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Downtown Hyannis Growth Incentive Zone
Decision

1.0 General

As authorized by Sections 6 and 7 of the Cape Cod Commission Act and Chapter G, Growth Incentive Zone Regulations, Barnstable County Ordinance 05-13, the Cape Cod Commission (Commission) hereby designates the downtown Hyannis area, as hereinafter described, as a Growth Incentive Zone (GIZ). The decision is rendered pursuant to a vote by the Commission on April 6, 2006.

2.0 Procedural History

An application to designate the downtown area of Hyannis as a GIZ was submitted by the Barnstable Planning Board through Mr. John Klimm, Barnstable Town Manager, on December 28, 2005. The application was deemed complete on January 19, 2006. The Planning Committee of the Commission pursuant to Section 5 of the Act on March 1, 2006 held a duly noticed public hearing.

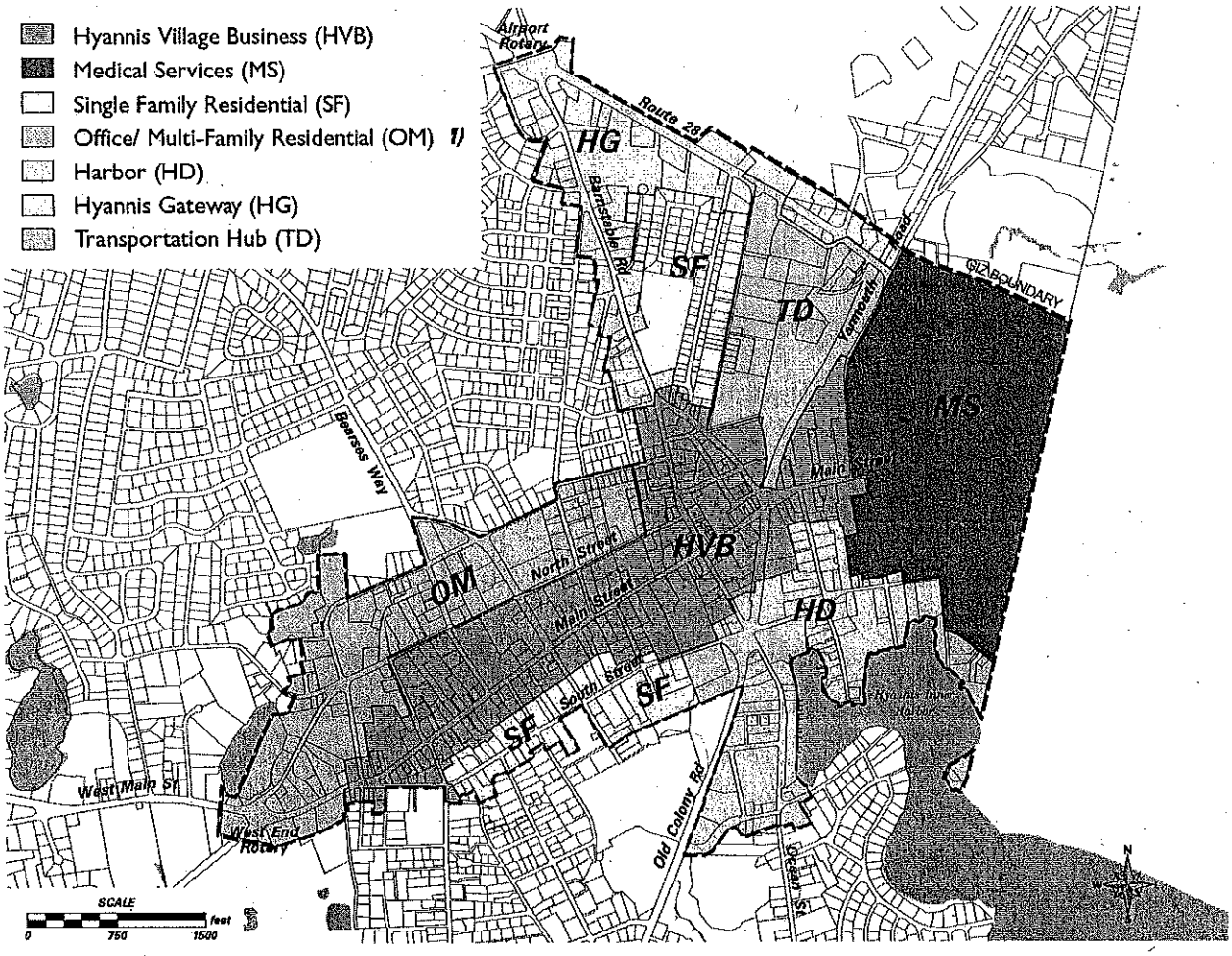
The Planning Committee held a meeting to deliberate on the project on March 14, 2006. After consideration of the application, both written and oral testimony, and information submitted for the record, the subcommittee voted on March 14, 2006 to recommend to the full Commission that the area be designated as a Growth Incentive Zone pursuant to Chapter G of the Growth Incentive Zone Regulations. The subcommittee met on April 3, 2006 to review a draft decision at the Commission office. At this meeting, the subcommittee voted unanimously to forward the draft decision to the full Commission.

A hearing was held before the full Commission on April 6, 2006 to vote on the draft decision. On April 6, 2006, the full Commission voted unanimously to designate the downtown Hyannis area as a GIZ, and to submit the town's cumulative DRI threshold request to the Assembly of Delegates for adoption by ordinance.

3.0 Description of the Area

The boundaries of the downtown Hyannis GIZ are illustrated on Map 1 below. The GIZ corresponds to the downtown Hyannis Village Zoning Districts as amended by the Barnstable Town Council on July 14, 2005. Generally, the area is bounded by Route 28 and the Airport Rotary to the north, the Yarmouth town line to the east, Hyannis Inner Harbor to the south, and the West End Rotary and Aunt Betty's Pond to the west. The proposed GIZ encompasses approximately 448 acres and over 5.5M s.f. of existing building area. The boundary of the GIZ and parcels to be included are highlighted on the

attached map, that includes assessor's parcel data, Map Reference Town of Barnstable Growth Incentive Zone, Barnstable GIS Unit, dated 4/5/06, and on file at the Commission office.



Map 1, GIZ Boundaries
(Courtesy of Growth Management Dept., Town of Barnstable)

The boundaries of the GIZ are identified on the map highlighted above. The following is an outline of the types of zoning districts encompassed within the GIZ map above. Each of the zoning districts as amended by the Barnstable town council in July 2005 is described below based on information contained in the GIZ application:

Hyannis Village Business (HVB): The Hyannis Village Business (HVB) District, which contains much of Main Street, is the core of the GIZ. The zoning in this district allows compact, mixed-use development. To maintain a lively and attractive street front, retail uses are required on the first floor of Main Street between Ocean Street/Old Colony Road and Sea Street. A mix of office and residential uses is encouraged. Multi-family residential units above commercial are allowed between Sea Street and Ocean Street (< 12 residential units per acre). Elsewhere in the district, multi-family is allowed on all floors (≤12 units per acre). Additional multi-family development (≤ 16 units per acre) is

allowed by special permit. This district promotes the redevelopment of downtown by allowing 100% lot coverage and shared parking, with the exception that residential and office uses must demonstrate parking on-site. The district also requires a zero lot line building setback to promote village-style design and prevent auto-oriented, strip development.

Medical Services (MS): Located at the terminus of Main Street and Yarmouth Road, Route 28 and the Yarmouth town line, uses allowed in this district contribute to existing hospital and medical uses and promote a mix of housing opportunities. Single family, multi-family (< 6 units per acre), workforce housing (≤ 12 units per acre) and bed & breakfast residential uses are allowed in addition to medical uses.

Single Family (SF): This district is split into two (2) parts. The northern portion of the district, located between Barnstable Road and Route 28, King's Way and Ridgewood Avenue, is primarily single-family use and will remain as such. The southern portion of this district, along South Street, is primarily residential, with a mix of office uses adapted to residential structures. It is intended that the appearance of commercial uses in this district retain a residential look and scale.

Office/Multifamily Residential (OM): Generally bounded by North Street, the West End Rotary, and the northern and western boundaries of the GIZ, the uses in this district support the central downtown HVB zone. Multi-family (< 12 units per acre), by special permit workforce housing (≤ 16 units per acre), business support services, and office uses are encouraged here.

Harbor District (HD): Consisting of the area immediately surrounding Hyannis Harbor, marine uses are highly encouraged in this district. Hotel, motel and restaurant uses are allowed, however, commercial development of over 10,000 square feet requires special permit approval. Lot coverage and height limitations are the most stringent of all districts within the GIZ. However, height limitations are relaxed for existing marine uses to accommodate marina warehouses and other water-dependent uses. Multi-family uses are allowed by special permit (≤ 7 units per acre).

Hyannis Gateway District (HG): Consisting of two major roadways leading into the GIZ, Barnstable Road and Route 28, this area is the 'first impression' residents and visitors see when entering the downtown. Therefore, the zoning has been changed to improve the appearance and traffic flow of this district. New zoning and Design and Infrastructure Plan requirements include decreased building setbacks, landscape plan, closure of curb cuts, and encouragement of shared driveways and driveway interconnections. With respect to medical and dental clinics and retail uses, by-right uses are determined via a performance based standard; if no additional traffic is generated the use is allowed by right, if vehicle trips per day or peak use is increased a special permit is required. Multi-family is allowed (≤ 4 units per acre) by right, and workforce housing is allowed by special permit for up to 16 units per acre.

Transportation Hub District (TD): Centrally located in the downtown area at Main

Street, Yarmouth Road and Route 28, the TD district currently hosts the regional transportation center. Parcels in the TD district are encouraged for use as parking or transit support. Centrally located parking will encourage walking, biking and alternative transportation modes. Ideally, these parcels will develop into parking that can accommodate alternative transit, long-term parking to the islands, and/or replace parking in the Harbor District and Medical Services District. In addition, this area is identified as a host area for bicycle path and transit development.

In addition to the above zoning districts, a significant portion of the GIZ falls within the Main Street Waterfront Historic District, a local historic district established in 1996. The HHD contains approximately 350 parcels and includes the majority of the HVB district, and portions of the SF district along South Street, the HD district, and the TD district. Within the HHD, all new development, demolitions, and changes to the exterior of existing buildings in public view require Hyannis Historic District Commission approval. All structures within the HHD are presumed to possess significant historic qualities, unless determined otherwise by the Hyannis Historic District Commission (HDC). The HDC reviews projects for their consistency with the Hyannis Main Street Waterfront District Guidelines, and with the Design and Infrastructure Plan, which was based on the historic district guidelines.

4.0 Town's Request for DRI Threshold Modifications

Pursuant to Section 8(a-b) of the GIZ Regulations, the Town of Barnstable has requested a cumulative threshold for development within the GIZ that may proceed without mandatory Development of Regional Impact (DRI) review and approval. The GIZ application is organized in phases from Years 1 – 2 through Year 20 planning scenarios. At this time, the Town is seeking approval of a cumulative threshold for Years 1 – 2 and Years 3 – 5 only, as described in Table 1 below:

Table 1 – Cumulative DRI Threshold Request

Type of Development	Planning Years 1 - 2	Planning Years 3 - 5	Total
Residential Units (Including residential units in mixed-use developments)	267 units	331 units	598 units
Non-Residential Square Feet	194,842 s.f.	390,338 s.f.	585,180 s.f.

A cumulative DRI threshold establishes a cap on the total amount of development allowed within the GIZ before mandatory DRI review is required, such that proposed non-residential and residential development that normally would be considered a DRI under existing thresholds would be not be subject to DRI review until the total amount of development within the GIZ reaches the designated cap/threshold as described in Table 1 above. This type of DRI threshold modification shall require the Town to monitor and

provide regular reports to the Commission on development permits issued within the GIZ. This reporting by the Town is described in conditions G4 and G5 on p. 29 – 30 below.

As part of its application, the Town has requested that the cumulative DRI threshold not include the Cape Cod Hospital. Therefore, development that exceeds existing DRI thresholds on the Cape Cod Hospital would be subject to DRI review or a modification to an existing DRI approval. However, the requested cumulative development thresholds include anticipated Regulatory Agreements within the GIZ boundary.

In addition, pursuant to Section 8(c) of the GIZ Regulations, the following DRI thresholds are not eligible for modification within the GIZ and shall be reviewed as a DRI:

• Any proposed demolition or substantial alteration of an historic structure or destruction or substantial alteration to an historic or archaeological site listed with the National Register of Historic Places or Massachusetts Register of Historic Places, outside a municipal historic district or outside the Old King's Highway Regional Historic District.

• Any development providing facilities for transportation to or from Barnstable County, including but not limited to ferry, bus, rail, trucking terminals, transfer stations, air transportation and/or accessory uses, parking or storage facilities, so long as such auxiliary or accessory uses are greater than 10,000 s.f. of Gross Floor Area or 40,000 s.f. of outdoor area.

• Development requiring an Environmental Impact Report under MEPA.

• Discretionary referrals proposed by the Town and accepted by the Commission as presenting regional impacts.

5.0 Materials Submitted for the Record

The following materials were submitted for the record on the proposed downtown Hyannis GIZ:

Town of Barnstable:

• Undeveloped parcels map within GIZ and spreadsheet – Town of Barnstable GIS Department – 10/18/05
Growth Incentive Zone application form with attachments – 12/28/05
• E-mails from Patty Daley, Barnstable Growth Management Department to S. Rooney – 1/17/06, 2/22/06, 3/21/06, 3/22/06
• Memo w/attachments from Patty Daley to Cape Cod Commission re: compact development factor – 1/18/06
• Letter from Patty Daley to Margo Fenn re: transportation updates, wetlands map – 1/18/06
• Letter from Patty Daley to Margo Fenn re: traffic amendment to GIZ application – 1/31/06

• Amendments to GIZ application – 2/14/06
• Memo from Patty Daley to Cape Cod Commission – 2/23/06
• Draft memo from P. Daley to Cape Cod Commission re: proposed tracking program – 3/9/06
• Notice of public hearing on proposed Design & Infrastructure Plan amendments – received 3/17/06
• Memo from Patty Daley to Cape Cod Commission re: historic preservation amendment to GIZ application – 3/21/06
• Fax containing list of land use codes for tracking system – 3/22/06
• Memo with attached map, Revised Sidewalks/Pedestrian Connections – 3/29/06
• Town of Barnstable Growth Incentive Zone map, Barnstable GIS Unit, dated 4/5/06 received 4/606
• Revised Downtown Hyannis GIZ Design & Infrastructure Plan – 4/4/06, received 4/6/06

Cape Cod Commission:

• Memo to Planning Committee – 2/2/06
• Copy of letter to Ruth Weil, Esq., Director of Growth Management from Margo Fenn re: CDAG grant application – 2/20/06
Cape Cod Commission staff report – 2/24/06
• Letter from Timothy Boesch, Cape Cod Commission, to Stephen Seymour, Barnstable Engineering Department – 3/1/06
• E-mail from S. Rooney to P. Daley – 3/17/06

Letters in support of designation:

• Hyannis Civic Association – February 14, 2006

No letters opposed to the downtown Hyannis GIZ designation were received.

The application and notices of public hearings relative thereto, the Commission staff's notes, exhibits and correspondence, the transcript and minutes of meetings and hearings and all written submissions received in the course of our proceedings are incorporated into the record by reference.

6.0 GIZ Qualifications

The Commission finds that the downtown Hyannis area qualifies as a Growth Incentive Zone pursuant to Section 2 (a – g) of the GIZ Regulations as follows:

a). An area proposed as a GIZ shall be a contiguous geographic area with clearly delineated boundaries...The GIZ shall neither expand nor create strip development, as defined in the Regional Policy Plan (RPP).

The downtown Hyannis GIZ is a contiguous geographic area with clearly defined boundaries that correspond to the downtown Hyannis Village Zoning Districts as amended by the Barnstable Town Council on July 14, 2005 and as described in Map 1, GIZ Boundaries, and Section 3.0, Description of Area.

The July 2005 zoning amendments ensure that the downtown Hyannis GIZ does not expand or create strip development. The Hyannis Village Business (HVB) District promotes the redevelopment of downtown by allowing 100% lot coverage and shared parking, along with zero lot-line building setbacks. The Hyannis Gateway District incorporates decreased building setbacks, curb cut closures, and shared driveways to improve the appearance of major roadways within the GIZ. All commercial districts require parking predominantly to the side or rear of buildings, with a prohibition on drive-through windows, except for banks by special permit. Further, the Town has adopted a Design and Infrastructure Plan (DIP) that provides design guidelines and infrastructure best management practices implemented through Site Plan Review and special permits for new development and redevelopment throughout the downtown area. Enforcement of the DIP and the Hyannis Main Street Waterfront Historic District guidelines will prevent demolition of historic resources and ensure that redevelopment of historically and architecturally significant structures and development in proximity to those structures will protect and preserve significant resources and their context.

b). A proposed GIZ shall contain existing development and infrastructure, with opportunities for redevelopment, infill, and intensification of existing uses. Undeveloped parcels isolated from existing development are not appropriate areas for GIZs and shall be avoided.

The downtown Hyannis GIZ encompasses approximately 448 acres and over 5.6M s.f. of existing building area. The GIZ is characterized by one-and two-story commercial and residential buildings on relatively small lots. The majority of properties within the GIZ are already developed, although significant redevelopment potential exists, particularly as a result of revised zoning. Of the approximately 897 parcels within the GIZ, 100 parcels are undeveloped for a total of 54.55 acres. Of those 100 parcels, 22 are Town or government-owned. The undeveloped parcels in the district are distributed throughout the urban fabric of the district and are not isolated areas from the GIZ itself.

The majority of wastewater generated in the GIZ is disposed of through the Hyannis Water Pollution Control Facility. Planned growth within the GIZ will be concurrent with necessary improvements in wastewater collection, treatment and effluent disposal systems.

Downtown Hyannis is served by an extensive transportation network, including roadways, sidewalks, transit facilities, and marine infrastructure. The Town has implemented several transportation improvements to address operational issues within the GIZ, while other improvements to roadways and intersections are planned within the GIZ study area. The Hyannis Transportation Center is located in the heart of downtown on Main Street and serves as a local and regional bus transportation facility. The GIZ therefore contains substantial existing development and opportunities for redevelopment and infill.

c). A proposed GIZ shall be characterized by the following types of development (existing within the zone or planned, as demonstrated by pending zoning or planning proposals): a compact mix of uses; a broad range of housing types, including multi-family dwellings and accessory apartments; civic and institutional uses; and, pedestrian- and transit-oriented development.

As noted above, the July 2005 zoning amendments were designed to promote mixed-use and compact development, while providing for a broad range of housing types, maintenance of civic and institutional uses, and pedestrian-and transit-oriented development.

The Town of Barnstable has been one of the Cape's most proactive communities with respect to addressing affordable housing needs over the last seven years through, among other measures, its adoption of inclusionary zoning, a housing action plan that was certified by the state, an amnesty accessory apartment ordinance, and aggressive use of town-owned land for affordable housing. The proposed Hyannis GIZ area has been the focal point for much of the affordable housing creation in the Town throughout the years as 37% of the units in the GIZ are affordable. Rental units - the region's priority housing need - account for 99% of the affordable units (including 29 affordable accessory apartments permitted under the amnesty program), and the GIZ area accounts for 38% of the Town's total affordable housing stock. In addition, in some instances the newly adopted zoning provides an incentive, in the form of a density bonus, for workforce housing which is available to households earning not more than 120% of the area median income.

The housing stock in the GIZ area is more diverse than what exists in the rest of the Town and is more diverse than what exists in the rest of the region. About 33% of the units in the GIZ are single family, while about 52% are in structures of five units or more compared with Cape-wide averages of 86% single family units and 6.5% of units in structures of five units or more. Therefore, the proposed GIZ includes a broad range of housing types.

The GIZ contains several municipal and civic buildings including the Barnstable town hall and town offices, school offices and churches, the JFK Museum, Hyannis library, Steamship Authority terminal, and other ferry terminals. Pedestrian amenities, proposed bicycle infrastructure improvements, ferry service and existing transit routes all help create a pedestrian- and transit-oriented downtown area.

d). GIZs shall avoid the following areas, as mapped by the Commission: Potential Public Water Supply Areas, rare species habitat, priority natural communities, wetlands, critical upland areas, unfragmented forest habitat, and land within 350 feet of vernal pools and 300 feet of ponds; and, undeveloped Velocity (V) Zones as designated by FEMA.

While the downtown Hyannis GIZ is located within several sensitive water resource areas, including Hyannis Harbor, which is part of the Lewis Bay embayment system, public drinking water supply wells, and Aunt Betty's Pond, it is not located within a

Potential Public Water Supply Area. The GIZ does not contain any mapped rare species habitat, priority natural communities, unfragmented forest, or critical upland areas. The GIZ is largely previously developed. Undeveloped parcels are distributed throughout the urban fabric of the district such that, generally speaking, the undeveloped parcels provide very little significant habitat. There are some wetlands within the district, but they appear to be on lands that have previously been developed. Aunt Betty's Pond is located partially in the GIZ, with one undeveloped property on its northern shore.

e). A GIZ may include incidental portions of areas identified under Section 2(d) herein for the purpose of maintaining its contiguity provided their inclusion would not pose significant adverse impacts to any of the resources protected under the Act.

As noted above, Aunt Betty's Pond is located partially within the GIZ. However, its inclusion does not pose significant adverse impacts to any resources protected under the Act.

f). A proposed GIZ shall include provisions for adequate infrastructure and services that either exist within the zone or are planned, as demonstrated by pending proposals. Such provisions shall be timed to meet the demand created by new development. Adequate infrastructure shall include:

1. *Demonstrated capacity to provide public water supply for maximum day demand periods.*

The town recently purchased the Barnstable Water Company water supply wells, lands, and water distribution system. This system has sufficient capacity for the growth planned in the GIZ during Years 1 - 5. The Town has a number of planned activities to update the supply system, including testing distribution system constraints and updating main and selected distribution lines, as well as activities to reduce existing demands by encouraging water conservation measures.

2. *Infrastructure consistent with the goals and standards set forth under the RPP for a) collection and treatment of wastewater and effluent disposal and, b) management of stormwater runoff.*

New development within the GIZ will have wastewater treatment provided by the Hyannis Wastewater Treatment Facility (WWTF). Projected Title 5 wastewater flows in the GIZ for Years 1-5 are approximately 220,000 gallons per day. Adequate treatment and effluent disposal are available with continued mitigation measures.

Hyannis currently has a centralized municipal stormwater collection system that handles flow from public properties and roads along with selected private parcels. Individual properties are required to infiltrate their own stormwater on site. The DIP incorporates Low Impact Development criteria for stormwater design. Further, planned capital improvements to eliminate direct stormwater discharges to Hyannis Harbor and increase

the capacity of the system to address larger storms will provide adequate infrastructure and services.

3. *Transportation infrastructure, including transit, bicycle, and pedestrian provisions to reduce the number of automobile trips made within the GIZ, as well as roadway, parking and circulation improvements, to accommodate expected traffic flow.*

Findings T5 – T11 on p. 22 - 23 demonstrate that adequate transportation infrastructure exists to accommodate expected traffic flow for Years 1 – 5 of GIZ development.

4. *Sidewalks or other pedestrian facilities along all regional roadway frontage.*

Finding T9 on p. 23 demonstrates that the GIZ has adequate existing or planned pedestrian facilities along all regional roadways.

5. *Marine/maritime infrastructure, where applicable, to ensure the continuance of traditional maritime industries.*

Hyannis Harbor is a heavily used municipal harbor facility. The harbor supports regionally significant services and attributes including public and private marinas, vessel fueling and service facilities, a commercial fishery and attendant infrastructure, and ferry service to Martha's Vineyard and Nantucket.

g). Development reduction measures (offsets) including downzoning, overlay districts, transfer of development rights, and/or conservation restrictions shall be provided outside the GIZ to offset the potential for increased development within the GIZ. The offsets shall be provided in clearly delineated geographic areas outside of the GIZ and may be provided inside or outside of the town where the GIZ is located, depending on the characteristics of the GIZ. Land purchased no more than 3 years prior to the date of the GIZ application may be eligible for consideration as an offset.

The Town has proposed a combination of open space acquisitions and residential downzoning to offset 347 residential units under Years 1 – 5 of the GIZ. The GIZ regulations require additional development reduction measures to provide a commercial offset commensurate to 162,946 s.f. of commercial space. See Section 7.2, p. 25 – 27 for additional discussion of proposed offsets.

h). A proposed GIZ shall be consistent with the following documents:

1. *The town's certified Local Comprehensive Plan.*
2. *The goals of the 2002 RPP.*
3. *The Cape Cod Regional Transportation Plan.*

LCP Consistency

Proposed development within the GIZ is consistent with the goals and policies of the 1997 Barnstable Local Comprehensive Plan, as follows:

Section 1.7, Activity Centers

Policy 1.7.1: Development and redevelopment should be directed to village, regional and industrial "activity centers" that have sufficient carrying capacity to sustain the impacts of growth, or where provisions are made for infrastructure prior to activity taking place. (RPP 1.1.4) The GIZ application presents evidence of carrying capacity to sustain growth in the zone.

Policy 1.7.2: Compact forms of development such as cluster development and redevelopment within designated "activity centers," and, where appropriate, mixed use residential/commercial development shall be given preference in order to minimize further land consumption and to protect open space. (RPP 1.1.1) The GIZ application promotes compact, mixed-use zoning.

Policy 1.7.3: Provide a high quality of design and community character compatibility within "activity centers". The Downtown Hyannis Design and Infrastructure Plan addresses design and compatibility of new development and redevelopment.

Policy 1.7.7: Adequate infrastructure, including water and sewer, shall be provided by public and private means in designated Activity Centers to support the levels of density and development set forth in this Plan. (RPP1.1.6) The GIZ area has adequate water and sewer services.

Policy 1.7.10: Streamline and simplify the permitting process for land uses that are consistent with the above themes. The GIZ designation will assist in streamlining the permitting process in downtown Hyannis.

1.7(4) Hyannis Main Street, Growth Management Strategies include growth for Main Street through redevelopment/reinvestment, and infill. Linkage of this area's historic character with the preservation of traditional maritime uses at Hyannis Harbor is a critical step. The GIZ promotes redevelopment, reinvestment and infill and addresses historic preservation and marine uses.

Growth Management Strategies include growth for Main Street through redevelopment/reinvestment, and in-fill. Linkage of this area's historic character with the preservation of traditional maritime uses at Hyannis Harbor is a critical step. The Town's vision for this activity center includes:

- Preservation of traditional "Main Street" village atmosphere, expansion of businesses and redevelopment of under-utilized areas. Implementation of a "Walkway to the

Sea" connecting Main Street with Hyannis Harbor visually and physically. Promotion of public events and activities. Improvement of parking and transportation.

- Implement a Hyannis Village Local Historic District.
- Improve and emphasize the pedestrian environment for both residents (linkage to the neighborhoods) and tourists (street furniture and landscaping).
- Tourist uses (retail) should be balanced with the needs of the village residents to maintain a year-round center. Office and professional uses should be encouraged in the PRD District to address medical service needs. A grocery store is also needed.
- Integration of all transit providers within a multi-modal transportation system.
- Provide activity centers for the young and the elderly, and create recreational open space areas in neighborhoods.
- Retain Town government offices in the downtown area to maintain Hyannis Main Street as the center of the Town. Town Hall is an important economic asset to the viability of this area.
- Provide for a mass transit link such as a bus linkage to other activity centers.

1.7(27), Activity Centers, Port Activities – Growth Management Strategies include reduction and removal of parking areas around the harbor and the development of off-site parking areas linked by a shuttle service, which also links the downtown, beaches, the airport and transportation center. The newly created Transportation Zoning District will assist in meeting this goal.

Goal 1.0, Hyannis Village – Revitalize the commercial areas of Hyannis, consistent with the need for economic development and reinvestment. The zoning and GIZ designation are designed to revitalize the economy of Hyannis.

Goal 2.0 Hyannis Village – Provide a set of development and redevelopment incentives to land owners within the designated activity centers, consistent with the goals and policies of the Local Comprehensive Plan. The zoning and GIZ designation are designed to revitalize the economy of Hyannis.

Goal 4.0 Hyannis Village – Provide for land use relationships based on pedestrians and multi-modal transportation as a primary means of access within the village, town and regional center. The GIZ promotes pedestrian scale and pedestrian oriented development.

Goal 5.0 Hyannis Village – Improve the existing transportation system deficiencies, including circulation, parking and access in and around Hyannis so that the area downtown can function as a viable commercial center with livable neighborhoods and as a tourist destination center. The GIZ addresses parking and access, as well as Hyannis downtown roadways.

Goal 7.0 Hyannis Village – Provide fair, decent, safe and affordable housing which meets the present and future needs of all Hyannis residents of all income levels consistent with the town's architectural design guidelines. The GIZ area contains a diverse residential base, with the new zoning promoting further diversity.

Goal 8.0 Hyannis Village – Encourage and assist both water dependent and water related land uses within the Hyannis Inner Harbor area that provide for marine dependent uses and facilities at the water edge, and a diverse mix of cultural, recreational and water related commercial activities on the surrounding uplands, linked by a pedestrian oriented environment. The zoning and Design and Infrastructure Plan promote appropriate pedestrian-oriented harbor uses.

Goal 12.0 Hyannis Village – Support applicable Goals and Policies of the Town of Barnstable Open Space Plan by continuing the analysis of recreational needs for the Village and developing plans and funding sources to fulfill those needs. The Town is investing in its public parks and open spaces as discussed in the GIZ.

RPP Consistency

The downtown Hyannis GIZ is consistent with the goals of the 2002 RPP as follows:

Water Resources

Goal 2.1.1 – Maintain overall quality and quantity of Cape Cod's groundwater: Planned activities for Years 1 - 5 of GIZ development utilize existing public water supply and wastewater treatment infrastructure.
Goal 2.1.2 – Encourage use of public and private treatment facilities: Planned activities for Years 1 - 5 of GIZ development utilize existing public wastewater treatment facilities.
Goal 2.1.3 – Protect water quality through stormwater treatment: Planned activities for Years 1 - 5 of the GIZ utilize the existing public stormwater system, and implement low impact development best management techniques.

Coastal Resources

Goal 2.2.1 – Protect public and traditional maritime interests and access to the coast: Given the minimal new development anticipated within the Harbor District during Years 1 – 5 of GIZ development, revised zoning and local resource protection ordinances will ensure this goal is met.
Goal 2.2.2 – Limit development in high hazard areas: Existing local controls will apply to development proposed to occur within coastal high hazard areas.
Goal 2.2.3 – Maintain and improve coastal water quality: Activities resulting from initial GIZ designation will not adversely impact coastal water quality or habitat value. The local wetlands ordinance, which is more stringent than the State Act will ensure that water quality is protected. Additional protections from development of a local harbor plan will ensure that water quality is protected as additional development takes place in future phases of the GIZ.

Natural Resources/Open Space

Goal 2.3.1 – Preservation of wetlands: The local wetlands ordinance ensures preservation of wetland interests within the GIZ, and stormwater management plans will improve wetland resources.
Goal 2.4.1 – Preservation of habitat: The GIZ does not contain significant sensitive habitat types. Much of the open land in the district was previously disturbed, and is fragmented.
Goal 2.5.1 – Preservation of open space: The Town has focused on the acquisition of strategic parcels outside the GIZ for water supply protection, habitat protection, and growth management since the passage of the Land Bank.
Goal 2.5.2 – Creation of recreational opportunities: The Town proposes parks and open space within the GIZ as public amenities, and has used Land Bank funds to acquire lands for passive recreational use outside the GIZ in the past.

Economic Development

Goal 3.1 - Encourage businesses that are compatible with Cape Cod's environmental, cultural, and economic strengths in order to ensure balanced economic development: Overall, the intent of the Hyannis GIZ as proposed and conditioned herein will encourage a broad range of commercial activity in downtown Hyannis and is, therefore, consistent with this economic development goal and with the Act's intent to encourage economic diversity.

Goal 3.2 - Locate development so as to preserve the Cape's environment and cultural heritage, minimize adverse impacts, and enhance the quality of life: pending the completion and successful implementation of an commercial offset strategy to shift commercial development to downtown Hyannis, as conditioned in this decision, the Hyannis GIZ as proposed will be consistent with RPP Goal 3.2.

Goal 3.3 - Encourage the creation and diversification of year-round employment opportunities: the Hyannis GIZ as proposed and conditioned herein will allow greater economic diversity that will, in turn, expand opportunities for year-round employment.

Transportation

Goal 4.1.1 – Maintain acceptable level of safety on all roads: Safety studies of area intersections were conducted and the two locations exceeding state crash rates will be studied and redesigned in the Hyannis Access Study. Sidewalks and crosswalks are included throughout the GIZ area. Further, pedestrian signals with activation are included in most, if not all, of the signalized intersections in the GIZ area currently, and all new and reconstructed signals will include these provisions.

Goal 4.1.2 – Reduce expected increase in motor vehicle trips: The GIZ is designed to be compact, multi-use, and dense enough to facilitate non-automotive trips. Sidewalks,

crosswalks, bicycle amenities, transit lines, the transportation center, and ferry port are all included in the GIZ and facilitate trip reduction; and a Transportation Management Association (TMA) as further described herein will be instituted to further promote trip reduction.

Goal 4.1.3 – Maintain Level of Service and address congestion impacts: The GIZ includes several new or rebuilt traffic signals to facilitate traffic flow. The Town is planning a coordinated traffic control system for the downtown area; and, the access roads leading to Hyannis are the focus of a state Hyannis Access Study which will address key congestion points such as the Airport Rotary, the intersection of East Main and Route 28, and the intersection of Yarmouth Road and Route 28.

Affordable Housing

Goal 5.1 – Promote fair, affordable housing: The GIZ promotes the provision of fair, decent, safe, affordable housing through its adoption of inclusionary zoning, a housing action plan that was certified by the state, an amnesty accessory apartment ordinance, and aggressive use of town-owned land for affordable housing.

Goal 5.2 – Promote equal opportunity in housing: The GIZ meets this goal through its adoption of inclusionary zoning, a housing action plan that was certified by the state, an amnesty accessory apartment ordinance, and aggressive use of town-owned land for affordable housing.

Goal 5.3 – Encourage development of innovative strategies: The GIZ meets this goal through its adoption of inclusionary zoning and an amnesty accessory apartment ordinance and its zoning incentives to provide workforce housing.

Goal 5.4 – Integrate affordable housing with environmental protection: The GIZ meets this goal through its Design and Infrastructure Plan.

Heritage Preservation/Community Character

Goal 6.1 – Protect and preserve historic and cultural features: The Hyannis Main Street Waterfront Historic District, a local historic district established in 1996, covers a large part of the proposed GIZ and provides protection to the historic structures within its boundaries from demolition and inappropriate alteration. Outside the historic district, historic structures receive limited protection from the Barnstable Demolition Delay Ordinance. The goals of the Design and Infrastructure Plan provide an overarching goal of preservation of historic and cultural features within the GIZ.

Goal 6.2 – Encourage redevelopment and respect distinctive character of historic village centers: The guidelines of the Hyannis Main Street Waterfront Historic District and of the Design and Infrastructure Plan direct new development and redevelopment in forms that are appropriate with the character of the historic district and with the distinctive aspects of Hyannis village center.

Consistency with Regional Transportation Plan

The downtown Hyannis GIZ is consistent with the following 2003 Cape Cod Regional Transportation Plan goals:

Goal 1 – Maintain the Existing Transportation System: Main Street has recently been rebuilt including significant sidewalk improvements. The GIZ infrastructure plan includes traffic signal upgrades, roadway reconstruction, and sidewalk reconstruction and pedestrian and bicycle amenities, which are consistent with this goal.

Goal 2 – Develop Alternatives to the Automobile: The GIZ includes trip reduction programs, a Transportation Management Association as further described herein, and sidewalks and bicycle racks. The Hyannis Transportation Center and parts of several fixed bus routes are central components of the GIZ, all of which are consistent with this goal.

Goal 3 – Integrate Land Use and Transportation Planning: The GIZ supports higher density development in a defined concentrated development area which includes public transportation; the GIZ includes a centralized area for new parking lots and structures to replace lots and reduce traffic congestion currently impacting community character as well as providing improved parking management; the GIZ encourages alternative mode transportation and transit oriented development; and the GIZ anticipates future mobility needs through pedestrian, bicycle, and transit infrastructure.

Goal 4 – Develop Transportation Options that Maintain the Cape's Natural Environment: The GIZ includes infrastructure consistent with community character, emphasizes sustainable transportation modes, includes landscaping, pedestrian, and bicycle amenities, and supports a broad range of transportation options in a village center.

7.0 Standard of Review

Pursuant to Section 6 of the GIZ Regulations, to receive approval for a proposed GIZ, a town applying for such designation must demonstrate the following to the Commission:

> *1. That the proposed GIZ can accommodate additional growth without harming the resources protected under the Act and the RPP; and,*
>
> *2. That increases in development potential and intensification of use within the GIZ will be offset by a commensurate reduction in development potential and reduced intensification of use in specific offset area(s) outside the GIZ. Offsets shall be proportional to increases in development potential inside the GIZ and may be measured in terms of acres or units for residential development or square feet for commercial development, based on the characteristics of the area(s) to be protected; and,*

3. That the proposed GIZ is consistent with the criteria set forth under Section 1(b) (Purpose) and Section 2 (Qualifications of GIZs) of these regulations.

4. Where a town has requested modification of DRI thresholds within its proposed GIZ, the Commission shall consider whether sufficient review standards and mitigation measures, including appropriate infrastructure, will be provided to ensure that local review will protect resources that otherwise would be protected under the RPP. The Commission may approve a DRI threshold modification request where it finds that such threshold modification is appropriate for achieving the purposes of the GIZ.

7.1 Analysis of Resource Impacts

The findings below address the resource impacts anticipated by the downtown Hyannis GIZ and how those impacts are proposed to be mitigated or otherwise protected through local review standards. References to "years" are to planning scenario years presented in the GIZ application, unless otherwise indicated.

Water Resources

WR1. Among the protected resources that will be impacted by wastewater and stormwater generated within the proposed Hyannis GIZ are: 1) Hyannis Harbor, which is part of the Lewis Bay embayment system, 2) public drinking water supply wells, and 3) Aunt Betty's Pond. The impacts projected for Years 1 – 5 of GIZ development will not harm these resources provided the town completes planned management activities as noted in Chapter 6 of the GIZ application. Planned growth beyond Year 5 will require additional management activities as identified in Chapter 6 of the GIZ application.

WR2. The Town currently plans to address wastewater impacts on the Hyannis area public water supply wells through additional sewering to be completed under the implementation of the town's Facility Plan. Water quality monitoring of Lewis Bay and Hyannis Harbor is currently underway and results will be used in the Massachusetts Estuaries Project (MEP) assessment planned for later this year. The MEP results will eventually result in a nitrogen-loading limit that will later be officially adopted through state procedures as a regulatory limit [i.e., a Total Maximum Daily Load (TMDL)]. Aunt Betty's Pond currently receives stormwater overflow from the system that runs along North Street. The Town has long-term plans to reduce the overflow by reconstructing the system to encourage infiltration along the existing stormwater system.

WR3. New development within the GIZ in Years 1-5 will have wastewater treatment provided by the Hyannis Wastewater Treatment Facility (WWTF). Projected Title 5 wastewater flows in the GIZ for Years 1-5 are approximately 220,000 gallons per day (65,453 gpd in Years 1-2 and 154,472 gpd in Years 3-5). Total flows likely for a 20-year GIZ planning horizon were not included in the application package.

WR4. The current treatment capacity at the Hyannis WWTF is 2.7 million gallons per day (MGD), but this will be expanded to 4.2 MGD following facility upgrades and improvements planned to commence this summer. Average flows at the WWTF in July and August of last year were 2.5 MGD and 2.6 MGD, respectively. Maximum daily flows during the same months were 2.72 MGD and 2.86 MGD, respectively.

WR5. Addition of 220,000 gpd (or 0.22 MGD) from the GIZ to the average August 2005 flow of 2.6 MGD would result in a new maximum month flow at the WWTF of 2.8 MGD. This flow is similar to the projected 2014 flow (or full buildout) estimated by the Town for the existing sewered area during the most recent Facilities Planning discussions and in the GIZ application (Table 8-A, p. 44). The existing 2014 sewered area allocation includes 0.4 MGD of treatment capacity for Independence Park and 0.3 MGD for infilling along existing sewer lines. Treatment flows for Years 1-5 for the GIZ are proposed to come from a portion of the allocation reserved for infilling along existing sewer lines and future flows to Area of Concern CE-3 (no longer an Area of Concern as identified by the Board of Health), the Lorusso gravel pit area, and areas adjacent to existing sewered areas.

WR6. The Town has been effectively managing mitigation for a number of years and it is anticipated that flows associated with GIZ development in Years 1-5 will fit within existing mitigation measures. Additional discharges at the WWTF site raise some management issues during high groundwater periods. Regional groundwater levels have not approached historic highs since 1997-1998. The Town developed a number of contingency activities, including the exploration of off-site discharge (e.g., the recent proposal with the McManus property) and purchase of nearby low-lying properties to address potential impacts. The Town continues to plan for mitigation contingencies, including the development of alternative discharge sites.

WR7. Development of effective mitigation for flows beyond Year 5 of the GIZ will require addressing all mitigation contingencies, including those developed within the Facilities Plan and Nutrient Management Program. These activities include managing water level issues around the WWTF, development of an allocation policy for sewer treatment capacity, mitigation of any offsite discharge impacts, and management of nitrogen impacts on Lewis Bay and Hyannis Harbor. Calculation of additional future wastewater flows (years 6-20) within the GIZ area and how these will be treated are not addressed in the application materials. Since it is anticipated that many of these issues will be addressed in the Facilities Plan and the Nutrient Management Program, the link between the need to complete these activities and the future GIZ activities is clear.

WR8. Hyannis currently has a centralized municipal stormwater collection system that handles flow from public properties and roads along with some private parcels that have historically been connected to the system and do not have sufficient land to properly dispose of stormwater on-site. Individual properties are required to infiltrate their own stormwater on site. In order to implement the GIZ, the Town has developed a series of best management practices, based largely on Low Impact Development criteria, which are incorporated into the Design and Infrastructure Plan for Hyannis. The town has also

been working through a series of capital improvement projects to eliminate direct stormwater discharges to Hyannis Harbor and increase the capacity of the system to address larger storms.

WR9. Although likely reductions in stormwater contaminants associated with the treatment improvements is not quantified in the GIZ application materials, the design criteria reflect best management practices and any likely increases in impervious surfaces and their associated pollutants would be addressed by continued improvements in the stormwater system planned for GIZ in Years 1-5 and use of these design criteria. More quantitative analysis of likely contaminant reductions should be completed prior to approval of the subsequent phases of the GIZ. Further assessment should include quantification of stormwater impacts on Stewart's Creek and Aunt Betty's Pond. This assessment shall include, at a minimum, quantification of rainfall, flow and contaminants associated with current conditions and any planned upgrades to stormwater systems discharging to these resources. Other options for protecting drinking water supplies from stormwater impacts have been discussed, including analysis of the potential to remove stormwater discharge from the Zone II area in the Transportation Hub portion of the GIZ. Options to remove this source from the Zone II should be developed prior to the next phase of the GIZ.

Natural Resources/Open Space

NR1. There are very few wetlands located within the proposed GIZ, and fewer still on land that has not already been developed. While efforts should be made to improve protections to these resources, there are very few situations within the GIZ where the RPP's wetland and wetland buffer standards would provide more protection than what is provided in the Barnstable wetlands ordinance. There are no portions of the GIZ that are mapped rare species habitat, while about a third of the GIZ is mapped as Significant Natural Resource Area for public water supply wellhead protection purposes only. One privately held parcel with wetlands on Aunt Betty's Pond may have some development potential, but permitting through the Town should afford adequate wildlife habitat protection.

NR2. The cumulative DRI threshold modification will not result in impacts to regionally significant habitat. In addition, according to the GIZ application, the Town has already taken steps to improve wetlands from stormwater impacts (removing direct discharge) and has other improvements planned.

NR3. Given the developed nature of the GIZ, there are relatively few parcels of land, which if reviewed as DRIs would result in significant amounts of protected open space. Forgoing the review of DRIs in the mapped Significant Natural Resource Area may result in more impervious area within the GIZ. However, the Town has made and proposes several efforts to create parks and open areas within the GIZ to provide open space for water supply protection and stormwater recharge. The town should identify funding alternatives for the park and open space improvements proposed. Finally, the Design and

Infrastructure Plan encourages the creation of a linked open space system building on existing open spaces.

Coastal Resources

CR1. The lands adjacent to Hyannis Harbor support a historic commercial fishery that remains active, and thus deserves protection. The area also provides public access to the coast, marine recreation, and supports marine-related commerce. Regional public interests deserving of special protection include environmental protection, public access, and the protection of marine infrastructure. Threats to these interests include loss of infrastructure that supports commercial fishing (such as facilities for hauling catch and maintaining commercial fishing vessels), loss of public access including parking or pedestrian access, and loss of affordable docking and mooring facilities for local fishermen and mariners. The Town has taken steps over the years to address these threats, including purchasing Aselton Park as public open space, repairing bulkheads at Aselton and Bismore Parks, and installing new street meters and an expanded sidewalk at Bismore Park. The Town also acquired the Baxter property on the Hyannis Inner Harbor and subsequently demolished the existing buildings to create public access, and is investigating the next steps to rebuilding the existing commercial dock and improving drainage. The Downtown Hyannis Design and Infrastructure Plan is proposed to be amended to include a requirement that development near the harbor will create and preserve views and pedestrian ways to the water for the benefit of the public. The Design and Infrastructure Plan may be amended to include a requirement that development near the harbor will be reviewed for impacts on views from the water.

CR2. Hyannis Harbor is a heavily used municipal harbor facility. The harbor supports regionally significant services and attributes including public and private marinas, vessel fueling and service facilities, a commercial fishery and attendant infrastructure, and ferry service to Martha's Vineyard and Nantucket.

CR3. Hyannis Harbor has been impacted by existing and historical uses and maintenance activities such as dredging and armoring, the operation of diesel engines, and discharges of stormwater. As such, Hyannis Harbor does not currently support high-quality habitat for shellfish or submerged vegetation. Additional development may affect the habitat, character, and economics of Hyannis Harbor and the Lewis Bay System. To address these issues, the Town has installed various stormwater infiltration improvements at Pleasant Street, School Street, and South Street and is planning stormwater infiltration at Bay Shore Road. In addition, impacts from additional development are addressed by prior and planned municipal projects and regulations, and in the conditions attached to this decision.

CR4. Buildout calculations submitted with the GIZ application indicate that minimal new development is anticipated within the Harbor District during Years 1 – 5 of GIZ development.

Economic Development

ED1. In terms of economic development, the Hyannis GIZ can accommodate additional growth while enhancing the regional economy by providing a broader array of development and business opportunities, through the mixed use zoning within the GIZ combined with the off-set of commercial development outside the GIZ. Furthermore, the proposed GIZ, as conditioned, will provide sufficient review and mitigation measures to "encourage a balanced economy" as required under the Cape Cod Commission Act.

ED2. The proportional offset of commercial development outside the GIZ will contribute to the overall success of the Hyannis GIZ. Relative to the surrounding area, Downtown Hyannis has both competitive advantages that must be preserved, and competitive disadvantages that will need to be mitigated. The comparative advantages of downtown Hyannis include its historic character, the harbor area, the diversity of existing uses and potential uses under zoning, the sewer infrastructure and alternative transportation options. These advantages should be promoted as part of the GIZ efforts to draw development downtown. In some cases, the strength of these advantages, even with the removal of Cape Cod Commission review and the associated costs therein, may not be sufficient to equalize development and maintenance costs for commercial land downtown relative to commercially zoned areas outside the GIZ. Success of the GIZ is dependent on developing and implementing a strategic plan to reduce development potential in these areas, thus shifting appropriate development from outside to inside the GIZ.

ED3: Prior to applying for GIZ designation, the Town considered a package of land use regulations that would have slowed, and potentially reduced, some commercial development outside the GIZ, as per Section 1(b) of the GIZ regulations. While only some of the proposed land use efforts where adopted, the Town has shown serious intent and commitment to complying with the GIZ offset requirement. The Town's offset strategy will attempt to shift appropriate economic activity to downtown from outside the GIZ and will be designed to offset approximately 162,947 s.f. of commercial development outside the GIZ. Methods considered for reducing commercial development outside the GIZ should include:

- Transferable Development Rights
- District of Critical Planning Concern
- Land Acquisition or conveyance
- Performance Zoning
- Priority Permitting
- Commercial Cluster Zoning

Completion and implementation of a commercial development offset strategy will fully demonstrate compliance with review standards 2 and 3 listed in Section 7.0.

Transportation

T1. The Town seeks to add approximately 585,200 square feet of commercial space, of which 425,600 is forecast to be general office space and 159,600 is forecast to be retail space, and approximately 600 residential units based on a two-bedroom residential unit measure. According to the town's traffic consultant, this increase in development will generate:

21,500 New Weekday Trips
2,060 New Weekday Afternoon Peak Hour Trips
2,280 New Saturday Midday Peak Hour Trips

This represents an increase of about 14% to17% over current traffic generation.

T2. A traffic study of the proposed development covering 10 major intersections showed the weekday afternoon peak hour is busier and more congested than the Saturday midday peak hour. The Airport Rotary (intersection of Route 28, Route 132, and Barnstable Road) currently has a Level of Service (LOS) "F" and the remaining 9 intersections operate at LOS D or better.

T3. For the Year 1-2 Scenario, operations at the Airport Rotary continue to worsen while the other 9 intersections operate at LOS D.

T4. For the Year 3-5 Scenario, operations at the Airport Rotary further decline, the operations at the west end rotary (intersection of Main Street, West Main Street, Scudder Avenue, and North Street) degrade to LOS F, and the remaining 8 intersections operate at LOS D or E.

T5. The applicant proposes to raise the walk/bike/transit share from 9% of all trips in the GIZ to 12% of all trips (a 33% increase) through changes in land-use mix to increase the residential component of downtown development, facilities improvements, and trip reduction plans. To ensure the success of the program, the Town has agreed to join the MassRides program prior to the issuance of Certificate #1, and to form an area-wide Transportation Management Association, install sidewalk segments to complete certain sidewalks, and install bicycle racks along Main Street and in the Harbor District before Years 3-5 development. With this increased use of alternative transportation modes, the operational failure of the West End Rotary should not take place until after Years 3-5 of GIZ development.

T6. The Town has recently implemented several transportation improvements to address operational issues including:

- Installed new traffic signals at Center Street and Winter Street on Barnstable Road and new turning lanes;
- Upgraded traffic signals on North Street which automatically adjust for traffic demand and make future interconnectivity possible;

- Removed the "East End Rotary" at Park Square (Main Street, Camp Street, and Lewis Bay Road) and replaced it with an automatically adjusting traffic signal and new turn lanes;
- Upgraded traffic signals along Main Street at Barnstable Road, High School Road Extension, and Sea Street, which automatically adjust for traffic and make future interconnectivity possible.

Upcoming projects to address operational issues include:

- Upgrade traffic signals at Main Street and Center Street and at the South Street, Old Colony Road, Ocean Street intersection (2007 - 2008);
- Upgrade traffic signals at the South Street and Sea Street intersection (2008);
- Construct downtown traffic computer modeling and central signal control system (Begin Spring 2007) and implement centralized control (Spring 2010).

The traffic signal upgrades should be under construction before Years 3-5 GIZ development, not including implementation of centralized signal control.

T7. At the request of the Town, the state is conducting a Hyannis Access Study that will include detailed transportation modeling of the access routes to the GIZ area including Route 132, Route 28, Yarmouth Road, West Main Street, East Main Street, the Airport Rotary and a potential new Route 6 exit. The Town will cooperate with the state to support completion of the study before Years 3-5 GIZ development. The town expects Airport Rotary improvements to commence in fiscal years 2009-2010.

T8. Crash history and crash rate studies were conducted for all 10 main intersections within the downtown Hyannis GIZ study area. The results showed both the Airport Rotary and the intersection of Route 28 and East Main Street (Yarmouth) have a higher than average crash rate. The Hyannis Access Study will analyze and propose improvements to both of these locations. The study is expected to be complete before Years 3-5 GIZ development.

T9. The proposed GIZ area has an extensive sidewalk and crosswalk system. Nearly all regional roadways in the area have sidewalks on at least one side. Significant gaps exist along Stevens Street between High School Road and Basset Lane, North Street between Stevens Street and the West End Rotary, and Route 28 from the Airport Rotary to the Yarmouth town line. With the exception of Route 28 sidewalks, the Town expects to complete these sidewalk improvements on regional roadways before the Years 3-5 GIZ development. Since Route 28 will be included in the larger Hyannis Access Study, the Town will work with the state to ensure that conceptual sidewalks plans will be included for this area. It is anticipated that the Study, including a conceptual Route 28 sidewalk plan, will be completed before the Years 3-5 scenario, however, installation will likely occur after the Years 3-5 year scenario.

T10. Studies of downtown have shown sufficient amounts of parking for the demand. However, better management of the parking is needed. Also, the town proposes to use

the Transportation District to create more parking for the downtown area. Consequently, the parking supply will be sufficient for the demand created by the GIZ.

T11. The town has committed to and will install bicycle racks in the GIZ area.

Affordable Housing

AH1. Given the increased cumulative threshold request of 267 residential units in Years 1-2 and 331 additional units in Years 3-5, the affordable housing analysis must determine per Section 6(b) of the GIZ regulations whether there are sufficient local review standards and mitigation methods to protect the resources that otherwise would be protected under the RPP. The Commission's 10% affordability requirement is triggered by mixed-use projects of 20,000 square feet and by residential projects of 30 units, lots, or acres.

AH2. The Town adopted an inclusionary zoning ordinance in 1999 that requires 10% affordability for all residential projects that include 10 or more units or lots. Unlike the RPP that requires that the 10% of the units be calculated by rounding up, the Barnstable ordinance gets rounded up at the midpoint of the range. While it is impossible to predict the amount and size of residential development that will occur should the GIZ be designated, it is likely that there will be a somewhat smaller number of affordable units created in mixed-use projects under the GIZ than under the RPP. For example, on projects from 11-14 units, the inclusionary ordinance would require one affordable unit, whereas the RPP would require two. This potential loss of units will likely be made up from residential projects of 10 – 29 units. In those developments, the inclusionary ordinance will capture some affordable units in projects that would not have been subject to the RPP. Therefore, it is likely that approximately the same number of affordable units will be created under the GIZ as would have been created under the RPP. The town should provide data on project size and affordable units created under the GIZ so that the Commission can document the impact upon the amount of affordable housing.

Heritage Preservation/Community Character

HP1. There are numerous historic resources within the Hyannis GIZ, both inside the Hyannis Historic District and outside the historic district. The town has a variety of measures in place to protect historic resources. The most important existing protection is the Hyannis Historic District, which has the power to deny development that does not preserve historic properties or that is inconsistent with the character of the historic district. This will be important in protecting historic resources from the additional pressure for redevelopment posed by the recent zoning changes and increased density allowances, especially in the HVB district. The town also has a Demolition Delay Ordinance that provides limited protection to historic resources located outside the historic district. The Design and Infrastructure Plan also includes guidelines directed toward preservation of historic resources within the GIZ.

HP2. The Design and Infrastructure Plan adopted by the Town in September 2005 provides a series of design guidelines and infrastructure best management practices implemented through Site Plan Review and special permits for new development and redevelopment throughout the downtown area. The design guidelines include standards for breaking down building mass, landscaping, lighting, green building design, and other issues consistent with the RPP standards for community character. The DIP will help to ensure that the Town has sufficient local review standards for development of the GIZ.

HP3. The Town has agreed to additional means to protect historic resources and community character within the GIZ. They have committed to additional historic inventory work, including a more detailed inventory of commercial buildings within the historic district to support the work of the Historic District Commission. The town has also proposed an historic inventory of properties within the GIZ but outside the Hyannis Historic District. Both of these inventories will help to protect these properties from inappropriate change or demolition due to increased development pressure. Until the inventory work is completed, however, the Town planning staff and Barnstable Historical Commission have agreed to seek comments from the Massachusetts Historical Commission and/or Cape Cod Commission when there are questions regarding the historic significance of a property considered for redevelopment. In addition, the Town has agreed to add language to the Design and Infrastructure Plan to clarify the Town's intent to preserve significant historic properties even when a site's redevelopment potential would be limited by their preservation.

HP4. The Town has committed to referring properties listed on the National Register of Historic Places and not located within the Hyannis Historic District to the Cape Cod Commission for DRI review when demolition or substantial alteration is proposed.

7.2 Analysis of Development Reduction Measures (Offsets)

Pursuant to Sections 2(g) and 6(a)(2) of the GIZ Regulations, to receive approval as a GIZ, *a Town applying for such designation must demonstrate that proposed increases in development potential and intensification of use within the GIZ will be offset by a commensurate reduction in development potential and reduced intensification of use in specific offset area(s) outside the GIZ. Offsets shall be proportional to increases in development potential inside the GIZ and may be measured in terms of acres or units for residential development or square feet for commercial development, based on the characteristics of the area(s) to be protected.*

Offsets may include downzoning, overlay districts, transfer of development rights, and/or permanent protection of land outside the GIZ to offset the potential for increased development within the GIZ. The offsets shall be provided in clearly delineated geographic areas outside of the GIZ and may be provided inside or outside of the town where the GIZ is located. Land purchased no more than 3 years prior to the date of the GIZ application may be eligible for consideration as an offset.

Basis for Determining Offsets

The Commission's regulations anticipated that GIZ designation would include revisions to local zoning to meet the goals of providing mixed-use and encouraging redevelopment in existing downtown areas. In this case, since the Town already revised zoning prior to seeking GIZ designation, development potential under prior zoning was subtracted from development potential under revised zoning to provide a baseline from which to determine required offsets. Therefore, in the first five years of projected growth in the GIZ, the Town needs to offset 347 residential units and 172,203 s.f. of commercial space. The Town has offered several ways to meet those offsets.

Table 2 – Determination of Development Offsets

Type of Development	5 year Buildout Potential Prior Zoning	5 Year GIZ Buildout Potential Revised Zoning	Development Offset GIZ Years 1-5
Residential Units	251	598	347
Commercial S.F.	412,977	585,180	172,203

Open Space Offsets

The Commission accepts as offsets open space acquired by the Town over the last three years. A total of 570 acres has been acquired for an equivalent of 295 units of housing allowed by the zoning in effect at the time of purchase. This offset proposal is consistent with the intentions of the GIZ regulations with the understanding that the Town will take steps to preclude the development of additional residential units within the acquired open space prior to development beyond the Year 5 GIZ development, as further discussed in Condition NR5. The offset of 19 units through several conservation restrictions that have occurred recently is also acceptable.

Pond Village DCPC

Another potential offset includes 17 units of housing that may be reduced from the zoning potential in the Pond Village DCPC, which may be allowed as an offset only if the zoning is actually changed through the town's adoption of appropriate implementing regulations.

Two-Acre Zoning Offset

The Town also proposes to utilize a reduction in potential residential build-out resulting from Barnstable's downzoning to 2 acres in much of the town in 2001. This is a reasonable approach to offset the increase in residential potential that the town seeks in downtown Hyannis, but it is far in excess of what might be required for Years 1 – 5 of the GIZ. The Town is requesting that most of this offset be counted as a credit towards future development in the GIZ. This is permissible provided that these areas are not rezoned for more intensive use. It is noted that the Town's open space subdivision regulations require a binding, open space restriction and easement running in favor of the Town. Prior to proceeding with Years 6 – 10 of the GIZ, the Town shall pursue changes in its cluster development ordinance to make cluster development more attractive and potentially mandatory in sensitive areas.

Table 3 - Development Offsets

Type of Development	Development Offset GIZ Years 1-5	Open Space Acquisitions (2003-05)	Conservation Restrictions (2003-05)	Two-Acre Zoning (2001)	Pond Village DCPC	Offset Remaining
Residential Units	347	295	19	3,432	17	**(3,416 Units Credit)**
Commercial S.F.	172,203	9,257	0	0	0	**162,946**

Commercial Offsets

The offset for the additional commercial square footage in Hyannis has yet to be determined, with the exception of the purchase of a 9,257 s.f. gas station in Hyannis being converted to a park and stormwater management area. The Town will therefore need to pursue one or more of the following options in clearly delineated areas to provide the remaining 162,946 square feet offset for non-residential development:

- Downzoning to reduce commercial development potential and potentially reduce traffic impacts, economic disincentives to development within the GIZ, and/or impacts to protected resources;
- Conveyance and/or permanent protection of existing municipal property in the industrial park north of the airport to the Conservation Commission, or purchase of developable commercial land within sensitive areas;

- Transferable Development Rights. Commercial areas outside the GIZ, including along arterials, lands with sensitive water, marine or environmental resources and/or areas presenting an economic disincentive to development within the GIZ may be designated as the sending areas, and the GIZ district designated as a receiving area;
- Priority Permitting by limiting permits for wastewater, sewer hookups, building, etc. and giving priority to businesses and residential development within the GIZ.

The measures described above should be implemented prior to the issuance of Certificate of Compliance #3.

7.3 Consistency with Purpose and Qualifications of GIZs

The Commission finds that the downtown Hyannis GIZ is consistent with Section 1(b) Purpose and Section 2 of the GIZ Regulations based on the following findings:

1. The downtown Hyannis GIZ will serve to enhance the downtown Hyannis area by encouraging a concentrated mix of residential and commercial uses while ensuring that all growth is properly served by adequate infrastructure. The Town has also protected or has planned to protect land outside the GIZ through various land protection measures as outlined in Section 7.2 above.

2. The downtown Hyannis GIZ is consistent with Section 2 (a – g) of the GIZ Regulations as described in Section 6 of this decision on p. 6.

7.4 DRI Threshold Modification Request

The Commission finds that sufficient review standards and mitigation measures, including appropriate infrastructure, will be provided to ensure that local review will protect resources that otherwise would be protected under the RPP. Therefore, the Commission finds that the cumulative DRI threshold modification requested by the town of Barnstable is appropriate for achieving the purposes of the GIZ, provided the following conditions are met:

8.0 Conditions

<u>General</u>

G1. If approved by the Barnstable County Assembly of Delegates, the cumulative DRI threshold for the downtown Hyannis GIZ designation is valid: (1) for increased residential development, for a period of ten (10 years) or until 600 residential units is permitted (by the issuance of a building permit), whichever occurs first; and, for non-residential development, for a period of ten (10 years) or until 585,180 square feet of gross floor area of non-residential use is permitted (by the issuance of a building permit), whichever occurs first.

G2. The Town of Barnstable shall obtain Certificates of Compliance from the Commission as follows:

- Certificate of Compliance #1 – Receipt of this certificate approves the development of up to 300 residential units and up to 200,000 gross square feet of non-residential development.

- Certificate of Compliance #2 – Receipt of this certificate approves the development of an additional 300 residential units and an additional 200,000 gross square feet of non-residential development.

Certificate of Compliance #3 – Receipt of this certificate approves the development of the final 185,180 gross square feet of non-residential development, as approved by this GIZ.

G3. The Town of Barnstable shall offset non-residential development commensurate with 162,946 square feet outside the GIZ prior to receipt of Certificate of Compliance #3. The Town may utilize the tools identified in 7.2 Commerical Offsets.

G4. The Town of Barnstable shall maintain a tracking system in which it monitors and reports development to the Cape Cod Commission upon issuance of a building permit and/or demolition permit from the Barnstable Building Commissioner. The Barnstable Growth Management Department will be responsible for tracking growth within the GIZ. The Town shall provide written reports to the Commission as required by Condition G5. The Town shall also provide additional tracking information as requested by the Commission within ten (10) days of receipt of a written request. The Town will explore options for providing an interactive mapping system that Commission staff may access to monitor development activity.

G5. In order to determine when the cumulative DRI thresholds are met, upon the effective date of a Barnstable County Ordinance establishing relief from DRI thresholds (the "cumulative development threshold"), the Town shall commence a tracking system to document development activity in the GIZ as follows:

1. Individual developments (residential units and non-residential square footage) shall be recorded in the tracking system by the Barnstable Growth Management Department upon issuance of any building permit or demolition permit within the GIZ.

2. Net development increases and decreases due to new development, demolition and/or redevelopment shall be tracked, by square feet for non-residential development, and by bedrooms and units for residential development, and counted against the cumulative DRI thresholds for residential and non-residential use. Existing development that is demolished shall be reported to the Commission. Demolition shall be counted against the cumulative DRI threshold

based on net increase/decrease of square footage and/or units. Changes of use shall be reported but shall not adjust the cumulative DRI threshold.

3. For each residential development, or development with a residential component, the Town shall track the number of bedrooms and the number of units created by each development, and the number of affordable units, as well as the total number of units for each development.

4. Levels of residential and non-residential growth, the quantity of affordable, workforce, and market rate residential units, and associated land use codes for non-residential development shall be reported to the Cape Cod Commission on a quarterly basis (every 3 months) for one (1) year from the effective date of a Barnstable County Ordinance establishing a cumulative DRI threshold, and every six (6) months thereafter while the GIZ designation is in effect. In addition, the Town shall provide a written and oral progress report to the Cape Cod Commission's Planning Committee on a yearly basis from the date of this decision. Said report shall enumerate development undertaken within the designated Growth Incentive Zone, and shall demonstrate progress toward the satisfaction of any ongoing or pending conditions. In addition, the Town shall report to the Commission upon reaching buildout benchmarks for the issuance of building permits for non-residential development totaling 200,000 s.f.; 400,000 s.f., and 500,000 s.f. as well as 200, 400 and 500 units of residential development.

5. Each gross square foot of non-residential development shall be assigned a land use code designating the nature of the non-residential use. The land use codes will include those codes currently in use by the Barnstable GIS Department and shall be used to generate yearly estimates of Title 5 flows within the GIZ for review by the Commission.

6. The Town shall provide the Cape Cod Commission with a copy of any and all zoning changes adopted within the GIZ boundary while the GIZ designation is in effect.

G6. Prior to issuance of Certificate of Compliance #2, the Town shall identify commercial development reduction measures to offset approximately 162,946 square feet of non-residential development anticipated within the GIZ. Offsets shall be provided in clearly delineated geographic areas and shall consist of one or more of the following measures:

- Downzoning to reduce commercial development potential and potentially reduce traffic impacts, economic disincentives to development within the GIZ, and/or impacts to protected resources;
- Conveyance and/or permanent protection of existing municipal property in the industrial park north of the airport to the Conservation Commission, or purchase of developable commercial land within sensitive areas;

- Transferable Development Rights. Commercial areas outside the GIZ, including along arterials, lands with sensitive water, marine or environmental resources and/or areas presenting an economic disincentive to development within the GIZ may be designated as the sending areas, and the GIZ district designated as a receiving area;
- Priority Permitting by limiting permits for wastewater, sewer hookups, building, etc. and giving priority to businesses and residential development within the GIZ.

G7. The Town of Barnstable shall submit a modified CIP plan for the GIZ within two years from the date of this decision that outlines:

- Public investment to support development in the GIZ shall be a priority
- Complete a study of infrastructure financing options including
  - District Increment Financing: with State approval, this mechanism allows the Town to capture the new property tax revenue generated from development with an identified district for use exclusively to fund infrastructure. This mechanism can be used to service a 30-year bond.
  - Other State Financing Mechanisms: CDBG, PWED (transportation), SRF (wastewater, water quality);
- Impact Fees: the town could establish a minimal impact fees system on all development to support infrastructure needs.

G8. In accordance with Section 11 of the GIZ Regulations, should the Town fail to implement requirements as described in the GIZ application and as conditioned by this decision, the Commission shall have the ability to revoke the GIZ designation. Revocation may occur only after conducting a public hearing in accordance with Section 5(a) and (b) of the Act.

The Town may not apply for additional development beyond the Year 5 GIZ development until all conditions of this decision have been met.

G9. As specified Chapter G, Barnstable County Ordinance 05-13, Section 8(c), the following categories are not included in the cumulative DRI threshold modification and shall be reviewed as a DRI regardless of their location within the previously described GIZ boundaries:

• Addition or expansion associated with the Cape Cod Hospital (or modifications of an existing DRI approval).

• Any proposed demolition or substantial alteration of an historic structure or destruction or substantial alteration to an historic or archaeological site listed with the National Register of Historic Places or Massachusetts Register of Historic Places, outside a municipal historic district or outside the Old King's Highway Regional Historic District.

• Any development providing facilities for transportation to or from Barnstable County, including but not limited to ferry, bus, rail, trucking terminals, transfer stations, air transportation and/or accessory uses, parking or storage facilities, so long as such auxiliary or accessory uses are greater than 10,000 s.f. of Gross Floor Area or 40,000 s.f. of outdoor area.

• Development requiring an Environmental Impact Report under MEPA.

- A Discretionary Referral proposed by the Town and accepted by the Commission as presenting regional impacts.

Water Resources

WR1. Prior to additional development beyond Year 5 of GIZ development, the following issues shall be appropriately addressed:

a). Development of a wastewater treatment allocation policy for properties served now and in the future by the Hyannis WWTF. The policy shall include, at a minimum, allocation of flow to specific service areas including the GIZ, those listed in Table 8A of the GIZ application and any subsequent revisions based on the completion of the Town Facilities Plan.

b). Development of a set of wastewater discharge mitigation actions linked to maximum month WWTF flows, including impacts near the facility and impacts associated with off-site discharge.

c). Development of nutrient management actions to address nitrogen loading impacts associated with all GIZ development, including those on Lewis Bay and Hyannis Harbor as a result of the nitrogen limits defined in the anticipated MEP Technical Report and TMDL.

d). Development of an assessment of impacts of stormwater on Aunt Betty's Pond and Stewart's Creek.

e). Review of options to remove stormwater discharge from the Transportation Hub zoning district that is located with the zones of contribution/Zone II to the public water supply wells along Willow Street.

Natural Resources/Open Space

NR1. Prior to development beyond Year 5 of GIZ development, The Town shall implement the proposed stormwater improvements identified in the GIZ application (Stormwater section, Item 2. Capital Improvement Projects), with the exception of improvements identified in the years 5-10 planning scenario.

NR2. Prior to development beyond Year 5 of GIZ development, the Town shall implement an impact fee system to fund the proposed open space and park improvements, and/or identify grant, CPA or other funding sources to accomplish the park projects.

NR3. Prior to development beyond Year 5 of GIZ development, should the Town seek to utilize the down-zoned areas as an offset for future phases of the GIZ, the Town shall pursue some changes to the cluster ordinance to make cluster of residential developments a more attractive option, and potentially mandatory in sensitive habitat areas.

NR4. Prior to development beyond Year 5 of the GIZ development, should the Town seek to utilize the 17 units of housing that may be reduced from the zoning potential in the Pond Village DCPC toward the offset total in future phases of the GIZ, the Town shall make the appropriate zoning changes through implementing regulations for the district.

NR5. The GIZ application establishes an offset for 3,416 residential units, of which 295 residential units were offset based upon the Town's acquisition of 570 acres of open space under the Land Bank. Beyond the year 5 planning scenario, the Town shall ensure the permanent protection of lands acquired with Land Bank funds through the application of conservation restrictions to support the 295 residential unit offset, to the extent that such offset is needed under GIZ requirements. The purposes of the conservation restrictions or quitclaim deeds may vary depending on the type of land being protected and its intended use, but in any event shall prohibit additional residential development. Recreational uses may be allowed in appropriate situations. Failure of the Town to restrict any or all of the 570 acres through conservation restriction shall result in a reduction of the 295 unit open space offset beyond Year 5 GIZ development, proportionate to the amount of open space that is not protected by restriction.

Coastal Resources

CR1. In order to protect public and coastal attributes, the town shall inventory and map filled tidelands within the subject area consistent with GIS information provided by the Commonwealth prior to the application for development beyond Year 5 of the GIZ. The Town shall use this information to address public access concerns that arise in site plan review and special permit applications for individual developments located on filled tidelands.

CR2. The Town shall pursue amending zoning and other methods to protect and preserve existing water-dependent uses operating adjacent to the Hyannis Inner Harbor prior to the application for development beyond Year 5 of the GIZ.

CR3. The Town shall develop a local harbor plan that addresses: municipally owned property; the types of development anticipated along the harbor and an analysis of how such development may impact the use of the harbor; local access; and private and public marine infrastructure. The Town will provide an outline of the proposed local harbor

plan prior to issuance of Certificate #2. The Town will provide a local harbor plan prior to the application for further development beyond the Year 5 GIZ development.

Economic Development

ED1: The Town of Barnstable shall adopt a Business Development Plan prior to issuance of Certificate of Compliance #2. The Plan should include the following:

- Existing Business Inventory (types of businesses by industry, ownership, number of employees, physical size, lease or own space)
- Existing Business Survey (identification & analysis of needs and potential for growth)
- Business Development Strategy (based on inventory & survey identify specific actions designed to support and attract businesses to the GIZ over the next five years. Should be a collaborative effort with BID, Hyannis Chamber, and other stakeholders. Also link to other plans including the local harbor plan and the Historic Properties Inventory)
- Site Specific Redevelopment Strategy (identify key redevelopment parcels in the GIZ, identify potential barriers to redevelopment and potential methods of addressing those barriers)

Transportation

T1. Prior to the issuance of the Certificate of Compliance #1, the Town of Barnstable shall join the MassRides transportation demand management system and circulate information on this program to all Town employees.

T2. Prior to the issuance of Certificate of Compliance #2, the Town shall implement a GIZ-wide Transportation Management Association (TMA). Compliance with this condition shall be met if, at a minimum, the TMA shall include the following elements:

- Active management with designated personnel
- Centralized website describing the program
- Dedicated voicemail line
- Promotion of area transit services
- Information on access to and parking in the GIZ
- Information on walking and bicycling in and to and from the GIZ
- Carpool matching system linked to MassRides
- Dissemination of program elements to all commercial businesses and residential addresses within the GIZ
- Tracking of transportation studies and improvements affecting the GIZ area and publishing of information regarding new services available

T3. Prior to the issuance of Certificate of Compliance #2, the Town shall commence construction of the signal upgrades below. Prior to the issuance of Certificate of Compliance #3, the Town shall complete construction of the signal upgrades below:

- Upgrade traffic signals at Main Street and Center Street and at the South Street, Old Colony Road, Ocean Street intersection
- Upgrade traffic signals at the South Street and Sea Street intersection

T4. Prior to the issuance of Certificate of Compliance #3, the Town shall demonstrate that it has worked with the state to complete the Hyannis Access Study and to complete redesign plans for the Airport Rotary and the Route 28/East Main Street intersection addressing congestion and safety issues. The Town shall also demonstrate that it has worked with the State to promote inclusion in the Study of provisions for sidewalks and other alternative transportation capacity, as appropriate, along the south side of Route 28 from the Airport Rotary to the Yarmouth town line.

T5. Prior to the issuance of Certificate of Compliance #2, the Town shall complete sidewalks on at least one side of all regional roadway frontage including Stevens Street between High School Road and Basset Lane; and North Street between Stevens Street and the West End Rotary. Sidewalks along Route 28 from the Airport Rotary to the Yarmouth town line are excluded from this requirement. Design of the Route 28 sidewalks is required in Condition T4.

T6. Prior to the issuance of Certificate of Compliance #2, the Town shall install public bicycle racks in the GIZ area consisting of a minimum of ten racks in the Hyannis Village Business District and two racks in the Harbor District. Each rack shall be capable of securing at least two bicycles.

T7. Prior to development beyond Year 5 of GIZ development, the following will be addressed:

- Airport Rotary – very poor operation/LOS
- Airport Rotary – higher than average crash rate
- West End Rotary – very poor operation/LOS anticipated beyond Year 5
- Intersection Route 28/East Main Street – higher than average crash rate

Heritage Preservation/Community Character

HP1. Prior to issuance of Certificate of Compliance #1, the town shall add language to the Design and Infrastructure Plan to clarify the town's intent to preserve historic structures within the GIZ even when redevelopment potential of a site would be limited by their preservation.

HP2. The town shall adhere to the following consultation process: When a demolition is requested outside of the HHD, Town staff will determine whether there is any possibility that the structure is historically significant. If there is any question about historic significance, Town staff will consult with the Barnstable Historic Commission or its designee. If the Barnstable Historic Commission has any question regarding the significance of the structure that is the subject of a demolition permit, it will seek further information from the staff of the Massachusetts Historical Commission and/or the Cape

Cod Commission, as appropriate. This process shall remain in place at least until the proposed additional historic inventory work is completed within the GIZ.

11.0 Conclusion

The Cape Cod Commission (Commission) hereby designates the downtown Hyannis area as a Growth Incentive Zone pursuant to Sections 6 and 7 of the Cape Cod Commission Act and Chapter G, Growth Incentive Zone Regulations.

Alan Platt, Chair

4/6/06
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss 4/6, 2006

Before me, the undersigned notary public, personally appeared Alan Platt, 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. 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 [✓] personal knowledge of the undersigned.

Gail P. Hanley
Notary Public
My Commission Expires:
10/13/11