

# Town of Barnstable Chapter H Amendment Request

*Request to Amend April 4, 2019 Chapter H Decision revising thresholds in the ISTA to include wholesale uses*

## Request

Town of Barnstable desires to amend the decision approved by the Cape Cod Commission on April 4, 2019 pursuant to Section 9(e) of Chapter H of the Code of Cape Cod Commission Regulations, Barnstable County Ordinance 09-13, as amended. This decision raised Development of Regional Impact review thresholds for commercial and industrial uses in the Economic Centers and Industrial Service and Trade Area (ISTA) in Greater Hyannis. A map of the ISTA is included herein as Exhibit A.

The Town seeks to amend the DRI threshold revisions applicable in the ISTA, as mapped in that decision. This is a request to allow the 10,000 sq.ft DRI review threshold for building development appearing in paragraphs 3(e) and 3(f) of the Enabling Regulations, revised to 40,000 sq.ft within the Greater Hyannis ISTA, to apply to a third category of land use, wholesale use, defined as follows:

*WHOLESALE: A commercial use engaged in selling or distributing merchandise to retailers or to commercial, industrial, institutional, professional, or business users. This use may include ancillary retail sales to the general public. (Uses associated with the use, generation, treatment or storage of hazardous materials in any significant quantity would not be subject to revised thresholds.)*

## Rationale

Local and regional economic development strategies prioritize the attraction of industries that will bring year-round living wage jobs to Cape Cod, promoting economic sustainability in a seasonal environment. The “ISTA” in Barnstable represents an existing concentration of hundreds of year-round jobs, along with the rare potential to attract new industry on the remaining available real estate. Providing companies flexibility to expand or an incentive to locate in this area is an extremely valuable tool in Barnstable’s economic development toolbox. By layering incentives, investments in infrastructure, and regulatory relief, Barnstable seeks to set the table for meaningful economic investment and job growth.

This amendment seeks to add wholesale uses, as defined, to the research and development and light manufacturing uses that already have the benefit of threshold relief. Wholesale uses are consistent with the other moderately intensive industrial activities found in the ISTA today. Wholesale uses on Cape Cod would be appropriately located in the ISTA, which is centralized in the region and well-served by transportation infrastructure. According to the Bureau of Labor Statistics<sup>1</sup>, the industry pays an average wage of \$31.16, which is above the living wage for most household profiles in Barnstable County<sup>2</sup>.

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<sup>1</sup> U.S. Bureau of Labor Statistics, Wholesale Trade (NAICS 42), <https://www.bls.gov/iag/tgs/iag42.htm>

<sup>2</sup> Living Wage Calculation for Barnstable County, MA, Massachusetts Institute of Technology Dept of Urban Studies and Planning, Updated 12/30/2018, <https://livingwage.mit.edu/counties/25001>

The restriction on any uses associated with the use, generation, treatment or storage of hazardous materials in any significant quantity is not modified by this amendment. The ISTA is largely covered by the Town's Groundwater Protection and Wellhead Protection Overlay Districts.

The initial Chapter H request, and this amendment, reinforces local and regional land use and growth management strategies that direct new investment into areas where development is appropriate because of available infrastructure and minimal impact on the community's valuable open space and sensitive natural resources. This request further encourages infill development in existing commercial areas, and promotes balanced economic growth within the Town and the region by easing review requirements for larger-scale projects in this established year-round regional economic and industrial center. Wholesale uses are a land use that is anticipated and appropriate in the ISTA.

As established in the Town's initial Chapter H application, the ISTA is well-served by regional transportation infrastructure, including a regional roadway network, public transit, and an expanding system of interconnected pedestrian and bicycle paths. The area is also served by public water and municipal sewer. New residential development in the area has produced an environment with an increasing balance of job and housing opportunities, served by multi-modal infrastructure.

The threshold revisions in the ISTA specifically targets clean industries to encourage economic sustainability, with no risk of compromising environmental or water resources. Further, the degree of threshold relief is in keeping with the larger scale of development in the area and will not have significant impacts, such as added traffic volumes or design of visually prominent buildings, which may have notable impacts on the regional resources or character.

### Recommendations & Findings

The proposed Chapter H amendment was considered at an advertised public hearing at the Planning Board on May 11, 2020, where the Board voted to \_\_\_\_\_. The Town Council voted to \_\_\_\_\_ at the meeting on May 21, 2020.

The Planning Board and Town Council, in considering and recommending the application, made the following findings:

- The proposal is consistent with the Town's Local Comprehensive Plan in that it supports and directs economic growth in appropriately designated areas and demonstrates the Town's commitment to encouraging commercial and industrial investment that will support the year-round economy.
- The proposal is consistent with purpose of Chapter H and the Cape Cod Commission's Regional Policy Plan, in that it implements a regulatory approach at a regional level to concentrate growth and, in turn, preserves and protects sensitive resource areas. The ISTA, and adjoining commercial area, serve as the primary regional center for the provision of goods and services, and incentivizing investment, infill and redevelopment in an appropriate location.

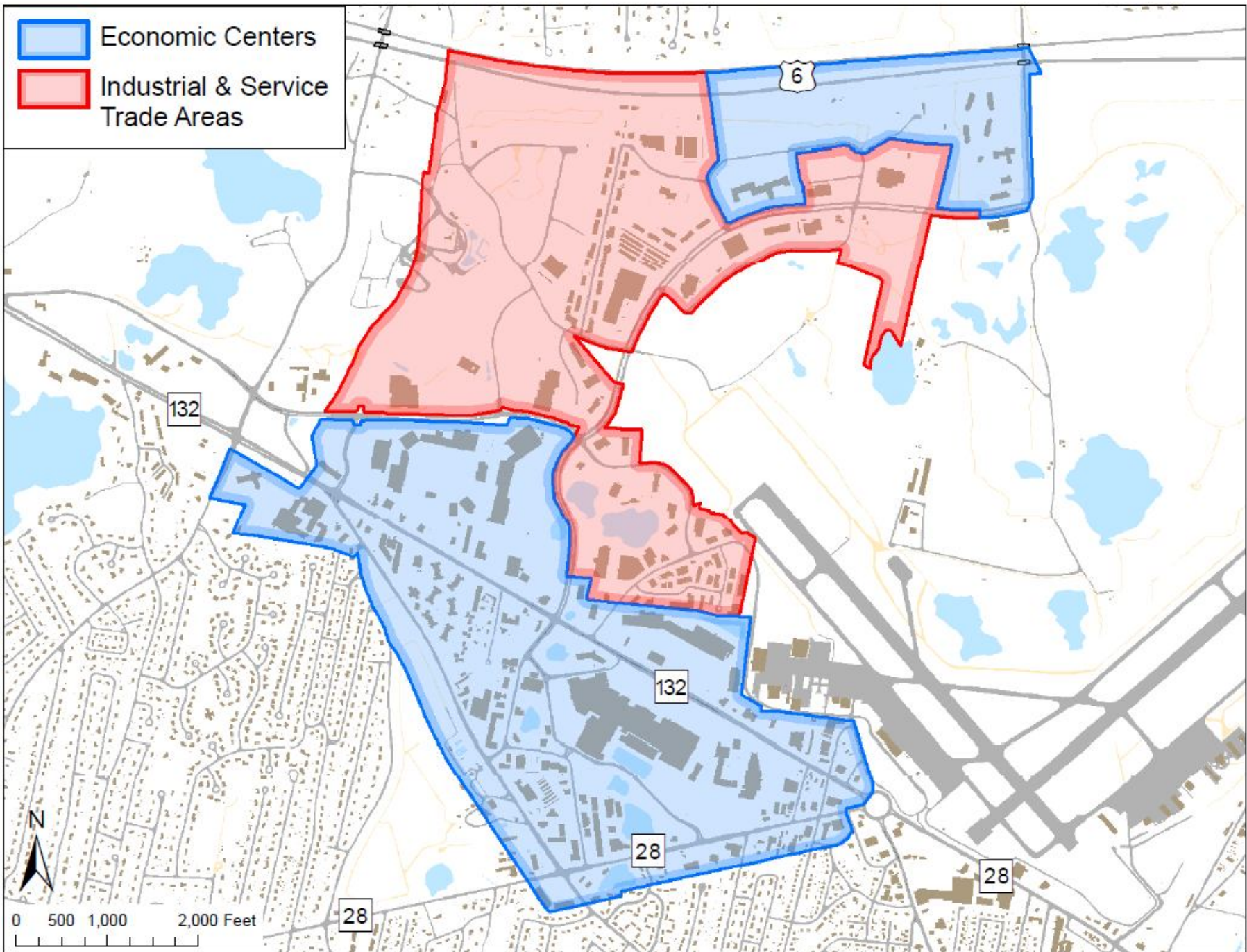
- The proposal is consistent with Section 1 of the Cape Cod Commission Act, in that it directs and concentrates development to appropriate areas, thus preserving environmentally sensitive areas and areas with traditional village character.
- The ISTA is supported by plans and capital facilities funding to address anticipated growth.
- The Town of Barnstable's regulatory framework is designed to guide growth towards areas adequately supported by infrastructure and away from areas that must be protected for ecological, historical, or other reasons.

## Exhibits & Appendices

Exhibit A: Map

Appendix 1: April 4, 2019 Cape Cod Commission Chapter H Decision for Barnstable

Appendix 2: Proof of recording at abutting Towns





**CAPE COD  
COMMISSION**

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BARNSTABLE, MASSACHUSETTS 02630

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**CHAPTER H DECISION**

Date: April 4, 2019

Re: Revisions to Development of Regional Impact Review Thresholds 3(e) and 3(f)  
Pursuant to Chapter H of the Code of Cape Cod Commission Regulations of General Application  
As requested by the Town of Barnstable for the  
Economic Center & Industrial Service and Trade Area in Greater Hyannis

**FINDINGS**

The Cape Cod Commission (“Commission”) hereby finds and determines as follows:

1. Pursuant to Chapter H of the Code of Cape Cod Commission Regulations of General Application, as amended October 2013 (“Chapter H”), the Town of Barnstable (“Town”), authorized by the affirmative majority votes of its Town Council and Planning Board, submitted an application to the Commission dated January 2, 2019. The Town supplemented its Application with a memorandum dated March 8, 2019, which responded to comments from Commission staff in its review of the Application.
2. Said Application requests revisions to the Development of Regional Impact (DRI) review thresholds appearing in paragraphs 3(e) and 3(f) of Chapter A: Enabling Regulations Governing Review of Developments of Regional Impact, as amended April 19, 2018 (“Enabling Regulations”) for certain designated areas in Hyannis.
3. Specifically, the Town requests that:
  - a. the 10,000 square foot DRI review threshold for building development appearing in paragraphs 3(e) and 3(f) of the Enabling Regulations be revised and raised to 20,000 square feet within the Hyannis Economic Center<sup>1</sup>; and
  - b. the 10,000 square foot DRI review threshold for building development appearing in paragraphs 3(e) and 3(f) of the Enabling Regulations be revised and raised to 40,000 square feet within the Hyannis Industrial Service and Trade Area (ISTA), which would apply and be limited to “Clean Industry,” i.e. research and development (R&D) and light industrial uses only.<sup>2</sup>

<sup>1</sup> Said Hyannis Economic Center has been mapped and designated by the Commission on the regional Land Use Vision Map established under the 2009 Cape Cod Regional Policy Plan, and is depicted as “Economic Center” on the map entitled “Hyannis Chapter H, March 28, 2019,” copy attached hereto and incorporated herein as Exhibit A.

<sup>2</sup> Said Hyannis ISTA has been mapped and designated by the Commission on the regional Land Use Vision Map established under the 2009 Cape Cod Regional Policy Plan, and is depicted as “Industrial Service and Trade Area” on the map entitled “Hyannis Chapter H, March 28, 2019,” copy attached hereto and incorporated herein as Exhibit A.

4. Each area proposed for the Revised DRI Thresholds is a contiguous geographic area with clearly delineated boundaries. In fact, the Hyannis Economic Center and Hyannis ISTA are adjacent to one another and though each area is intended for different purposes and to support different types of uses and development than one another, they complement one another and present a system of use, infrastructure and development that positions Greater Hyannis as the regional commercial center of Cape Cod.

5. The DRI thresholds 3(e) & 3(f) for which the Town has requested revision are eligible for revision; and the Town's request for the Revised DRI Thresholds is in accordance with the "Threshold Ranges Eligible for Application" table contained within Section 3(b) of Chapter H.

6. The Application includes, among other materials and information, all those items required for submission and referenced in Sections 5 and 8 of Chapter H:

- a. copies of notices, minutes and agendas from Planning Board and Town Council meetings and hearings regarding their respective consideration and votes on said Application, prior to its submission to the Commission;
- b. copies of notices of filing the Application with the Town Clerk of all abutting towns;
- c. narrative/ rationale for revised DRI thresholds (Application Section 1);
- d. map showing the areas proposed for the Revised DRI Thresholds, relative to areas designated on the regional Land Use Vision Map (LUVVM) (Application Section 1/ Figures 2 & 3);
- e. build-out analysis relative to the areas proposed for the Revised DRI Thresholds (Application Section 2, including Figures 4 & 5, and Appendix B);
- f. description of existing, and planned future, capital and infrastructure improvements, studies, plans and funding to address anticipated growth and underlying resource constraints in the areas proposed for the Revised DRI Thresholds (Application Section 3, including Figures 6 & 7);
- g. copies of current Town zoning maps (Application Appendix D);
- h. copies of Town's current or proposed ordinances and regulations that address anticipated growth and underlying resource constraints in the areas proposed for the Revised DRI Thresholds (Application Appendices A, C and E).

7. The Town's request for Revised DRI Thresholds is consistent with the "Approval Criteria for Higher DRI Thresholds" set out in Section 6 of Chapter H:

- a. The Revised DRI Thresholds are not higher than those maximum allowable thresholds set out under Section 3 of Chapter H.
- b. The Town's request is consistent with the Town's Commission-certified Local Comprehensive Plan (LCP).
  - i. The Town's LCP supports and directs economic growth and investment to appropriately designated areas of the Town like the Hyannis Economic Center and Hyannis ISTA. Specifically, the Town's Strategic Planning Areas Map in the LCP designates the Economic Center as a "Regional Commercial Center" and reflects that the area is "densely developed primarily with commercial uses" and "provides goods and service needs for residents of Barnstable and Cape Cod."
  - ii. The Town's economic development strategies, which it seeks to advance through the request for Revised DRI Thresholds, support quality employment opportunities and investment from large and small scale business in the Barnstable community.
  - iii. As part of its ongoing economic development efforts, the Town seeks to raise and revise DRI thresholds to cultivate and attract economic development opportunities to the region's established year-round commercial and economic center.

iv. The Town of Barnstable also seeks to increase its efforts to encourage planned and appropriate private investment in the Economic Center and Industrial Service and Trade Area. In particular, portions of Route 132 are an aging commercial corridor and warrant re-investment. The Town Council has a Zoning and Regulatory Subcommittee, which met as recently as March 7, 2019 to discuss particular initiatives and a vision for Route 132. Among other directives, this Committee is interested in aligning the Town's regulatory review of development in this corridor with the Commission's (See "Route 132 Objectives" from Town Council subcommittee meeting of March 7, 2019).

c. The Town's request is consistent with Section 1(b) (Function and Purpose) of Chapter H.

i. The stated purpose of Chapter H is to help implement a regulatory approach at the regional level to guide growth toward areas that are adequately supported by infrastructure and away from areas that must be protected for ecological, historical, or other reasons.

ii. The Hyannis Economic Center and Hyannis ISTA contain high levels of existing development and the infrastructure systems, including municipal sewer, to support such development. The Town has a well-funded capital improvements plan to keep pace with infrastructure needs occasioned by development in these areas. The Town benefits through economies of scale by augmenting infrastructure where it already exists rather than expanding or creating it anew to serve previously undeveloped or less developed areas.

iii. There is significant infill, re-use and redevelopment potential in both the Economic Center and the ISTA. Of particular note and as Figure 4 in Section 2 of the Town's Application illustrates, the Economic Center contains very few vacant, developable parcels, and it is anticipated that nearly all development growth will be through infill, re-use and redevelopment.

iv. The Hyannis Economic Center, and specifically the portion within the Route 132 corridor, accommodates the type and scale of businesses not always compatible with uses and development in other parts of Barnstable or on Cape Cod, but that nevertheless play an important role in the region's commercial landscape and economy. The Hyannis Economic Center currently contains five regional retail centers, including the region's only enclosed mall. The Hyannis ISTA represents an existing concentration of light industrial uses that provide hundreds of year-round jobs, and also has the particular potential to attract new and emerging industries on the remaining vacant developable land that would diversify uses and increase year-round, livable wage jobs.

v. Any anticipated growth associated with the Revised DRI Thresholds is in keeping with the larger scale of development in the Economic Center and ISTA, and is less likely to create new, different and significant impacts given the existing level and scale of development.

d. The Town's request is consistent with the Goals of the Regional Policy Plan, as applicable.

Section 6 of the 2019 Cape Cod Regional Policy Plan (Chapter B of the Code of Cape Cod Commission Regulations) ("RPP") sets out 14 regional Goals and associated Objectives, which directly correlate to the broad goals, values and purposes articulated in Section 1 of the Act. The RPP's Goals applicable, material and significant to review of the Town's request are those related to Water Resources; Community Design; Capital Facilities and Infrastructure; Economy; and Transportation.

**SEE FURTHER RPP CONSISTENCY ANALYSIS ATTACHED AS EXHIBIT B TO THIS DECISION, WHICH IS HEREBY INCORPORATED AND MADE A PART HEREOF.**

e. The Town's request is consistent with Section 1 of the Cape Cod Commission Act.

i. The broad, regional goals, values and purposes outlined in Section 1 of the Cape Cod Commission Act include: the protection, conservation, preservation and enhancement of natural, coastal, scientific, historical, cultural, architectural, archaeological, and recreational

values and resources; the promotion of the general public health, safety and welfare; maintenance of sound local and regional economies and balanced economic growth; provision of adequate capital facilities and infrastructure, coordinated with other goals and values; and the development of an adequate supply of affordable housing.

- ii. Balanced economic growth is a goal expressed in Section 1 of the Commission Act, which is the Town's principal purpose in requesting the revised DRI revisions.
- iii. The Town's request for DRI threshold revisions aims to promote balanced economic growth within the Town and the region by easing review requirements for, directing and incentivizing large-scale projects in and to established year-round regional economic and industrial centers, thus also preserving environmentally sensitive areas and areas with traditional village character that are located outside the Economic Center and ISTA.

f. The Town's request is supported by plans and funding for capital facilities and/or infrastructure improvements necessary to address anticipated growth.

- i. The Town maintains a favorable funding and bonding capacity, and a capital plan timed to meet the rate of anticipated development.
- ii. In its Application, the Town provided a copy of its capital improvements plan relative to Greater Hyannis. The following are notable examples of capital projects completed, proposed or under way that will serve existing development and new growth in Greater Hyannis.
- iii. The MassDOT project at Route 28 and Bears's Way, under construction, consists of new traffic signal systems at the Route 28/Bears's Way intersection and Route 28/Cape Cod Mall entrance intersection as well as corridor improvements between.
- iv. The MassDOT project at Route 28/Yarmouth Road, anticipated to commence in FY2020, consists of intersection reconstruction and traffic signal upgrades at a gateway to Hyannis, with the goal of improving safety and reducing congestion for all users, particularly at the intersection of Route 28 and Yarmouth Road.
- v. Signalized intersections at Attucks Lane and Wilkins Lane and at Kidd's Hill Road and Phinney's Lane, funded by a MassWorks Infrastructure Grant, are currently in design and anticipated for construction in Spring/Fall 2020. New sidewalks are also proposed under the Grant. (Application Section 3, Figure 6).
- vi. Improvements installed as conditions of development permits by private developers to improve the safety of Route 132, including median extensions associated with BJ's Gas, the Marriott, and the Cape Cod Mall, are either completed or anticipated to begin shortly.
- vii. The Town is also in the final design stages for a new, state of the art water treatment facility for the existing "Maher" drinking water wells, which has been designed to treat for multiple contaminants, and the Town will continue to work actively and collaboratively with the Commonwealth on new public drinking water well exploration.
- viii. The Hyannis Water Pollution Control Facility (WPCF) is operated by the Barnstable Department of Public Works and is located partially in the Economic Center. The majority of the Economic Center and ISTA are currently served by public sewer.
- ix. The first phases of sewer expansion in connection with water quality and economic development objectives commenced this fiscal year: the Town Council approved the preliminary design of a three-phase sewer expansion (Application Section 3, Figure 7). The first phase anticipates the installation of sewers to feed the soon-to- be-installed Attucks Lane Pump Station, a part of the Cape Cod Five Headquarters project. The extension of sewer on Merchants Way and Kidd's Hill Road to serve "development ready sites" is aimed at accommodating relocation or expansion of companies or industries that will bring year-round living wage jobs to the region. These imminent infrastructure expansions are funded by a 2017 MassWorks Infrastructure Grant.
- x. The Town Council has recently adopted the provisions of Massachusetts General Laws to establish a town water stabilization fund. As funded, the Town proposes to continue its investigation into new drinking water well exploration and relocation. (Town Council Resolution January 2019)



g. The Town's request is supported by a regulatory framework designed to guide growth toward areas that are adequately supported by infrastructure and away from areas that must be protected for ecological, historical, or other reasons.

- i. The Commission has and will continue to have jurisdiction over approximately 34 properties in the Economic Center and ISTA irrespective of any DRI threshold revisions because of its jurisdiction over the modification of DRI projects and Development Agreement projects. (Application Appendix C).
- ii. The Economic Center and ISTA do not contain historic properties or other distinctive architectural areas; or a significant extent of floodplain, wetlands, habitat or forest areas. The principal natural resource concern in the areas is zones of contribution to public drinking water wells.
- iii. The Industrial Districts (vis a vis the ISTA) and groundwater protection overlay districts (GP and WP) prohibit principal uses that involve, alternately, hazardous materials and hazardous wastes. The GP and WP districts overlay the Economic Center and ISTA. When hazardous materials use or hazardous waste storage is allowed, presumably as an ancillary use, the Town has a general ordinance setting out the conditions under which such use or storage is acceptable, and the special permitting process required for approval (see Chapter 108 of the Barnstable Code). The Town also has a general ordinance that regulates floor drains in commercial and industrial use for the purpose of preventing hazardous materials from entering and polluting groundwater resources (see Chapter 381 of the Barnstable Code).
- iv. The groundwater protection overlay districts (GP and WP) require site recharge of stormwater, limitations on impervious site coverage and clearing, and required retention of vegetated areas on a site. These overlay districts are based on Zone II delineations and a five-year time of travel to existing, proven future, and potential future public water supply wells. Development proponents in such districts are required to provide a stormwater management operations and maintenance plan, with annual compliance reports to the town. Treatment and other stormwater BMPs are required to be included in such plans. Said process is administered through the site plan review (SPR) committee, under both the provisions of SPR site development standards in the Zoning Ordinance and under the provisions of the groundwater protection overlay districts.
- v. Barnstable recently amended the HB (Highway Business) District, which runs along the Route 132 corridor and is one of the zoning districts located in the Economic Center. In sum, the amendments create building design standards in the district; reduce minimum required front yard setbacks and lot sizes to create better building presence along the commercial road corridor; encourage pedestrian connectivity throughout the district; discourage parking in front of buildings; encourage vehicle interconnections between properties; encourage reduction in vehicle curbeuts; and modernize the district's use schedule.
- vi. Town zoning currently allows light manufacturing uses in both the Industrial Limited and Industrial zoning districts; and R&D facilities in the Industrial Limited district.

8. Prior to submitting the Application, the Barnstable Planning Board and Town Council held public hearings on the request for DRI threshold revisions in November 2018. After submission, a Subcommittee of the Commission held a public hearing on the Application March 28, 2019, which also included review of a draft written decision prepared by staff. After hearing and review, the Subcommittee voted to recommend to the Commission that it adopt the draft written decision and approve the Town's request, pursuant to said decision. The Subcommittee continued the public hearing to the Commission's meeting of April 4, 2019. The Commission held a public hearing on April 4, 2019 to consider the Application and recommendations from the Subcommittee. At the April 4, 2019 hearing, the Commission voted to adopt the draft written decision recommended by the Subcommittee and approve the Town's request for revised DRI thresholds in the Hyannis Economic Center and Hyannis ISTA.

## **CONCLUSION**

Based on the foregoing Findings, the Commission hereby approves the Town of Barnstable's request for revised DRI thresholds. Notwithstanding Section 3 of the *Enabling Regulations*, the following DRI review thresholds shall apply in the Hyannis Economic Center and Hyannis ISTA, respectively, as follows:

- a. The 10,000 square foot DRI review threshold for building development appearing in paragraphs 3(e) and 3(f) of the *Enabling Regulations* is revised to 20,000 square feet within the Hyannis Economic Center; and
- b. The 10,000 square foot DRI review threshold for building development appearing in paragraphs 3(e) and 3(f) of the *Enabling Regulations* is revised to 40,000 square feet within the Hyannis Industrial Service and Trade Area (ISTA), which revision shall apply and is limited to research and development (R&D) and light manufacturing uses only.

(Collectively, these are referred to herein as the "Revised DRI Thresholds.")

For purposes of the Revised DRI Thresholds, the following definitions apply:

*RESEARCH & DEVELOPMENT (R&D): A commercial use wholly located within a building or complex of buildings involving high-technology or scientific activities in the design, testing, research, analysis, development, and light manufacturing of products, as applicable, including directly related or ancillary office, warehousing and distribution (but not residential or retail with the exception of retail use that is directly related and accessory to the principal R&D use) uses thereto. Examples of allowed uses include but are not limited to innovation centers/collaborative workspaces, marine science & technology, emerging technologies for wastewater treatment, and software development. R&D does not include chemical manufacturing when undertaken as a principal or primary use or other uses which involve as a principal activity or use the generation, storage, use, treatment, transportation or disposal of hazardous materials.*

*LIGHT MANUFACTURING: A commercial use involving the value-added packaging, assembly, fabrication or other processing of finished parts, primarily from previously prepared materials, into new products where there are minimum detrimental external impacts (such as those involving safety, noise, dust, glare, congestion, and releases of exhaust, odors or vibration) across property lines to non-related uses. This term may include, but is not limited to, a business engaged in the processing, fabrication, assembly or packaging of food, electronics, household products, garments, building materials, or renewable energy systems. Examples of allowed uses include but are not limited to equipment manufacturing, computer manufacturing, and printing and 3-D printing. Light manufacturing does not include chemical manufacturing when undertaken as a principal or primary use or other uses which involve as a principal activity or use the generation, storage, use, treatment, transportation or disposal of hazardous materials. Retail uses are limited to those directly related and accessory to the principal Light Manufacturing use.*

The Commission's approval granted hereunder is subject to the Conditions below.

## **CONDITIONS**

- C1. As provided in Section 1(e) of Chapter H, nothing in this Decision shall limit the ability of an entity so eligible to make, and the Commission to so accept, Discretionary Referrals in accordance with Section 12(e) of the Act and Section 2(b) of the *Enabling Regulations*.
- C2. The Revised DRI Thresholds shall take effect fourteen (14) calendar days after the Commission Clerk files a true copy of this Decision with the Clerk of the Assembly of Delegates. The Commission shall record a copy of this Decision with the Barnstable Registry of Deeds.
- C3. This Decision shall not apply retroactively, and shall not affect the application or validity of any existing Commission Decision or Development Agreement relating to property within the Hyannis Economic Center or

Hyannis ISTA. Notwithstanding the foregoing, proposed development so eligible shall be subject to and have the benefit of the Revised DRI Thresholds.

C4. The Town shall provide to the Commission notice of any proposed amendments to its development ordinances or regulations in the Hyannis Economic Center and Hyannis ISTA, including but not limited to zoning amendments, and shall ultimately provide copies of such ordinances and regulations to the Commission as approved and adopted. Such amendments shall not conflict with Goals set out in Section 6 of the 2019 RPP. Should the Commission believe that any such amendments conflict with said Goals, the Commission may commence proceedings to revoke this Decision and the Revised DRI Thresholds herein pursuant to Section 12 of Chapter H.

**SIGNATURE PAGE FOLLOWS**

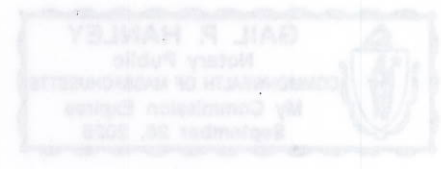
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COMMONWEALTH OF MASSACHUSETTS

April 4, 2019

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**SIGNATURE PAGE**

Executed this 4th day of April 2019.

For the Cape Cod Commission by:

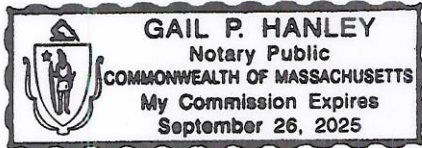
Harold W. Mitchell  
Name/ Title Chair - CC Commission

**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss

April 4, 2019

Before me, the undersigned notary public, personally appeared Harold W. Mitchell, in his/her capacity as Chairman of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose on behalf of the Cape Cod Commission. The identity of such person was proved to me through satisfactory evidence of identification, which was [ ] photographic identification with signature issued by a federal or state governmental agency, [ ] oath or affirmation of a credible witness, or [X] personal knowledge of the undersigned.



Gail P. Hanley  
Notary Public  
My Commission Expires: 9-26-25

SEAL

EXHIBIT A

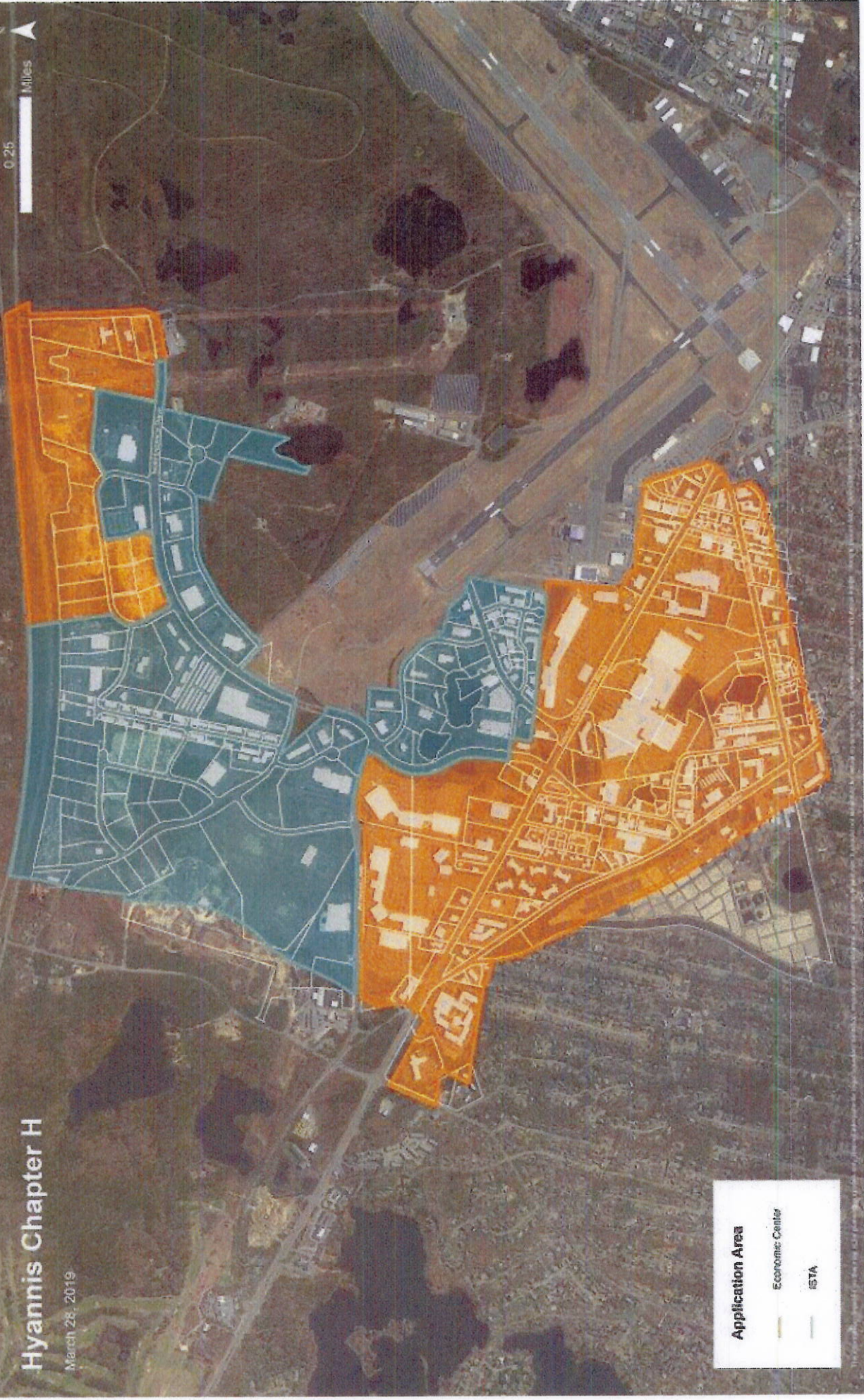
[MAP OF HYANNIS ECONOMIC CENTER MAP & HYANNIS ISTA]



# Hyannis Chapter H

March 28, 2019

0.25 Miles



**Application Area**  
Economic Center  
ISTA





EXHIBIT B  
CONSISTENCY ANALYSIS  
APPLICABLE RPP GOALS

Capital Facilities and Infrastructure Goal: To guide the development of capital facilities and infrastructure necessary to meet the region's needs while protecting regional resources.

There is a system of public and private infrastructure in the Economic Center and ISTA. Additionally, as discussed in Paragraph 7(f) of this Decision, the Town has a sufficient capital improvements and funding plan to address development growth in the Economic Center and the ISTA.

Economy Goal: To promote a sustainable regional economy comprised of a broad range of businesses providing employment opportunities to a diverse workforce.

The Economic Center and ISTA constitute a regional commercial center providing a diversity of goods and services and employment opportunities to support Cape Cod. The Town's principal interest in the Application is to support a balanced, year-round economy, and allow for new and enhanced sectors of the local and regional economy.

As discussed in more detail below, continued focus by the Town on water quality, design standards, building form, and multimodal transportation enhancements appropriate to the Economic Center and ISTA, through a mix of private and public investments, will help support local and regional economic health and stability.

Commission staff are available to provide technical assistance and help identify opportunities to the Town of Barnstable as it undertakes planning, infrastructure and regulatory analysis and implementation in the Hyannis Economic Center and the Hyannis ISTA to improve these areas for private investment, job creation; and use and enjoyment of residents and visitors to Hyannis and the region.

Water Resources Goal: To maintain a sustainable supply of high quality untreated drinking water and protect, preserve, or restore the ecological integrity of Cape Cod's fresh and marine surface water resources.

In terms of watershed health, the majority of the Economic Center and ISTA are served by public sewer that, among other things, removes nitrogen from wastewater. In addition, the Town has a fertilizer management ordinance that applies town-wide and assists in limiting nutrient loads to water resource areas.

The primary RPP water quality consideration in the Economic Center and ISTA relative to the Town's request concerns groundwater, especially given the interface between the level of commercial and industrial development in the subject areas relative to the location of public drinking water wells.

The Town's Groundwater and Wellhead Protection Overlay Districts promote stormwater recharge by limiting impervious surface coverage and site clearing when property is in a natural state. Under local permitting applicants are requested to demonstrate how they reduce impervious area or otherwise improve recharge or runoff quality.

As described in the request, the Town's typical stormwater management review process during site plan review or when a building permit application is submitted is:

- Applicants are required to recharge all stormwater runoff onsite;
- Applicants are required to submit calculations demonstrating the stormwater system is designed for the 25 year storm, duration 24 hours;

- If a property is within a Zone II, designated GP Groundwater Protection Overlay District and/or WP Well Protection Overlay District as shown on the Official Zoning Map, or has excessively drained soils based on USGS, the applicant is required to meet MassDEP Stormwater Guidelines for pretreatment removal of 44% of total suspended solids (TSS) prior to discharge to infiltration and a TSS removal of no less than 80% must be provided. They are also required to provide drainage calculations and an Operations and Maintenance plan;
- Applicants are also asked to provide information on what will occur under a 100 year storm event. If it involves runoff to abutting properties, then it is noted that the applicant should discuss with the abutter;
- Roof runoff is required to be discharged into drywells or a stormwater infiltration system as long as runoff is clean of solids;
- When development proposals are received, the project location is reviewed relative to designated MS4 outfalls. If the project contributes to a designated MS4 outfall, the applicant is asked to demonstrate what is being done to remove or reduce runoff to this location and what sampling procedures they have in place;
- The Town recommends bio-retention systems where feasible and appropriate;
- The Town recommends oil water separators or a similar pre-treatment device when the proposed use has the potential to produce pollutants.

As the Town continues to plan for development in the Hyannis Economic Center and Hyannis ISTA, the Commission recommends the Town consider incorporating into its development ordinances and regulations for these areas:

- Structural or nonstructural controls for vehicle maintenance areas and loading docks associated with uses that have an elevated risk of contaminating groundwater, to prevent the potential contamination of groundwater through stormwater conveyances from such uses;
- Low Impact Development site design requirements that enhance stormwater treatment prior to infiltration.

Community Design Goal: To protect and enhance the unique character of the region's built and natural environment based on the local context.

The Hyannis Economic Center and ISTA constitute a regional commercial center in the heart of Cape Cod. The use and development types and level of development in these areas are different than are found in the Cape's smaller villages and rural areas. Though the design context and scale of development is different in these areas (and thus what is appropriate in terms of design is different), site and building design is still an important consideration in weaving these areas into the larger Cape Cod design fabric, particularly along two of Cape Cod's primary regional roadways present in the subject areas, Routes 132 and 28.

Properties in the Industrial and Service Trade Area do not have frontage on regional or scenic roadways. The Town of Barnstable's industrial zoning has a maximum lot coverage of 25% in this Area, and a maximum building height of 30 feet or two stories, whichever is lesser. Most of this Area is in a groundwater protection overlay district which would also control maximum lot coverage and limit land use types in the Area.

Properties in the Economic Center Area do have frontage on regional roadways (notable Routes 132 and 28). The Highway Business district (HB) has a maximum lot coverage by structures of 30% and a maximum building height of 38 feet or three stories, whichever is lesser. The Business (B) district does not have a lot

coverage maximum. Much of the Area is within a groundwater protection overlay district, which also controls maximum lot coverage.

On January 20, 2019, amendments to the HB district went into effect, which apply to properties along the commercial corridors of Route 132 and Route 28 within the Economic Center and encompass much of the property visible from these major roadways. The prior HB zoning had limited building and site design standards.

The newly adopted HB zoning includes building and site design standards applicable to expansions and redevelopments within the district. The ordinance now requires the submission of architectural elevations at Site Plan Review, and institutes design standards for building facades and entries and multi-tenant centers that promote pedestrian-oriented architectural design:

- Design standards prohibit “blank wall” areas that exceed 25 linear feet, measured parallel to the street;
- Design standards prohibit specific industrial-style building materials.

New site design standards include parking lot design standards that reinforce existing requirements that parking areas be located to the side and rear of buildings. The HB district provisions, both prior and as revised, require the front yard setback to be a landscape setback in which natural vegetation must be retained or replanted with native landscape materials. Street tree requirements (one per 30 feet of frontage) also apply. The revised HB zoning requires screening of storage and loading areas and equipment and utilities.

As the Town continues to plan for development in the Hyannis Economic Center and Hyannis ISTA, the Commission recommends the Town consider incorporating into its development ordinances and regulations for these areas:

- Adopt the Commission’s Design Technical Guidance “Contextual Design on Cape Cod - Guidelines for Large-scale Development,” to consider in site plan and zoning reviews for development in the Economic Center;
- The HB district, as amended, requires architectural and site design standards in the HB zone and only for additions over 20% GFA, or changes to 50% of façade or roof area. This could allow a lot of change to occur in large structures without any design requirements, which could have adverse visual impacts on the Area. The HB design standards should apply at a minimum to building changes or additions of 5,000 sq. ft. or greater, and apply either within the entire Economic Center (i.e. the entire “B” district therein) or to all buildings fronting on roadways in the Economic Center;
- The HB district, as amended, has a minimum 40’ setback along Routes 132 and 28 and minimum 20’ elsewhere. This is an improvement over the previous minimum front setback in the HB district, however, the Town might adopt a maximum setback in both the Economic Center to better establish a building line along the roadways and to discourage placing parking in front of the buildings;
- Though the front yard setback is defined as a footnote in the dimensional table, a “front yard” definition should be added to the HB definitions section that explicitly defines it as a landscape area limiting new parking or new internal drives in such area;
- The amended HB zoning states that “building facades shall not contain blank wall areas that exceed 25 linear feet, measured parallel to the street,” however it does not define what constitutes a wall area that is not blank. It may be more effective for the Town to require a certain percentage of building transparency or that a certain percentage of the façade contains pedestrian-scale architectural features on primary building facades or facades that face the roadway;

- The HB standards for allowable building materials should be expanded to include desirable materials or desired appearance rather than just prohibited materials;
- While the amended HB zoning states that “Parking lots shall be located to the rear or side of a building unless such location would have an adverse environmental impact or is infeasible due to configuration of the site,” this language should be strengthened to provide only landscaping and pedestrian amenities exist within the front yard setback, and that parking is located to the rear of the building or at least 10’ behind the front building wall if it is located to the side of the building. Parking in the front yard landscape should only be allowed in cases where it already exists and only if the front yard landscape area is increased by moving some parking to the side or rear of the building, or site areas where the landscaping is significantly improved.

Transportation Goal: To provide and promote a safe, reliable, and multi-modal transportation system.

The primary RPP transportation interest relative to the Town’s request is safety/access and pedestrian/transit user accommodation for sites on Routes 28 and 132.

The revised Highway Business zoning codifies the Town’s internal practice of requiring safe internal pedestrian circulation within private developments:

*Sites shall incorporate safe pedestrian access to the building (s) from the public right-of-way and safe pedestrian circulation within the development. Where pedestrian connections cross primary vehicular driveways or aisles, the walkways shall be designed to clearly show the space is dedicated to pedestrian traffic through the use of raised or alternative surfaces.*

The revised Highway Business zoning also includes Barnstable’s first codified requirement to provide parking for bicycles:

*Parking areas shall include provisions for the "parking" of bicycles in bicycle racks in locations that are safely segregated from automobile traffic and parking. For parking areas of 10 or more spaces, bicycle racks facilitating locking shall be provided to accommodate one bicycle per 20 parking spaces or fraction thereof.*

The revised Highway Business zoning codifies current internal practice relative to access management, consistent with the zoning requirements in abutting areas within the Downtown Hyannis Growth Incentive Zone authorized by the Commission:

*Driveways on Route 28, Route 132 and West Main Street shall be minimized. All driveways and changes to driveways shall:*

- i. *Provide the minimum number of driveways necessary to provide safe and convenient vehicular and emergency vehicle access.*
- ii. *Provide shared access with adjacent development where feasible.*
- iii. *Provide a driveway interconnection between adjacent parcels to avoid short trips and conflicts on the main road.*

Additionally, at Site Plan Review, the Town’s request describes that the Town has the following uniform policy for review of the transportation aspects for all proposed private developments:

- Curb cuts are recommended to be closed when appropriate.
- Applicants must confirm sight distances turning into and out of the property meet MUTCD requirements.

- If sidewalks are present on the roadway, plans are reviewed to confirm pedestrian movement throughout the site is adequate.
- Applicants are required to provide trip generation calculations when appropriate.
  - Depending on the trip generation, Applicants may be asked to provide handicap ramps at the driveway to bring awareness to entrance/exit of the development.
- On-site traffic flow is reviewed to ensure safety of vehicles leaving and using parking.
- Applicants are asked to provide driveway interconnections when appropriate.
- Applicants must demonstrate adequate fire department access to and movement through the project site and pavement thickness to accommodate.
- Applicants are asked to provide continuity with Town standard of granite curb cuts and to use the Town's Road Opening Procedure to complete review.
- Applicants are asked to demonstrate continuity with the Disability Commission's standardization of 'Federal Yellow' color for detector pads for handicap ramps.

As the Town continues to plan for development in the Hyannis Economic Center and Hyannis ISTA, the Commission recommends the Town consider incorporating into its development ordinances and regulations for these areas:

- To improve safety, driveways on Route 132 should prohibit left-turn movements through:
  - signage;
  - channelizing islands in the driveway; and
  - where a median is not present, and it is feasible to construct a median, installation of a median.
- To accommodate pedestrians, bicyclists, and transit users, sites on Route 132 should provide:
  - a sidewalk or multi-use path along the Route 132 street frontage;
  - where appropriate, sidewalks or multi-use paths across the site;
  - where appropriate, bus shelters on the site or bus shelters and bus pullouts along the Route 132 street frontage; and
  - where appropriate, dedicate appropriate rights-of-way along the street frontage and/or across the site to accommodate expected future needs for pedestrian, bicycle, and users.

