

TOWN OF BARNSTABLE TOWN COUNCIL ELECTION 2023**BarnstableWatch CANDIDATE QUESTIONNAIRE**

Thank you for stepping forward to serve the Barnstable community by seeking a seat on our Town Council in the fall 2023 election.

About BarnstableWatch

BarnstableWatch is a community organization initially founded to protect our housing stock for use as homes for locals rather than use by non-resident investors as more profitable short-term rentals. BarnstableWatch supports Cape rental traditions, not the 'Anything goes-Anywhere-All the time Airbnb approach.' Since its foundation, BarnstableWatch followers have asked for information about planning and zoning more broadly. BarnstableWatch therefore follows local public bodies and shares information.

About This Questionnaire

BarnstableWatch provides this opportunity to each candidate running for a Town Council seat in the fall 2023 election to provide 250-word responses to four planning and zoning-related questions below. The purpose of this questionnaire is to provide information that residents interested in planning and zoning may assess for themselves.

Please use this word document to respond to each of the four questions on the following pages. Please include your name and precinct number on each page. Please respond in 250 words or less, and via typewritten text (not handwritten). Please send your responses by 5:00 p.m. on Friday October 6, 2023 to BarnstableWatch@gmail.com.

BarnstableWatch will print all responses (up to 250 words), unedited, and without commentary, or endorsement, at www.BarnstableWatch.com. If you choose not to respond, BarnstableWatch will simply note that fact on its website.

BarnstableWatch will send all responses (up to 250 words) to its email list of many hundreds of residents across the Town of Barnstable. BarnstableWatch will not characterize responses or encourage its followers to vote for or against any candidate. If you choose not to respond, BarnstableWatch will simply note that fact in its mailing.

Thank you for responding to help voters make informed decisions.

CANDIDATE NAME Toby Leary

PRECINCT NUMBER 11

Question No. 1

Thank you for being direct and concise in 250 words per question.

1. *Context:* The Town Council recently changed zoning in Downtown Hyannis to enable dense building development and increased building height by right.¹ It did this in the name of housing.² Despite housing needs, and the Town’s consultant statement³ that the Town could regulate short-term rental use of new housing units in this zoning framework, the Town Council chose not to do so.

Question: To increase year-round housing supply for locals, do you support regulating incremental housing units, made possible by zoning changes to increase building density and height, to be used as year-round housing, i.e., restrict use as short-term rentals? Why or why not?

Answer: I am in Favor of Re-purposing buildings that are vacant or in a state of disrepair by allowing a mixed use or right of the zone for housing. I believe this could be a great way to have workforce housing be more affordable for working families and would welcome it as ownership opportunity rather than rentals. If they are offered as condo or town houses for sale, it will by default increase year round housing.

¹<https://www.townofbarnstable.us/departments/planninganddevelopment/Projects/Downtown-Hyannis-Zoning-Revision.asp>

²“The focus of the rezoning was to create a predictable regulatory framework that would encourage compact residential development, compatible with traditional development patterns, meeting a range of housing needs.”

<https://www.townofbarnstable.us/departments/planninganddevelopment/Projects/Downtown-Hyannis-Zoning-Revision.asp>

³Town Consultant at Hyannis Zoning Workshop, March 2020: “I mean Airbnb can be regulated of course...”

CANDIDATE NAME Toby Leary

PRECINCT NUMBER 11

Question No. 2

Thank you for being direct and concise in 250 words per question.

2. *Context:* When the Town of Barnstable asked people what kind of housing they want more of, the number one answer people gave was more single-family homes.⁴ On the other hand, a housing advocacy organization states that “[s]ingle-family zoning is the ‘heart of the housing crisis’ in its call for zoning changes.⁵ The Town Planning Director calls single-family zoning a “burden” on the community, and said the Accessory Dwelling Unit zoning change was a “babystep” to “pushing back” on the “legacy” of single-family residential zoning.⁶

Question: Do you support keeping single-family zoning in those areas of town now zoned for single-family use? Why or why not?

Answer: I believe most people aspire to own their own home. I would guess as stated above, that most people picture themselves as owners of their own single family home but That being said, it is very expensive and may need a stepping stone approach. Homes with ADU's is a great way for people to afford a Single-family home by supplementing their mortgage with rental income. I also am in favor as stated in question 1, of using existing buildings for mixed use and a condo approach could be a great starter home that will appreciate over time with all residential housing. This approach makes new homeowners without the need of undeveloped real-estate coming to market.

⁴<https://itlaserfiche.town.barnstable.ma.us/WebLink/DocView.aspx?id=920267&dbid=0&repo=TownOfBarnstable> Local Comprehensive Plan survey at page 5.

⁵<https://haconcapecod.org/blog/hacbeat-march-april-2023/> at page 3.

⁶Town Council Zoning Subcommittee meeting, June 2020. The Town has taken down the Zoning and Regulatory Subcommittee agendas, minutes, and videos from its website. They are available via a record request. BarnstableWatch volunteers’ meeting transcripts show this passage at minute 56:12 from a recording of the municipal television broadcast.

CANDIDATE NAME Toby Leary_____

PRECINCT NUMBER __11_____

Question No. 3

Thank you for being direct and concise in 250 words per question.

3. *Context:* Across the country, cities and towns - including thriving tourist communities - protect existing housing stock for use as homes by locals. They adopt any one of a number of diverse ways towns can prevent or limit non-resident investors from using homes as more profitable short-term rentals.⁷ There are lots of ways for towns to limit or end the heartbreaking stories we hear each spring about locals getting kicked out of their rentals to make way for more lucrative short-term renters. Town Housing staff said this about incenting seasonal homeowners to rent year-round rather than short-term: "We have a large housing stock. It's just not being used to house our residents."⁸ The Town Council has taken no action in this respect to prioritize locals in the use of our housing stock.

Question: Do you support adopting some means to return some homes used as short-term rentals to year-round housing use for locals (*other than by one means a local developer has sought, which is for the town to pay property owners via tax incentives not to short-term rent their property*)? Why or why not?

Answer: As a general rule, I am not in favor of government restrictions. I feel a free market is best for a community. This is where strategic planning and a new way of looking at housing comes into focus. This being said, I am open to listening to proposals and am very interested in ways of creating a full market value approach to workforce housing. I generally do not like deed restrictions or devaluing real-estate by limitations on what it can or can't be used for. I would like to see the market bear year round housing by pioneering new ways here in Barnstable. One of the ways being proposed would be through a 40Y approach which should be looked at for starter homes in Barnstable.

⁷<https://barnstablewatch.com>

⁸Housing Committee minutes May 21, 2019

CANDIDATE NAME Toby Leary PRECINCT NUMBER 11 **Question No. 4**

Thank you for being direct and concise in 250 words per question.

4. *Context:* The Town of Barnstable regularly says it needs more affordable housing units. In the recent form-based zoning changes in downtown Hyannis (about which its consultant said “...any near-term development is going to be on the upper end of market rate...that means they are going to be expensive units”⁹) the Town Council did not include any affordability requirement(s). In the Accessory Dwelling Unit-by right ordinance change, the Town Council did not include any affordability requirement(s).¹⁰ When developers wanted a more profitable use of land at 850 Falmouth Road in Hyannis than the zoning code required, the Town Council said yes: The Residences at 850 in Hyannis is today advertised as a *Luxury Apartment Community*. It sits on land that had been zoned to be 100% affordable housing, with a preference for Barnstable residents and Veterans.

Question: Please comment on whether you would leave pricing to developers and property owners, or incorporate affordability into approvals?

Answer: As a Town policy, you need to give developers and builders an incentive to build non market rate housing. No business want to take the risk, bear the cost of employment and materials, to break even or make less than the market will bear. This is where the state can come in to assist with programs that are being piloted to incentivize development. One such state program is called Commonwealth Builder which should be explored as Barnstable is a Gateway community and qualifies for such assistance. If there is any affordability restriction on the housing, it is my view that they should sunset and become market rate after a vestment period. I think it is unlikely that Developers will choose to build housing in Barnstable with restrictions on market rate units, without some sort of incentive to do so. This means Barnstable will need to be creative in it's approach and willing to explore options that are not currently on the table.

⁹Hyannis Zoning Workshop March 2020.

¹⁰The Planning Department staff said the Town’s Accessory *Affordable* Apartment program was expected to stay on the books, but to have attrition into the new *market rate* ADU program. Source: Zoning and Regulatory Subcommittee December 16, 2020.