

# Downtown Hyannis Zoning Revision

## Comments, Questions & Responses

*The following questions and answers respond to comments and questions that were submitted to an online comment submission form on the Downtown Hyannis Zoning revision [webpage](#).*

- 1. Can you please address the Main St and Center St intersection - the lack of timed crossing signals is extremely dangerous and other improvement are also necessary. Consider installing a "walkway to the Harbor" similar to the new path on Sea St from the transportation center to the Hyannis harbor - wider path and lights similar to Sea Street.**

While the project is focused on housing and urban form, Town staff is also working on other projects to help support big picture goals of the Growth Incentive Zone (GIZ), including addressing transportation infrastructure. The Planning Department is currently undertaking a complimentary project to look at transportation networks including Main Street as well as adjacent streets and key intersections to develop designs and programs to promote safety of all users, multi-modal travel, and congestion management. At this time, staff is finalizing a Request for Proposal (RFP) for consultant services for this effort. The Center Street/Main Street intersection will be a priority focus of this effort.

- 2. My compliments to the Town for a great product update on proposed Zoning changes. Not sure if it is too late to respond, but I do have one comment/observation. Under the "Draft Downtown Hyannis Zoning Amendment" document, Permitted Use matrix on page 5 for the Transportation Center (TC) column, it would be helpful to know how "overlays" (i.e. wellhead protection overlay) might impact the eligible Permitted uses or Special Permit required uses. The Permitted Use matrix appears to be silent on this overlay consideration. I believe the Town's current zoning regulations (section 240-24.1.9 Transportation Hub District) takes the WP Overlay into consideration when determining permitted or special permit required uses. It would be helpful to understand how the WP Overlay impacts all permitted and special permit required uses for the TC, but particularly interested in how it might impact the development of multi-unit housing. Thank you.**

The Town's Groundwater Protection Overlay districts, defined within the Town's code as [Chapter 240-35 Groundwater Protection Overlay Districts](#) are unchanged and will continue to remain applicable should a property be located within any of the three (3) Groundwater Protection overlay districts: Groundwater Protection (GP), Wellhead Protection (WP) and/or Aquifer Protection (AP). These overlay districts impose additional regulations including but not limited to lot coverage, site clearing and storage of hazardous materials.

**3. How does the proposal change the parking requirements? From what to what? And I understand a shared parking concept, but looking for how many spots less would I have every time my family and I tried to park our cars under your proposed Form Base Code vs. current zoning?**

The proposal to reduce parking requirements for residential development in Downtown Hyannis came from a number of sources. The Downtown Hyannis Parking Study and Hyannis Growth Incentive Zone study, both produced with extensive community input, emphasize the importance of shared parking. When land uses with different parking demands share parking, it requires less land be dedicated to parking, which allows for more housing and less paved surfaces – both benefits to a vibrant downtown. These factors are especially important to consider when trying to encourage top-of-shop housing and small scale infill development. Reducing parking requirements for multi-family residential development is also consistent with the Commonwealth’s Housing Choice efforts that seek to encourage new housing production. Not requiring more parking than is necessary contributes to the development of housing at sustainable densities, which also improves its affordability. Finally, it’s worth noting the proposed parking requirements are minimums, not maximums. If a developer or property owner finds the addition of parking spaces beyond minimum requirements will make a unit more saleable, the code allows for this.

**4. Did the survey ask residents about reduced parking? I want to know if survey results indicated residents wanted reduced parking in exchange for more density?**

Survey outreach in connection with the Community Resiliency by Design effort, one planning and outreach project that preceded the downtown rezoning work, focused on visual preference of building forms and architectural styles. It did not ask residents about parking requirements for residential development.

**5. The proposal indicates that the residential downtown area (yellow) can be Artist live/work. I am an artist and I am curious as to what exactly that means. Sorry if you already answered this during the presentation.**

Artist live/work is a use that accommodates both a residential dwelling unit, as well as artist studio work space for the resident of that dwelling. Artist live/work is permitted as of right in all of the proposed zoning districts with the exception of Downtown Hospital (DH) and Highway Commercial (HC).

**6. Does the Planning Department intend to duplicate this proposal in other villages? If so, has any Town Board or Commission discussed that intent, and when? Thank you for posting this question and your reply.**

The zoning amendment is strictly focused on Downtown Hyannis and there are no plans to duplicate this effort in any of the other villages of Barnstable.

**7. The Main Street retail district from cascade to seaport realty needs to be mixed use zoning with commercial on the bottom floor and apartments above. Designated mixed use zoning is key to support the great round economy and a thriving walkable district. Hyannis Main Street bid.**

The provisions requiring active first-floor use in the current zoning have been maintained in the updated zoning proposal:

Any building contributing toward the frontage buildout for any lot fronting Main Street between Ocean Street and Sea Street must provide ground story commercial space that is at least twenty (20) feet in depth for one hundred percent (100%) of the total width of the building, excluding lobby entrances and other means of egress associated with the use of upper stories.

- 8. The Planning Department talked about form-based zoning with the Economic Development Task Force over the last several years and asked it to be instrumental in bringing it forward. Several of the Task Force's Subcommittees - Housing and Parking Subcommittees for example - talked about these issues that are directly relevant to the proposal. Could you please post the minutes of those Housing and Parking Subcommittees' meetings so everyone can see their input? Please post information on how people can find those minutes here. Thank you.**

The Economic Development Task Force was established in December of 2018 with an objective to recommend public and private sector strategies and actions to improve the business climate, promote job growth and diversity and new investment in Barnstable. The Task Force has since been dissolved. Meeting minutes can be found on the Town's [website](#) under Boards & Committees.

- 9. In connection with the Planning Department's "particular focus on residential and mixed-use development", by what mechanism will the proposal ensure that new residential development enabled by the proposed change is actually used for housing by residents - to truly address housing needs? To increase housing stock by allowing increased density, how will the Planning Department make sure new residential units are used as homes and not as Airbnbs? The same question applies for mixed-used development. For example, a former mixed use property in the Hyannis GIZ (business on floor one, with two top of shop year round housing units, is today three Airbnbs. The owners' conversion of the mixed use property to three Airbnbs was the economically rationale choice to maximize revenue.) How will this proposal ensure that new residences and residential portions of mixed-use properties enabled by the zoning change be used as year-round housing for our residents? Please post this question and the answer. Thank you.**

The current zoning for Downtown Hyannis, as well as the revised zoning proposed, does not address short-term rental use. Short-term rentals are a town-wide issue that the Town is currently gathering data on and will continue to report on as that study progresses.

- 10. I want to know how I will receive merchandise under the proposed plan if no loading is allowed within the sight of any sidewalk. There is no rear access at my property, the only access is from Main Street.**

The provision that loading and service areas may not be visible from any public sidewalk of Main Street within the proposed Downtown Main Street (DMS) zoning district is consistent with the existing zoning which defines that loading docks shall not be visible from Main Street within the Hyannis Village Business (HVB) zoning district. The intent of this requirement is to require loading and service areas be screened from public view. It is not intended to prohibit loading from occurring on Main Street.

- 11. What about target practice/shooting ranges/gun sales? Is this an allowed use in DT Hyannis? Why aren't veterinary services allowed? Since you are attempting to create an 'urban'**

**environment, where people rely less on cars and walk more, wouldn't it be nice if they can walk to a vet's office, since they probably own a dog, which is why they are walking in the first place....**

Target practice/shooting ranges/gun sales are not currently allowed and are not proposed to be allowed within the zoning Downtown Hyannis zoning districts.

Veterinary services are permitted within the Highway Commercial (HC) zoning district.

**12. How come the height in the harbor district is only 3 stories. We already have a 4-story motel on Ocean St, which I believe was built by-right. Why only 3 stories going forward?**

The proposed Hyannis Harbor (HH) zoning district maintains the existing building height limitations defined per the Town's current Harbor District (HD) zoning district as being a maximum of 2.5 stories or 35 feet or 45 feet exclusively for marine uses. The Hyannis Harbor Hotel located at 213 Ocean Street was approved subject to a Regulatory Agreement in 2014 which enabled zoning relief including but not limited to maximum building height which allowed construction of the four story building.

**13. B: 3 "Use Provisions": "Uses not identified are prohibited...does this mean there is no Regulatory Agreement opportunities? No Variances to be sought? If that is not true, then there should be an asterisk inserted after the word prohibited.**

The Use Category Table classifies uses as being Permitted-By-Right (P), requiring a Special Permit (SP), Permitted with Limitations (L) and Not Permitted (N) within each of the seven proposed zoning districts.

240-24.1.5(B)(1)(b)(iii) states: *"The use of land or structures in a manner that is inconsistent with a permitted use category or specific use type specified on Table 1 is prohibited."*

There is no prohibition on seeking use variances in the current zoning, or in the revised zoning.

A Regulatory Agreement, defined per [Chapter 168](#) of the Town's code, continued to be allowed, and zoning relief may be pursued for use or other standards.

**14. 240-24.1.8 D please specify what kind of outbuildings are permitted. Do these buildings serve an accessory use to the principle building or are they all principle uses. Garages and workshops/boat sheds/potting sheds, s/he sheds....? E 1. (a) What about North Street or Center St, or Louis St, or Stevens St or Sea St Extension?**

The proposed zoning allows outbuildings as *"A free-standing, fully enclosed structure for an accessory use or for activities customary to the principal use of land or a principal building."* A building qualifies as an outbuilding if it functions as an accessory use for activities customary to the principal use or principal building. Outbuildings are allowed within the Downtown Neighborhood (DN) zoning district.

**15. 240-24.1.9-CCH There should be a provision included here that CCH may NOT clear more lots for parking, unless they will comply with planting of trees, inclusion of islands, etc. If no trees or islands then they need to cover lots w solar. OR encourage under-building parking for future development in this neighborhood, and raise the height allowance accordingly.**

The draft Downtown Hyannis zoning revision incorporates enhanced requirements for landscape providing specifications for plantings per 50 linear feet to ensure that landscape buffers are sufficiently improved with vegetation. With regard to surface parking lots, the construction of any new surface parking lot and the expansion or modification of an existing surface parking lot containing twenty-one (21) or more parking spaces that increases the number of parking spaces by five (5) or more must incorporate the newly enhanced requirements for landscape buffers. Additionally ten percent (10%) of any parking lot with ten (10) or more parking spaces must be landscaped and the proposed code specifies a number of trees to be planted within the islands with respect to the width of the island.

- 16. 240-24.1.10- HHD A 1. delete the words "and the presence of the" Lot width of 20' very narrow. Why only 2.5 stories? Right now there's a 4 story hotel by right. If you wish to make sure that the south side of South St doesn't go over 2.5 stories so as not to block view, then say so, but other areas could be higher. 90% of coverage is a lot here. 80% preferred. Multiple. principle buildings /lot...doesn't it depend on the intended uses of them? This is too permissive. They should either be accessory uses OR permitted with limitations.**

The introductory provisions of the HD District does read:

*The Hyannis Harbor District is intended to maintain an area near Hyannis Inner Harbor for maritime activities and water-related uses, and is characterized by a mix of commercial, maritime industrial, and residential development and the presence of the commercial ferry services.*

The proposed minimum lot width of twenty feet aligns with the provisions within the current Harbor District (HD) zoning which requires a minimum lot frontage of twenty feet. This value is a minimum and lot width can exceed twenty feet.

The existing HD zoning district has a maximum lot coverage of 70% with special dimensional regulations for marine uses including a maximum lot coverage of 90%.

The use of land or structures within each zoning district must comply with the use category table which defines uses as Permitted-By-Right (P), requiring a Special Permit (SP), Permitted with Limitations (L) or Not Permitted (N).

- 17. Specific Uses: I did not see cultural uses on this list.**

The proposed revised zoning was updated to include Cultural Services as a category within the summary use category table. Cultural Services include arts & culture establishments, fraternal and social organizations, performing arts and theaters and Artist live/work.

- 18. Table X Summary: why only the first three columns contain info?? what about the rest?**

The Table 10 Dimensional Standards Summary provides an overview of dimensional standards including but limited to requirements specific to lot width and coverage, setbacks, building form and building features. Values that are defined as "--" are not applicable or not required for the associated zoning district. For example, the Downtown Main Street (DMS) and Downtown Village (DV) zoning districts, located at the core of downtown, are subject to additional dimensional standards including façade build out, maximum building width and fenestration.

**If you have further questions about the proposed Downtown Hyannis Zoning revision please contact the Planning & Development Department at 508-862-4678.**