



Regulatory Agreements

Town of Barnstable
Committee to Review and Assess Zoning and
Regulatory Agreements

July 2024

Overview

- Authority
- Regulations
- Definition/Contents
- Purpose/Benefits
- Applicability
- Process
- Experiences

Authority

- **Cape Cod Commission Act (1989)**
Sections 2, 9 and 14
- **Home Rule Authority**

Regulations

- **Cape Cod Commission Development Agreement Regulations** governing the provisions for Development Agreements, Barnstable County Ordinance 92-1 (Chapter D)
- **Chapter 168 - Town Code (2004)**

Definition

- Voluntary, binding contract
- Establishes development regulations that apply to a property
- Conditions to which the development will be subject
- For an established term/duration

Contents

- Establishes permitted uses, densities, and all other aspects of development
- Establishes the conditions to which the development will be subject including, a schedule of impact fees and/or transfer development rights
- Any other terms or conditions mutually agreed upon

Public Benefit

1. The Town's infrastructure.
2. Public capital facilities.
3. Land dedication and/ or preservation.
4. Affordable housing, either on or off site.
5. Employment opportunities.
6. Community facilities.
7. Recreational facilities.
8. Alternative mass transportation.
9. Any other benefit intended to serve the proposed development, municipality or county, including site design standards, to ensure preservation of community character and natural resources.

Purpose

- Regulatory flexibility
- Permit streamlining: Assistance in streamlining the local regulatory approval process, holding of joint hearings, coordination of permit applications and, where possible, accelerated review of permit approvals

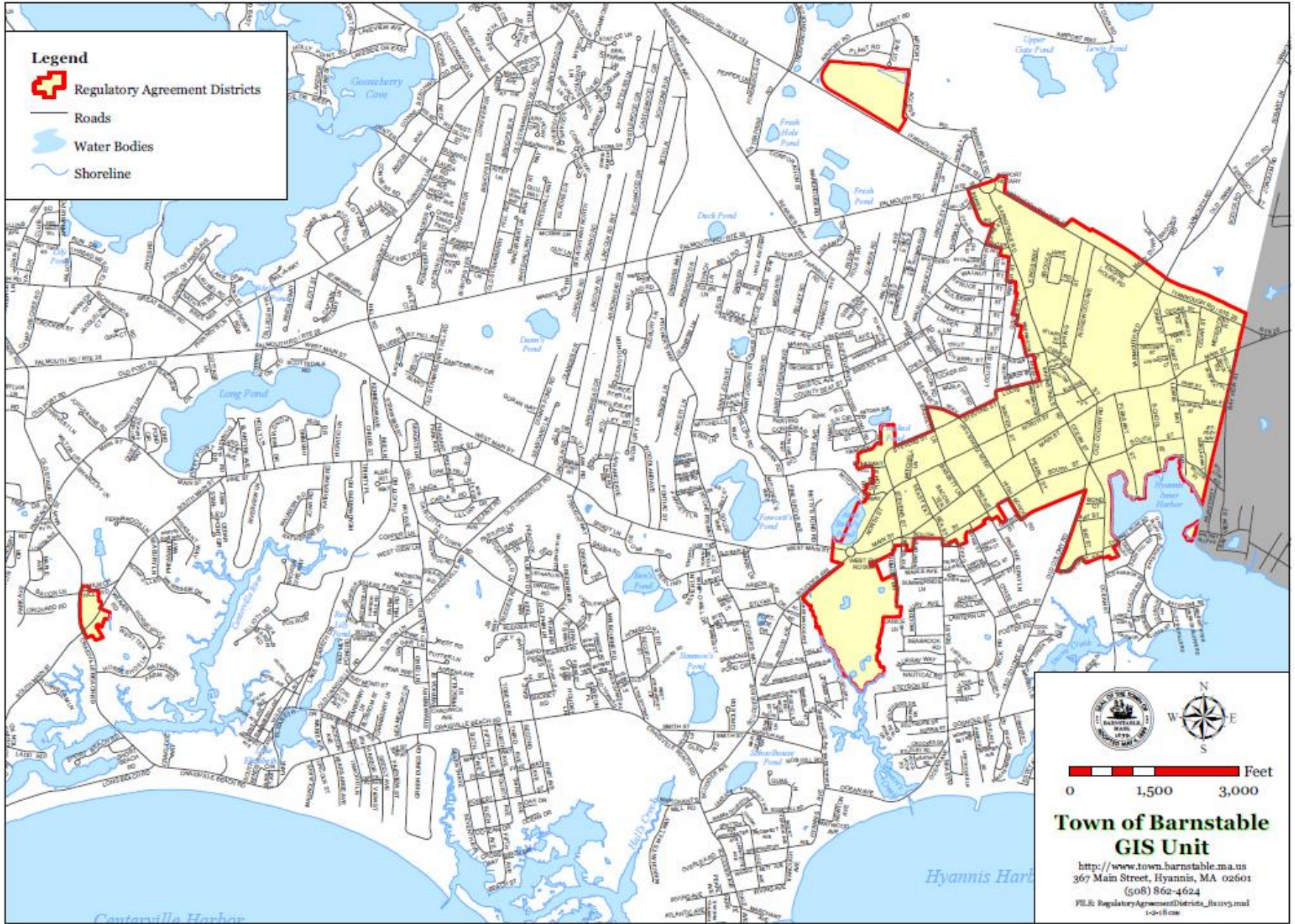
Applicability

- This chapter shall apply within the Regulatory Agreement Districts, shown on the Regulatory Agreement Districts Map dated January 2, 2018.



REGULATORY AGREEMENT DISTRICTS

January 2, 2018



Applicability - Parties

A qualified applicant and:

- The Town of Barnstable
- The Cape Cod Commission
- State agency or agencies

Process

From the Ordinance: Negotiation of the elements of a regulatory agreement between authorized parties and a qualified applicant shall be led by the Planning Board or its designee and shall include representatives from other municipal boards, departments and commissions where said joint participation will assist the negotiation process.

Process (Town)

Application

Planning Board

Public hearing

Affirmative majority vote
recommending execution

Town Council

Public hearing

Affirmative majority/two-thirds vote
recommending execution

Town Manager executes agreement

Amendments

Minor amendments vs Major amendments

The Town Manager may make minor amendments to the regulatory agreement recommended by the Planning Board and approved by the Town Council and execute said regulatory agreement as amended, **provided that such amendments do not alter the use, intensity or mitigation stipulations of the regulatory agreement.** However, in no instance may the Town Manager make substantial amendments to the regulatory agreement recommended by the Planning Board and approved by the Town Council without first receiving written concurrence from the Planning Board and the Town Council and qualified applicant that said substantial amendments are agreed to.

Past Agreements

23 regulatory agreements approved

1. 320 Stevens St – multifamily residential
2. 1 Ocean Street – residential units with first floor commercial and parking underneath – has not proceeded.
3. 37/53 School Street – multifamily residential in multiple buildings
4. 89 Lewis Bay Court – Add fourth story, multifamily residential and offices on first floor.
5. 105 Ocean Street – Hostel
6. 35 Iyannough Rd – warehouse
7. 46 North Street – offices with multiple primary structures
8. 90 High School Rd – Car dealership
9. 213 Ocean Street – Hyannis Harbor Hotel, 4 stories.
10. 30 Elm Street – multifamily residential
11. Barnstable Road – CVS/Citizens Bank
12. 765 Main Street – Rockland Trust
13. Pleasant Street – multifamily housing over multiple parcels
14. 49 Elm Ave – three residential units
15. 57 Ridgewood Ave - multifamily residential
16. 185 Ridgewood Ave - multifamily residential
17. 720 Main Street – multifamily residential, has not proceeded.
18. 565 Main Street (Centerville) – additional wireless antennas
19. 441 Iyannough Rd - Walgreens (with drive through) and Starbucks
20. 77 Pleasant Street – commercial parking
21. 68 Yarmouth Rd - multifamily residential
22. 80 Pearl St - multifamily residential
23. 442 Main Street – mixed use, commercial first floor and residential units on second floor



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