

TOWN COUNCIL  
**Committee to Review Zoning and Permitting Regulations**  
Selectmen's Conference Room  
Thursday March 1, 2018 – 6:00pm

Councilors:

Vice-President James Crocker, Precinct 5 (CHAIR)  
Councilor Jessica Rapp-Grassetti, Precinct 7  
Councilor Paula K. Schnepf, Precinct 12  
Councilor Matthew Levesque, Precinct 10  
Councilor Deborah Dagwan, Precinct 8  
Member at large Hank Farnham

**MEETING MINUTES**

**PRESENT:** Chair of Committee, Vice-President James Crocker Jr.; Councilor Jessica Rapp-Grassetti; Councilor Paula Schnepf; Councilor Matthew Levesque; Councilor Debra Dagwan, Hank Farnham, Member at large; **ALSO IN ATTENDANCE:** Town Council President, Eric R. Steinhilber; Elizabeth Jenkins, Planning and Development Director; Ruth Weil, Town Attorney; Brian Florence, Building Commissioner;

Chair of the Committee Vice President James Crocker Jr. opened the meeting up at 6:01. Town Council Administrator did roll call, members present indicated above, there is quorum.

Chair of the Committee Vice President James Crocker Jr. started the meeting with Elizabeth Jenkins, Planning and Development Director to discuss the Growth Incentive Zone and how it will be presented to the Council should it move to that level, Elizabeth wanted to give the Committee a brief overview of what will be presented tonight to the full Council, however for this Committee it will help you understand what will be presented. Ms. Jenkins explained that what is being presented tonight to the Council is a revised application to the Cape Cod Commission. The purpose and the goals remain unchanged from the original; the purpose is to streamline the process of development both residential and economic investment in the heart of downtown Hyannis through a streamline permitting process, which keeps in line with the mission of the revitalization of the downtown Hyannis area which is to support the Growth Incentive Revitalization Plan through a new process with a more local control.

The three changes, boundaries, minor changes to reflect the changed Cape Cod Commission changes and Public comment removed the boundary change to include the Scudder Ave parcel. The Planning and Development Department from the owner of the 35 Scudder Ave asking to remove the parcel from the GIZ, so the maps have been redone to leave that parcel out.

(See Memorandum below sent out to the Town Council and the Public from Ms. Jenkins)

*Memorandum on Revised Downtown Hyannis Growth Incentive Zone Application  
and Upcoming Public Hearings*

**Date:** February 20, 2018

**From:** Elizabeth S. Jenkins, AICP, Planning & Development Director

**RE: Proposed revisions to Downtown Hyannis GIZ application and public hearings**

A revised Downtown Hyannis Growth Incentive Zone (GIZ) application (dated February 20, 2018) is available for review and comment on the Town's website at:

[www.townofbarnstable.us/planninganddevelopment/2018giz](http://www.townofbarnstable.us/planninganddevelopment/2018giz). The proposed revisions address three issues: the boundary, consistency with existing and proposed Cape Cod Commission regulations, and public input.

On February 15, 2018, the Town received a letter from the owners of the property at 35 Scudder Avenue (Resort & Conference Center at Hyannis) withdrawing their request to have the parcel included in the Downtown Hyannis Growth Incentive Zone.

The proposed GIZ boundary has been modified to reflect the boundary as it currently exists today and references to the previously proposed boundary change have been removed from the application.

Minor revisions are proposed to allow the application to be submitted under the Cape Cod Commission's existing or proposed regulations pertaining to Growth Incentive Zones. Proposed revisions will help avoid any delays in reauthorization and include:

- o A new draft introductory sub-section (*Introduction & Approach*) providing a brief clarifying summary of the process and content of the application.

- o Clarification on the Development of Regional Impact review thresholds proposed to be modified by the GIZ designation (*Section 4 – Requested GIZ Regulatory Relief*). No change has been made from the existing or prior proposed application. The purpose of this revision was for clarification only.

The review schedule for the Cape Cod Commission's consideration of revisions to "Chapter G" of the Cape Cod Commission regulations pertaining region-wide to Growth Incentive Zones now overlaps the review of the Town's application both locally and by the Commission.

Previously outlined revisions to the application based on public input are incorporated into the document.

#### Public Hearings

The *Planning Board* will hold a public hearing on the revised GIZ application at their meeting on **Monday, February 26, 2018 at 7 p.m.** at Town Hall. The *Town Council* will hold a public hearing on the revised GIZ application at their meeting on **Thursday, March 1, 2018 at 7 p.m.** at Town Hall.

#### Town of Barnstable

#### Planning & Development Department

[www.townofbarnstable.us/planninganddevelopment](http://www.townofbarnstable.us/planninganddevelopment)

Ms. Jenkins went on to explain the redline changes to the introduction and also the application. The second change had to deal with the Cape Cod Commission changes, and our application was scheduled to run concurrent with that, but we saw an opportunity to go forward. The third change was the thresholds that were and were not exempt; not everything that requires Cape Cod Commission review is exempt within in the GIZ; nothing has changed there though and there are no additional changes proposed there, and the other change was the addition of Public Comment.

(Red-lined changes below)

#### ISSUES AND OPPORTUNITIES

There are several intersections and roadways within the GIZ that become congested frequently, such as the Airport Rotary, Route 28 at Yarmouth Road, and Route 28 itself and roadways in the East End. Not only do these areas create frustration, and waste time and resources as traffic crawls along, but they also are areas where crashes occur more often. In addition to congestion, there are real and perceived barriers to getting to key destinations within the GIZ in a vehicle, including Main Street, the hospital, and the harbor. Improvements to problematic intersections and roadways that can help traffic flow more efficiently can also improve safety for travelers to the area, as well as improve the reliability and connectivity of the roadways. Addressing congestion on the major regional roadways and intersections is critical to be able to plan for context sensitive transportation improvements downtown that will accommodate multi-modal users.

A phased approach to implementing the Hyannis Access Study is possible, but smaller solutions that will improve conditions at the Airport Rotary are difficult to achieve. Reviewing opportunities to improve

roadway and parcel connectivity around the Rotary is one short-term strategy to improve the overall traffic conditions in the area.

Integrating multiple forms of transportation into the roadway could be a low-cost, effective way to improving overall Traffic flow. Working collaboratively with the Regional Transit Authority to define bus stops at high usage locations would improve conditions for bus passengers, we well as alleviate congestion at peak times in intersections.

Improved bus stop locations several feet out of intersections would prevent difficult and unsafe conditions for transit users, drivers, and emergency response vehicles.

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assistance of Community Preservation Act funds, the Town recently acquired the 2.1 acre “Amaral parcel” on Old Colony Road connecting private and public open space and wetland resources contributing to **Stewarts Snows** Creek.

The Town has also invested in and promoted the development of pocket parks such as 725 Main Street and Stone Memorial Park, and developed a greenway connection to community assets with the “Walkway to the Sea.” Promoting the active use of community open space, the Artist Shanty program at Bismore Park will be expanded to the overlook on South Street.

The Hyannis Youth and Community Center (HYCC) continue to serve as a local resource supporting youth in the Village of Hyannis and the Town of Barnstable. It also serves as a regional recreational amenity drawing youth sports teams from across New England for tournament play as well as skating competitions, contributing to the economic vitality of the GIZ throughout the year. On the HYCC campus is a skate park and outdoor basketball courts and three Little League fields including the latest addition – Fenway Cape Cod. McKeon Park just off South Street and immediately adjacent to the GIZ regulatory boundary is home to Cape Cod Baseball League’s Hyannis Harbor Hawks, drawing locals and visitors to Hyannis for traditional competitive collegiate summer baseball as well as St. John Paul II High School baseball games and additional adult and youth baseball programs.

## **ISSUES AND OPPORTUNITIES**

The Town envisions continued infill of mixed-use and residential development in downtown Hyannis and is planning for the potential redevelopment of retail plazas along the Route 132 corridor. Additional park and recreational amenities are needed to support this growth and to improve visitor experiences and quality of life in Hyannis.

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There are opportunities to expand resident and visitor experiences and to grow Hyannis’ creative class by considering more active uses in the Harbor area to encourage visitors to linger longer, dine, and experience the cultural attractions in Hyannis. Continued effort to provide stronger pedestrian, multi-modal connections from Bismore Park to Main Street will encourage linkages to increased use of the unique amenities and resources in each district.

The opportunity to attract and support new **anchor** cultural institutions will significantly enhance the year-round livability and visitor experience in the GIZ. A movie theater and multi-purpose space to host community and public events at a variety of scales are examples of such **anchor** institutes that would enhance civic life and economic vibrancy in the GIZ.

Additionally, the Town is actively pursuing reuse of the Hyannis National Guard Armory at 225 South Street, the site of John F. Kennedy’s presidential acceptance speech. Past Requests for Proposals (RFP’s) for use of the property have been unsuccessful, primarily because of the large upfront capital costs necessary for occupancy. The Town is considering a phased approach to reuse of the building, making portions of the building available to the public in a first phase, and investing in remediation/upgrades necessary to support a successful RFP or future municipal use.

Opportunities to knit together the town-owned properties housing the Cape Cod Maritime Museum, Hyannis Armory, Town Hall, and JFK Hyannis Museum to reinforce the physical and programmatic connections between Hyannis Main Street and Hyannis Harbor should continue to be explored. The use of prime land for parking and limited short stay parking in this area will continue to be an ongoing challenge for attracting visitors. Strategies involving continued public, private, and intergovernmental strategies to accommodate demands associated with visitors, residents, ferry routes and hospitals will be a necessary part of long-

## *Strategy/Approach 2018 2019 2020 2021 2022*

### *Responsible Parties*

22

#### **Support Sustainable Economic Development Opportunities Downtown**

**Encourage entrepreneurial growth through attracting collaborative workspaces, business incubator, and Educational and workforce training opportunities downtown**

**With No. 22 below, explore “intelligent community” and “smart city” models**

22

#### **Advocate for Access to Broadband**

Consider Market Study for Hyannis Residential Broadband Alternatives (Open Cape) Town  
Install Conduit for Broadband in Municipal Projects where feasible Town

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Chair of the Committee Vice President James Crocker Jr. asked Ms. Jenkins if there was any other information she could provide regarding the meeting on Monday with the Planning Board and why they did not vote on this document and any concerns they may have had. Ms. Jenkins stated that Public Comment was limited, we did have a couple of individuals submit questions and the Planning Board addressed those issues and concerns from the correspondence received. The second piece was some new information that was brought forward by Felicia Penn and Steve Johnson from Open Cape network and its objectives with some additional partnership between him and the Town, so the Planning Board wanted to take those under advisement before voting, they have called a special meeting on Monday to vote on the application after reviewing the information provided by Ms. Penn and Mr. Johnston. Ms. Jenkins had a conversation with Mr. Johnston and she is going to meet with him regarding his ideas to see if we can somehow incorporate those into the Strategic Plan of the Growth Incentive Zone.

The other concern of the Planning Board was the application focusses on what happens within the boundaries of the GIZ verses the focus of development of the Greater Hyannis Area, this was talked about, the last priority was focused on the boundary of the GIZ rather than how it related to the Greater Hyannis Area, and there is language on how to have the two merge together for the greater cause of Hyannis and what is the best for that area.

Chair of the Committee asked Ms. Jenkins if there was anything this Committee could do to move this forward without the blessing of the Planning Board or at least a vote of the Planning Board. Ms. Jenkins felt that the majority of the Planning Board was in support of moving this application forward in a timely manner. Chair of the Committee asked what happens if this Committee takes a vote on the document to move it forward to the full Council and when the Planning Board meets on Monday if they were to make substantial changes to the document then it becomes an entirely new document that has to go before the Council again. Ms. Jenkins felt very strongly that the application is not going to have any substantial changes, she spoke to the Leadership of the Planning Board and the discussion was that there was some very minor changes they were looking at, but she was confident that on Monday when the Planning Board had their special meeting to deal with just the application, that they will vote in the positive of the document and move it forward as well.

Attorney Ruth Weil was asked how she felt the Committee voting on this document if the Planning Board was to make changes to it on Monday. Attorney Weil stated that all this Committee is

really doing is voting on the application, this is not a Zoning change of any kind, and she felt that the Planning Board was taking that approach in the beginning, that it was a Zoning change and it is not, your voting on an application to be sent to the Cape Cod Commission for consideration, and that is all, so there isn't a problem on taking a vote even if the Planning Board make tiny changes to it.

Councilor Paula Schnepf asked what will happen if the GIZ expires and we do not have anything in place. Ms. Jenkins said that we would go through our usual Regulatory Process to finish any business that is before us now in the process that has already been started, but we would not be able to entertain any other business until it is in place.

**Councilor Paula Schnepf made the motion to accept the application as discussed in tonight's meeting. Councilor Jessica Rapp Grasseti seconded the motion. Chair of Committee asked for a roll call vote of the members:**

**Councilors:**

<b>Vice-President James Crocker, Precinct 5 (CHAIR)</b>	<b>YES</b>
<b>Councilor Jessica Rapp-Grasseti, Precinct 7</b>	<b>YES</b>
<b>Councilor Paula K. Schnepf, Precinct 12</b>	<b>YES</b>
<b>Councilor Matthew Levesque, Precinct 10</b>	<b>YES</b>
<b>Councilor Deborah Dagwan, Precinct 8</b>	<b>YES</b>
<b>Member at large Hank Farnham</b>	<b>YES</b>

**The vote was unanimous to accept the application as discussed in tonight's meeting and to move to the full Council at tonight's meeting for consideration.**

Chair of the Committee introduced Attorney Ruth Weil to give a brief description to the Committee about the Cape Cod Commissions Chapter H. (Attorney Weil handed out the following document) Attorney Ruth Weil stated that it was good that this was also being looked at as we submit the application to the Commission as the DRI Threshold under Chapter H there is a series of threshold ranges, for example 10,000 square foot Commercial require a mandatory review of the Cape Cod Commission, Mixed use is 20,000 and residential is zero to 30. Chapter A proposes a process to have the community to ask the Commission to increase the thresholds, there is a filing process to increase those thresholds, and also to decrease the thresholds. The following handout will explain Chapter H.

Ms. Jenkins explained the qualifications for raising the thresholds which is indicated below in the table.

**Chapter H of the Cape Cod Commission Regulations of General Application  
Municipal Application for Revisions to DRI Thresholds**

**Section 1. General Provisions**

**(a) Source of Authority**

These regulations concern proposed revisions by Towns to the Development of Regional Impact (DRI) thresholds in Chapter A of the Cape Cod Commission Regulations of General Application, Enabling Regulations Governing Review of Developments of Regional Impact, Barnstable County Ordinance 90-12, as amended by Barnstable County Ordinance, and are adopted pursuant to Section 12(f) of the Cape Cod Commission Act (Act), Chapter 716 of the Acts of 1989, as amended.

**(b) Function and Purpose**

These regulations establish the requirements and criteria for Towns and the Commission to propose revisions to certain DRI thresholds described in the Cape Cod Commission's (Commission) *Enabling Regulations* as amended by Barnstable County Ordinance. The purpose of these regulations is to help implement a regulatory approach at the regional level to guide growth toward areas that are adequately supported by infrastructure and away from areas that must be protected for ecological, historical, or other reasons.

**(c) Effective Date**

The regulations set forth herein shall be effective following passage as an ordinance and upon recording of the ordinance with the Barnstable County Registry of Deeds.

**(d) Definitions**

The definitions contained in Section 2 of the Act, the Regional Policy Plan (RPP) in effect at the time of the first substantive public hearing on an *Application* filed according to these regulations, and in Chapter A of the Cape Cod Commission Regulations of General Application, Enabling Regulations Governing Review of Developments of Regional Impact, Barnstable County Ordinance 90-12, most recent amendment by Barnstable County Ordinance 05-02, March 2005, (*Enabling Regulations*) in effect at the time these regulations are effective shall apply to these regulations.

**(e) Discretionary Referrals**

Notwithstanding these regulations, in accordance with Section 12(e) of the Act and Section 2(b) of the *Enabling Regulations*, Municipal Agencies or the County Commissioners may at any time make Discretionary Referrals to the Commission of a proposed development that does not meet or exceed 1) any of the standards and criteria in the *Enabling Regulations* nor 2) the revised thresholds enacted through these regulations.

**Section 2. DRI Thresholds Eligible for Revision**

(a) DRI thresholds in Sections 3(d), 3(e), 3(f), 3(g) and 3(k) of the Commission’s *Enabling Regulations* revised as of March 2009 are eligible for possible revision through Chapter H.

**Section 3. Threshold Mapped Areas and Square Footage Ranges**

(a) Subject to the limitations specified in Section 2, a Board of Selectmen or Town Council, and Planning Board may propose within one or more of the identified *Regional Land Use Vision Map – RPP Mapped Areas* a revision to one or more of the DRI square footage thresholds in the *Enabling Regulations*. Such proposed revision must fall within the ranges specified in the table as outlined below. Such proposed revision must be to the approved and endorsed *Regional Land Use Vision Map*.

(b) Each area proposed for a revised DRI threshold(s) shall be a contiguous geographic area with clearly delineated boundaries. A Town may propose more than one such area in its *Application*.

**THRESHOLD RANGES ELIGIBLE FOR APPLICATION**

<i>Regional Land Use Vision Map – RPP Mapped Areas</i>	Economic Centers (EC)	Industrial Service and Trade Area (ISTA)	Village	Resource Protection Areas (RPA)	Other
Commercial (square feet)	Zero to 30,000	Zero to 40,000 (Industrial uses only)	Zero to 10,000	Zero to 7,500	Zero to 10,000
Residential (units/lots)	Zero to 30	Zero to 10	Zero to 15	Zero to 15	Zero to 30
Mixed Use (Minimum 40% Residential):	Zero to 60,000 Total Mixed Use Cap (square feet)	Zero to 40,000 Total Mixed Use Cap (square feet)	Zero to 20,000 Total Mixed Use Cap (square feet)	Zero to 15,000 Total Mixed Use Cap (square feet)	Zero to 20,000 Total Mixed Use Cap (square feet)

**Section 4. Who May Propose a Revised Local DRI Threshold for Threshold Change Application**

- (a) A Board of Selectmen or Town Council, and Planning Board, upon an affirmative majority vote of both Boards, may propose a revised DRI threshold(s) to the Commission.
- (b) The Cape Cod Commission may propose a revised DRI threshold on behalf of the region. Such threshold proposal shall be revised pursuant to section 6 (a) (2-4) and section 9.

**Section 5. Application Procedure**

(a) The Board of Selectmen or Town Council, and Planning Board shall submit two copies of a *complete DRI Threshold Change Application (Application)* or a *DRI Threshold Change Repeal Application (Repeal Application)* to the Commission Clerk.

(b) The Board of Selectmen or Town Council, and Planning Board shall also file a copy of such *Application* or *Repeal Application* with the Town Clerk of all abutting Towns at the same time such *Application* or *Repeal Application* is filed with the Commission Clerk.

(c) All *Applications* and *Repeal Applications* shall include:

- 1) A narrative description of the rationale for the proposed changes to a DRI threshold(s).
- 2) A map showing the area(s) proposed for revised DRI threshold(s) corresponding to the boundaries of an area(s) as identified on the approved and endorsed *Regional Land Use Vision Map* and a narrative description of the new proposed threshold(s) (*i.e.* 30,000 square feet). The map showing the area(s) proposed for revised DRI threshold(s) must include an identified scale and must be provided as a digital format as a Geographic Information Systems (GIS) *ShapeFile* or in AUTO/CADD format.
- 3) Evidence that prior to submitting the *Application* or *Repeal Application* that at least one advertised public hearing has been held by elected officials of the municipality on the proposed change to DRI threshold(s).

(d) Applications for Higher DRI Threshold(s)

- 1) An *Application* for a higher DRI threshold(s) shall also include the following information for the area(s) proposed for higher threshold(s):
  - a) A build-out analysis.
  - b) A description of the capital facilities and/or infrastructure improvements proposed for the area to address anticipated growth.
  - c) A description of existing or proposed funding mechanisms to provide for capital and infrastructure improvements to address anticipated growth. Such mechanisms could include: Town Meeting warrant articles or evidence of votes and ballot measures and evidence of their outcome as may be necessary to secure funding; local impact fee programs; District Increment Financing; and/or betterments.
  - d) Copies of current Town zoning maps.
  - e) Copies of current or proposed municipal bylaws, ordinances, overlay districts, design guidelines, health regulations or other applicable local regulations that address anticipated growth in the area.
  - f) Copies of technical studies or management plans that are current, ongoing, completed or proposed.
  - g) Evidence of measures taken to address underlying resource constraints as identified in the Regional Policy Plan in effect at the time of the *Application*.



**Section 6. Review and Approval Criteria for Higher DRI Thresholds**

(a) To receive approval for a higher DRI threshold(s) according to Section 5(d), a Board of Selectmen or Town Council, and Planning Board must demonstrate to the Commission and the Commission must find that the proposed higher DRI threshold(s) is:

1) Consistent with the Town's Commission-certified Local Comprehensive Plan (LCP). For Towns that do not have a certified LCP, the proposed revision must be consistent with other relevant Town-approved planning documents, including but not limited to master plans, housing plans, open space plans, comprehensive wastewater management plans, and economic development plans,

2) Consistent with Section 1(b), *Function and Purpose* of these regulations,

3) Consistent with the Goals of the Regional Policy Plan,

4) Consistent with Section 1 of the Commission Act,

5) Supported by plans and funding for capital facilities and/or infrastructure improvements necessary to address anticipated growth,

6) Supported by a regulatory framework that is consistent with the narrative submitted according to Section 5(c)(1) and with the information submitted according to Section 5(d)(1)(a) – (g) and which is designed to guide growth toward areas that are adequately supported by infrastructure and away from areas that must be protected for ecological, historical, or other reasons.

(b) The Commission may not approve any DRI threshold(s) higher than those set out in the table in Section 3 through these regulations.

**Section 7. Review Criteria for Lower DRI Thresholds**

a) To receive approval for a lower DRI threshold(s) according to Section 5, a Board of Selectmen or Town Council, and Planning Board must demonstrate to the Commission and the Commission must find that the proposed lower DRI threshold(s) is:

1) Consistent with Section 1(b), *Function and Purpose* of these regulations,

2) Consistent with the Goals of the Regional Policy Plan, and

3) Consistent with Section 1 of the Commission Act.

**Section 8. Procedure for Processing Applications**

(a) In order to be deemed *complete*, all *Applications* for a revised DRI threshold(s) must:

1) Be reviewed in consultation with the Commission staff at a pre-application meeting.

2) Include evidence of the filing of a copy of the *Application* with the Town Clerk of all abutting Towns.

3) Include evidence that prior to submitting an *Application* that at least one advertised public hearing has been held by the municipality on the proposed change to DRI threshold(s).

4) Include all of the items listed in Section 5(c).

5) Comply with Section 8(b), below, if applicable.

(b) In order to be deemed complete, *Applications for a higher DRI threshold(s)* shall also include all of the items listed in 5(d) unless waived by the Commission's Executive Director or his/her designee.

**Section 9. Process for Review**

(a) Upon receipt of a complete *Application*, a Subcommittee of the Commission shall conduct at least one public hearing in accordance with Section 5(a) and 5(b) of the Act.

(b) The Subcommittee shall make a recommendation to the Commission regarding the proposed *Application*, and the Commission shall vote at a public hearing whether to approve or deny such *Application*.

(c) Within fourteen (14) calendar days, the Commission Clerk shall file a certification of the Commission's decision on an *Application* with the Clerk of the Assembly of Delegates.

(d) Any revised DRI threshold(s) shall take effect fourteen (14) calendar days after the Commission Clerk files a certification of the Commission's decision to approve an *Application* with the Clerk of the Assembly of Delegates.

(e) The Commission shall issue a written decision on the *Application* in a form suitable for recording with the Barnstable County Registry of Deeds or Land Court, and, in the case of an approval of such *Application*, shall make such changes as may be necessary to the *DRI Threshold Map*. The written decision and *DRI Threshold Map* shall also be filed by the Commission with the Town Clerk, Building Inspector, Planning Board and Conservation Commission of the Town making the *Application* to revise a DRI threshold(s).

**Section 10. Appeal**

(a) A Board of Selectmen or Town Council, and Planning Board, upon an affirmative majority vote of both Boards, may nonetheless request the Assembly of Delegates re-examine its *Application* provided they can prove to the Assembly of Delegates 1) that the Commission was in error in making its decision in accordance with these regulations and 2) receive a three-fourths determination by the Assembly of Delegates for such error. Upon such vote, such *Application* shall be remanded to the Commission for a subsequent review and vote pursuant to Section 9.0 of these regulations.

**Section 11. Petition for Repeal of a Revised DRI Threshold(s)**

(a) A Board of Selectmen or Town Council, and Planning Board upon an affirmative majority vote of both Boards, may petition the Commission for repeal of a revised DRI threshold(s).

(b) A Board of Selectmen or Town Council, and Planning Board seeking to repeal a revised DRI threshold(s) shall follow the procedure outlined in Sections 5(a) through 5(c).

(c) Upon receipt of a complete *Repeal Application*, the Commission shall vote at a public hearing whether to approve or deny such *Repeal Application*.

- (d) The Commission may through a majority vote approve a petition for repeal of a revised DRI threshold(s).
- (e) Within fourteen (14) calendar days of the Commission's decision to repeal a revised DRI threshold(s), the Commission Clerk shall file a certification on the Commission's vote with the Clerk of the Assembly of Delegates.
- (f) Any repealed DRI threshold(s) shall take effect fourteen (14) calendar days after the Commission Clerk files a certification of the Commission's decision on an application to repeal a revised DRI threshold(s) with the Clerk of the Assembly of Delegates.
- (g) The Commission shall issue a written decision on the *Repeal Application* in a form suitable for recording with the Barnstable County Registry of Deeds or Land Court, and, in the case of an approval of such *Repeal Application*, shall make such changes as may be necessary to the *DRI Threshold Map*. The written decision and *DRI Threshold Map* shall also be filed by the Commission with the Town Clerk, Building Inspector, Planning Board and Conservation Commission of the Town making a request for repeal of a revised DRI threshold(s).

**Section 12. Revocation**

- (a) Should the Town fail to implement zoning, funding, and other requirements to comply with Sections 3, 5, and 6 of these regulations, and with the findings of the Commission's decision on an *Application*, the Commission may revoke the revised DRI threshold(s) by a majority vote of the Commission.
- (b) Revocation may occur only after the Commission conducts a public hearing in accordance with Section 5(a) and 5(b) of the Act.
- (c) The Commission shall issue a written decision revoking the revised DRI threshold(s) in a form suitable for recording with the Barnstable County Registry of Deeds, and shall make such changes as may be necessary to the *DRI Threshold Map*.
- (d) Revocation of the revised DRI threshold(s) shall take effect upon the majority vote of the Commission.

(ii) One single-family dwelling shall not be considered to have significant impacts on the values and purposes protected by the Act outside the Municipality in which it is located and may not be referred to the Commission pursuant to Section 2(b)(i) above unless that dwelling has been determined by the Massachusetts Historical Commission to be eligible for listing on the National Register of Historic Places. This provision shall apply to all new construction, repair, change, alteration or extension of a single-family dwelling or an accessory structure, septic system or water well relative thereto.

(iii) Developments on locations subject to prior DRI decisions shall be reviewed in accordance with Section 14.

(c) Jurisdictional Determinations

(i) Any Municipal Agency or Applicant for a development permit, whose application has not been referred to the Commission by a Municipal Agency or taken up by the Commission for review under Section 12(h) of the Act, may apply to the Commission for a Jurisdictional Determination as to whether a development is or is not a DRI under the Act, and/or as to whether the development is exempt from Commission review under Section 22 of the Act.

(d) Projects Subject to Regulation under MEPA

(i) Any proposed development for which an Environmental Impact Report (EIR) is required to be prepared under the provisions of MEPA shall be deemed a DRI. The Applicant shall file a DRI application for the proposed development to the Commission for review as a DRI. DRI Applicants who are also subject to regulation under MEPA may seek a Joint Review Process under MEPA and the Act pursuant to a November 25, 1991 Memorandum of Understanding between the two agencies.

(ii) An Applicant who is required to file an Environmental Notification Form (ENF) under MEPA shall, at the same time, file a copy of the ENF with the Clerk. If the Secretary does not require the preparation of an EIR, the Commission may review the proposed development as a DRI if, at a meeting, the Commission determines that the proposed development presents one or more of the concerns listed in Section 12(b) of the Act and is not otherwise exempt by the provisions of Section 22. Projects subject to regulation under MEPA may undergo a Joint Review Process under MEPA and the Act pursuant to a November 25, 1991 Memorandum of Understanding between the two agencies.

**SECTION 3: DEVELOPMENTS PRESUMED TO BE DEVELOPMENTS OF REGIONAL IMPACT (DRI REVIEW THRESHOLDS)**

Upon the effective date of this ordinance, the following standards and criteria (“thresholds”) shall set forth the types and classes of development presumed to be Developments of Regional Impact (DRIs) or as amended in accordance with Chapter H of the Cape Cod Commission Regulations of General Application, *Municipal Application for Revision of DRI Thresholds*, and as provided in Section 3(n), below. Standards and criteria contained in Section 12(c) of the Act are superseded by the thresholds contained in these regulations upon the effective date of the

ordinance, or as amended in accordance with Chapter H of the Cape Cod Commission Regulations of General Application, *Municipal Application for Revision of DRI Thresholds*; and as provided in Section 3(n), below. Any proposed development that meets or exceeds the thresholds adopted below shall be referred to the Commission as a DRI:

- (a) Any proposed Demolition or Substantial Alteration of a building, structure or site listed on the National Register of Historic Places or the State Register of Historic Places, outside a municipal historic district or outside the Old King's Highway Regional Historic District.
- (b) The construction or expansion of any bridge, ramp, road or vehicular way that crosses or provides direct access to an inland pond, barrier beach, coastal bank, dune, beach or tidal wetland or waterbody (as defined by MGL Ch. 131, Section 40) except a bridge, ramp or driveway serving no more than three single-family dwelling(s).
- (c) Any development that proposes to divide parcel(s) of land totaling 30 acres or more in common ownership or control on or after September 30, 1994, including assembly and recombination of lots. This threshold shall include any development activity in conjunction with any land division of 30 acres or more not otherwise exempted from review under Section 22(e) of the Act.
- (d) Any development that proposes to divide land into 30 or more residential lots. Any development that proposes to divide land into 10 or more business, office or industrial lots.
- (e) Any of the following proposed developments: commercial, service, retail, wholesale business, industrial, private office, private health, private recreational or private educational which exceeds these criteria:
  - (i) New construction of any building or buildings (including accessory and auxiliary structures) with a Gross Floor Area greater than 10,000 square feet;
  - (ii) Additions to existing buildings that result in an increase greater than 10,000 square feet of Gross Floor Area;
  - (iii) For Outdoor Uses, new construction or development that has a Total Project Area greater than 40,000 square feet;
  - (iv) Any Demolition and replacement not resulting in a Change of Use that results in a net increase in Gross Floor Area greater than 10,000 square feet. Net increase is calculated as the difference between the existing Gross Floor Area and the proposed Gross Floor Area.
- (f) Any proposed Change of Use, or Demolition and replacement resulting in a Change of Use, involving commercial, service, retail, wholesale, industrial, private office, private health, private recreational or private educational uses in excess of the following thresholds:

- (i) Where the Gross Floor Area of the building(s), or that portion of a building, subject to the Change of Use, is greater than 10,000 square feet. In cases where there is a Change of Use within a portion of a building only, all areas associated with that use shall be included in the 10,000 square foot calculation, including storage areas and ancillary areas;
- (ii) Any Demolition and replacement that results in a Change of Use where the Gross Floor Area is greater than 10,000 square feet.
- (iii) For Outdoor Uses, where the Total Project Area is greater than 40,000 square feet.
- (g) Any proposed development, including the expansion of existing developments, that is planned to create or add 30 or more Residential Dwelling Units.
- (h) Any development providing facilities for transportation to or from Barnstable County, including but not limited to ferry, bus, rail, trucking terminals, transfer stations, air transportation and/or auxiliary uses and accessory parking or storage facilities, so long as such auxiliary and/or accessory uses are greater than 10,000 square feet of Gross Floor Area or 40,000 square feet of outdoor area. For the purposes of this threshold the amount of outdoor area shall be calculated as set forth in the definition of Total Project Area.
- (i) (1) Construction of any Wireless Communication Tower exceeding 35 feet in overall height, including appurtenances, from the natural grade of the site on which it is located, except for a new Concealed Antenna Monopole less than or equal to 80 feet in overall height from the natural grade of the site on which it is located that is designed to accommodate at least two carriers and with an Occupied Area limited to no more than 1300 square feet.
- (2) Reconstruction of, attachment to or replacement of any existing Wireless Communications Tower, power transmission structure or utility pole for the purpose of supporting antenna(s) for transmitting and/or receiving radio frequency communications that increases its overall height above existing grade by more than 20 feet.
- (j) Site alterations or site disturbance greater than two acres including but not limited to clear cutting, grading, and clearing land, unless such alteration or disturbance is conducted in conjunction with a building permit for a structure or a DRI approval or in conjunction with a municipal project.
- (k) Mixed-use residential and non-residential developments with a Gross Floor Area greater than 20,000 square feet, or greater than 10,000 square feet of commercial space. For the purposes of this threshold the Gross Floor Area of Residential Dwelling Unit(s) shall be included in the Gross Floor Area calculation of the total development.
- (l) Barnstable GIZ Threshold:
- (i) There is a Growth Incentive Zone (GIZ) in Downtown Hyannis in accordance with Barnstable County Ordinance 05-13, as approved by the Cape Cod Commission in a

decision dated April 6, 2006 (GIZ #05034) and whose boundaries are fully defined on a plan entitled "Town of Barnstable Growth Incentive Zone" prepared by the Town of Barnstable GIS Unit dated April 6, 2006 which is appended to decision GIZ #05034 and shall be on file with the Town of Barnstable clerk and the Cape Cod Commission clerk.

(ii) Within the Downtown Hyannis Growth Incentive Zone, any proposed development that meets or exceeds the threshold adopted in subsections (a) through (k) of this section shall not require referral to the Commission as a DRI, provided that:

- (a) The proposed development is below the Cumulative DRI threshold approved by the Cape Cod Commission as described in its decision dated April 6, 2006 (GIZ #050034) of 600 residential units and 585,180 square feet of non-residential development;

The proposed development does not fall within any of the categories in the Hyannis GIZ decision dated April 6, 2006 found on pages 31-32.

(m) Yarmouth GIZ Thresholds:

In accordance with Barnstable County Ordinance 05-13 and a decision approved by the Cape Cod Commission dated July 26, 2007 (*Yarmouth Growth Incentive Zone/GIZ07010*), proposed development on the "Phase 1 GIZ properties" as identified on a map entitled "Map of Motels in the Yarmouth Growth Incentive Zone" dated June 14, 2007 is subject to adjusted DRI thresholds as set forth in subsections [1]-[4] below provided that the proposed development does not fall within the thresholds outlined in section (m)(ii) below.

[1] Proposed conversion or redevelopment of existing hotel/motel buildings within the Phase I GIZ properties to residential dwelling units is not subject to mandatory DRI review;

[2] Proposed expansion, rehabilitation, or redevelopment of existing hotel/motel buildings within the Phase I GIZ properties without changing use (i.e. continued use as either a hotel/motel) is not subject to mandatory DRI review;

[3] Proposed mixed use development or redevelopment (i.e. containing both residential and commercial use) of Phase I GIZ properties that contains less than a total of 10,000 s.f. gross floor area of either an office or commercial use or a combination of both is not subject to mandatory DRI review. In the event one of the uses is a motel/hotel within the Phase 1 GIZ properties, the square footage of that hotel/motel shall not be counted toward the 10,000 s.f. threshold for purposes of determining the threshold for DRI review.

[4] Proposed mixed use development or redevelopment of Phase I GIZ properties which contains more than 10,000 s.f. gross floor area of either office or commercial use or a combination of both shall be subject to mandatory DRI review, unless the proposed mixed use development or redevelopment also contains all of the following:

- (a) at least 40% of the gross floor area of the proposed development consists of residential dwelling units; and
- (b) the gross floor area of retail use does not exceed the gross floor area of the residential dwelling units; and
- (c) the total amount of proposed office or commercial development or a combination of both does not exceed 10,000 s.f. per Phase I GIZ property; and
- (d) in the event of an assemblage of more than one Phase I GIZ property, there is no individual occupant/unit of office/commercial or retail greater than 10,000 s.f. per Phase I GIZ property.

In the event one of the uses is a motel/hotel within the Phase I GIZ properties, the square footage of that hotel/motel shall not be counted toward the 10,000 square foot threshold for purposes of determining the threshold for DRI review.

ii) In addition, pursuant to Section 8(c) of the GIZ Regulations, the following DRI thresholds are not eligible for modification within the GIZ and such development shall be reviewed as a DRI:

[1] Any proposed demolition or substantial alteration of an historic structure or destruction or substantial alteration to an historic or archaeological site listed with the National Register of Historic Places or Massachusetts Register of Historic Places, outside a municipal historic district or outside the Old King's Highway Regional Historic District.

[2] Any development providing facilities for transportation to or from Barnstable County, including but not limited to ferry, bus, rail, trucking terminals, transfer stations, air transportation and/or accessory uses, parking or storage facilities, so long as such auxiliary or accessory uses are greater than 10,000 s.f. of Gross Floor Area or 40,000 s.f. of outdoor area.

[3] Development requiring an Environmental Impact Report under MEPA.

[4] Discretionary referrals proposed by the Town and accepted by the Commission as presenting regional impacts.

(n) A DRI threshold has been modified by the Commission pursuant to Chapter H of the Cape Cod Commission's Regulations of General Application.



## **Route 132 Rezoning Reform Project**

### **A. Regional Retail Centers**

The four major regional retail centers on Route 132 are a distinct type of development on the corridor and are currently hampered by a complex regulatory setting. Establishing a new district that will recognize that these areas are in various phases of development (some well-performing, others with redevelopment potential); expanding the permitted uses to include mixed-use or stand-alone residential development; and loosening setback requirements, while enhancing landscape and building design standards.

#### **TIMELINE:**

Internal Evaluation: February – March

Planning Board & Council Evaluation: March – April

Planning Board Hearing: April – May

Town Council Hearing: As schedule allows

### **B. Map Amendments**

There are several locations on the corridor where zoning map amendments have happened in response to specific development proposals, resulting in a patchwork of zoning districts. The Town should identify areas where commercial zoning is appropriate and reach out to property owners to discuss proposed changes.

#### **TIMELINE:**

Recommendations for Changes: March 15

Planning Board: April 9<sup>th</sup>

Council: As schedule allows

### **C. Evaluating the IND Districts**

The IND Districts appear to have been written with campus-style industrial park development in mind. As the character of the area continues to change, including the addition of residential development, the development regulations should change as well. The Town should consider loosening the setback requirements and revising the applicability of the lot coverage requirements to promote business expansion and attraction.

#### **TIMELINE:**

Recommendations for Changes: April-May

Planning Board: May

Council: As schedule allows

### **D. Evaluating the B & HB Districts**

The Route 132 corridor is the region's primary commercial destination. Many properties in the District are zoned HB Highway Business, which only permits offices and banks as-of-right. All other uses require review by the Zoning Board of Appeals, adding time, cost and complexity to the review process.

The Town should look at modernizing and strengthening the B District and eliminating and/or expanding the permitted uses in the HB District.

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DRAFT

The following draft zoning language is provided pursuant to the Zoning Proposal Summary memorandum, which was submitted to the Town of Barnstable by the Horsley Witten Group, Inc. Readers are encouraged to review that memorandum in advance of reading the draft zoning language herein. In summary, based on the focus of this project and the current structure of the Zoning Ordinance, HW recommends an overlay district that covers the major shopping center parcels along Route 132 just west of the airport. This district could be expanded later, a process described in more detail in the Zoning Summary memorandum.

Throughout the document below, gray boxes are provided with commentary to help clarify the intent of language, describe other potential options, provide context, and/or present policy questions to the Town that should be answered as part of this effort.

As a final step to this process, a "housekeeping package" will be provided to go with the proposed overlay district language. This package will include modest edits to other sections of the Zoning Ordinance that will be required for the purpose of consistency. These other sections are identified in the Zoning Summary Memorandum.

### ARTICLE III. DISTRICT REGULATIONS

#### Sec. 240-22 Mixed Use Regional Center Overlay District (MURC)

##### A. Purposes

The purposes of the MURC are to:

- (1) Provide opportunities to existing and new businesses and redevelopment opportunities within the district for coordinated mixed use development and innovative site design.
- (2) Provide opportunities for higher levels of commerce through improved accessibility by incorporating safer elements of roadway design including pedestrian and bicyclist amenities into the site design process.
- (3) Provide flexibility in the siting and design of new development and redevelopment.
- (4) Reinforce right of ways, streets, and travel lanes as complete public places that encourage a balance of motor vehicle, pedestrian, and bicycle travel.
- (5) To provide the opportunity for greater housing choice on properties that may be able to support quality multi-family housing development.
- (6) To permit mixed use development in individual buildings and within multiple buildings on individual parcels.
- (7) To establish design standards for amenities and new buildings that facilitate attractive design, incorporate ornamental features and materials, and avoid low-quality, stock, industrial-style features and finishes that lack any aesthetically appealing context.

## B. Establishment

The MURC is herein established as an overlay district in accordance with Section 240-5 of this chapter.

## C. Relationship of the MURC to Other Sections of the Zoning Ordinance

Unless otherwise specified, where the provisions set forth in this section of the zoning ordinance govern the same procedures or standards found elsewhere in the zoning ordinance that would otherwise apply, including but not limited to those that apply to the underlying districts, the provisions of the MURC shall govern. Where this section of the zoning ordinance may be silent on procedures or standards found elsewhere in the zoning ordinance, and which are otherwise applicable, those procedures and standards found elsewhere in the zoning ordinance shall govern.

*Commentary: The language above clarifies that the provisions of this section govern over other sections of the ordinance. This includes the Groundwater Protection area. Importantly, while the impervious cover threshold is increased in this section of the ordinance, the stormwater treatment standards are stricter. This approach acknowledges the enormous amount of impervious cover that exists today, and provides a clearer, faster path to environmental improvement.*

## D. Site Plan Review

- (1) The review thresholds and procedural provisions of Article IX. Site Plan Review shall apply to development proposals within the MURC. Where specific site design or other design standards in Article IX. Site Plan Review conflict with provisions in this Section 240-22, the provisions of this section shall apply.
- (2) Submittal requirements. In addition to the submittal requirements listed in Article IX. Section 240-102, the applicant shall provide the following information as applicable:
  - a. Stormwater Management Plan that includes all supporting calculations to demonstrate compliance with Subsection 240-22G(7).
  - b. Long term operations, inspection, and maintenance plan for on-site stormwater facilities.
  - c. Pedestrian circulation plan that demonstrates compliance with Subsections 240-22.G(1), (2), and (6).
  - d. Architectural elevations for new buildings that demonstrate compliance with Subsections 240-22.G(11) and (12).
  - e. Dates of any building reoccupation that occurred within the previous year measured from the date of application.

*Commentary: Site Plan Review is still the predominant review vehicle here, which is "business as usual" for all of the parcels except the Cape Cod Mall. Addressing the unique review process associated with that parcel is discussed in the Zoning Summary Memorandum.*

E. Allowable Uses and Required Parking Volume

The following primary uses are permitted in the MURC.

Permitted Use	Minimum Parking Requirement <sup>1</sup>	Maximum Parking Requirement <sup>1</sup>
(1) Retail and wholesale store/salesroom	1/400 sq. ft. gross floor area	1/200 sq. ft. gross floor area
(2) Retail trade service or shop	1/400 sq. ft. gross floor area	1/200 sq. ft. gross floor area
(3) Office and bank	1/350 sq. ft. gross floor area	1/250 sq. ft. gross floor area
(4) Restaurant, bar, and other food and beverage establishments	1/every 4 seats + 1/every 2 employees on maximum shift	1/every 2.5 seats + 1/every 2 employees on maximum shift
(5) Service business <sup>2</sup>	1/400 sq. ft. gross floor area	1/300 sq. ft. gross floor area
(6) Hotel/motel	1/guest unit + 1/every 2 employees on maximum shift	1/2/guest unit + 1/every 2 employees on maximum shift
(7) Indoor gym or recreational facility	1/every 4 persons at maximum use of all amenities	1/every 3 persons at maximum use of all amenities
(8) Bowling alley	2/alley	4/alley
(9) Multifamily dwellings as a standalone use.	One space per Unit	1.5 spaces per Unit
(10) Multifamily as part of a mixed use building.	One space per Unit	1.5 spaces per Unit

1. Fractions of a parking space that result from these parking spaces shall be rounded down to the nearest whole number.
2. Includes place of business of baker, barber, blacksmith, builder, carpenter, caterer, clothes cleaner or presser, confectioner, contractor, decorator, dressmaker, dyer, electrician, florist, furrier, hairdresser, hand laundry, manicurist, mason, milliner, news dealer, optician, painter, paper hanger, photographer, plumber, printer, publisher, roofer, shoe repairer, tailor, upholsterer, or like businesses as determined by the Building Inspector.

*Commentary: The uses identified above were taken predominantly from the B District. Indoor recreation and bowling were added as commercial uses. Multi-family housing is allowed, but without all of the dimensional requirements contained in the B District that make it next to impossible to develop that type of housing*

*Parking requirements were adapted from existing standards. The approach here is to provide a parking minimum that is often as low as half the current standard, and a maximum that sometimes exceeds the current standard. This provides developers with a range of options and some flexibility to mix parking areas and provide more creative site designs.*

	Reoccupation <sup>1</sup> (40,000 sq ft GFA or less)	Reoccupation <sup>1</sup> (greater than 40,000 sq ft GFA)	Expansion or Modification	New Development
(1) Setbacks from Route 132		X	X	X
(2) Pedestrian Spaces				X
(3) Setbacks (general)	X	X	X	X
(4) Building Height	X	X	X	X
(5) Impervious Cover		X	X	X
(6) Circulation		X	X	X
(7) Stormwater Management		X	X	X
(8) Landscaping		X	X	X
(9) Screening from Residential Districts	X	X	X	X
(10) Lighting			X	X
(11) Signage			X	X
(12) Building Design				X
(13) Bicycle Parking	X	X	X	X

1. Where multiple buildings or tenant spaces are reoccupied on a single parcel over the course of one year, these reoccupations shall be counted in the aggregate. The year shall be measured looking back 365 days from the date of any application and shall include the GFA associated with any other permit issued for reoccupation in that time period. For example, if an occupancy permit was issued for a 25,000 sq ft building on a parcel on May 1<sup>st</sup>, and the same property owner (or agent thereof) applies for a reoccupation of 20,000 sq ft on Oct 2<sup>nd</sup> (the same calendar year), the second application shall be counted as if it were for 45,000 sq ft for the purposes of this subsection.

*Commentary: The Table above should be carefully studied by the Town. Does it make sense to split Reoccupation into different size thresholds? Do the proposed thresholds of 40,000 sq ft make sense?*

- (1) Setbacks from Route 132
  - a. Where the Route 132 frontage area for a parcel or plaza is used almost exclusively as an entrance for automobiles, these entranceways areas shall be landscaped in accordance with subsection 240-22G(7) and the first forty (40) feet of the setback from Route 132 shall provide a pedestrian and bicycle passage across the front of the property in accordance with the requirements of subsection b.iii below.
  - b. Where a property has frontage on Route 132 that exceeds what is required for an automobile entrance, the Route 132 frontage area shall include, at a minimum, the forty (40) foot front yard setback designed as follows (see accompanying diagram):
    - i. The setback shall be designed as a visually appealing buffer

- between Route 132 and the development interior to any parcel.
- ii. The buffer shall, to the maximum extent practicable, be planted with decorative perennial bushes, shrubs, and grasses. The installation of turf may be used in a limited capacity to fill space between planting beds; however, mulching and/or decorative gravel are preferred.
  - iii. A minimum ten (10) foot wide pathway shall run through the frontage area with the purpose of conveying bicycle and pedestrian traffic parallel to Route 132 and also providing intermittent access to the property. This pathway may be finished with concrete or crushed stone. Asphalt is not permitted.
  - iv. The setback shall be shaded through the use of trees planted at an average frequency of every thirty-five (35) linear feet of frontage. Trees shall have a minimum three-inch (3") caliper unless an applicant shows the caliper should be reduced in accordance with the most recent version of the American Standard for Nursery Stock ANSI Z60.1.
- c. Where a property has frontage on Route 132 that exceeds what is required for an automobile entrance, and where the placement of an existing building or other permanent structure does not preclude the possibility, new buildings shall be placed along the Route 132 setback. These buildings may be placed directly along the forty (40) foot setback (designed in accordance with Subsection (1)b above) or farther away provided any space between the building and the minimum set back line is dedicated to pedestrian activity and/or landscaping. Travel lanes other than entrance driveways or parking areas shall not be allowed between any new building and the front yard setback line.
- d. Where a parking area is adjacent to the frontage setback along Route 132, the landscaped area within the setback and the parking area shall be separated by a decorative fence. Allowable fence styles include split rail or imitation iron fencing. Breaks in the fencing shall be provided at an average frequency of every sixty (60) linear feet. Where such a break occurs, pedestrians entering onto the property through the break in the fence shall have ready, safe access to on-site pedestrian amenities.

*Commentary: The frontage along Route 132 is one of the most important visual features in this area. Despite some properties installing quality landscaping, the current requirements have generally led to unattractive frontage areas with little to no opportunity for safe pedestrian travel, and vistas dominated by sprawling parking areas. The standards above broaden the setback requirements and provide standards that will "set an edge" between adjacent properties and Route 132. The frontages will be far more attractive and will "break" the sprawl effect by interrupting the ability of motorists to see hundreds of feet across expanses of asphalt.*

## (2) Pedestrian Spaces

Where large-scale redevelopment is proposed that would include multiple new buildings, applicants shall locate buildings in a manner that creates public

- d. Selection of BMPs. To the maximum extent practicable, low impact development vegetated best management practices shall be used to achieve the required pre-treatment (Subsection 240-22(6)a).
- e. Recharge of stormwater. Stormwater systems shall be designed to recharge up to the 25-year 24-hour runoff volume on-site.
- f. Stormwater management plans shall be submitted to demonstrate compliance with the requirements in Subsections 240-22(6)a-c as part of Site Plan Review and shall use the guidance for BMP selection and installation found in the Massachusetts Stormwater Manual.
- g. A long-term operation, inspection and maintenance plan shall be provided that ensures stormwater management systems will function as designed.

*Commentary: These stormwater standards are based on existing language within Site Plan Review and the Shopping Center Redevelopment Overlay District (SCROD). The pollutant removal storm volume is decreased to reflect best practices and reduce the amount of land that might be consumed by stormwater facilities. The TSS removal rate is increased from 44% to 80%.*

(8) Landscaping

*Commentary: The majority of standards provided below are adapted from other sections of the Zoning Ordinance. HW reviewed all other provisions and chose the standards we think are most appropriate, and then made additions or adjustments as necessary.*

- a. All plants shall be selected to be hardy, durable, drought resistant perennial varieties well suited to the appropriate climate zone. Where specific site locations dictate, plants shall be tolerant to salt and periodic snow storage.
- b. A minimum of twenty percent (20%) of any single lot in the MURC shall either be landscaped or have areas where natural vegetation is retained. Low impact development stormwater practices designed to be part of the site's overall landscaping plan—such as bioretention facilities, bioswales, constructed wetlands, and similar practices—shall be included in calculations for the amount of landscaping. Stormwater detention or retention basins shall not count toward this requirement.
- c. No plantings shall obscure site entrance, exit drives, road intersections, and sight lines important motorist, bicyclist, or pedestrian safety.
- d. At least 10% of the interior of a parking lot with 21 or more parking spaces shall be landscaped. Interior landscaped islands shall be distributed throughout the parking lot. At least one tree shall be provided per fifteen (15) spaces or any portion thereof, located within interior landscaped islands.
- e. No landscaped island shall have an overall width of less than six feet. A walkway may be located within a parking lot and cross interior landscaped islands, provided that the walkway is separated from the surfaced area of the drive or parking lot by a minimum of four feet of landscaped area



- measured perpendicular to the walkway.
- f. Trees in paved areas shall have a minimum of 25 square feet of permeable area for growth. Trees in islands shall have a minimum of 50 square feet of permeable area for growth.
  - g. Applicants may deviate from the standards in Subsections 240-22.G(7)a-e where such deviation will improve the long-term health of landscaping, or where alternative design approaches will enhance the capacity of landscape features to capture and treat stormwater runoff. The applicant shall demonstrate the benefit of these deviations through plans submitted during Site Plan Review.
- (9) Screening from residential districts: Where a parking lot containing five or more spaces abuts a residential district it shall be screened as follows: (a) retention or planting of a sufficient area of natural vegetation to provide a dense screen; and/or (b) a dense hedge providing year-round screening, and/or (c) where vegetative screening is not practical, a fence, with not more than 50% open space between the panels. Such screening shall be maintained in good condition at all times, and no signage shall be placed upon the screening.
- 
- (10) Lighting. Lighting shall be provided in the MURC consistent with the following standards:
- a. Light poles and fixtures shall not exceed sixteen (16) feet in height.
  - b. All exterior lights and sign illumination shall be designed, located, installed and directed in such a manner as to minimize light trespass onto adjacent properties unless such trespass is intentional and meets the purposes of this ordinance.
  - c. Lighting fixtures for building security, aesthetic enhancement, or display purposes shall be top downward (not upward or sideways), and full cut off or fully shielded/recessed.
  - d. Light posts and fixtures in areas accessible to the public shall be designed in a manner that is ornamental as well as functional. Standard industrial-finish poles or shades selected exclusively for their ability to provide adequate illumination without regard for the aesthetic context described in Section 240-22.A. (Purposes) are prohibited.
- (11) Signage. Each commercial use is allowed signage on visible exterior walls as follows:

*Commentary: HW used on-site reconnaissance as well as a review of past variance decisions to develop language for signage. In general, larger signs and more overall signage are allowed here than what is allowed in the B or HB districts today.*

- a. Allowable signs. Free-standing signs, wall signs, window signs, overhanging signs, and awning/canopy signs are allowed in the MURC in accordance with the requirements of this subsection. Where the allowable area of signage is provided, the aggregate area of all signs provided on a

building shall be counted toward that allowable area unless otherwise specified.

- b. Exterior Wall Area measurement. Allowable sign area in this section is often expressed as a percentage of an exterior wall area. For the purposes of these calculations, the surface of the wall is assumed to be flat and the bottom of the wall is measured from grade.
- c. Front façade. The front façade shall be allowed to have signage that measures in area up to 10% of the wall area. For the purposes of this subsection, the front façade is that exterior wall of the building that holds the front entrance to the building. Where an entrance is located on the corner of a building, the applicant shall identify which of the two walls connecting to that corner will be identified as the front façade. Only one wall may act as the front façade.
- d. Exterior side wall. Each exterior side wall that is set back at least twenty (20) feet from the nearest building shall be allowed signage that measures in area up to 5% of the wall area.
- e. Exterior rear wall. The rear wall shall be allowed signage that measures in area up to 10% of the wall area provided the rear wall of the building is designed to appear as a finished exterior for the regular use of customers, including a well-defined entrance. Rear walls that primarily serve as loading or storage facilities shall not be allowed signage.
- f. Pursuant to Subsection 240-62.C (Determination of area of sign), the area of wall signs or painted signs shall be determined by the area of the smallest rectangle that can contain all the letters and symbols of the sign. For front façades, the maximum height of that rectangle shall be four (4) feet. For rear and side walls, the maximum height of that rectangle shall be two and a half (2.5) feet.
- g. Window signs. Signs may be placed in the windows and doors of the front façade so long as the total area of all such signs does not exceed ten (10) square feet and is within the allowable maximum square footage permitted for each business.
- h. Where architectural features are specifically designed to frame signage, these features shall be scaled and designed to meet the limitations on signage area provided by this subsection. These features shall frame signage in a manner that does not make the sign appear disproportionately small or large compared with the building façade.
- i. Freestanding signs on Route 132. One freestanding sign shall be allowed along one entranceway from Route 132 for any individual plaza or mall. The maximum height of any freestanding sign on Route 132 will be twelve (12) vertical feet measured from the ground to its highest point. The maximum number of sign faces shall be two (2) and the maximum area of an individual sign face shall be eighty (80) square feet.
- j. Freestanding Signs on Public Roads other than 132. One freestanding sign shall be allowed along one entranceway from public roads other than Route 132, with the exception of Attucks Lane where no such sign will be allowed. These free standing signs shall have a maximum clearance to the

bottom of the sign face of two (2) vertical feet from the ground and shall be no taller than eight (8) vertical feet. The maximum number of sign faces shall be two (2) and the maximum area of an individual sign face shall be thirty-six (36) square feet.

- k. Freestanding signs shall be elevated and framed by two support posts that run along the outside edges of the sign face. These posts shall be designed in a manner that is ornamental as well as functional. Standard industrial-finish poles/posts selected exclusively for their ability to provide adequate support without regard for the aesthetic context described in Section 240-22.A. (Purposes) are prohibited. Single pole (lollipop) freestanding signs are prohibited.

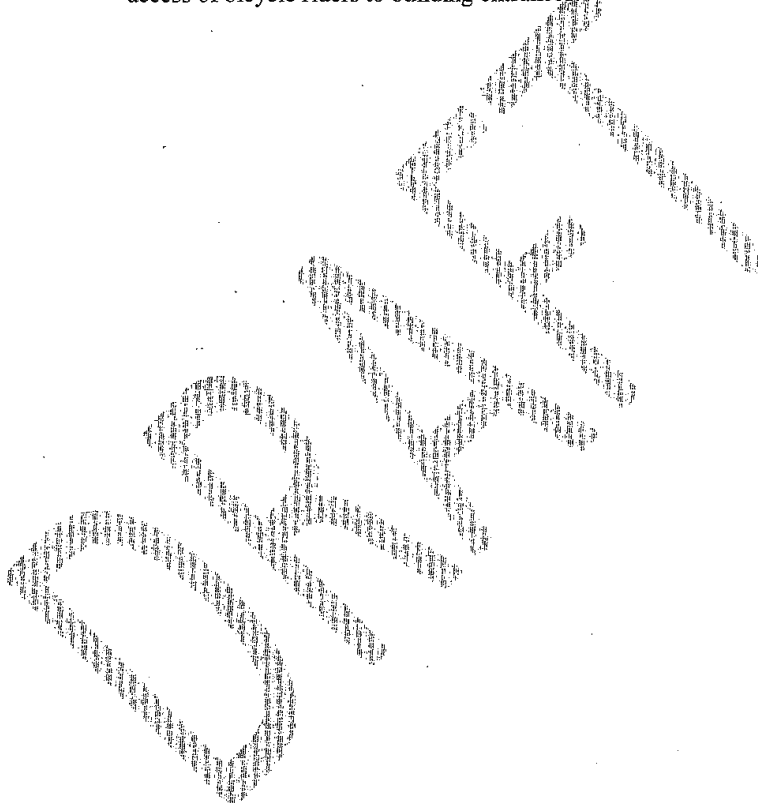
*Commentary: There are numerous lollipop freestanding signs today along Route 132. If this district were expanded, that issue would need to be addressed. Requiring ground level signs is one potential way. Also, a single-pole sign could be used where the pole doesn't site lollipop style, but rather runs up one side of the sign and then uses a perpendicular support to create a "hanging" sign.*

(12) Building Design Standards

- a. In order to modulate their scale, multi-story buildings shall clearly articulate the base, middle, and top of the building through the use of cornices, borders of distinct material, or other articulating features.
- b. Larger buildings with long façades shall articulate the façade with varied rooflines, distinct signage for multiple tenants, awnings, columns, recessed spaces and/or entrances and any other features that serve to add texture to these longer façades. Unbroken façades in excess of thirty (30) horizontal feet shall not be allowed.
- c. Large, flat, unadorned, blank walls shall be avoided for any side or rear walls of buildings. Where windows are not feasible, raised or recessed vertical surfaces may be used in conjunction with awnings, window-shaped depressions, and decorative lighting to make these surfaces more attractive and modulate the massing of the building. Where a side wall is located on an adjacent property line, these walls may be flat to allow for future development along the same property line.
- d. Awnings shall be made of canvas and/or weather-coated materials or glass. Each awning should be distinct from its neighbor and continuous, uniform awnings over distinct storefront façades are discouraged.
- e. All buildings shall have a principal façade and entry (with operable doors) facing a street or other area dedicated to pedestrian circulation. Buildings may have more than one principal façade and/or entry.
- f. Primary entrances shall incorporate architectural features that draw attention to the entrance. These features may include, but shall not be limited to, covered porches, recessed doorways, alternate sidewalk surface treatment, and awnings.
- g. High-quality and attractive materials, such as brick, stone, finished concrete, glass, high-quality metal or porcelain enamel panels,

wood/concrete clapboards and shingles, and slate are highly recommended for visible exterior finish. Materials such as unfinished concrete, sheet metal, asphalt shingles, vinyl, and plastic synthetic siding are not allowed for the exterior finish visible to motorists and pedestrians.

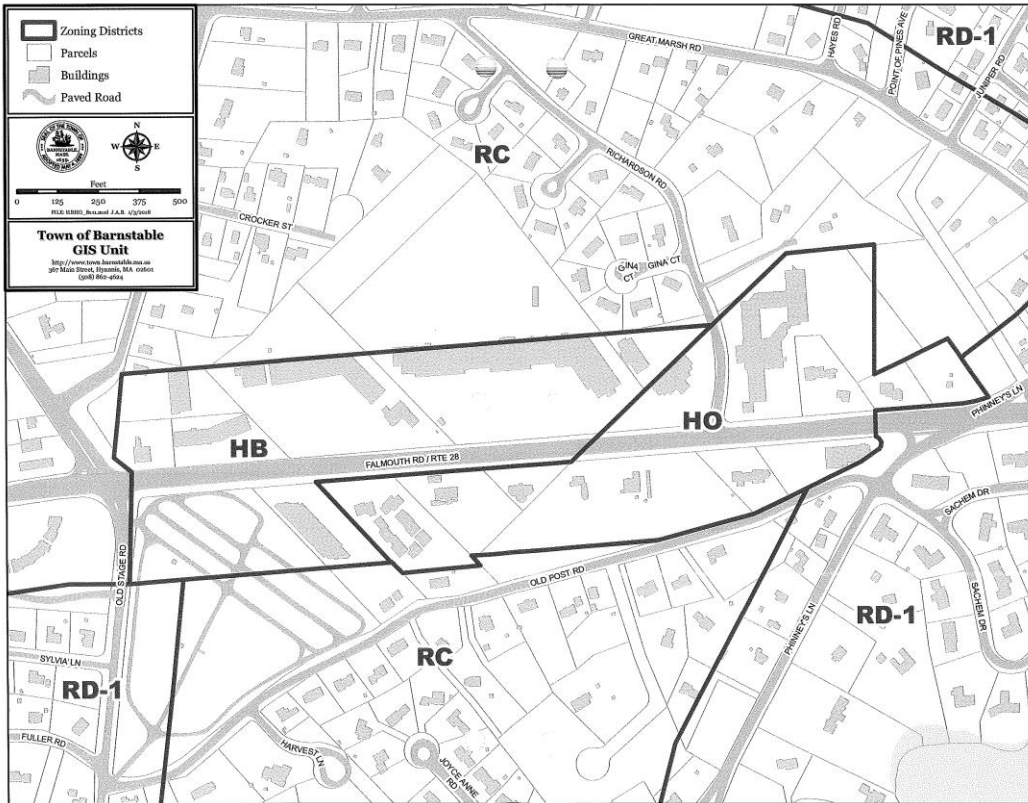
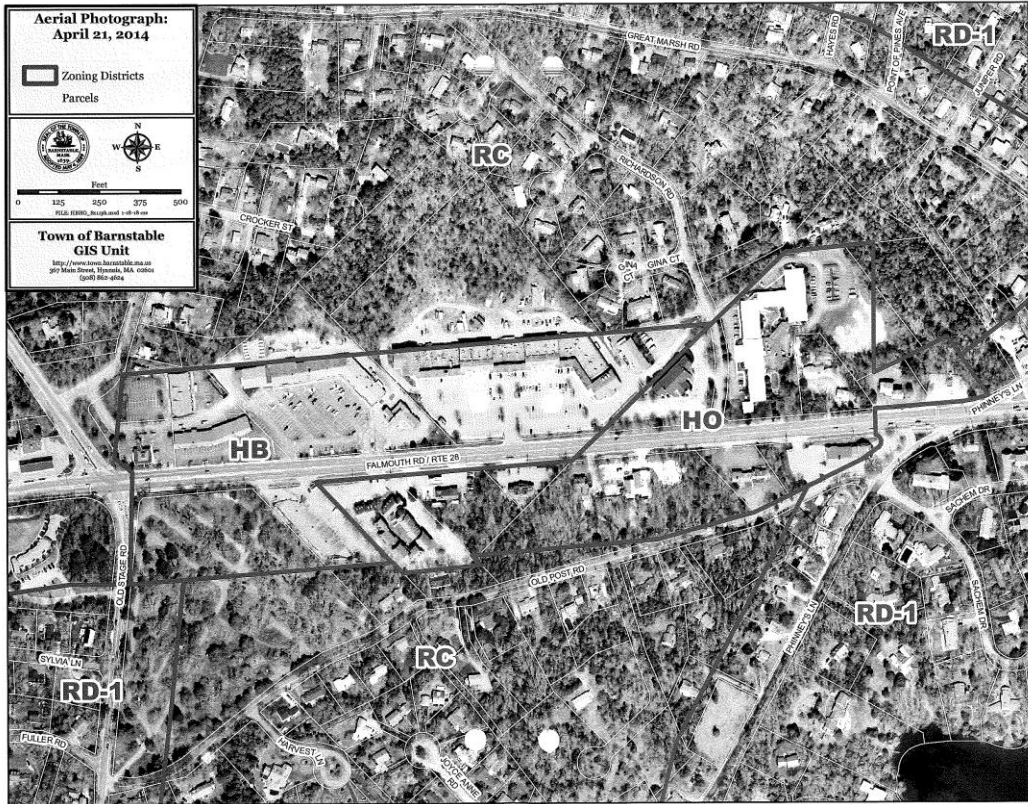
- (13) Bicycle parking. A minimum of one bicycle parking space shall be provided for every 20 off-street automobile parking spaces and in no case shall a commercial or mixed use building provide fewer than four bicycle parking spaces. Spaces for bicycles shall include racks or posts for securing bikes with locks, and shall be strategically located to ensure safety and facilitate access of bicycle riders to building entrances.



**TIMELINE:**

Outline of Potential Changes: May  
Community Outreach: June – August  
Planning Board & Council Evaluation: August - September  
Planning Board: October  
Town Council: As schedule allows

Ms. Jenkins wanted to make it as clear as possible that there have been no changes to our local regulations or review process as a result of the changes for the Commission thresholds. Councilor Jessica Rapp Grasseti asked about the map and how much of the map is in the Regulatory Agreement. (SEE MAP BELOW)



Chair of the Committee Vice President James Crocker Jr. asked the Committee if they would be comfortable in voting tonight to have Ms. Elizabeth Jenkins draft the next chapter in the Chapter H for the Committee to review at their next meeting. This would be a DRAFT only document for the Committee to review before sending to the full Council for recommendation. All members voted in the positive to have Ms. Jenkins draft the next addition to Chapter H for this Committee to review.

Chair of the Committee Vice President James Crocker Jr. asked for a motion to accept the meeting minutes of January 18, 2018 as drafted. Councilor Jessica Rapp Grasseti made the motion to accept the meeting minutes of January 18, 2018 as drafted, all members voted in favor of accepting the meeting minutes of January 18, 2018 as written.

Chair of the Committee Vice President James Crocker Jr. asked for a motion to Adjourn; Councilor Jessica Rapp Grasseti made the motion to Adjourn, all members present voted to Adjourn at 6:56pm

**NEXT MEETING:** March 22, 2018, 6PM

**ADJOURNMENT:** 6:56pm