

## 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 Alsman

February 21, 2025  
3:00PM

### MEETING MINUTES

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

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

Chair of Committee read the purpose of this Committee:

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

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

Also in Attendance: Assistant Town Attorney Kate Connolly (joining remotely)

Chair of the Committee wanted to again thank the public for their interest in the committee and their participation both in person and via the zoom link provided for public comment. He encouraged the public to submit comments either in person or in writing as well, by sending the email to [Cynthia.lovell@town.barnstable.ma.us](mailto:Cynthia.lovell@town.barnstable.ma.us) and put in the subject line AD HOC Zoning Committee, and she will distribute to the members once she receives them.

Chair of the Committee addressed a couple of housekeeping issues, as mentioned prior Mr. Kupfer will not be joining today as he is on vacation; today's meeting will be a review and discussion of the topic outline that was distributed by email to all the members prior to today. There are two more meetings scheduled before this Committee presents its recommendation to the full Council, so the committee will work today in preparing and putting together all the work we have done to date and reviewing the summary sent before submitting to the full Council for consideration.

Chair of Committee asked for any public comment, seeing none in person or on zoom, the Chair closed public comment and making the announcement that the public can still watch the meeting today via Xfinity Channel 8 or high-definition Channel 1072. There were a couple of correspondences sent in from the public right before the start of this meeting, most did not have a chance to review them, the Chair asked that the comments be addressed at the next meeting in March.

Committee members discussed the following document which was put together by the Chair of the Committee after all the discussions this committee has had since the beginning. The Chair recognizes there was considerable conversation regarding zoning and the issues surrounding that topic, the Chair of the Committee will put in a DRAFT section in the final memo relating to those discussions with the hope that the Council will take a deeper dive into those topics the committee have discussed.

Chair of Committee asked each member to talk about anything in the outline that may need further discussion. Committee member Ledec commented that she felt the outline was very well written and organized. Ms. Ledec suggested a couple of edits to the document (page 5 third bullet from the top) where it talks about *Tree Preservation Ordinance*, Ms. Ledec recommended it say *Tree Conservation for all land disturbance activity*. The second clarification is in the Climate Resiliency Ordinance for land disturbance projects; Ms. Ledec suggested *Climate Resiliency Ordinance/ Requirements for all land disturbing projects*. Ms. Ledec mentioned you do not want to be too restrictive but explain exactly what is expected. Ms. Ledec commented on the landscaping bullet *Codification of Landscaping Plan requirements to encourage resiliency and biodiversity- and offered – Achieve Sustainability and Resiliency by establishing biodiversity targets*.

Chair of Committee will incorporate everyone's ideas brought forth today into a new DRAFT memo for the Committee members to look at again so that all members have an opportunity to insert their suggestions into the document, before a final review; if there are any opinions that are in dissention, those comments will be included as well for those members that may not agree on everything in the final draft.

Councilor Bloom has no new edits currently. Councilor Crow asked for clarification on the section having to do with parking.

#### *Parking*

##### *(1) 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 [greater than one space or not less than 1.5 space] per unit up to no more than two spaces per unit,* Chair of Committee explained, Mr. Kupfer's memo of January 24, 2025, in the section of

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

Chair of Committee suggested the committee members discuss this part, and if there are additional comments needed or corrections or suggestions to be made on the parking to send then to the Administrator so she can distribute the suggestions to the committee members and Mr. Schulte will incorporate them into the next DRAFT. Councilor Crow suggested it be clarified a little more, if we are

going to say 1.5 spaces then that is what should be stated. The other clarification Councilor Crow asked about was in the last sentence under Building Heights.

*“The fourth story of any building must be recessed (“stepped back”) from the facade of the stories below at least eight feet”.*

If the town allows the fourth story for green space/recreation space, it allows for those uses, the town should also ask for the setback on this as well.

Committee member Seth Etienne had a comment about the first bullet on page 5

- *Maintain existing zoning in primarily residential districts (As identified by the public in the LCP process)*

Mr. Etienne referred to public comments made during the Local Comprehensive Planning Committee and commented that he questions the basis in which this bullet was written and all the amendments made to date only have to do with Hyannis, and none of the other villages are touched in this zoning amendment. The two factors he sees right now are single family homes and parking. He would like to see the zoning balanced throughout the villages so there is diversity throughout. He would also like the acre zoning addressed, possible consider breaking up those lots for a single-family home in certain village where 2-acre zoning is all there is. Mr. Etienne does not want to see ordinances passed having to do with zoning that restrict our housing stock and ability to add housing. Mr. Etienne will draft what he believes should be added and will send that to the Town Council Administrator to distribute to the members.

Councilor Terkelsen mentioned that Hyannis is zoned for higher density where the other villages are not and that is because of the infrastructure that Hyannis is built around, and the sewer is a big factor, the villages do not have town sewer, so that also limits what can be built.

Committee member Ken Alsman suggested to look at different types of housing, they all do not need to be dense housing, or single-family housing, there are other types that should be investigated. He believes that having the right tools in place for zoning will make Hyannis a place everyone loves and wants to come to. Transitioning in zoning is difficult to achieve but not impossible if it is done correctly. Mr. Alsman would also like to see in the zoning an emphasis on neighborhoods, so they are not lost.

Chair of Committee asked the Committee members to take another look at the DRAFT memo and send any suggestions or comments to the Administrator and she will distribute to the rest of the members and to me, then another DRAFT will be presented incorporating those DRAFTS into the memo for future discussion at the March 28, 2025, meeting before the final in presented to Council.

Committee members decided to form a sub committee to meet on the DRAFT memo to organize the thoughts and discussions. The Chair of the Committee asked the members to think about who would like to be the four members on the sub committee and at the next meeting we can decide that. Councilor Terkelsen suggested that the subcommittee be formed now, so that when the memo is created and distributed the sub committee can meet before the whole committee goes through it. Councilor Terkelsen made the motion to form a sub committee of the members present tonight to review the DRAFT memo being written by the Chair Bob Schulte, this was seconded by Councilor Bloom. All members present voted in favor of creating the subcommittee. The members volunteering for this are

1. Chair of this Committee Bob Schulte
2. Ken Alsman
3. Catherine Ledec
4. Councilor John Crow

All members present voted in favor of the four members for the subcommittee members.

Chair of Committee asked the committee members to postpone the approval of the meeting minutes of January 31, 2025, and February 11, 2025, until the next meeting, as they did not have a chance to review.

TOPIC OUTLINE  
AD HOC ZONING MEMO TO TOWN COUNCIL

- I. Executive Summary
- II. Introduction
  - A. Background
  - B. Purpose of Committee
  - C. Processes Undertaken:
    - 1. Bi-monthly meetings
      - a) *Committee members who attended come prepared and participated in robust discussion without constraints on time.*
    - 2. Presentations by subject experts
      - a) *Director of Planning and Development*
      - b) *Planning Board Chair*
      - c) *Building Commissioner*
      - d) *Ad Hoc Housing Committee Chair & member*
    - 3. Public comment
      - a) *Administered to enable public comment of any duration, and at various points in the meeting.*
- III. Review of Chapter 168 Regulatory Agreement Ordinance and Map
  - A. Potential Amendments/Recommendations:
    - 1. Regulatory Map Amendments
      - a) *Recommend Regulatory Agreement District Map be reviewed and amended by adding or removing certain properties from the Map.*
        - (1) Priority consideration for removal should be given to the Regulatory Agreement District Parcels outside the Growth Incentive Zone (GIZ).
        - (2) Include some examples, e.g., Main St. Centerville?
    - 2. Process Changes to Enhance Consistency and Visibility - Earlier Public Involvement and Requirement for Final Reporting
      - a) *Establish a Regulatory Agreement Template for use by applicants (versus applicants using the most recent agreement as starting point)*

b) *Require introductory presentation of proposed project to the Town Council and public at a regularly scheduled Town Council meeting prior to any public hearing by Planning Board.*

c) *Require all Regulatory Agreements be conditioned to provide final report/presentation at public Town Council meeting prior to consideration of final approval.*

3. Town Council-Guidance on Priority Defined Public Benefits

a) *Town Council should review and consider providing guidance on suggested public benefits that would, in the Council's view, provide the greatest community value. Such guidance would not foreclose other proposed benefits, but would enhance focus on Town Council-identified priorities and benefits.*

b) *Town Council should review, and revise as appropriate, such Public Benefits guidance annually so that the guidance remains aligned with then-current community needs.*

(1) *This could be done in a process that includes consideration of community needs and objectives, and that has public notice, 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.]*

4. Regulatory Agreement Enforcement

a) *Town Council should amend subsection 168-11 to require performance guaranty for conditions through the posting of a performance and/or conservation bond.*

(1) *Bonds should be for a significant dollar amount as specified in the Regulatory Agreement and not released (i.e., no partial release) until full completion of the Regulatory Agreement conditions.*

b) *Town Council should amend subsection 168-9B to add language regarding explicit timeframes, (e.g., perpetuity, x number of years), and reporting requirements for specified conditions and changes of ownership.*

c) *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 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

A. Potential Amendments/Recommendations:

1. Exempt Uses (Section 240-8)

a) *Recommend Section 240-8 be amended by adding 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 Zoning (Sections 24.1 through 24.1.13)

a) Parking

(1) 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 *[greater than one space or not less than 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 Council may wish to include parking dimension standards for all districts in the Downtown Hyannis Zoning.

(2) Consider update/refresh of May 2017 Hyannis Parking Study

(3) Implementation of key Parking Study recommendations

b) Building Height

(1) Recommend amendment to Chapter 240 § 24.1.6 Table 3, Section F of the Table "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. as well as eliminating 240-24.1.6.C.6 "The fourth story of any building must be recessed ("stepped back") from the facade of the stories below at least eight feet".

*Additional option to be considered (or recommendation below for District Boundaries):*

(2) Recommend amendment to Chapter 240 §24.1.7 Downtown Village District Table 4 by amending Section F of the Table "Number of Stories" from "3.5 or 4 maximum" to a maximum height of 3 stories, however it is recommended allowing for a 3.5 story if the rooftop is proposed to have active space such as rooftop amenities for residents, active commercial space such as a restaurant, green roof, etc. as well as eliminating 240-24.1.7.C.4 "The fourth story of any building must be recessed ("stepped back") from the facade of the stories below at least eight feet".

c) District Boundaries

In lieu of IV. A. 2. (b) (2) above:

(1) 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 *[or the creation of a new zoning district that reduces heights and density]*. In turn, the zoning map would need to reflect the proposed amendment to the district as well.

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

There were numerous other important topics/issues brought before and/or discussed by the Committee. I plan to identify these issues in the Memorandum with the Committee's recommendation that the Town Council give serious consideration to these topics/issues and consider addressing them through amendments, as deemed necessary and appropriate. Due to time constraints, the Committee was unable to address all of them in as much detail as it would have liked. Therefore, the recommendations will not be as specific as those outlined above.

However, I would like to include in the Memorandum some suggestions to the Town Council to capture areas of interest expressed by Committee members and the public. For example: Inclusionary Housing Ordinance - increase to 15 – 20%; provide a few recommended items from the proposed STR regulations drafted by a majority group of the Town's Civic Associations; implementation of a commercial vehicle parking ordinance to address parking issues in residential neighborhoods, etc.

Please let me know if you have any specific suggestions and/or examples you would like to see included for the zoning-related topics discussed by the Committee listed below.

- Amendment to increase Inclusionary Housing Ordinance %
- Implement STR regulations in Downtown Hyannis District and throughout Town to prioritize locals in housing

- Maintain existing zoning in primarily residential districts (As identified by the public in the LCP process)
- Zoning Enforcement issues/concerns expressed by the public
- Tree Preservation ordinance
- Climate Resiliency ordinance for land disturbing projects
- Expand existing zoning ordinance requiring Dark Sky compliance to include wildlife/bird-friendly design requirements
- Codification of Landscaping Plan requirements to encourage resiliency and biodiversity
- Commercial vehicle parking ordinance
- West Main Street Zoning Amendment
- Others???

VI. Appendix

Included will be copies of all significant materials provided to the Committee for its consideration including presentations/papers from Committee members Alsman and Ledec.

DRAFT

Chair of Committee reminded everyone of the next meeting which is scheduled for March 14, 2025. Chair of the Committee asked for a motion to adjourn, Councilor Kristen Terkelsen made the motion, this was seconded by Councilor Charles Bloom, all members voted in favor of adjournment at 5:37pm

ADJOURN: 5:37 pm