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Frederick Wrightson

Backyard parking lots: a bad idea just got worse

The Town Council's Zoning subcommittee has come up with a whole new reason for you to fear a non-traditional short-term rental business next door: slow leaking, or even crushed, septic systems.

You'll smell it when it happens.

A controversial zoning change on its way to a Town Council vote would allow homes to be changed to short-term rental businesses in every residential neighborhood. They'll be homes where no one ever lives, and where anyone can buy access to the front door lockbox over the internet.

The proposal also allows short-term renters to use entire backyards (and side yards) as parking lots. Tourists will be welcome to drive over and park on top of septic tanks and leach fields. According to the Massachusetts Executive Office of Energy and Environmental Affairs (and anybody who knows anything about septic tanks) this is a very bad idea.

"The weight of the cars can compact the soil and break distribution pipes. Lack of oxygen prevents the degradation of the septic tank effluent in the soil, and compaction reduces flow, making the system likely to fail," the State says. Massachusetts's Department of Environmental Protection has advice too: parking on and even driving over any part of the tank or leach field area is a "Septic System Don't."

Most problems will go unnoticed until there's a slow leak of wastewater, strong odor, a broken supply line, or a surprise collapse of all or part of the septic tank.

Here are my questions: Town staff wrote this zoning change, members of the Council's Zoning subcommittee approved it unanimously, and the Planning Board approved it twice. Did our Health Department and Board of Health say this was a good idea? Does our Town government know something about septic systems our State government doesn't? Have all the septic systems in Barnstable that could register as short-term rentals been designed to withstand the weight of vehicles?

The Conservation Law Foundation (CLF) just told the town of Barnstable it intends to file a lawsuit. CLF says Barnstable has “utterly failed to protect Cape Cod’s waters,” allowing toxic algae outbreaks in bays and ponds that can sicken people, kill wildlife and pets, and force the closure of beaches and ponds. Until the Town deals with the problem, the installation of new systems and the inspection of properties that rely on septic inspections must be halted, the lawsuit says, bringing real estate transactions to a standstill.

Which brings up another question: Is the Town trying to make CLF’s lawsuit even stronger?

Now, let’s talk traditions – because the Town says all these zoning changes are simply about “clarifying” what has always happened here.

Traditionally, families who live here have a couple cars in the garage or driveway. Traditionally, some rent their homes to other families, who take their parking spots for a week or so. If the Town’s new short-term rental zoning change is really just about clarifying our traditions, why is it converting backyards to parking lot use?

Traditionally, groups of vacationers who arrive with a parade of cars have stayed in hotels, motels, guest houses, lodging houses, inns, and bed-and-breakfasts. The Town requires all of those to have 1.2 parking spaces per bedroom for their guests. So there’s no problem there, either.

No, it’s not tradition to have homes used as a public accommodations business. It’s not tradition to have businesses that bring so many cars into “homes” in a residential neighborhood. And it’s definitely not tradition to invite tourists to park atop septic systems, threatening their stability.

The zoning change proposal is on its way to the Town Council for a final vote. Which brings me to my final question: what on earth is everyone thinking?

The author is a former board member for 20 years of Three Bays Preservation, formed in 1996 and now known as Barnstable Clean Water Coalition.