for the 810 Wakeby project only, as requested by the solar developer, TJA Solar, aka TJA Clean Energy)*

*Ideally, it should be part of the bylaws that no variances or reductions to setbacks should be given to ISSI, especially in residential zones. Or most ideally, that no ISSI should be sited in residential zones at all.*

*However, TJA Solar's 20 acre, 5MW, Industrial Scale Solar Installation is currently under construction at 810 Wakeby Road, 140' from my home.*

*A great concern for our community is that the access road does not lie within 140' setbacks to our homes. Fire is our major concern. Another ten feet for emergency responders may mean life or death for them and the human beings whose homes are so close to the "thermal runaway", common with utility scale solar installations. Water cannot be used against large scale electrical fires and chemical foam cannot be used above the Hayden wellfield public water supplies.*

*The Fire Dept. has a "Let it Burn" policy in this scenario at 810 Wakeby. Ten feet is ten feet. But it may save a life.*

*While a ten foot earthen berm between the solar panels, transformers and inverters and our homes would be the best fire barrier, this was never taken under consideration by the town during the 4 years this matter was before them.*

*It was discussed by the Planning Board that James Kupfer would have the power to oversee and enforce the terms of the solar zoning bylaws at the 810 Wakeby project, not just the Building Commissioner. Our hopes are with Mr. Kupfer to ensure the access road placement is not within our setbacks. And that the "complete year-round screening" established in the new solar zoning bylaws is complete and year-round.*

*Mr. Kupfer's involvement in the oversight and enforcement is essential given that over the years, Brian Florence has always found the interests and profits of the owner and developer at 810 Wakeby to far outweigh the health, safety and welfare of the surrounding families as well as the preservation of our natural resources.*

*Our community thanks you for your consideration in these recommendations to Town Council.*

*Best Regards,*

*Anne Salas  
145 Mockingbird Lane  
Marstons Mills*

\*\*\*\*\*

*Dear Ms. Lovell, please pass this onto the ad hoc zoning committee.. Thanks!*

Dear Committee Members,

I am not able to attend today's meeting but wanted to share some thoughts that coalesced around your conversations last meeting after I had to leave to pick up my kids from daycare. Firstly, there have been many references in this committee to the fact that a walkable, or less car dependent community should be an end goal, at least for the Hyannis Business District, or whatever the official title of the main street and surrounding areas is. I think many of the comments fall into the category of, we want this to be the future but have to accept the realities of now. That said, I want you all to keep in mind that many of the developments already approved are not going to come online for another year to three years. Developments being conceived of now, or ones that are in the approval process could be 4-6 years out. I would consider it a failure of our town if we have not made large strides to becoming a less car reliant community in 5-6 years. So, please consider that the choices you are making now have repercussions in terms of our abilities to move towards those goals in the future, akin to a person making cuts on a bonsai tree. In reducing the potential for density, and rejecting the ability to upzone more residential areas to duplexes and triplexes, I think you are also dragging things too far into the other direction. What I see in my neighborhood are large, inefficient in terms of land use and resource use, McMansion structures being built and then left empty for half of the year. From what I can tell, there is no recourse about people wanting to build these houses. The town council does not have to sign off on these projects as far as I know. The more inaccessible we make our more residential areas to median income households, the more we will see a Hyannisport-i-zation of our neighborhoods. I have also included an article from the Washington Post about the merits of townhouses and duplexes in comparison to single family structures.

I did share this with the housing creation committee, but wanted to share this with you as well. There is currently a bill being worked on to pilot a similar effort in Cambridge, and, I think if this works, we should strongly consider it as a tool for building housing that is not encumbered by the concerns of hurdle rates or ROI, and should be allowed to be built with an aim towards gentle density in appropriate areas. <https://www.socialhousingcenter.org/blog/in-montgomery-county-maryland-they-are-building-a-network-of-social-housing-and-it-cost-the-county-virtually-nothing-here-is-how-they-do-it>

With concerns about setbacks, heat effect, tree cover, and stormwater, I did also want to share this video. I am not calling for all of Barnstable to look like Hoboken, NJ, but they are able to achieve gentle density, zero to low setbacks, shade trees, and storm water management landscaping to good effect. I also really like the pylons as a low cost tool for creating no go zones for vehicles and think they would be very attractive options for necessary road narrowing we have to do. <https://youtu.be/gwu1Cf8G9u8?si=gOSYMex0M-4XDewr>

Finally, I wanted to touch on the discussion about the Governor's report that was alluded to several times. I am having trouble with some cognitive dissonance between that report and the Housing Needs Assessment I was sent by you all, which I very much appreciate. My main takeaway from reading the governor's report was:

"While Massachusetts grew by 7.3% from 2010 to 2020 and has continued to add people in the last couple years, the signs are that the population growth in the state will slow considerably over the next decade. In fact, "business as usual" population projections prepared for this plan indicate that the state's population may decline by 0.4% from 2025 to 2035 due to diminishing international immigration and continued loss of residents to other states." (pg 40)

The lack of need for new housing in our County from this report seems highly attributable to the fact that we have a large Baby Boomer and Silent generation population and that we will experience a large population decline in the next 10 years. However the Housing Needs Assessment document on pages 29 and 30 call out that we have about 42% of our housing dedicated to second homes, and that many of these home are then converted to primary residences. We also know that other areas of Massachusetts and other states are sources of migration for these types of households, and therefore, I do not know that we can rely on the ageing of our current population as a path towards freeing up housing in the future. Nor, can we expect as these houses become available on the market at current rates that they will be accessible to anyone except the higher income earning decile. It is also clear that these households drive demand growth for services in dining, leisure, and retail that require higher workforce populations. So, this could all work out how the Governor thinks it will, or we will end up in an even bigger hole than we are now, with an even more stratified and unequal population.

In regard to the market rate housing, I do not think that we should completely eschew larger market rate developments for several reasons. The first is that "Stakeholders report there is need at and above 120 percent of HUD Area Median Income in many places, which is likely eating into what looks on paper like a surplus." (pg 81), and "There is also a shortage of housing affordable to renter households earning 120 percent of median income. They are likely accessing housing that would better fit the budgets of lower income households which potentially applies pressure to lower income renters." (pg 81)

This reads to me as we should be looking to affect the median market rate rents through increased supply. The fact that the development off Independence Dr. has vacancies makes me wonder, if they believe there is a renting population in our town that would like to move out of less attractive housing and into this new housing once their leases are up. This would then free up down market units that might have to charge less to fill vacancies, but only if we are able to reach supply to meet demand. I think Social housing is the best approach to this, but, in the meantime larger developments are the best way to do this, and they are the only developments right now that are actually contributing to affordable housing since small and certain medium sized developments do not have requirements for affordable units.

Thank you for your time. I look forward to watching your discussion.  
Chris Gregory  
Centerville

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Chair of Committee asked Mr. Kupfer to present his presentations:

# Town of Barnstable Short Term Rentals and Single Family Housing Zoning Discussion

Reg Agreement & Zoning Adhoc Subcommittee

March 2025



## Short Term Rentals

### What is a short-term rental property?

#### Massachusetts Definition

A short-term rental is defined as an owner-occupied, tenant-occupied or non-owner-occupied property including, but not limited to, an apartment, house, cottage, condominium or furnished accommodation, where:

1. at least 1 room or unit is rented to an occupant or sub-occupant; and
2. all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.
  - In simpler terms, if you own, rent, lease, or otherwise live in a home/apartment/condo/room, and you rent it out to others for short-term use, your property classifies as a short-term rental.
  - Short-term rentals do not include property that is rented out through tenancies at will or month-to-month leases, or hotels, motels or B&Bs.



# How many in Town?

Our peak advertised\* STR listing numbers are:

'21 689

'22 818

'23 956

'24 895

Registered STRs in the last two years:

'23 789

'24 844

\*Host Compliance Software through Inspectional Services



## 2020 Proposal to Town Council

The proposed approach to Short Term Rentals is two-fold: a general ordinance to register Short Term Rentals with the Inspectional Services Department and require that certain standards, including life safety standards, are met; and an amendment to the zoning ordinance to recognize Short Term Rentals as an allowed use of a residential dwelling.

This item is a proposed amendment to the Zoning Ordinance to recognize and define Short Term Rentals. Short Term Rentals are defined consistent with the Short-Term Rental Law, as noted above; the definition also includes exclusions, including historical cottage colonies. The amendment also establishes parking standards for the use. Parking is appropriately addressed through zoning, as opposed to a general ordinance.

Currently locally they are allowed but must be registered.



# How are places dealing with STRs

## Short-Term Rental Registration and Verification by Booking Services

On January 9, 2022, New York City adopted Local Law 18, also known as the Short-Term Rental Registration Law. The law requires short-term rental hosts to register with the Mayor's Office of Special Enforcement (OSE), and prohibits booking service platforms (such as Airbnb, VRBO, Booking.com, and others) from processing transactions for unregistered short-term rentals.

Starting September 5, 2023, OSE's initial phase of Local Law 18 enforcement will focus on collaborating with the booking platforms to ensure they are using the city's verification system, that all verifications are occurring correctly, and that the platforms stop processing unverified transactions.

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### Principal residence requirement

New York City tries to fend off real estate investors by requiring that homeowners occupy the property alongside their guests. In a city where space comes at a premium, Airbnb said the regulation was "intended to drive the short-term rental trade out of New York City once and for all."

Similarly, the beach town of Santa Monica, California, permits only "home shares," as distinct from vacation rentals. Airbnb has agreed to remove noncompliant listings.

A new regulation in some parts of British Columbia permits only principal residences and one secondary unit on the same property to be listed as short-term rentals.

### Maximum number of listings

Seattle has a moderately looser rule that allows an owner two listings: the home she lives in, and one other unit in a secondary investment property.



# Nantucket

Article 1 - which has been described by supporters as a compromise proposal - was a zoning bylaw amendment drafted by the Select Board and a group of citizens that would have placed some limits on short-term rentals and written them into the Nantucket zoning code as an allowed use in all residential districts. Despite earning the endorsement of the Select Board, Planning Board, and Finance Committee, Article 1 was soundly defeated, with 416 votes in favor and 472 votes opposed. It had required a two-thirds majority vote, so the article was rejected by a wide margin.

Article 2, an accessory short-term rental zoning bylaw amendment proposed by island resident Charity Benz and the Put Nantucket Neighborhoods First group, fared better than Article 1 but was also defeated by voters despite earning a majority. The proposal would have allowed short-term rentals as an accessory use - meaning an owner would have to use their property as their primary residence for more days than they rented it. The final vote on Article 2 was 478 - 394. It garnered the support of 55 percent of those in attendance, but as a zoning bylaw amendment, it required a two-thirds majority, a threshold of 581 votes that was not met.

The votes came just four months after island residents had rejected similar proposals at the 2024 Annual Town Meeting in May.

## Single Family Zoning

### Residential Districts

RB	Residence B District
RC	Residence C District
RC-1	Residence C-1 District
RC-2	Residence C-2 District
RC-2C	Residence 2-C (Pond Village District)
RD	Residence D District
RD-1	Residence D-1 District
RF	Residence F District
RF-1	Residence F-1 District
RF-2	Residence F-2 District
RG	Residence G District
RAH	Residence AH District
MAH	Multi-Family Affordable Housing MAH District

### Commercial Districts

B	Business District
BA	Business A District
MB-A1	Marine Business A1 District
MB-A2	Marine Business A2 District
MB-B	Marine Business B District
VB-A	Village Business A District
HB	Highway Business District
UB	Urban Business District
S&D	Service and Distribution District
SD-1	Service and Distribution District
MMV	Marston Mills Village District
WBVBD	West Barnstable Village Business District

### Downtown Hyannis Zoning District

DMS	Downtown Main Street
DV	Downtown Village
DN	Downtown Neighborhood
HH	Hyannis Harbor
TC	Transportation Center
HC	Highway Commercial
DH	Downtown Hospital

### Industrial Districts

IND LIMITED	Industrial Limited District
IND	Industrial District

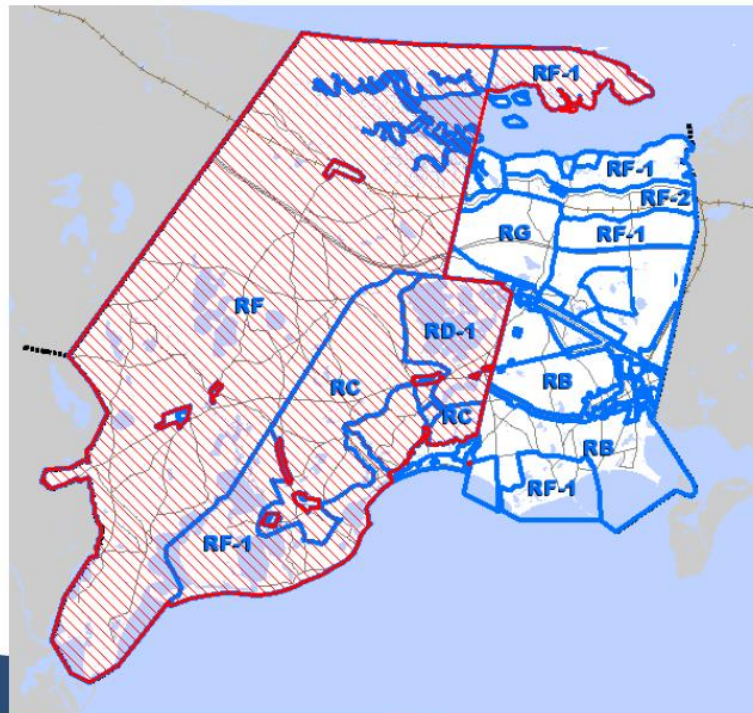


# Residential District Example

§ 240-11 RB, RD-1 and RF-2 Residential Districts.

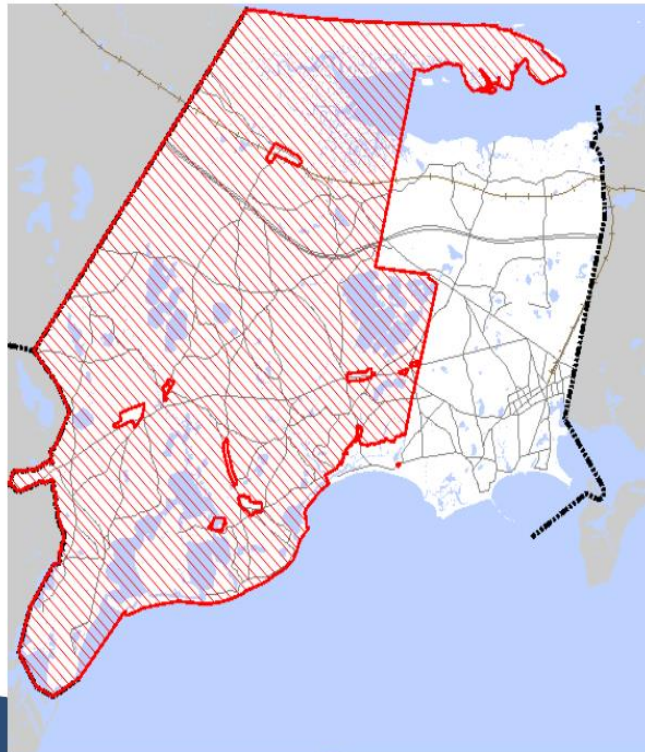
A. Principal permitted uses. The following uses are permitted in the RB, RD-1 and RF-2 Districts:

- (i) Single-family residential dwelling (detached).



# Resource Protection Overlay District

- D. Resource Protection Overlay District regulations. Within the Resource Protection Overlay District, the minimum lot area requirement of the bulk regulations in all residential zoning districts shall be 87,120 square feet.



# Village Center Example

## § 240-24.2 Marstons Mills Village Zoning District.

Mixed use development where the building footprint does not exceed 5,000 square feet and total gross floor area does not exceed 10,000 square feet with retail or office use on the first floor, residential apartment units above not to exceed four apartment units.



## Future Initiatives

- Historic Preservation programs for Village Centers
- Protecting and potentially expanding the Resource Protection Overlay District
- Preserve Historic Growth pattern/balance



Councilor Crow would like to see regulations put in place for the Short Term Rentals, he believes it has a significant impact on the housing stock in town. Councilor Crow has created a list of other towns throughout the United States on how they deal with short term rentals, and also what regulations they have in place that he will circulate through the Administrator to send to the rest of the committee members. Chair of committee mentioned that there will be no specific recommendations on short term rentals, but in the memo he will highlight that it was a high priority discussion.

Chair of Committee discussed the following Executive Summary below that was created by the Sub Committee members:

I. **EXECUTIVE SUMMARY (To be Added)**

II. **INTRODUCTION**

A. **Background**

This memorandum of recommendations (the "Memo") is being provided to members of the Barnstable Town Council (the "Town Council") in response to Town Council Item # 2024-166 – Resolve Establishing Certain Ad Hoc Advisory Committees (the "Resolve"). The establishment of such committees to assist the Town Council in carrying out its responsibilities is in accordance with Section 241-8 of Chapter 241 of the Town Administrative Code.

The initial read of the Resolve occurred on March 7, 2024 and was continued to March 21, 2024. On March 21, 2024, the Town Council voted to approve Item # 2024-166C which established the Committee to Review and Assess Zoning and Review of the Town's Regulatory Agreements (the "Committee").

The Committee would like to thank the Town Council for the opportunity to address and make recommendations on numerous critical topics and issues impacting Barnstable, its neighborhoods and, most importantly, its residents. These topics and issues are often complex and therefore can be challenging to address. In making the recommendations set forth herein, the Committee considered information provided from all sources as well as tradeoffs associated with various options.

We are very grateful for the time and assistance provided by Director of Planning, Jim Kupfer, Attorney Kate Connolly and our Committee administrator, Cynthia Lovell. Mr. Kupfer was particularly helpful and responsive to any requests made by the Committee and was always a pleasure to work with. We found his approach and leadership of the Planning and Development Department a refreshing change and feel he is a real asset to the Town's senior management team. In working with Mr. Kupfer, we found that the Town has many good "tools" at its disposal and strived to make recommendations that would take advantage of those tools in order to preserve and improve the quality of life in our Town and villages.

Finally, we'd like to thank the many members of the public who appeared before, emailed or called members of the Committee with their thoughts and opinions. Not surprisingly, we found that one of the Town's best and most important resources is its residents. The Committee believes this is something on which we can all agree.

B. Purpose of the Committee

As set forth in the Resolve, the purpose of the Committee is as follows: *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 Council.* The Committee adhered to the purpose by reassessing recently adopted Town Council-approved zoning changes, many of which were focused in Hyannis. The Committee generally did not assess the broad suite of forward-looking land use and zoning matters under discussion in the Local Comprehensive Planning process or the in the Housing Production Plan process.

The initial deadline for the Committee to complete its work and make recommendations to the Town Council was October 31, 2024. However, the deadline for the completion of the Committee's work was extended to March 31, 2025 with a presentation of its recommendations as soon as reasonably practicable thereafter.

C. Processes Undertaken

1. Bimonthly Meetings - The Committee held its initial meeting on June 28, 2024 at which it elected a chair and discussed its general plans for the execution of its charge. Over a nine-month period, the full Committee held 18 meetings on a bimonthly basis, through the end of March 2025, with the exception of December.

The Committee's meetings were generally well attended and a quorum of Committee members was satisfied for all meetings. ~~no meetings were canceled due to a lack of quorum.~~ Committee members who attended the meetings came well prepared and robust discussions were held without constraints placed on time.<sup>1</sup>

Upon commencement of its work, the Committee elected to start by considering Chapter 168 of the General Ordinance: Regulatory Agreements to be followed by Chapter 240 of the General Ordinance: Zoning. For Chapter 240, as only a few zoning amendments are passed each year, the Committee discussed with Director of Planning Jim Kupfer and Assistant Town Attorney Kate Connolly how it would define "recent" zoning amendments for the purpose of its work. There was agreement among

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<sup>1</sup> One Councilor who asked to be appointed to the Committee attended only the initial meeting. While that Committee member did not resign, the lack of attendance caused the Committee to operate with one less member than contemplated at formation. Given the regular and robust participation by elected and appointed officials, and unconstrained public comment, the Committee nevertheless had a robust record and diverse perspectives throughout the process.

Committee members and Town staff supporting the Committee that “recent” zoning amendments would include not only the 2023 Downtown Hyannis Zoning Districts amendment, but also a look back at significant zoning amendments passed and/or proposed by the Town over the past 20 years.

2. Presentations by Subject Experts - During the course of its meetings, the Committee received numerous presentations on various topics by subject experts and/or knowledgeable individuals. Those experts/individuals included the following:
  - James Kupfer, Director, Planning and Development
  - Kathleen Connolly, Assistant Town Attorney
  - Brian Florence, Director, Inspectional Services
  - Steven Robichaud, Planning Board Chair
  - Rick Presbrey, Chair, Committee to Assess and Recommend Strategies for Housing Creation Within the Town
  - Laura Shufelt, Member, Committee to Assess and Recommend Strategies for Housing Creation Within the Town
3. Public Comment - All of the Committee’s meetings included public comment periods with no limits placed on time for commenters. The public was ~~granted the ability to also permitted the opportunity to comment at various points during meetings, and not just at the very beginning.~~ Public comment was accepted in person, via zoom and in writing via email. Public comment was always respectful and on numerous issues was quite extensive. The Committee would again like to thank and express its gratitude for the engagement of so many residents throughout the process.
4. Memorandum of Recommendations – During the course of its work, the Committee heard a variety of opinions on topics discussed by the Committee. These opinions were expressed by Town staff, subject experts, members of the public and the committee members themselves. On some issues, the range of opinions was wide. For example, regarding building & building heights, opinions ranged from requesting a multi-year moratorium on all new building in Downtown Hyannis and surrounding areas to making no changes to the zoning and continue building at the current pace. Another example was parking in Downtown Hyannis. We heard requests which ranged from increasing parking to 1 space per bedroom (vs. dwelling unit) to eliminating any parking requirements at all.

The Committee discussed and evaluated all of the information and opinions provided and developed the recommendations included in this memorandum. There was broad consensus on most issues, although unanimity was not reached on every topic.

III. Review of Chapter 168 Regulatory Agreement Ordinance and Map

Please see the attached memorandum titled *Potential Amendments to Chapter 168 Regulatory Agreement Ordinance and Map*, dated \_\_\_\_\_ (Exhibit A). The memorandum provides a detailed overview of the process undertaken by the Committee in its discussions, consideration of public comment and rationale in support of its recommendations to the Town Council regarding Regulatory Agreements. The Committee believes the recommended amendments/actions summarized below will make Regulatory Agreements better, more consistent, visible and effective for both the Town and developers.

A. Proposed Recommendations/Amendments to the Town Council:

1. *Regulatory Map Amendments:*

- a) Recommend Regulatory Agreement District Map be reviewed and amended by adding or removing certain properties from the Map.
  - i. Priority consideration for removal should be given to the Regulatory Agreement District Parcels outside the Growth Incentive Zone (GIZ). Some of these, (e.g., a portion of historic Main St, Centerville) appear to have been randomly added and as there has been no development or activity there, should be considered for removal from the GIZ map.

2. *Process Changes to Enhance Consistency and Visibility – Earlier Public Involvement and Requirement for Final Reporting:*

The Committee recommends:



- a) Establish a Regulatory Agreement Template utilizing best language examples from prior agreements and institute a process where the Town takes the lead in what it would like to see in the agreement rather than the developer leading the process for use by applicants (versus applicants using the most recent agreement as starting point);
- b) Require introductory presentation of proposed project (i.e., concept stage without the need for expensive engineering drawings) to the Town Council and public at a regularly scheduled Town Council meeting prior to any public hearing by 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 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;<sup>2</sup> and
- c) Require all Regulatory Agreements be conditioned to provide final report/presentation documenting the satisfaction of all conditions at public Town Council meeting prior to consideration of final approval.

The above recommendations may be by ordinance amendment or policy by Town Council – clarify this with Jim??

### 3. *Town Council Guidance on Priority Defined Public Benefits:*

The Committee recommends:

- a) The Town Council should review and consider providing guidance on suggested public benefits that would, in the Council's view, provide the greatest community value for the long term. Such guidance would not foreclose other proposed benefits, but would enhance focus on Town Council-identified community priorities and benefits; and
- b) The Town Council should review, and revise as appropriate, such Public Benefits guidance annually so that the guidance to developers remains aligned with then-current Council-identified community needs;
  - i. This could be done in a process that includes consideration of community needs and objectives, and that has public notice and comment opportunity, such as in connection with the Town Council's annual Strategic Plan Review. This could include, for example, new/different benefits, a table of specific benefits, etc.

<sup>2</sup> The Committee also suggests the Town Council consider requiring developers contemplating a Regulatory Agreement for a proposed project to first approach and inform the town councilor of the precinct where the project would be located.

**4. Regulatory Agreement Enforcement:**

The Committee recommends:

- a) The Town Council should amend subsection Chapter 168-11 to require performance guaranty for conditions through the posting of a performance and/or conservation bond (for environmental feature benefits).
  - i. Bonds should be for a calculated<sup>3</sup> significant dollar amount as specified in the Regulatory Agreement and not released (i.e., no partial release) until the Town makes a written determination that the developer has fully executed all of the Regulatory Agreement conditions;
- b) The Town Council should amend subsection Chapter 168-9B to add language regarding explicit timeframes for the developer to satisfy the conditions, (e.g., perpetuity, x number of years), and reporting requirements for specified conditions and changes of ownership during the period the Agreement is in effect; and
- c) The Town Council should explore the assignment or addition of specific enforcement officers responsible for the review and confirmation that Regulatory Agreement requirements/conditions are complied with, and ultimately fully satisfied, and specify the process for ~~the~~ reporting non-compliance to the Town legal department for follow-up.

**IV. Review of Chapter 240 Zoning Ordinance and Map**

Please see the attached memorandum titled *Potential Amendments to Chapter 240 Zoning Ordinance and Map*, dated [redacted] (Exhibit B). The memorandum provides a detailed overview of the process undertaken by the Committee in its discussions, consideration of public comment and rationale in support of its recommendations to the Town Council regarding Chapter 240 Zoning. The Committee believes the recommended amendments/actions summarized below will address some key issues and concerns with the current Zoning.

**A. Proposed Recommendations/Amendments to the Town Council:**

**1. Exempt Uses:**

<sup>3</sup> Most performance bond costs are calculated using a rate per \$1,000 of the contract value. These rates typically fall between 0.5% and 3.0 – 4.0% depending on factors like the contractor's financial health, experience and project complexity. For example, a 1.75% rate on a \$1.5 million project would be .0175 x \$1,500,000 = \$26,250.

The Committee suggests that there is a lack of regulation surrounding exempt uses, specifically municipal uses. The Committee 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.

The Committee recommends:

- a) Exempt Uses, §240-8, be amended to establish standard policies and/or add certain standards for municipalities to adhere to for site development when proposing new construction or substantial alterations. Need to provide examples here....

2. ***Downtown Hyannis (Chapter 240 §24.1 through 24.1.13):***

The Committee reviewed Chapter 240 §24.1 through 13 of the Barnstable Zoning Ordinance, defined as the Downtown Hyannis Zoning Districts, as amended on February 2, 2022. The Committee highlighted several key issues for further discussion including: parking ratios; heights of structures; % of open space on lots; streetscape/tree planting; and the districts as defined on the zoning map.

a) **Parking (Increase Minimum Parking Requirements)- HIGH PRIORITY ACTION**

- i. Recommend amendment to Chapter 240 §24.1.5.C Table 2 Minimum Required Accessory Parking Spaces by increasing "Residential or artist live/work (per dwelling unit (DU))" from one space per unit in all districts to a parking ratio of a minimum of 1.5 space per unit up to no more 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 Town Council may wish to include parking dimension standards for all districts in the Downtown Hyannis Zoning. These dimensional recommendations are that the 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';

**Commented [RS1]:** I recall the town's consultant at the time studied a reduction to 1.3 per dwelling unit, but the Town decided to go even further and reduce parking to 1 per dwelling unit. I remember reading it in a document that no longer appears to be posted online. I attended the workshops and forums at the time and recall parking being one of the more controversial issues discussed. I don't believe residents' concerns about parking is new and we may want to add some additional commentary or a footnote about that here.

- ii. Consider update/refresh of May 2017 Hyannis Parking Study; and
- iii. Implementation of key recommendations included in the Hyannis Parking Study (give examples).

b) **Building Standards (Expansion of District Boundaries) - HIGH PRIORITY ACTION**

- i. Recommend amendment to Chapter 240 §24.1.6.C.4 to delete and replace "Ocean Street" with "Center Street/Old Colony Road".

c) **Building Height (Reduce Building Height Maximum) - HIGH PRIORITY ACTION**

- i. Recommend amendment to Chapter 240 § 24.1.6 Downtown Main Street Dimensional Standards, Table 3, Building Form F - Number of Stories from "3.5 to 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. Amend Chapter as well as eliminating 240 §24.1.6.C.6 to read "The 5 story of any 3.5 story fourth story of any building must be recessed ("stepped back") from the facade of the stories below at least eight feet".

d) **District Boundaries (Replace Downtown Village District with Downtown Neighborhood District) - HIGH PRIORITY ACTION**

- i. The Committee recommends 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. In turn, the zoning map would need to reflect the proposed amendment to the district as well.

**Commented [RS2]:** Based on conversations with Jim, experience has established that developers can and do bring in proposals that are less than 4 stories, which counters the speculation at the outset of the Downtown Hyannis zoning discussions 4 stories were needed to make a project economically viable. Several actual recent proposals from developers have shown that less than 4 stories is viable in practice. We may want to add some additional commentary or a footnote about that here.

V. **Other Zoning-Related Topics/Issues Discussed by the Committee and Recommendations to the Town Council**

Over the course of its work, the public brought numerous other significant zoning-related topics/issues to the attention of and which were discussed by the Committee. Due to scope and/or time constraints, the Committee was unable to address all of these topics/issues.

However, based on its work and the extensive public comments it received, the Committee has identified certain issues which it believes to be extremely important to the Town and its residents

and strongly recommends that the Town Council review and consider addressing these through additional amendments to the Town's zoning laws and regulations.

**A. Inclusionary Affordable Housing Ordinance - HIGH PRIORITY ACTION**

On December 13, 2024, Rick Presbrey, Chair of the Committee to Assess and Recommend Strategies for Housing Creation Within the Town, and Laura Shufelt, a member of that Committee and local housing expert, joined our Committee for a presentation by Jim Kupfer on Chapter 9, Affordable Housing, of the Town's General Ordinance and to discuss affordable housing requirements and the Town's Inclusionary Housing Ordinance. During this meeting and others held by the Committee, members of the Committee as well as members of the public, both in-person and in writing, expressed concerns with the amount of new market rate housing units being created under the Town's current zoning and the lack of affordable, year-round units which are what is truly needed by the members of our community. This was not unexpected: at a stakeholder meeting in March 2020 on the Hyannis zoning change proposal, the Town's consultant said to expect new housing units to be at the upper end of the market rate. Under the current Inclusionary Affordable Housing Ordinance, developments with 10 or more units must have at least 10% of the residential constructed as deed restricted affordable units. The Committee raised the concern that the 10% requirement was not high enough to create the deed restricted affordable units the Town needs.

Various other related issues were also discussed and the Committee recommends that the Town Council review and consider the following actions, amendments and policies:

1. Conduct formal audit of the Town's existing affordable housing units to establish and accurate current count as a benchmark and to avoid the risk of underreporting qualifying units to the State.<sup>4</sup>
- 1.2 Conduct an economic feasibility analysis to assist in determining to whether and to what percentage the Inclusionary Affordable Housing Ordinance should be adjusted.
- 2.3 Increase in the Inclusionary Affordable Housing Ordinance percentage from 10% (e.g., 15% - 20%, or more) based on input from the economic feasibility study.
- 3.4 Consider use of a tiered approach in which the larger the project, the higher the affordable percentage required, (e.g., 10 to 20 units – 10%; 21 to 50 units – 15%; 51 to 100 units – 20%; 101+ units – 25%).
- 4.5 Move the Inclusionary Affordable Housing Ordinance from a General Ordinance to a Zoning Ordinance to improve the ability of the Town to enforce locally.

<sup>4</sup> See Appendix for article from *Plymouth Independent* dated 03\_08\_2025 regarding the underreporting of affordable housing units in Plymouth and audit conducted by a town staff member.

- ~~6.~~ Consider use of density bonuses, payment in lieu-of, fee waivers, and/or formulas as other towns have successfully done (e.g., Provincetown requires developers to build 1 affordable unit for every 6 housing units, in order for density and height bonuses to be taken utilized. This would result in a greater diversity of units in smaller buildings.) ~~advantage of).~~
- ~~5-7.~~ Consider establishing a program that specifically covers “workforce housing” – 65% - 80% of AMI (or in some markets up to 120% of AMI).
- ~~6-8.~~ Improve monitoring of affordable units by the Town by either creating a full-time housing position which would include responsibility for this task or the establishment of a Regional Housing Services Office shared by multiple towns, as described by Mr. Kupfer.
- ~~7-9.~~ Adjustment of affordability rate from 65% AMI.

Commented [RS3]: Discuss with Jim whether affordability rate is legally defined and whether we can recommend adjustment.

B. **Short Term Rental Regulations - HIGH PRIORITY ACTION**

*To be completed after Jim's 3/14 presentation*

C. **Zoning Enforcement Issues - HIGH PRIORITY ACTION**

As the Committee Chair reported in his progress update to the Town Council on November 21, 2024, Zoning Enforcement was one of, if not the single most, commented on issue by the Town's residents to the Committee. Over the course of its work, the Committee and its members heard from dozens of residents via in-person public comment, visits to residents' homes, emails and phone calls about the difficulties they have experienced resolving zoning and other enforcement issues they have. Some of these issues have been ongoing for long periods of time and residents expressed extreme frustration with the lack of enforcement action. These are issues and problems that seriously impact the quality of life for residents across all villages in Barnstable.

The public comment included complaints about lack of enforcement actions, lack of regular communication following a request for enforcement, the extremely long duration of time to address complaints, the need for citizens to continually reach out for updates rather than the Town providing updates to citizens, suggestions by the Town for citizens to retain costly legal help, and other related issues. Of note, several members of the public sent emails to committee members personally and asked that their names not be used and their emails not forwarded to Town officials because they feared retribution by the Town. The Committee chair met with Town Manager Ells and shared with him the number of comments the Committee had received from the public regarding zoning and other enforcement issues/problems and the fears of retribution by some members of the public.

Although Zoning Enforcement was one of several key topics specifically identified for discussion by the Committee at the start of its work, and some members expressed the belief that enforcement is part and parcel of zoning, we were subsequently ~~informed~~ ~~told~~ by the Town's legal department that Zoning Enforcement was not specifically included in the wording of the Committee's charge. Therefore, we were told we would not be allowed to make recommendations to the Town Council regarding Zoning Enforcement. Although the Chair respectfully disagreed with the legal department's interpretation, the Committee agreed not to include any specific recommendations on this topic in this Memo.

However, the Committee would like to acknowledge the fact that in his January 7, 2025 Update Report, the Town Manager announced the formation of a cross-departmental group headed by Assistant Town Manager, Andy Clyburn, to address enforcement issues in Barnstable. We understand this group will include representatives from Legal, Inspectional Services, Marine & Environment Affairs, Barnstable Police Department, Hyannis Fire Department, Geographic Information Systems, Communications and other staff as needed and will address all types of enforcement issues and not just Zoning Enforcement. At the March 6, 2025 Town Council meeting, the Assistant Town Manager announced and committed to provide monthly updates to the Town Council on the progress being made by this group on improving enforcement issues in the Town.

Based on the significant number of comments and concerns the Committee heard from the public regarding the zoning and other enforcement problems/issues experienced by residents from all villages in Barnstable, we can't stress strongly enough to the Town Council how important it is that this group act without delay and address these issues which are impacting the quality of life in many of Barnstable's neighborhoods.

D. Commercial Vehicle Parking Ordinance - HIGH PRIORITY ACTION

One of the most frequent comments heard by the Committee ~~regarding zoning enforcement issues~~ was related to the parking of commercial vehicles (e.g., pickup trucks, box trucks, trailers, multi-passenger vehicles/vans, construction vehicles including bulldozers, backhoes, dump trucks) in residential neighborhoods in all of Barnstable's villages, rather than in areas zoned for commercial use.

Therefore, the Committee ~~recommends that~~ the Town Council to instruct the Town manager and his staff to identify properties, municipal or private, which could be used for overnight commercial vehicle parking and/or the development of commercial bays/industrial-zoned secure parking areas. Additionally, the Town Council should ~~review~~ the Chapter 240 Zoning, Article V

Accessory Uses, §240-43 Incidental and Subordinate Nature of Accessory Uses current zoning and consider zoning amendments that would: 1) restrict the overnight parking of commercial vehicles in residential neighborhoods to one small pick-up truck or equivalent commercial vehicle per residence or residential lot; and 2) prohibit other types and numbers of commercial vehicles from parking on lots in residential areas.

**E. Rental Properties – Parking Restriction Ordinance - HIGH PRIORITY ACTION**

Another frequent complaint heard by the Committee was related to parking issues related to overcrowded rental houses in neighborhoods. The Committee discussed the residential parking topic and received information from Attorney Connolly. We recommend the Council review and consider amendment of the current Rental Parking Restrictions §170-9 of the Town Code.

Commented [RS4]: Discuss with subcommittee.

**F. West Main Street Zoning Amendment - HIGH PRIORITY ACTION**

During the course of the Committee's work, we heard numerous comments regarding the current zoning of West Main Street as a Highway Business District. Those comments increased following the recent Land Court decision essentially forcing the ZBA to permit the location of a drive-through restaurant on West Main, immediately adjacent to a residential neighborhood, directly across the street from Barnstable High School and at an intersection the safety of which is of great particular concern to residents.

We understand several neighborhoods along West Main Street were identified during the current Local Comprehensive Plan (LCP) process for additional study to consider zoning as well as tree canopies, streetscape, commercial activities and traffic impacts.

Therefore, the Committee recommends that the Town Council conduct a review of the current zoning for West Main Street and consider changing the zoning from a Highway Business District to a less intense Neighborhood Commercial (new) or Village Business District (e.g., Marstons Mills Village and Barnstable Village).

**G. Identification and Designation of IND and IND LIMITED Zoned Only Land - HIGH PRIORITY ACTION**

The Committee recommends that the Town Council identify specific portions of IND and IND LIMITED zoned land (i.e., located in Independence Park) that should be designated only for the development of commercial bays/industrial-zoned secure parking use by small businesses for



~~contractor bays and parking.~~ This was the Town's original intent for this area and is needed to provide light industrial space and parking opportunities for the Town's contractors and small businesses so that they don't need to park their commercial vehicles and trucks in residential neighborhoods.

Commented [RSS]: Discuss with committee

#### 4.H Solar Installation Regulations

To be completed after speaking with Jim K.

#### 4.H.1 Climate-related Requirements

##### 1. Tree Preservation Ordinance

Get input from Cathy Ledec

##### 2. Climate Resiliency Ordinance & Requirements for Land Disturbing Projects

Get input from Cathy Ledec

##### 3. Wildlife-Friendly/Bird-Friendly Building Design

Get input from Cathy Ledec

##### 4. Codification of Landscaping Plan and Biodiversity Requirements

Get input from Cathy Ledec

#### APPENDIX

- Ken Alzman's Traffic Signing White Paper
- Cathy Ledec's Presentation
- Others????

Chair of the Committee asked that all the members take a look at the updated DRAFT Executive Summary handed out tonight and if there are any edits or anything that has been left out to please email Cynthia with those concerns and edits and she will distribute to the committee members. The Sub Committee will meet again on the 24<sup>th</sup> of March to review the DRAFT again with any changes needed and then will circulate the DRAFT memo again to the full committee for consideration before the last meeting on the 28<sup>th</sup> of March. Committee member Seth Etienne will send his thoughts and ideas to Cynthia, and she will circulate to the members. Councilor Crow mentioned that the DRAFT incorporated everything this committee has discussed to date, and he believes it was well thought out and incorporated all the concerns. Chair of Committee thanked all the committee members for their hard work and countless hours and thoughts throughout this process. Committee member Catherine Ledec wanted to thank Mr. Schulte for creating an atmosphere where we can all talk and get our opinion out in a very congenial way.

Chair of Committee asked for a motion to accept the meeting minutes of January 31, 2025 and February 11, 2025, Ken Alzman made the motion to accept the meeting minutes of January 31, 2025 and February 11, 2025, as written. This was seconded by Councilor Crow, A roll call vote was taken

Councilor Jeffrey Mendes	abstain
Councilor John Crow	yes
Councilor Charles Bloom	yes
Catherine Ledec	yes
Bob Schulte, Chair	yes
Ken Alsman	yes

Chair of Committee reminded everyone of the next meeting which is scheduled for March 28, 2025. Chair of the Committee asked for a motion to adjourn, Councilor Mendes made the motion, this was seconded by Councilor Charles Bloom, all members voted in favor of adjournment at 5:30pm

ADJOURN: 5:30 pm