



Town of Barnstable Planning Board



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Board Members

Steven Costello – Chair Jeffrey Swartz – Vice Chair Patrick Foran - Clerk Mary Barry Stephen Robichaud Aimee Guthinger Robert Twiss
Mathew Levesque – Town Council Liaison

Planning & Development Dept. Staff Support

Elizabeth Jenkins, AICP, Director
Kaitlyn Maldonado, Senior Planner
Karen Herrand – Principal Assistant - karen.herrand@town.barnstable.ma.us

BARNSTABLE TOWN CLERK

**TOWN OF BARNSTABLE
PLANNING BOARD AGENDA
ACCESSORY DWELLING UNIT (ADU) COMMUNITY MEETING
January 25, 2021**

2021 FEB 9 PM 3:13

Steven Costello – Chairman	Present
Jeffrey Swartz – Vice Chairman	Present
Patrick Foran – Clerk	Absent
Marry Barry	Absent
Stephen Robichaud	Present
Aimee Guthinger	Present
Robert Twiss	Present

Also in attendance via remote participation were Elizabeth Jenkins, Director, Planning & Development, Kaitlyn Maldonado, Senior Planner, Planning & Development and Karen Herrand, Principal Assistant.

The Planning Board meeting on Accessory Dwelling Units will be held from 6:00 p.m. to 7:30 p.m. by remote participation methods as a result of the COVID-19 state of emergency in the Commonwealth of Massachusetts.

The regularly scheduled meeting of the Planning Board will begin at 7:30 p.m. The agenda for that meeting has been separately posted.

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be viewed via the Channel 18 website at <http://streaming85.townofbarnstable.us/CablecastPublicSite/>

2. Real-time access to the Planning Board meeting, Accessory Dwelling Unit (ADU) Community Meeting is available utilizing the Zoom link or telephone number and Meeting ID provided below. Public comment can be addressed to the Planning Board and Staff by utilizing the Zoom link or telephone number and Meeting ID provided below:

Link: <https://zoom.us/j/97946632165>

Phone: 888 475 4499 US Toll-free Meeting ID: 979 4663 2165

Call to Order: Introduction of Board Members and Staff Members

Attendance Roll Call:

Chair Steven Costello
Jeff Swartz
Stephen Robichaud
Aimee Guthinger
Bob Twiss

Notice of Recording: This meeting is being recorded and broadcast on Channel 18 and in accordance with MGL Chapter 30A §20. The Chair must inquire whether anyone else is taping this meeting and to please make their presence known.

Public Meeting

Presentation from Planning & Development Department Staff on Accessory Dwelling Units, including discussion on a proposed amendment to the zoning ordinance to allow Accessory Dwelling Units as accessory use to a single-family residential dwelling. Public comments and questions and discussion on Accessory Dwelling Units.

Elizabeth Jenkins, Director Planning & Development in attendance. This is an informational meeting. Presentation. Q & A after. Will stop at 7:30 p.m. so that Planning Board can have regular meeting at 7:30.

What is Accessory Dwelling Unit – smaller residential unit to be on the same lot. (ADU)
Reference to images, Exhibit A.

Presentation -

Housing Needs Assessment – needs in Barnstable. Need more rental housing. Data – low rental vacancy rate. One percent available, prices pushed up and burden on renters. Need to find ways for more housing choices. Home ownership is out of reach for many.

Housing Production Plan – put together in 10 months. How to address the cost and availability. Allow market rate accessory to increase housing availability/options. This is a regional and national issue as well. Cape Cod Commission (CCC) looked at accessory as a potential way to address. Demand for smaller affordable units. CCC recommends and thinks should be looking/and consider ADU's be of right. Nine other towns across Cape Cod have.

Discussions – Zoning and Regulatory Committee (ZRC) reviewed the model provided by the CCC, along with some representatives from the Planning Board, looked at model and provisions.

Purpose and intent - Water capacity limitations. Adapting properties to be for all. Maintaining and looking presentable in a residential neighborhood.

Would be a town wide ordinance. Considered for rentals and only one on a lot. To allow provisions by right and by special permit. Review process for special permit.

Consideration – Design and appearance. Provisions to say that the appearance would remain as a single family home. Want to see consistent if attached. Parking should be off street.

Water and septic – any added would have to comply with current Title 5 and wastewater per the Board of Health (BOH) as they exist today.

Size of unit – lesser than the size of the single family dwelling. By right limited to 2 bedrooms. Total floor area no more than the single family home or 1000 sq. ft., whichever is less. Could do a special permit if different from this.

Occupancy – limit to 2 adults. If more than two that could be permitted if submitted to Zoning Board of Appeals (ZBA) and grant of a special permit. Intended for rental.

Both accessory and the principal dwelling would be for rent. Could live in home or ADU or rent both. Duration of rental – recommendation for a 12 month/year round lease – encourage year round rental.

Would like community input. Housing Choice/Economic Development bill did include some provisions that had information. State regulation has some change. Signed into law last week and just signed right before this meeting. They are evaluating these against the State bill.

Would have to go through a process as a Zoning Amendment, then introduce at Town Council and Planning Board hearing. Town Council has public hearing for.

Comments and questions – Will have other options to answer questions as well – ADU page on the Town's website. Staff will put together and FAQ for.

Chair Steven Costello clarifies that this is first discussion. Aging in place. Affordability. Number of things to keep in mind. Answer may not be done tonight.

Public Comment:

Katri Mullaly in attendance. Believes this will benefit the Town/Cape and residents. How would the detached be taxed? If included would it be taxed as one? Town BOH would require to be reviewed annually? Inspected? Occupancy limits – does not include children, is there a total based on the square footage for the space? If adult children living there do I need lease for them?

Elizabeth Jenkins replies – can't answer the tax question yet, can follow up after consulting Assessing/Tax office. Will have answer. Board of Health – yes, any dwelling rented has to be registered with BOH, annual rental registration for these. This would apply. Occupancy – children, intention to regulate the intensity of use. Most efficient for regulating adults. This is the most easily way to enforce/regulate.

Katri Mullaly, 12 month lease. Can a consideration be considered for a special permit for a location, to a 6 month or 3 month lesser lease time? Please consider this.

Meaghan Mort in attendance. Would like the 12 month requirement only for this, not for summer and winter rentals. Every year she has a rental rate raise. Doesn't quite qualify for a home. Would mean a lot to have ADU's here. The current ADU laws are forcing eviction.

Wendy Northcross, Cape Cod Chamber of Commerce in attendance. Would like to see this implemented. Younger generations can't afford to live here. Median sale went up 35% since COVID hit. Anything built seems to go to short term rentals. Many reasons to look at this.

Rob Wilson in attendance. Title 5 requirement. Is it allowable to use alternative septic means? Marstons Mills.

Building Commissioner Brian Florence in attendance, replies that this would require a variance from the Board of Health for alternative septic system.

Arden Cadrin in attendance, replies that only allowed what is allowed now. If you can have a certain amount now can have with an ADU. No bonuses to what you are allowed presently.

Felicia Penn in attendance. Need to produce more moderately priced year round rentals. Smarter Cape Cod draft she worked on – this is it, finally here. Moderately priced must appear throughout the zoning amendment when writ. Traveling medical could be solved by having Cape Cod Healthcare rent out and use for their staff. Engage them as an option.

Zoning Amendment – ADU definitions, and addition stating accessory which purposed solely for moderately priced year round rentals. Exhibit B, suggested amendments. Repeat under no. 1 same language. This is important. Intent is there and needs to be communicated. Suggest under b, procedural requirement, pg. 2 add a number 4, ADU – zoning dimensional relief/on one lot. Put out there in its own place, can still be included not subject to variance. No discussion about owner occupy and on site. Concerns and important that this doesn't create more investor strategies and the owners aren't part of the deal anymore. ADU is not intended for sale. Principal shall remain in common or single ownership, not placed into condominium form. Boarding and lodging, pg. 13, monthly add in. Important to keep B & B's out of this.

Elizabeth Jenkins, it is the intent to prohibit variance to allow more than one on a lot. Owner occupancy. Prohibit any sale separately ADU – if not in here considered that any separate sale would not be contemplated under these provisions.

Alisa Magnotta in attendance, of Housing Assistance Corporation. This is accentuating and showing the need to preserve and have year round housing. As few restrictions for the owner, the better to make them use if for the community. Business owners cannot keep employees because no affordable housing. It's all walks of life and beneficial for all.

Rick Jordan. Promising for the Town. Walk concept. May be value in trying on a trail basis in these types of areas.

John Crow in attendance. He is in favor of ADU's, as long as conform to all regulations. This is flawed and does not reflect the citizens - under section C, and ADU and or principal dwelling may be rented. This proposal does not require owner occupancy. Unlike most other ADU's this does not require owner occupancy. Two incomes generating on this land. Investor would keep higher. If this passes as proposed, then every home will be made into a duplex. Owner living on property should be encouraged. This is the second major zoning ordinance being proposed by the Town of Barnstable.

Chair Steven Costello interjects that this is a work in progress. State just signed into legislation some items today that haven't been considered yet.

Ed Stanford in attendance. Feels this is an urgent need and not moving fast enough. Should be available by right for most part. Tax, maybe incentives to get adopters in to do this. Should be effective as soon as passed.

Heather Hunt in attendance. ADU's - joins in this support. The proposal departs by not requiring owner occupancy. Could be anti- renter. Housing policy and implications. Two rental income streams, one could be short term rented. If housing is an objective. Housing analysis of not requiring owner occupancy. The proposed ordinance, sub 11 & 12 under use. Would let non resident investors in - short term on every lot (STR). Another way that is counter to long term housing. Ordinance should insure used for housing. Process – zoning subcommittee, each time taken a different path, could Town put zoning process in writing and how goes to zoning subcommittee.

Elizabeth Jenkins, duration of rental and STR's will look at and provide clarity, but purpose and intent to promote year round housing and supportive to aging in place and younger community. Will make answers available.

Cheryl Powell in attendance. Likes that Town is addressing the housing issue. She thinks that units should not be for sale separately. Affordability – everything overpriced currently. Maybe address this. Is there going to be something to assess the quality? Year round lease/12 month. Cape Cod Healthcare – good idea to rent to them or others and that would take care of the 12 month lease compliance. Separate entrance/exit. Max for heating/utilities, how would be managed if already maxed out.

Elizabeth Jenkins, would allow for separate entrance. Make less visible. Compliance with basic rental utilities and inspections would help with quality.

John Drake in attendance. Not sure that an ADU would be the answer. Lot size concerns, what is permissible for size per zoning and having an ADU? We are surrounded by short term rentals. Lot size is very important. Has anyone looked at the housing market cost if have ADU and in effect already. If a median home is unaffordable and if non owner allowed now this is a two rental property and will drive the cost up considerably. Has anyone researched the cost for this? This is considerable construction cost. A second property is not going to be inexpensive. This is short sited.

Whitney McNamara in attendance. In support. COVID has made this more clear and evident that we have a housing crisis. ADU would also effect home owners. We would want to do this. Young professionals. Any year round housing on Cape is beneficial. Need movement for immediately.

Catherine Gibson. In support. The least amount of restrictions on a homeowner they would be willing to do. Year round rentals, not seasonal rental.

Kris Clark, Town Councilor. Maybe put notes/using tonight that can be referred to on the Town's website (TOB).

Elizabeth Jenkins yes – on TOB Planning and Development website.

Rick Wrightson in attendance. Concerned that this doesn't drive up the cost of housing. Look at that possibility. STR is taking units off the market. Hopes this could increase the number of units for availability.

Meaghan Mort. Owner occupied rentals. Force people out doing this. Very rare to have them owner occupied. Should be for families only.

Chair Steven Costello states that this will be further discussed. Some of these concepts will be considered.

Adjournment

Chair Steven Costello entertains a motion to adjourn, moved by Stephen Robichaud, seconded by Jeff Swartz,

Roll Call Vote:

Chair Steven Costello - aye

Jeff Swartz – aye

Stephen Robichaud - aye

Aimee Guthinger - aye

Bob Twiss - aye

The Meeting ended at 7:30 p.m.

Respectfully Submitted

Karen Herrand, Principal Assistant, Planning & Development

Further detail may be obtained by viewing the video via Channel 18 on demand at <http://www.town.barnstable.ma.us>

List of Exhibit Documents

Exhibit A – Presentation from Planning & Development Department – Elizabeth Jenkins

Exhibit B – Felicia Penn suggested amendments to draft presentation