

DENSITY DEVELOPMENT,
REZONING
&
THE LOCAL COMPREHENSIVE PLAN

January 2023

Some Councilors characterize citizens' observations of repeated consistent statements from Town Hall about its desire for density zoning changes enabled by sewers as:

“Hyperbole” (from Osterville)

“Stray Quotes” (from Osterville)

“A Misinformation Train” (from Centerville)

Let's look at the public record.



Town Hall should be responsible for its words.
The answer isn't to take aim at citizens who listen to Town Hall.

SINGLE FAMILY ZONING
IS IN THE BULL'S EYE

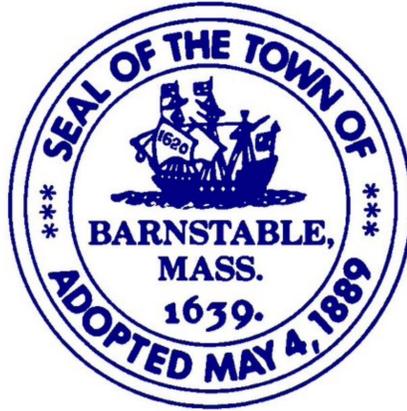


INTOWN HALL WORDS



Single-family residential zoning is
- a **“burden”** on the community*

INTOWN HALL WORDS



“ADU proposal is a **“babystep”** to **“pushing back”** on the **“legacy”** of single-family residential zoning*”

- Town proposal mirrored realtor/builder/HAC proposal to permit non-resident investors to build “investor duplexes by right” - eliminating single-family zoning without calling it that
- Town Hall asked developer if the then-Town ADU proposal (consistent with commercial interest proposal - no owner occupancy in ADU) got “close” to multi-family by right?
- When Council required one unit to be owned occupied, commercial interests & some Councilors that want “investor duplexes by right” committed publicly to revisiting residency restrictions

*Zoning subcommittee June 2020 (when realtor/HAC/Builder lobby advocated for eliminating single family zoning)



CAPE COD
COMMISSION

“Current zoning is broken”

And the CCC has a plan on how it thinks zoning in your Village should be fixed.

THE BARRIER TO CHANGING ZONING TO INCREASE DENSITY IS THE LACK OF SEWER INFRASTRUCTURE

Downtown Hyannis is sewered. Zoning changes to increase density are pending (a delay on the vote has been due to a lack of quorum in light of Council members' financial interest conflicts).

A coincidence that Town Hall is inviting wind project developers to run infrastructure through business districts, contrary to wind developer's criteria to avoid business centers, traffic and densely developed residential areas, and strong community sentiment in Osterville?

DENSITY ZONING, AKA, FORM BASED ZONING

Current density zoning proposal in downtown Hyannis

- Zoning based on building form (not use)
- Increase building density and height
- Reduce the amount of parking developers must provide per bedroom
(theory: live-work-play, as if the Cape is the South End of Boston...)



In Town Hall's Words: "What the use is inside is not dictated by zoning.... you could construct a 3-story building and you could put 6 large high-end apartments in there or 15 one-bedroom apartments in there.....**density is up to the developer and really dictated by parking. ...there is less restrictions and it will be by-right** so there is no uncertainty to it."

Town Hall to Housing Committee, February 18, 2020

How Town Hall said it will assume community support for density zoning in Hyannis

In Town Hall words:

1. **Staff:** ...to **understand the preferences of the community as far as density, building mass, building design, building styles...then take those preferences, turn them into zoning that we would assume would be acceptable to the community. Turn it into by-right zoning...**

2. **Committee member:** When someone stands up at a town meeting or in any public forum and says I don't like that, we don't like that, we at least have an answer. **We polled the community and this is what they said.**

3. **Staff:** We went through a **really big outreach effort and this is what the majority of people do prefer....We are going to take these preferences and we are going to move them into zoning.**



Old sterile grey boxy single-family house with blinds drawn, a shrub, flagstones



or

Warmly lit, “golden hour” photo of multi-family with porches, sidewalks



2. Do you think a building of this **scale** would be a good fit within the study area:

- Definitely a good fit
- Probably not a good fit
- Could be a good fit
- Definitely not a good fit

Why, or why not?

Do you think a building of this **scale** would be a good fit within the study area:

- Definitely a good fit
- Probably not a good fit
- Could be a good fit
- Definitely not a good fit

Like asking which do you prefer to eat?



or



The “**Really Big Outreach**” that shows what, in Town Hall’s words, the
“majority of people do prefer” by way of density zoning?

140

people in Hyannis (?)
replied to on-line survey

1%
ONEPERCENT

Of Hyannis’ – one
Village’s - population

003

.003% of the Town’s
population

2021 Workshop:

~10 people , 3 regulars, 4 public officials, a few others

Few Prior Workshops:

~30, if you add in staff & officials

Let's Not Confuse



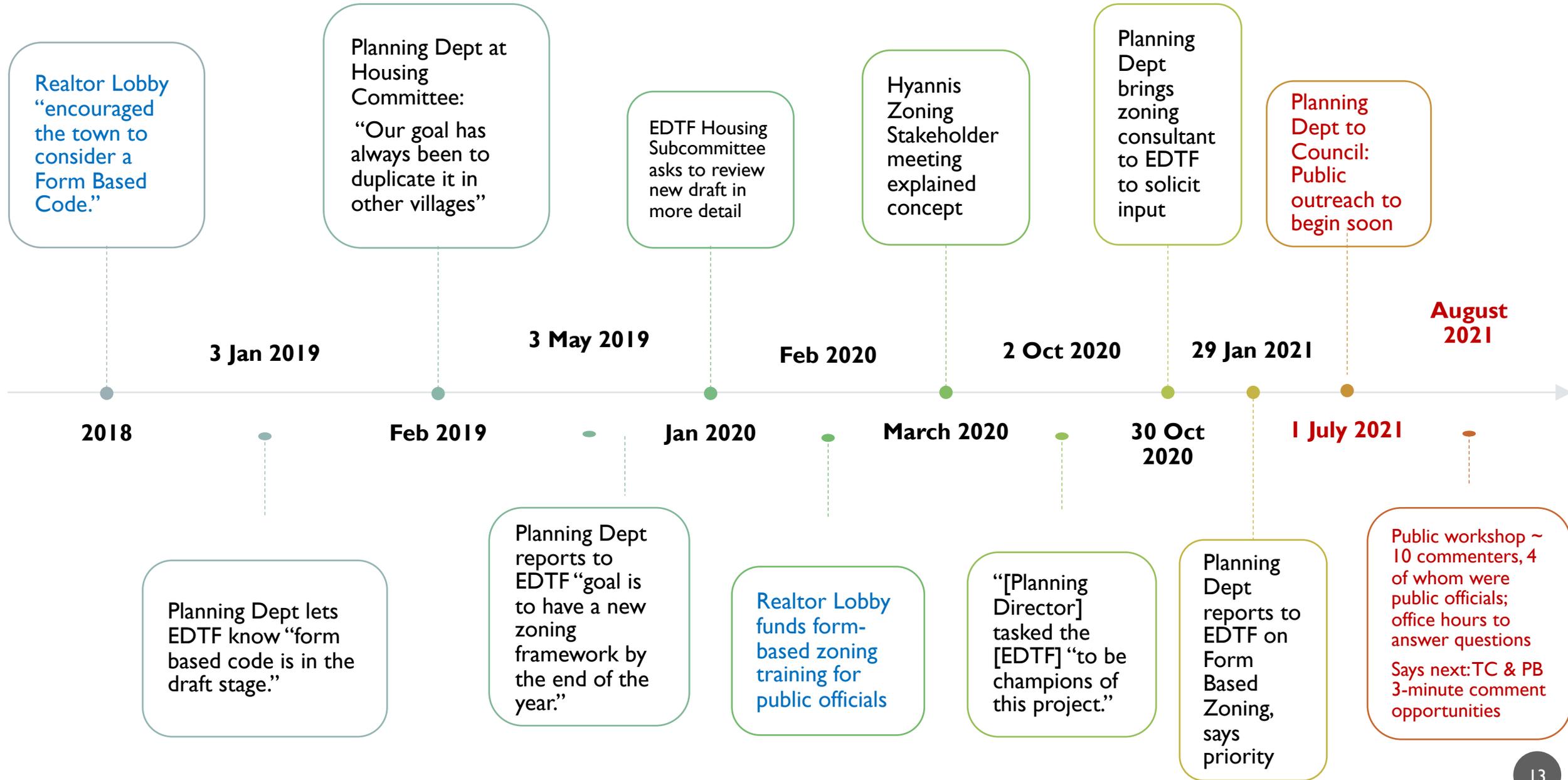
Asking people their **impressions of house pictures** from an architectural firm that promotes density

with



- A broad-based, impartial, valid, **reliable survey** of residents' views on eliminating zoning based on use, increasing density, height and reducing parking in Village centers
- **A desire to turn density over to developers**

Form-Based Zoning Development Process: Business Interests 1st. Years later, residents.



TOWN HALL HAS REPEATEDLY STATED
ITS INTENT TO MOVE DENSITY ZONING
TO “COMMUNITY ACTIVITY CENTERS”

LIKE OSTERVILLE

The following slides share words by Town Hall, over the years, saying so directly.

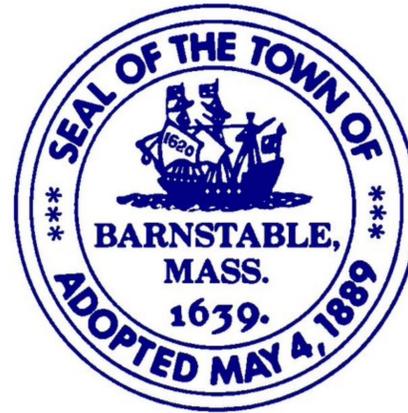
A Town zoning move to density in Cape Cod Commission-designated ‘Community Activity Centers’ would allow the Town LCP to conform to the CCC Regional Policy Plan and be certified.

CCC Regional Policy Plan conformance is not required by law.

The Town – that’s you - can set its own vision and zoning preferences.

2019

IN TOWN HALL WORDS



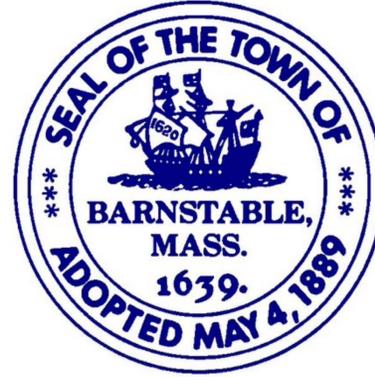
.....project is focused right now in the Growth Incentive Zone...a portion of downtown Hyannis. That's the focus of this area however our goal has always been to be able to replicate this in other areas”



“That would be our goal, we'd say, ok absolutely, now let's replicate this in the village center of Marstons Mills, in the village center of Osterville and Barnstable, we'll move it.”

2021

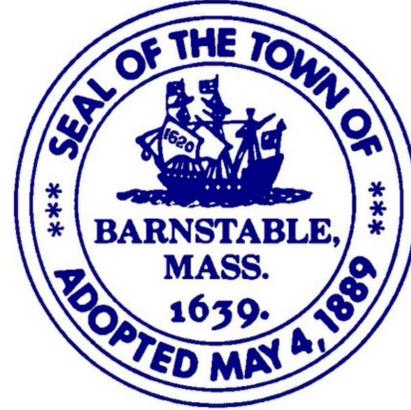
IN TOWN HALL WORDS



This is a more modernized approach to zoning...has a lot of components that could be well-replicated in other locations...as well as the approach itself to form-based zoning...could be very effective in our other village centers...if we can find other opportunities to bring these modernized tools to other places in Barnstable I think it would be beneficial to our overall regulatory scheme and predictability of development town-wide

2021

IN TOWN HALL WORDS



We'll make available a document we worked on with the Cape Cod Commission, a form-based code framework that talks about why this tool are a...good tool, a good option for regulating development in our Community Activity Centers on Cape Cod.*

(Yes, Osterville is a “Community Activity Center”)

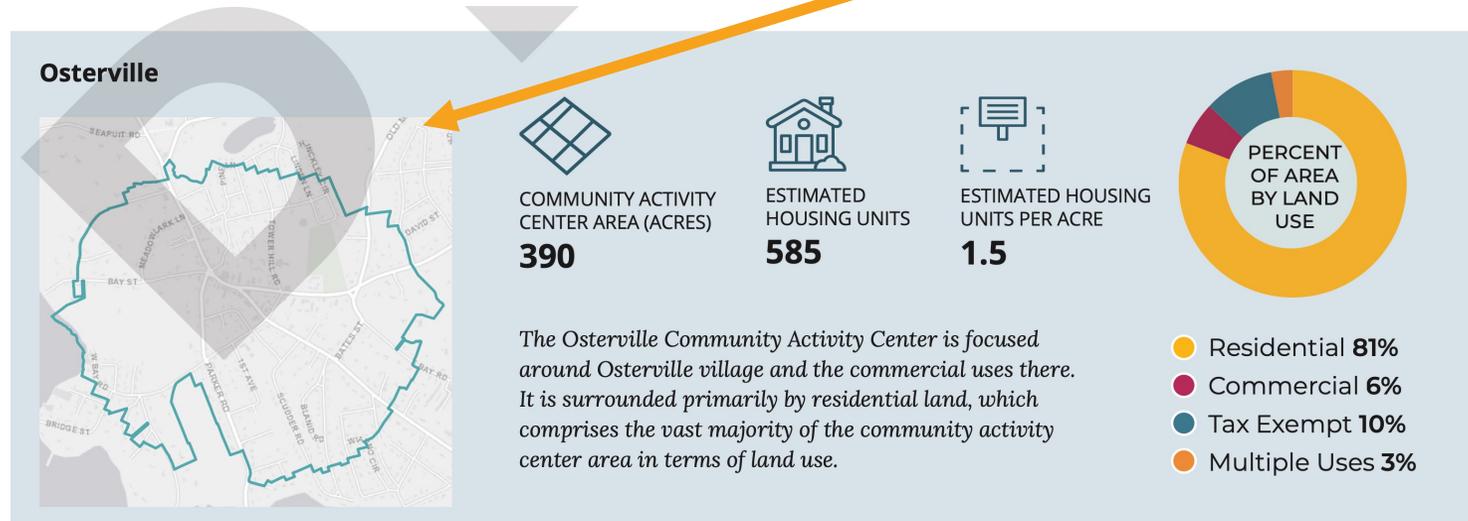
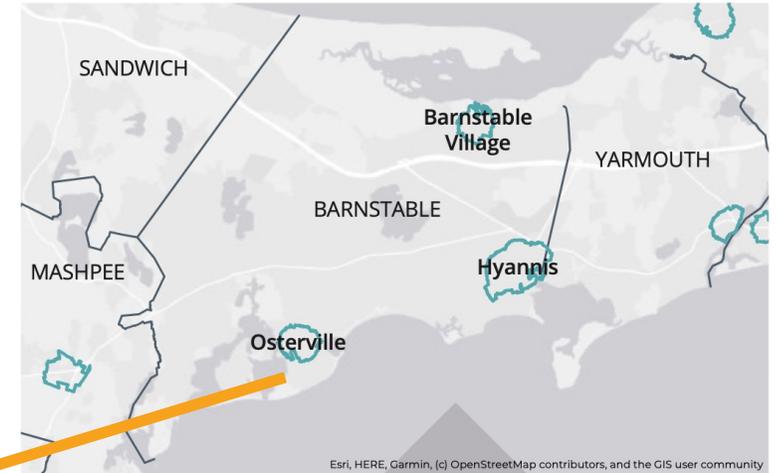
Cape Cod Commission categorizes Barnstable Village, Hyannis, Osterville as ‘Community Activity Centers’

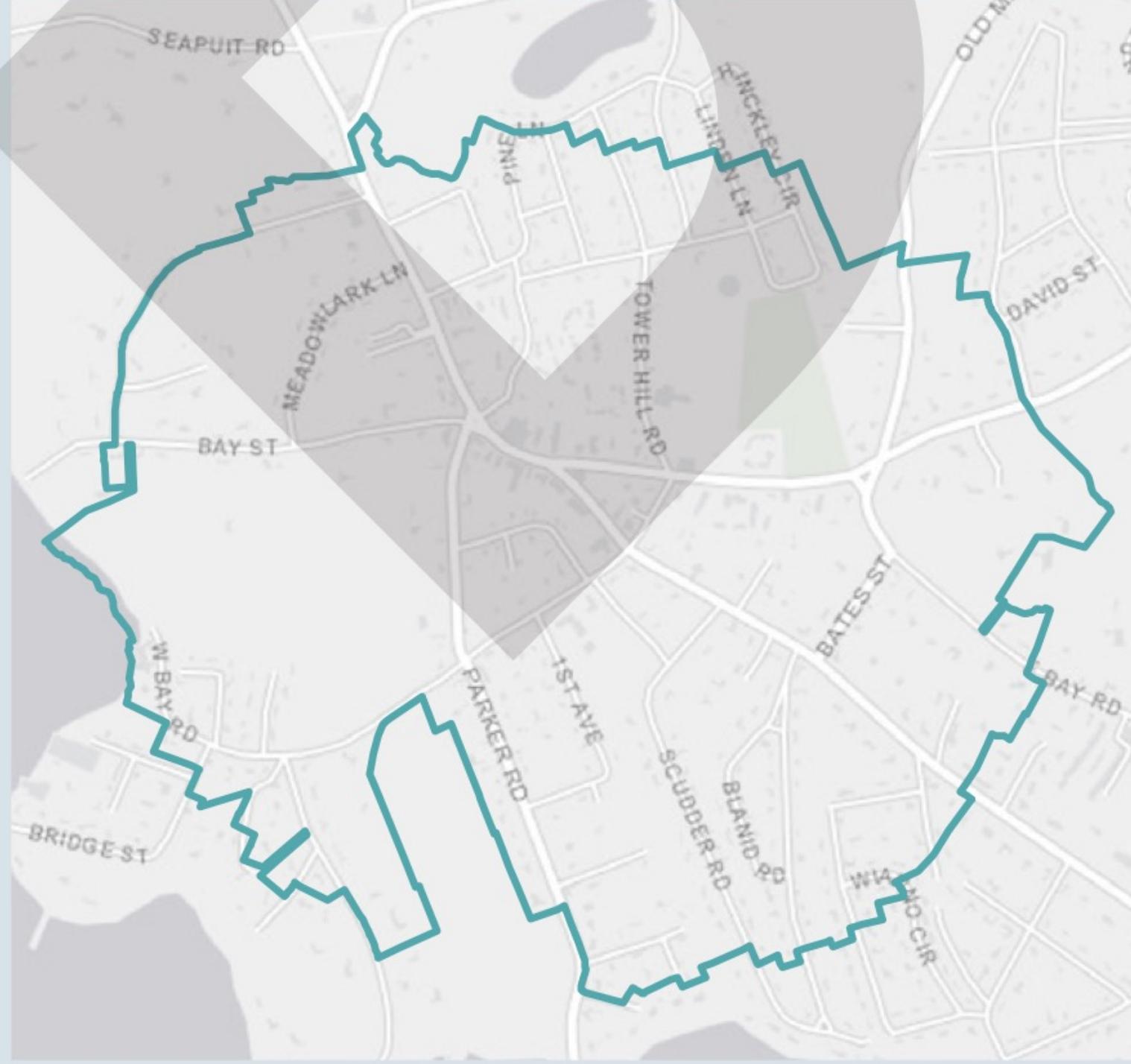
It says ‘Community Activity Centers’ should have zoning changes:

1. Zoning to allow higher density and multi-family housing
2. Inclusionary zoning by laws
3. Dimensional regulations that foster pedestrian activity and follow established development patterns

Community Activity Centers

Community Activity Centers are areas with a concentration of business activity, community activity, and a compact built environment that may be suitable for additional housing and a mix of uses. The vision for these areas is to accommodate these uses in a walkable, vibrant area, preserve historic buildings, and to provide diverse services, shopping, recreation, civic spaces, housing, and job opportunities, with adequate infrastructure and pedestrian amenities to support development. Seventeen Community Activity Centers have been identified across the region. Barnstable has three identified community activity centers, one in each of the villages of Barnstable, Hyannis, and Osterville.

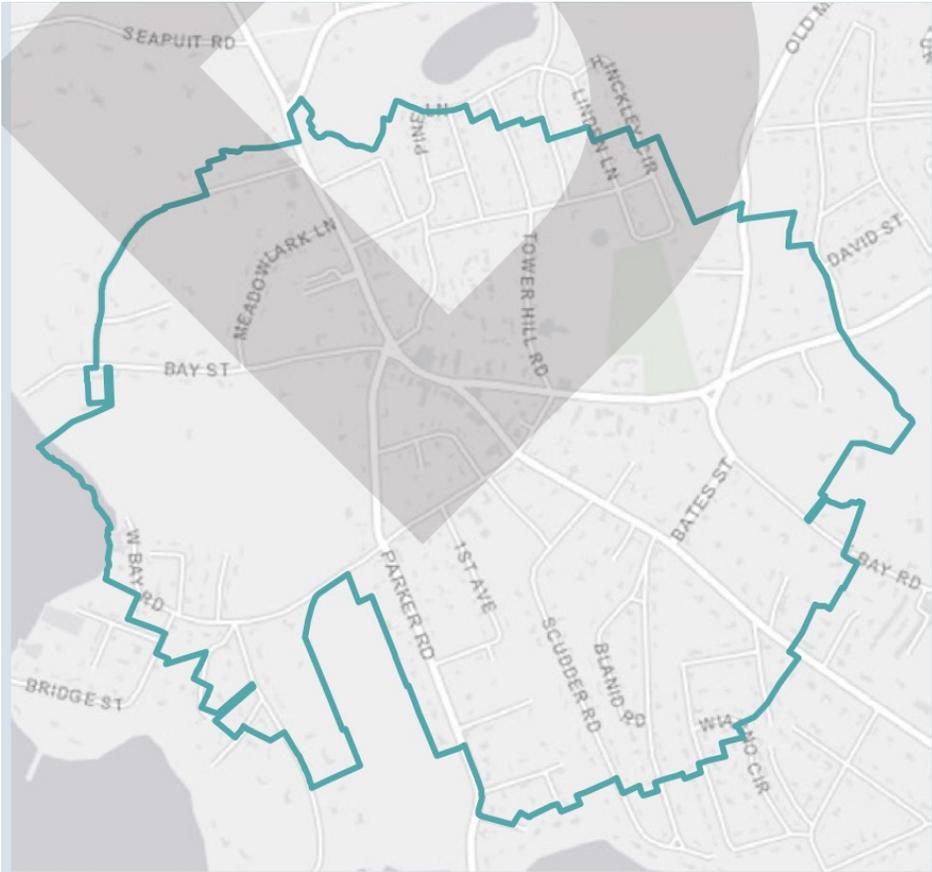




CCC Map of Osterville's CCC- designated 390-acre “Community Activity Center” where:

- the CCC encourages density zoning
- Town Hall says density/form-based zoning is a good tool

Do we really want to leave density (and what goes) in that footprint up to a developer? Is that the way to execute community desires and meet community needs?



Consider recently, the Town allowed a developer put a warehouse on Main Street in Osterville on land zoned for retail and residential use (BA and RC) when what the community really needs is housing.

p.s. this also means the town would need to allow *any* property in the Osterville business district (zone BA) to be used as a warehouse...

DOES BARNSTABLE HAVE TO CONFORM TO THE CCC REGIONAL PLAN, ITS VISION OR DENSITY ZONING PREFERENCES FOR YOUR VILLAGE AS A MATTER OF LAW?

NO.

BARNSTABLE - that's you - CAN IDENTIFY ITS OWN ADEVELOPMENT MANAGEMENT COURSE and ZONING PREFERENCES

10. What does Commission LCP certification obtain for the town?

Towns with Commission-certified LCPs will be given priority consideration for planning and technical assistance from the CCC. The technical assistance may help with a variety of topics and issues, as well as helping towns implement actions identified in the Targeted Action Plan in their LCP. Additionally, a Commission-certified LCP will afford communities the ability to enter into development agreements, to assess impact fees pursuant to the Cape Cod Commission Act, and offers a planning framework for proposed designations such as Chapter H and Growth Incentive Zones. From the CCC



Do the benefits from CCC certification provide value to you?

Town Hall on Village Plans: Abandon Village Plans process in prior LCPs due to sewer plan. For the first time, any Village plan changes will be an *outcome*, not an input, according to Town Hall



“We’re going in a different direction”*

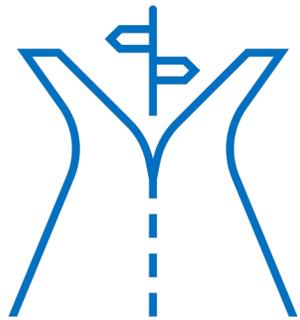
* Planning Director reply to resident question at Zoning Subcommittee on Village Planning March 2021



“...Given ...the **objective to align this [LCP] process with the town wide Comprehensive Wastewater Management Plan** and the impacts of that plan necessitate that we zoom out from the villages and really look at the impacts of the implications of that infrastructure town wide. ...**If there are identified a need to update those village plans** as a whole or bring additional planning processes forward really around any topic specific to each village **I anticipate that being part of the recommendation of our Local Comprehensive Plan and an outcome of that strategic and targeted action.**”*

* Planning Director reply to resident question at Planning Board, April 12, 2021

Question: Is it any surprise that Town Hall (before any community or Council discussion) announced it would depart from past practice and *not* have Village Plans as part of the LCP this time around?

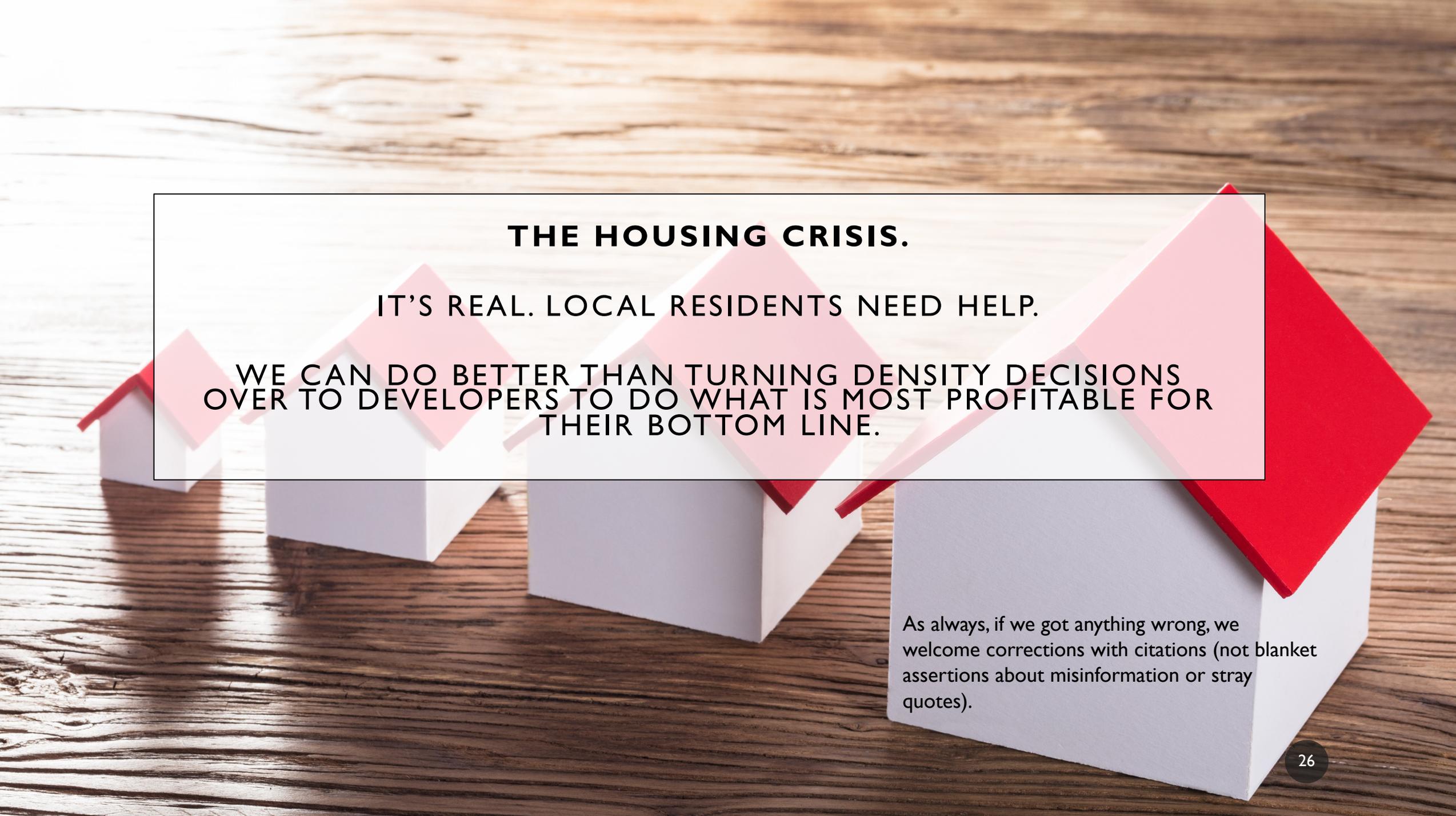


Answer: Unless Osterville's Village Plan chose to change to density zoning consistent with the CCC Regional Plan, a village plan would frustrate the LCP and the Town's interest in the CCC's density preference for CCC-designated 'Community Activity Centers'. Of course there were no Village Plans...

“In regards to the wastewater plan: Elizabeth Jenkins wants the [LCP] committee to know that it is one of the main things that propelled her forward to make this committee. There is a need to respond to nutrient management challenges from a regulatory perspective. **The town adopted the current CWMP and is in the process of planning to sewer 12,000 parcels in Barnstable over the next 20-30 years. This has incredible implications for potential for induced growth and how we potentially grow and change as a community**—it necessitates knowing how we want to do that and what we want to preserve.”*



Town Hall disfavor of single-family zoning and preference for density zoning in CCC-designated “Community Activity Centers” [Osterville] and its connection to sewers is express in the public record; it is neither “hyperbole” nor a function of “stray quotes.”



THE HOUSING CRISIS.

IT'S REAL. LOCAL RESIDENTS NEED HELP.

**WE CAN DO BETTER THAN TURNING DENSITY DECISIONS
OVER TO DEVELOPERS TO DO WHAT IS MOST PROFITABLE FOR
THEIR BOTTOM LINE.**

As always, if we got anything wrong, we welcome corrections with citations (not blanket assertions about misinformation or stray quotes).