

TOWN COUNCIL
Committee to Review Zoning and Permitting Regulations
Selectmen's Conference Room

Thursday June 1, 2017 – 5:30pm

MEETING MINUTES

PRESENT: Chair of Committee, Vice-President James Crocker Jr.; Councilor Jessica Rapp-Grassetti, Councilor Fred Chirigotis; Councilor Deborah Dagwan; Councilor John Norman,

Also in Attendance: David Suro, local home builder in the Town of Barnstable
Charles Carey, Carey Commercial

Meeting was called to order at 6:05pm by the Chair of Committee, Vice-President James Crocker Jr., thanked both for coming in and meeting with us, we are here trying to get a short term, long term solutions for the zoning problem possibly in our Town. Chair of the Committee stated that Mr. Suro had some zoning issues with some building on Main Street Hyannis, his issue was there was a building on Main Street that received all the permits from the fire station and we were in the process of doing the floors and out of curiosity we went to the Building Department and asked what we would need, and that is when we found out that we needed to do a quote analysis, and were informed that towns are just recently starting to do. When he asked another developer that had recently built in Barnstable if he needed this and it was told to him that Barnstable must have just attended a conference in Boston and found out that this can be enforced, so my partner and I learned that day we need to go through a whole permitting process at 200 Main Street, Building Department, so we complied, but it would have been nice at the start of the process of application that we were told what we needed so that we were prepared and there would not be a delay. Other studios had opened up 4 months ago with the same business as the one that we were building, and we wanted to look at the application to see how it was done on their end, and we found out they were not required to file one, but we did the process, and it ended up costing a bit more, but we did it. Another issue is a well know Centerville Business wants to stay in Centerville and wants to expand, but the zoning will not allow the expansion. He tried to have a conversation with JoAnne Miller Buntich regarding it, but the conversation did not evolve into anything. He feels that the Town needs to be able to evolve into the current era, and allow the business's that are already there to expand if they are willing to maintain and develop the area. It would be an improvement to an already existing site if it were allowed but it's not, so the business is looking to relocate because they want to expand and create more jobs but there is not a location that will allow them to do this with the square footage they need, we just do not have the square footage they are looking for, but if they were able to expand where they were originally it would be what they need. We hope to keep them in Barnstable, but it looks like they may go elsewhere. They are currently using the space at Capabilities, but they are renting that. They were also looking at space off Cape for the production portion. Councilor Chirigotis said the business district has always been a problem because of the zoning issues in that corridor. Councilor Jessica Rapp Grassetti asked how many square feet are they looking for. Mr. Suro answered it's not necessarily looking for a grand massive building; it is the zoning for single use zoning. Councilor Norman stated that the Zoning issue may be being decided by one person who may not think that that will work there, should not be the only person who decides, we have a Committee that looks at this very issue, it is not decided by someone in a department, because we can address the zoning issues, but when the zoning issues are addressed, we have to make sure it is designed so that the regulatory agreement is

set up for that individual business, so that when the business folds or moves or goes away the regulatory agreement goes with it. We need to build these small business ideas and let them expand if it is possible.

Councilor Jessica Rapp Grassetti asked about how much money the code analysis cost you and how long did it take. Mr. Suro stated it can cost anywhere from \$1, 000 to \$15, 000 depending on the complexity, and they take about 3 weeks to get back. He did have an experience at the Craigville Conference Center that took about three months to complete from start to finish, the problem there was we did a code analysis and submitted it and it took a while to get it back with a result of it was incomplete. We defended our position and when a second look was taken it was determined we did have all the correct information, but it delayed the project three months before we got an answer from the Building Department, when it really did not have to. Chair of the Committee stated that we need a standardized sheet when individuals are filing for these; a standardized sheet is what is needed so that everyone is treated the same the process is the same and there is uniform information being given out to everyone. The process is not one way for one and another way for someone else.


Councilor Chirigotis asked how long the regulatory agreement takes to have approved. Attorney Ruth Weil stated that she is aware that the regulatory process needs to be streamlined, they are aware of that already. Mr. Suro asked if there was a way to organize who we see first so that we are not running around and visiting many or multiple departments for approval. Councilor Norman mentioned that his first contact when starting a project is to first speak to the abutters of the project and let them know what is going on and gain the support of the abutters first, then I would go to your Civic Associations and talk to them about it and get feedback from them as well, you always hear of opposition to projects, you seldom here anyone supporting a project, and usually the opposition comes from the fact that they were not informed of the project and they were not told, so they oppose it from the beginning even if its beneficial.

Chair of the Committee introduced Mr. Carey of Carey Commercial Properties, Mr. Carey said zoning and regulations fascinate him, we have our most frustration though with those that enforce and interpret the zoning by laws, we have so many regulations, and regulations over the original regulations, that if you can find your way through all of that you're doing well, Barnstable walks a tight rope of regulations, Governor Baker tried to undo regulations and it is very difficult to do (See exhibit A)

Exhibit A

5/31/2017 Executive Order No. 562

The Official Website of the Governor of Massachusetts

 Governor
Charlie Baker

Home > Legislation & Executive Orders > Executive Orders > Executive Order No. 562

Executive Order No. 562

By His Excellency
CHARLES D. BAKER
GOVERNOR

EXECUTIVE ORDER NO. 562

TO REDUCE UNNECESSARY REGULATORY BURDEN
Revoking and Surpassing Executive Order No. 485

WHEREAS, government regulations are intended to protect public health, safety, environmental and welfare functions and to improve the operation of government for the citizens of the Commonwealth;

WHEREAS, many of the regulations adopted by state government agencies and offices have imposed unnecessary cost, burden and complexity;

WHEREAS, confusing, unnecessary, inconsistent and redundant government regulations inconvenience individuals, encourage cities and towns, stress resources of non-profit organizations, including our health care and educational institutions, inhibit business growth and the creation of jobs, and place Massachusetts for profit enterprises at a competitive disadvantage relative to their out-of-state and foreign competitors;

WHEREAS, state agencies and offices across the Commonwealth must coordinate and collaborate with one another to ensure that the government speaks in one voice, creating an efficient, coherent and consistent regulatory framework;

WHEREAS, the citizens and customers of the Commonwealth will be better served by reducing the number, length, and complexity of regulations, leaving only those that are essential to the public good; and

WHEREAS, a finite statewide regulatory review process is needed immediately to relieve the Commonwealth from the burden of unnecessary regulation,

NOW, THEREFORE, I, CHARLES D. BAKER, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c. 2, § 1, Art. 1, do hereby revoke Executive Order No. 485 and order as follows:

Section 1. I direct each secretariat, agency, department, board, commission, authority or other body within the Executive Department (hereinafter "Agency"), and invite and encourage any such governmental body not under my supervision, to promptly undertake a review of each and every regulation currently published in the Code of Massachusetts Regulations under its jurisdiction.

Section 2. Except as provided below, each Agency shall sunset all its regulations on or before March 31, 2016 by taking such steps as required by law, including pursuant to G.L. c. 30A, to rescind, revise or simplify such regulations, after conducting the review prescribed in this Order.

Section 3. In conducting such review, which shall be coordinated across all Agencies and participating governmental bodies, only those regulations which are mandated by law or essential to the health, safety, environment or welfare of the Commonwealth's residents shall be retained or modified. In order to find that a regulation meets this standard, the Agency must demonstrate, in its review, that:

1. there is a clearly identified need for governmental intervention that is best addressed by the Agency and not another Agency or governmental body;
2. the costs of the regulation do not exceed the benefits that would result from the regulation;
3. the regulation does not exceed federal requirements or duplicate local requirements;
4. less restrictive and intrusive alternatives have been considered and found less desirable based on a sound evaluation of the alternatives;
5. the regulation does not unduly and adversely affect Massachusetts citizens and customers of the Commonwealth, or the competitive environment in Massachusetts;
6. the Agency has established a process and a schedule for measuring the effectiveness of the regulation; and
7. the regulation is time-limited or provides for regular review.

In addition, regulations not meeting the standard set forth in G.L. c. 30A, §5 shall be rescinded in accordance with law.

Section 4. In its review, each Agency shall ensure that every regulation is clear, concise and written in plain and readily understandable language.

Section 5. Beginning immediately, no Agency shall promulgate a new regulation which has not been reviewed pursuant to this Order and does not meet the standards set out in this Order.

Section 6. Each Agency shall prepare in connection with any proposed, new regulation a business/competitiveness impact statement that will include a competitiveness review and assess distinctive economic impacts on small businesses, as required by G.L. c. 30A, § 5, and all other potentially impacted entities, including cities and towns, non-profit organizations and medium and large for profit enterprises, as prescribed and for such period of time as directed by the Secretary

<http://www.mass.gov/governor/legislation/execorders/execorders/executive-order-no-562.html>

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This got a lot of people excited, but he does not believe it was ever used. There are just too many regulations, too many layers. There are people that have problems and we have other issues. The order that was sent to the indoor gun range on the night they were opening was pretty awful, they started in April of 2015 with site plan review to renovate the existing building, and they would have to deal with every department of the Town, the operators knew that they would probably have a lot of opposition, because let's face it people in the North East do not like guns and are very weird about it, so it was well known, so two years later after all the inspections and re inspections and safety inspections and all that was needed and required they did, on the eve of the grand opening they receive a letter from Licensing to cease and desist because they did not have a permit, the town went through this process with them all along the way, and at no point did anyone tell them they needed this permit so they were not allowed to have the Grand Opening. Councilor Chirigotis asked what type of permit they not have. Mr. Carey said a shooting gallery license, something very simple, but not one department said anything to them. We need to eliminate some of the regulations, but I have no idea how you would begin to do this, with all the organizations that have developed and put into place. Mr. Carey would like to see consistency, and a lot of times the people at the counter give different information depending on whom you speak to at any given day, the information could be different. He would like to see a handbook developed or at the very least a guide. If you are a new business owner or developer coming into Barnstable, you have no idea where you go or where you have to start or what application to start with, it is very frustrating, so a guide of sorts would be so very helpful. The other frustrating issue is the time frame between the application process and the decision that is made, and in the Commercial business time is money. Who are the buyers looking at Commercial building to buy, we as the Committee have heard it is a lot of nonprofits coming in and buying, who thinks Barnstable and who wants to come to Barnstable to do business. Mr. Carey said now that everything is on the web and not in hard copy, so the technology is killing us because people use the internet and do their homework before they buy, and they are not using us to show them the building, they are reading all the information on the web, with that being said the other trend he sees is the American investor and not the foreign investors are starting to emerge, in the past it was always the foreigner buying the building and the business, and now he sees that trend getting smaller and the American investor buying, and that he sees as a good thing. It is getting better and better, but gets very jealous when he hears of the development in Boston, and that has not come over the bridge yet, but currently it is the average joe coming back.

Chair of the Committee asked if it is a buyer or seller's market. Mr. Carey stated it is a positive market, not going one way or the other.

Chair of the Committee asked both Mr. Carey and Mr. Suro if there were any last departing thoughts they would like to see or suggest, Mr. Suro said he would like to see less regulations and some sort of guide as to where to start when you enter the Building Department; as well as consistency when you speak to someone or ask a question. Mr. Carey asked if there is a regulatory process you can go through each time? Attorney Weil said it depends on the location of the business, not always.

Chair of the Committee thanked both of the guest speakers for coming in this evening and speaking about the process they have gone through whether good or bad and appreciate the information.

Chair of the Committee Vice President James Crocker Jr. asked for a motion to accept the meeting minutes of April 20, 2017 as written, Councilor Jessica Rapp Grasseti made the motion to accept the meeting minutes of April 20, 2017 as written, all members present voted in favor of accepting the meeting minutes of April 20, 2017 as written.

Chair of the Committee asked for a motion to adjourn, Councilor Fred Chirigotis made the motion to adjourn; this was seconded by Councilor Jessica Rapp Grasseti, all members voted in favor of adjournment

NEXT MEETING: July 20, 2017, 6PM

ADJOURNMENT: 6:55pm