

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

James H. Crocker Jr. Hearing Room 2nd Floor Town Hall Building
367 Main Street Hyannis, MA 02601

Councilor Jeffrey Mendes
Councilor Matthew Levesque
Councilor John Crow
Councilor Kristen Terkelsen
Councilor Charles Bloom
Catherine Ledec
Bob Schulte Chair
Ken Alsman

January 17, 2025
3:30PM

MEETING MINUTES

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

This meeting is being recorded and will be re-broadcast on the Town of Barnstable's Government Access Channel. In accordance with Massachusetts General Laws Chapter 30A, Section 20, the Chair must inquire whether anyone else is recording this meeting and, if so, to please make their presence known. This meeting will replay 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 asked Sarah Beal from IT to come in and explain the new acoustics in the room since the committee is meeting for the first time in the Selectmen's Conference room. It is a super sensitive sound system, so if there are conversations in the room or outside the room, it will pick up the conversations.

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

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

Chair of Committee read the purpose of this Committee:

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

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 and put in the subject line AD HOC Zoning Committee, and she will distribute to the members once she receives them.

The Chair of Committee wanted to remind the public that all the videos and minutes of all our meetings can be found on the Town of Barnstable web page, under the Town Council, Town Council Ad Hoc Committees. The Chair of Committee discussed that this committee is in the home stretch. The Chair thought it would be a good idea to give the members a summary of the committee's work to date, and

what the committee plans to achieve in the next two months. This committee has met 12 times since the formation meeting on June 28. The committee's work started with the discussion of the Town's use of Regulatory Agreements and then moved into the discussions regarding the recently adopted changes to Chapter 240 Zoning in the Town's General Ordinances, which updated and created the Downtown Hyannis Zoning Districts. The committee has been finishing discussions on that topic within the last couple of months. Some of the broader issues to be discussed are concerns regarding some of the other zoning changes that have been recently adopted, and or considered. Some of these items we've touched on, such as the inclusionary housing ordinance percentage, which this committee talked about during the presentation at the last meeting. Others include by right zoning beyond the downtown district, short term rentals, which were discussed at one point, but tabled by the Town. The Chair hopes to finish some of the discussions and make specific recommendations about Hyannis Downtown Zoning.

The Chair of committee moved onto public comment and wanted to remind the public that once public comment is closed, the link goes away, but the public can continue to watch via streaming, or Xfinity Channel 8 or 1072.

Larry Morin – Cotuit: he does not know where he is on these subjects because this committee has a lot of issues to deal with, so he does not have comments to submit on what the committee is going to cover today, but if there is something later when material is covered, he may have comments then. Mr. Morin attended the Ad Hoc Housing Committee yesterday, it went a little over two hours, it was a good conversation, very lively, but one of the things they did mention was they wanted to meet with this Committee, as much of their topic overlaps with this committee, he is not going to tell this committee how to accomplish that, that is up to this committee to discuss.

The Chair of Committee closed public comment and asked if the committee members had any comments. The Chair of the committee recognized Chris Gregory of Centerville, who emailed his comments as he was unable to attend today's meeting.

Dear Committee Members,

I am not able to attend today due to work obligations. However, my understanding is that you may be discussing a potential move of existing homeless shelters in our town that would result in a more robust facility with a wider variety of amenities and services. I would like to state that any such project would be a large net benefit for our community as a whole and for the specific community of the unhoused that it would be endeavoring to serve.

I do not see how the location of such a shelter should factor into consideration other than if the location is accessible to those who wish to make use of it. In reality, we seem to be talking about a relocation of less than 2 miles, which is basically immaterial in my mind as many folks who are unhoused still have access to transportation, and a 2 miles walk is a matter of 30-40 minutes. We are not talking about moving a shelter from Castle Island to Cambridge. The proposed shelter is in the vicinity of an Elementary School, a High School, some small businesses, and permanent housing. The existing shelter is in the vicinity of an Elementary School, Two High Schools, a recreation center, a larger number of small businesses, and a more densely settled area of permanent housing. Both are in corridors with access to public transportation. Please explain to me what the difference is here?

Instead, I have concern that rhetoric around this move might be attempting to stir up fear against an already vulnerable population. I do not believe that anyone who is unable to find permanent shelter is inherently more likely to cause issues in our community. I do believe that if we dehumanize these fellow humans, strip them of their dignity, and remove resources for them to improve their situations, they will be forced to find a way to make ends meet, which might present

as undesirable to others in the community. So, if you do not like personally that human beings are forced to camp out at night or live in their cars, or that they haven't had an opportunity to bath, or that they need to panhandle to feed themselves, or are experiencing mental health issues because they have been locked out of the healthcare system, I dare say that those very individual human beings who are also denizens of our town and contribute to it in their own way, would also not like that to be the case. Providing a shelter that allows more folks to deal with more of these issues seems like a no brainer to me.

We cannot run our town guided by some suburban prosperity gospel where only those who already have their needs met are entitled to have good things happen to them. Instead I ask that you consider John Rawls' [Veil of Ignorance](#), which asks if we all were stripped of the benefits we enjoyed through the incidence of our births and the access to greater opportunities afforded to us as such, we would want our community to focus on lifting up those most in need at any given point with the understanding that all boats would lift up as a result.

I hope you will consider all of this if anyone else gives public comments about this topic today. I hope you will take these words to heart, and, especially the town councilors will carry forward a sense of Justice in how they consider these changes to our community in the future.

I am happy to talk with anyone who might have questions.

*Sincerely,
Chris Gregory
Centerville*

The Chair of Committee mentioned that Mr. Gregory's comments were made because he thought that we would be discussing this today. However, the Chair of the Committee stated he was unsure if this was a zoning issue or whether it even falls into the category that we should be addressing if it involves the use of a specific property. Chair of Committee thinks this could be a Zoning Board of Appeals issue. The Chair of the Committee asked Mr. Kupfer to comment on this subject if he had any information regarding this. Mr. Kupfer discussed that the relocation of the shelter would not fall under this committee's purview, this committee is looking at recently adopted zoning changes, this is not a zoning change, there has not been anything formal submitted to the Town that he is aware of from the organization that is trying to relocate it, so he does not believe this is a discussion for this committee to have. Mr. Kupfer mentioned that the Chair of this Committee could ask Assistant Attorney Kate Connolly between now and the next meeting, she may have a different opinion. The Chair of the Committee thanked Mr. Kupfer for his comments and will wait to discuss this if this committee is asked to do so.

The Chair of the Committee asked the Committee members for any comments related to the public comments made tonight.

Councilor Bloom likes the way Mr. Gregory defends the move. It's a population that is at risk, and Councilor Bloom would like to see some data regarding how much crime there really is with this population, he feels there really is not much, there is probably more mental health crisis that the police deal with than actual crime, there may be more of a nuisance issue, most of the business on Main Street do not want them in the doorways, but these individuals are at risk, and he believes Mr. Gregory defended the move eloquently. Councilor Bloom stated, let's face it, no matter where this population is located it is a problem with someone. Councilor Bloom stated he lives in the area where the shelter is

currently and has never had a problem, he sees an ambulance every once in a while, but that is a medical issue, not criminal. This is a population that deserves our respect and compassion.

Chair of Committee thanked Councilor Bloom for his comments.

Chair of Committee moved onto discussion of the DRAFT Memo regarding potential amendments to Chapter 240 Zoning (dated October 11, 2024, updated November 19, 2024) to determine detailed recommendations for the following Downtown Hyannis zoning subtopics: (see below)

Town of Barnstable

Planning & Development Department

www.townofbarnstable.us/planninganddevelopment

DRAFT

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

To: Committee to Review and Assess Zoning and Regulatory Agreements

From: Jim Kupfer, Director, Planning and Development

Re: Potential Amendments to Chapter 240 Zoning Ordinance and Map

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

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

Potential Chapter 240 Policy or Ordinance Amendments

Exempt Uses

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

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

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

Downtown Hyannis

Chapter 240 §24.1 through 13 of the Barnstable Zoning Ordinance is defined as the Downtown Hyannis Zoning Districts and includes the Districts' development standards. These sections were amended February 2, 2022. The Committee requested to review the entirety of the Downtown Hyannis Zoning Districts. Staff presented the section in whole to the Committee.

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

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

Parking

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

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

Building Height

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

Potential Recommendation to Town Council: The Committee recommends Town Council consider amendments to Chapter 240 §24.1.6 Downtown Main Street District Table 3 by amending Section F of the Table "Number of Stories" from "3.5 or 4 maximum" to a maximum height of 3 stories, however it is recommended allowing for a 3.5 story if the rooftop is proposed to have active space such as rooftop amenities for residents, active commercial space such as a restaurant, green roof, etc. as well as eliminating 240-24.1.6.C.6 "The fourth

story of any building must be recessed ("stepped back") from the facade of the stories below at least eight feet".

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

District Boundaries

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

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

Inclusionary Housing

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

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

Short Term Rentals

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

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

Chair of Committee opened it up for discussion from the Committee members on the memo. The Chair discussed parking and asked, prior to the change to the change in zoning in Downtown Hyannis what was the previous parking requirement. Mr. Kupfer answered it was tied to number of bedrooms, which in Mr. Kupfer opinion is more in line with the Board of Health and zoning may wish to stick with a per unit metric. The previous zoning was one space for one bedroom, studio; this was a formula depending on the number of bedrooms and 2 spaces if 2 bedrooms or more. Mr. Kupfer strongly recommends this committee focus on the number of parking spaces per unit, whether that metric is 1.25 or 1.5 or 1.75 is up to this committee to decide.

The Chair of the Committee discussed that the recommendation this committee makes does not have to be whole number. It can be just like Mr. Kupfer described as 1.25 or 1.5. The Chair of the Committee mentioned that parking is a bit of concern, with the addition of new housing downtown, Mr. Schulte has had conversations with a commercial businessperson, who has also spoken with Mr. Kupfer who is also concerned about parking, and it seems that 1.5 to 2 is what people are saying. Committee member Catherine Ledec said she believes that 1.5 at a minimum, 1 space just isn't enough. Councilor Terkelsen asked if a study was done on the larger projects. Councilor Terkelsen asked if anyone had done the math to see if we did this at this location what type of impact that would have. Councilor Terkelsen would like to see a 1.5 vs a 2-parking space ratio study and how that would look. Mr. Kupfer stated he is not aware of any study like that, but in essence if you reduce the space there will be more of the building, if you increase the parking there is less of the building because there is more pavement being used. Mr. Kupfer said finding a sweet spot for these developments is important, if you overpark an area, then we are once again faced with a potential lack of investment due to too much required parking.

Committee member Ken Alsman asked if residents in the downtown are allowed to park in public spaces in the downtown lots. Mr. Kupfer stated not overnight. Mr. Alsman asked if there are any permits available to park overnight. Mr. Alsman remembers a meeting where Mr. Kupfer said there is ample parking downtown, so if that is the case has there been any thought of offering parking permits to the developers or that can be purchased. Mr. Kupfer answered we have limited parking permits that grant overnight to residents' downtown that were historically granted, there are some businesses that have permitted parking permits issued from the Town for areas that have apartments above the business, but not enough parking at the site of residency, so they are allowed to park elsewhere like Ocean Street lot. Mr. Kupfer said the permits are issued but not a lot of them are issued because there is not a need for it but can certainly investigate it if this committee believes there is a need for it. Chair of Committee mentioned that a lot of the parking in downtown Hyannis is privately owned. Mr. Alsman asked if it was the developer's job to ask for parking or is it the new resident that would have to ask for it? Chair of Committee said he believes it can be both, if the developer does it, but in some instances the tenant has asked the property owner. Mr. Kupfer said yes, the tenant could rent a spot, if necessary. The Chair of Committee mentioned the parking study that was done. It has a lot of good recommendations in it, but it was also done in 2017, and the data may be old today. The Chair of the Committee would like to have the committee review the study to get everyone's input, and then have the Council look at it and implement some of the recommendations, and in the end that may be a decision to increase parking more or reduce it. The Chair of Committee believes that this committee should put recommendations together now rather than later to establish that for the developers, if the committee waits until it all gets built out as the proposals come in, the recommendation for now would be 1.5 to 2 with an additional recommendation after the study is looked at. The Chair of Committee asked if the parking study was done with the idea in mind that Main Street is designated to be two-way, and remind the committee it was also done pre Covid. Mr. Alsman asked if there was any parking for guests considered. Mr. Schulte answered no. Committee member Catherine Ledec asked about handicap parking and wondered if those spots are included in the count. Mr. Kupfer answered yes, they are included according to the Building Commissioner. It is a state requirement. Mr. Kupfer mentioned that the committee could recommend that the handicap spaces not be included in the count, the more guidance you put in the zoning, the more it is not open to interpretation. The Chair of the Committee liked that suggestion and would like to see the recommendation be 1.5 and is inclined to say 2 spaces per unit, and the handicap be on top of that count.

The Chair of the Committee moved onto the building heights topic and asked Mr. Kupfer to go through the potential recommendations. Mr. Kupfer explained the following:

Potential Recommendation to Town Council: *The Committee recommends Town Council consider amendments to Chapter 240 §24.1.6 Downtown Main Street District Table 3 by amending Section F of the Table “Number of Stories” from “3.5 or 4 maximum” to a maximum height of 3 stories, however it is recommended allowing for a 3.5 story if the rooftop is proposed to have active space such as rooftop amenities for residents, active commercial space such as a restaurant, green roof, etc. as well as eliminating 240-24.1.6.C.6 “The fourth story of any building must be recessed (“stepped back”) from the facade of the stories below at least eight feet”. The Committee also recommends Town Council consider amendments to Chapter 240 §24.1.7 Downtown Village District Table 4 by amending Section F of the Table “Number of Stories” from “3.5 or 4 maximum” to a maximum height of 3 stories, however it is recommended allowing for a 3.5 story if the rooftop is proposed to have active space such as rooftop amenities for residents, active commercial space such as a restaurant, green roof, etc. as well as eliminating 240-24.1.7.C.4 “The fourth story of any building must be recessed (“stepped back”) from the facade of the stories below at least eight feet”.*

The Chair of the Committee wanted to clarify the statement just read, this committee is recommending buildings up to 3.5 stories in those areas. Mr. Kupfer answered yes because where it is referenced in the memo it says 3.5 or 4 maximum, to a height of..... (for this Committee to define) to a height less than 4 stories maximum. The Chair of the Committee discussed the possibility of taking off one story and making it 2.5 to 3 would be an idea, but does not know if that is too much, so we may want to keep it at three. The Chair of the Committee has looked at other communities online to compare the Main Streets and downtown areas, and 3 stories are not uncommon in most communities.

Councilor Terkelsen asked Mr. Kupfer what the height prior to the change was. Mr. Kupfer answered it was 3 stories on Main Street, and for the Villages it was 2 to 2.5.

Councilor Bloom does not mind the 3 stories if the building has character on the outside, he would like to see a nice shape to the building. He does not want to see 3 stories placed next to 1 story, then another two-story placed next to that then 3 story after that, he would like to see uniformity with style.

Committee member Catherine Ledec noticed in the language about the 4th story and that 4th story is intended to be recessed back to make the building less like a wall of windows, or straight flat beside nothing else, so if we lower the building height a little, do we still want to have that kind of architecturally interesting, recessed look on the upper floor. Mr. Kupfer answered yes, because it was intended for the 4th story to be recessed so the building did not look so dominant from the street. Ms. Ledec referred to a square 3 story building with just a wall of windows which is not very appealing for Main Street, there isn't anything to look at, it's boring, and architecturally uninteresting: Ms. Ledec like the idea of lowering the height, but then what do you want the upper story to do, something more interesting. Recessed back could be a possibility if you were living there and it's an apartment you could do a recessed upper floor which could become an outdoor patio.

Councilor Terkelsen asked what does 3.5 stories mean? Mr. Kupfer answered that the .5 is unhabitable, so its attic space, or vaulted ceilings, or Cathedral ceilings. Councilor Terkelsen asked what we gain by having that .5 story and what do we lose if we stick to 3 stories. If it's only 3 stories there is no patio, or if it's 3.5 there is a patio. Mr. Kupfer answered by having that .5 you are essentially telling the architect they have the opportunity for the gable roof, if this committee decides to leave it at 3 stories, in Mr. Kupfer's opinion we will have a lot of flat roofs. If this committee decides on 3.5 stories, then you will have a lot more architecture design.

The Chair of Committee asked Mr. Kupfer if we were to cut things down to 3 stories, the 3-story having the 8' setback, is that a reduction from what we currently have at 3 stories before the change happened. Mr. Schulte stated that it may be defeating the purpose if we cut it back to 2.5.

Councilor Crow likes the sound of 3.5 if the .5 can be used for a roof top garden or patio.

Councilor Terkelsen asked if there was anything in the language that could be added to promote, lend or guide developers, that we want more outdoor spaces on top levels. Mr. Kupfer answered he will look at some language to expressly state it, but there are ways to incentivize the developer to create interesting spaces and design into that .5 story. It would be nice for the residents who live there and to encourage open space on a roof top.

Committee member Ken Alsman asked who is the person that looks at the plans first of the project when a developer comes in. Mr. Kupfer said it depends on the project, but typically it is myself and my team, but if the project is further along and they have decent plans then the informal site plan review team is gathered to go over the project. Mr. Alsman asked so that would be the time to suggest to the developer what do you think about this, or how about that, or have you considered this moment. Mr. Kupfer answered yes.

Committee member Catherine Ledec wanted to mention that flat roofs are not bad either, it's where a lot of the components go, and is great for solar panels, or also can serve as a cell tower with small personnel cell mechanisms on the roof top, instead of the huge tower you see outside of Town Hall, so its another carrot for the developer, if there were people moving into one of these buildings, you want to make sure you have cell service. The Chair of the Committee asked how does all that work with components and cell towers, does the Town tell the developer where to place these so they are not visible from the street. Mr. Kupfer answered it starts with the Cape Cod Commission, for cell towers, there is an application process, and a hearing with the Town Manager, but these are becoming more frequent, and you will see them on utility poles throughout town, they are the little cannisters on the telephone poles that you can see up and down Ocean Street, as far as the mechanicals, if it is downtown Hyannis the design guidelines talk about screening the mechanicals so you do not see them from the front. Mr. Kupfer also mentioned that the mechanical items are not included in the height of the building but must be shielded from the street. Some developers are using mini splits as well, and those are on the flat roof side by side not stacked on top of one another.

Mr. Alsman likes the 3.5 height for the building with the idea that the .5 is a usable area and not left as unused space. The Chair of the Committee asked Mr. Kupfer to look at language for that and bring it back to the next meeting. Councilor Terkelsen stated that this committee is going to recommend 3.5 stories, can we somehow specify that the .5 be used for a gable roof, or architectural design, or roof design an outdoor space. Do we need to incentivize people to make changes to enhance the living conditions for the tenants with that .5 space, does the carrot that gets dangled go before the Planning Department or Town Council, or who is the individual that says to the developer if you do the roof top design we will give you x amount of spaces, or we can get you more units, who decides that? Mr. Kupfer answered you would need to codify that, so is it a regular zoning change your recommending to the Council, the Town Council makes the ultimate decision as to whether we codify that or not and then we administer it, but whatever we recommend we want to make sure it is enforceable. Mr. Kupfer will think of some language to keep the conversation going.

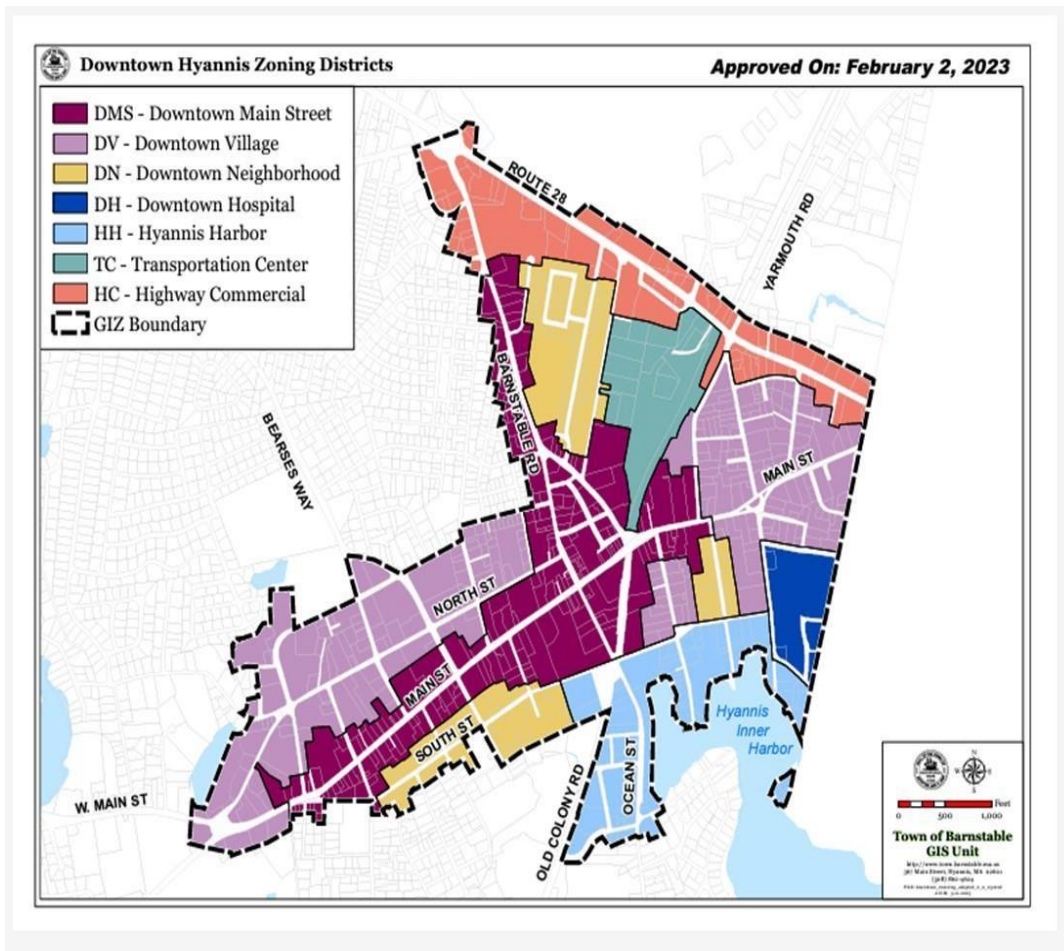
The Chair of Committee discussed the next topic of District Boundaries and explained that this was introduced because some of the Committee members and residents had concerns with the setbacks. The Chair of the Committee asked Mr. Kupfer to explain.

District Boundaries

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

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

Mr. Kupfer explained that what he read means that there is Main Street, and then there is the downtown village that is all around Main Street, the village downtown has a much more reduced zoning that does not allow for the 4 stories, and based on the conversations he has heard to date committee members were concerned about the outer edges, and to be clear the downtown village zone is the outer edges, so perhaps this committee might consider replacing the downtown village zoning with downtown neighborhood; downtown neighborhood does not allow 4 stories, it improves the setback to 10 ft on both sides and reduces density. (see map below)



Key in upper right corner explains boundaries.

Mr. Kupfer mentioned it is possible if this committee decides to take the yellow areas on the map and replace them in each of the purple areas, the picture below may look like a lot of single homes, but in this area, they are multifamily homes, but at a smaller scale.



§240-24.1.8 Downtown Neighborhood District (DN)

- A. Intent**
- The Downtown Neighborhood District is intended to promote the traditional uses and form of the neighborhoods adjacent to downtown that are characterized by a variety of 19th and 20th Century detached and semi-detached residential building types.
- B. Lot Standards**
- Newly platted lots must be dimensioned as specified by Table 5.
 - Lot coverage may not exceed the maximum specified by Table 5.
- C. Building Standards**
- One (1) principal building and multiple outbuildings are permitted per lot.
 - Principal buildings and outbuildings are permitted as specified by Table 5.
 - The third story in a single-family or two-family dwelling can only occur within habitable attic space.
- D. Use Provisions**
- Limitations
 - Office and Health Care Clinic uses are permitted only for lots fronting South Street, School Street, or High School Road.
 - Two-Unit dwellings are prohibited for lots fronting only Brookshire Road or King's Way.
 - Multi-Unit dwellings are permitted in the DN District with a maximum of four dwelling units permitted in any one building per lot. In addition, one Accessory Dwelling Unit may be permitted per lot. Multi-unit dwellings shall be prohibited for lots fronting on only Brookshire Road or King's Way.

Table 5. DN Dimensional Standards

LOT		BUILDING FORM	
Lot Width	20' min	E - Number of Stories	3 max ¹
Lot Coverage	50% max	F - Ground Story Height	10' min
SETBACKS - PRINCIPAL BUILDINGS		G - Upper Story Height	10' min
A - Primary Front Setback	10' min 20' max		
B - Secondary Front Setback	10' min 20' max		
C - Side Setback	10' min		
D - Rear Setback	20' min		
SETBACKS - OUTBUILDINGS			
Front Setback	60' min		
Side Setback	3' min		
Rear Setback	3' min		

Mr. Kupfer mentioned that the intent of the downtown neighborhood is really what drew him to this because if you read the intention of it, which is to promote traditional additional use as a form of neighborhood adjacent to downtown that is characterized by a variety of 1920 century detached images. A third story in a single family or two-family home can only occur if it is a habitable attic space. Councilor Terkelsen asked about the sections in purple, what were the heights before. Mr. Kupfer answered the maximum was 2.5 stories with a maximum height of 35 ft. Councilor Terkelsen stated if this committee decides to make the purple sections yellow then it becomes 2.5 stories up to 3 maximum with a standard height that is required in all districts. Mr. Kupfer mentioned that most of this area is residential, so the maximum height would be 14 ft. Mr. Kupfer is hesitant on the use provision, there are

some nice retail centers right now like the Fed Ex building on North Street, so he cautions about removing those, as they are pre-existing non-conforming, so we want to make sure that we state that specifically here so that we are not creating the pre-existing non-conforming aspect. Committee member Ken Alsman asked about putting lots together to make large blocks. Mr. Kupfer answered that the town is not looking to incentivize that, and we discourage that in this area. Committee member Catherine Ledec mentioned that the neighborhoods need to be opened so that they look like neighborhoods. Mr. Kupfer mentioned that is why he brought this up to get the discussion started about the downtown neighborhoods. The Chair of the committee mentioned that in the past Committee member Councilor Charlie Bloom and Councilor Jeffrey Mendes had concerns about the dark purple area becoming the big building 4 story and losing the residential neighborhoods, so if this committee decides to make the Downtown Neighborhoods standard, that will hopefully bring back the neighborhood feel that we might have lost if we had kept it at the 3.5 to 4 stories.

Mr. Kupfer also mentioned that he has received calls from individuals about putting a second structure behind the original one, but they are tighter lots, and it is not feasible, but has been discussed.

The Chair of Committee asked about 3-D modeling for when these projects come in to get a better visual of what they are going to look like, this is very costly. Councilor Crow would like to incentivize the renovation of buildings somehow to developers so when they are in the design portion the building is remodeled in a way that is attractive.

The Chair of Committee mentioned in the final memo from this committee to the Council, we can make our recommendations but also mention other issues that are to be considered by the Council. There will not be specific recommendations on the other issues, for example, Zoning Enforcement. We were requested by the council president to share with us what you have, and we will move forward from there. The Chair realizes there has been a task force set up to look at these enforcement issues, this committee has limited time and can't tackle everything, or rewrite the zoning, but there has been a lot that has come to the surface that probably needs to be looked at. Councilor Terkelsen agrees with the statement made earlier by Ms. Ledec about putting everything in writing, so it is clear and spelled out for the developer.

Ms. Ledec would like to start the conversation about Solar, and be able to look at that Ordinance, and possibly fix it for the next project that comes before us, the last one did not go so well, so we need to fix whatever is wrong, so the community accepts the next project. The Chair of Committee asked Mr. Kupfer to bring forward some information on the Solar Ordinance to the next meeting for possible discussion.

The Chair of the Committee would like also to implement monitoring of the affordable units, right now he believes the Town does not know how many we have, Mr. Kupfer answered we do know how many we have, the Planning Department received an update on January 17, 2025 for the number of units in the community and the number of affordable units in the community. However, what the town does not monitor is the annual update of whether that affordable unit is being managed appropriately, there is a process for when the unit is sold, but we do not have someone that is monitoring Zillow for the sales to make sure it is being sold properly. The Chair of Committee mentioned that one of the recommendations may be that the town implement a program and monitor these units on an ongoing basis. Councilor Crow agrees with the monitoring so that we know if it's restricted, and being used for the purpose intended, or if we have units that are empty month after month.

The Chair of Committee asked the Committee members what date they would like for the next meeting. Committee members decided on January 31, 2025, at 3:30 pm in the Selectmen's Conference Room.

The Chair of the Committee asked the members to look at dates for February and at the next meeting decide that date, possibly on the 7th and the 14th.

Chair of the Committee asked for a motion to adjourn, Councilor Kristen Terkelsen made the motion, this was seconded by Councilor John Crow, all members voted in favor of adjournment at 5:37pm

ADJOURN: 5:37 pm