

# EASTHAM ZONING TASK FORCE



## NORTH EASTHAM BUSINESS DISTRICT REPORT ANALYSIS AND RECOMMENDATION 2025

**DRAFT**

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The Eastham Zoning Task Force 2025 report summarizes the zoning amendments proposed for adoption at the May 2025 Annual Town Meeting. This report also provides an overview of the regulatory framework through which the proposed amendments must be carried out, including local and county approval processes. The analysis methodology and summary of supporting documents are also included in this report to provide context for the proposed amendments. Finally, the key points of the proposed amendments to the zoning bylaw have been summarized.

The complete zoning bylaw document with all proposed changes can be accessed at the following webpage: <https://www.eastham-ma.gov/1963/Proposed-Zoning-Amendments-2025>

# Task Force Membership

Mary Nee, Chair

Carolyn McPherson, Clerk, & Chair, Affordable Housing Trust

Martin Ridge, Zoning Board of Appeal Member

Kevin Gatlin, Planning Board Member

Patricia Canavan, Planning Board Alternate Member

Jamie Demetri, Select Board Member & Task Force Liaison

Paul Lagg, Community Development Director & Town Planner

In May 2024 the Task Force saw two resignations, original member Jim Kivlehan, and Bob Bruns. These departures were related to personal commitments and Bob's election to the Select Board. The Task Force is deeply appreciative of the contributions of these members to our work and thank them for their service.

# Report Contributors

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Peter Flinker, President, Dodson & Flinker, Inc.

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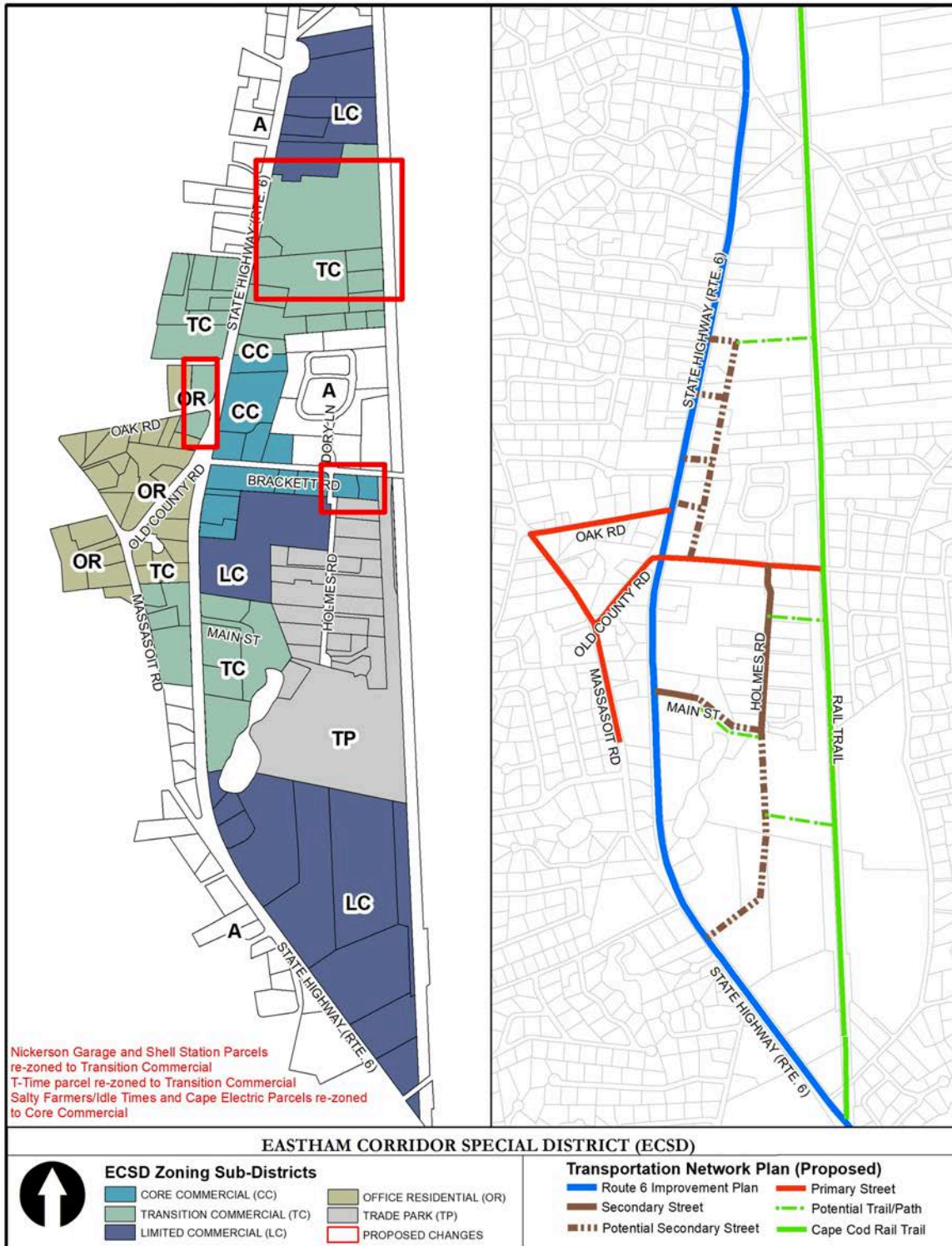
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# ECSD ZONING MAP/ TRANSPORTATION NETWORK PLAN



# Overview

Established in December 2020, Eastham’s Zoning Task Force is an advisory committee that annually analyzes zoning issues raised by the Select Board and town planning staff. Over the past four years, this analysis has resulted in the adoption of seventeen zoning amendments at Town Meeting.

In the summer of 2023, the Task Force was charged with examining the zoning prescribed in the District of Critical Planning Concern (DCPC), a district spanning Route 6 from Old Orchard Rd. to the Wellfleet line, including Brackett Rd from Massasoit to the bike trail. The current DCPC was adopted by voters in 2017. It is an overlay zoning district established under the legislative authority of the Cape Cod Commission and was designed to protect and enhance the character of Eastham’s commercial areas, encourage mixed-use development, improve traffic safety, minimize traffic conflicts, create affordable housing and control nutrient discharge through stormwater management.

## Why is an update of the DCPC important now?

The current DCPC zoning was adopted prior to the development of several significant town plans, including Eastham’s Strategic Plan, the North Eastham Village Center Master Plan (T-Time and Town Center), the Housing Production Plan, and related projects involving transportation and wastewater. As such, in several instances, current zoning does not support town plans.

Additionally, the current zoning is vague regarding architectural design. While calling for a “traditional New England village” esthetic to guide development, the current zoning does not specify in any detail what this means. This ambiguity provides no guidance to businesses and developers and offers few guardrails for the Town desiring to preserve a traditional character.

To inform its analysis, the Task Force considered data from technical consultants and Cape Cod Commission staff and input from local businesses and developers. It also vetted concepts with Town Counsel and reviewed model by-laws and best practices from numerous Massachusetts towns.

At this time, the Task Force is recommending several amendments to the current DCPC and, separately, the adoption by the Planning Board of design regulations. Utilizing a best practice in land use planning termed “Form Based Code\*,” architectural details for massing and design elements are proposed for the DCPC consistent with the goal of creating a traditional New England village and incentivizing year-round rental housing.

Task Force members appreciate that Eastham is presented with a unique and timely opportunity to shape the long-term vision for the business district. The town’s ownership of Town Center Plaza and the T-Time site means that it can drive the design and massing of these sites through its first-to-market position. Once the Town identifies a development partner for these two key properties, it can demonstrate optimal use and design standards and, along with planned infrastructure improvements, stimulate additional private development throughout the district.

Additionally, as a majority of the district is composed of privately owned, older 1950s/60s-era buildings, the need to redevelop these properties is anticipated to grow in the coming years. Adoption of zoning changes now means Eastham will have a defined regulatory framework for land use and design, avoiding the need to react on a case-by-case basis to future development proposals.

Strategically, the zoning recommendations integrate several critical needs/goals and provide incentives for the following:

- **A walkable town center to support year-round community**
- **Affordable/attainable housing to meet rental housing needs and support year-round business through increased customer base and workforce,**
- **Economic development opportunities, particularly in the Trade Park**
- **Transportation improvements along Route. 6 and connector roads**
- **Support for environmentally sensitive design and construction and increased green spaces within properties.**

*\*Form Based Codes are organized around the physical forms of buildings and sites rather than the segregation of land uses. Pictures, diagrams and simple language is used to foster predictable development patterns and a streamlined regulatory process.*

# LIVE, WORK, PLAY

Overall, the Task Force's guiding principle is to propose zoning regulations that support and assist the achievement of Eastham's established vision and goals. The recommendations for this district attempt to comprehensively address these multiple objectives, which are captured in the phrase "LIVE-WORK-PLAY."

**LIVE-WORK-PLAY** represents a strategically planned, well-designed district that addresses architectural design, economic development, commercial growth, housing, and community character. These recommendations, along with separate projects now underway for wastewater and transportation improvements, present an exciting opportunity to comprehensively plan, protect, and grow Eastham's business district.



ILLUSTRATIONS: MAPLE STREET STUDIOS, TANNERY PARK PROPOSAL, CAMDEN MAINE

# DISTRICT OF CRITICAL PLANNING CONCERN (DCPC)

In 2017 Eastham approved the establishment of the District of Critical Planning Concern (DCPC). The district includes all commercially zoned areas, including District C Industrial, District D Retail Sales/Service, and portions of District E Residential/Limited Commercial. The district is located on approximately 280 acres of North Eastham, bounded on the North by the Eastham/Wellfleet line, to the south by Old Orchard Road, to the East by the Cape Cod Rail Trail, and to the West by Herring Brook and Massasoit roads.

The establishment of the DCPC provided the framework for the Town to adopt new zoning regulations and a new zoning district known as the **Eastham Corridor Special District (ECSD)**. The creation of this ECSD district reflects the town's desire to impose stronger regulatory requirements to discourage overdevelopment, commercial sprawl, and the proliferation of formula businesses.

The legislative authority for the DCPC comes from the Cape Cod Commission's (CCC) enabling legislation (Cape Cod Commission Act, St. 189, c716 as amended).

The ECSD is divided into six subdistricts with specific purposes; these include:

1. **Core Commercial District (CC)**: Promotes a compact, vibrant commercial center with modest setbacks from the street, small-scale commercial uses, and residential uses.
2. **Transitional Commercial District (TC)**: This district allows small-scale commercial and residential uses, more modest setbacks on Route 6, and the sharing of a single curb cut.
3. **Limited Commercial District (LC)**: This district allows for low-intensity commercial uses in a primarily residential area with a shared Route 6 curb cut.
4. **Office Residential District (OR)**: This district allows a mix of residential and compatible low-intensity commercial uses, following traditional residential development patterns, with no direct access to Route 6.
5. **Trade Park (TP)**: Focuses on industrial and trade uses, and,
6. **District A (Residential Uses)**: residential uses only.



Overall, the land use strategy embedded in these districts is intended to concentrate the highest uses and density in the Core Commercial (CC), Transition Commercials (TC), and Trade Park (TP), with less intense commercial density and development in the Limited Commercial (LC) and Office Residential (OR) districts. For the purpose of this report, the Task Force did not propose any amendments to the Residential District, which will continue to be governed by the general zoning regulations governing all residential properties.

## Amending the DCPC Regulations

As amendments to the 2017 DCPC are being considered, it is important to note that, per the Cape Cod Commission (CCC) enabling statute, an additional process is required for any zoning changes.

A typical zoning change requires a Planning Board-sponsored public hearing and approval, a presentation and recommendation by the Finance Committee, Select Board approval for inclusion on the warrant for Town Meeting, and, ultimately, 2/3 approval by voters.

Zoning changes in the DCPC require all of these steps, as well as a hearing with the Board of Health and the Conservation Commission and approvals by the Cape Cod Commission. These additional processes are time-consuming and intensive, suggesting that any proposed revisions must be carefully considered.

The Task Force is proposing that a companion document, ***Design and Performance Standards***, be adopted by the Planning Board. These standards, which detail certain design elements, are completely under the town's purview and can be modified by the Planning Board after a public hearing. This bifurcation of zoning code with design standards will give the town increased flexibility to adapt to evolving development patterns as time goes on and the district is redeveloped.

# Pre-Existing Non-Conforming

When the DCPC was approved in 2017, virtually the entire district could be classified as “Pre-existing/Non-conforming.” This term refers to structures or uses that complied with all applicable laws and ordinances when they were established but, due to subsequent amendments to the zoning code, no longer comply with town regulations. These pre-existing-nonconforming properties have certain **“legacy” protections** that allow the uses to operate. However, if the use is abandoned for two or more years, the legacy protection for the non-conforming use is lost, and the property must be redeveloped in compliance with the current zoning regulations pertaining to use and site design.

The legal standard to determine if a pre-existing/nonconforming use must adhere to current zoning is evaluated against the **“Powers Test.”** This test was established by the Massachusetts Supreme Judicial Court (SJC) in *Powers v. Building Inspector of Barnstable*, 363 Mass. 658 (1973). A use will be considered a change from the protected use if it does not reflect the purpose of the existing use, there is a difference in quality or character between existing and proposed use, and the resulting use has a different effect on the neighborhood.

The Task Force’s proposed zoning amendments reflect the rights of pre-existing non-conforming structures and uses in the DCPC. While proposed amendments include requirements to upgrade certain site elements, such as landscaping and parking, to comply with minimum design standards, these requirements are only triggered under certain project thresholds. **There are no mandated changes required for existing businesses that continue in their current state.**

The recommendations distinguish new development from existing uses, differentiate between minor and major projects, and detail where a change in use or design would trigger partial or total compliance with the DCPC code.

Because most properties in the DCPC are pre-existing non-conforming to some degree (architecture, landscaping, parking, etc.), realizing the overall vision behind the proposed regulations could take many years.

# TASK FORCE METHODOLOGY AND CONSIDERATIONS

The Task Force has met continually since August 2023 to analyze data and gather input from technical experts, local businesses, and surrounding communities.

This activity included:

- 25** Task Force Meetings (open to the public via in-person and online access)
- 17** Meetings with local businesses
- 8** Meetings with local developers
- 7** Meetings with planners from surrounding communities
- 6** Consultations with Town Legal Counsel
- 4** Meetings with Cape Cod Commission Staff
- 1** Community Design “Charrette”

*A day-long collaborative planning process attended by **35** individuals, including local residents, representatives from the Select Board, Planning Board and Zoning Board of Appeals, the Affordable Housing Trust, the Health Board, the Conservation Commission, and the T-Time/Town Center Plaza Planning committees.*

In addition to the aforementioned meetings and consultations, the Task Force also benefitted from ongoing technical advice from consultants with Brovitz Community Planning & Design and Dodson and Flinker Inc., along with staff from the Cape Cod Commission.

These consultants brought a deep level of experience, and they shared best practices, examples of zoning codes from around the state, form-based code models, and case studies of successful village center development. These models and codes included examples from Provincetown, Wellfleet, Orleans, Chatham, Barnstable, Bourne, Yarmouth, Hyannis, Oak Bluff, Scituate, Danvers, Concord, Lexington, and Burlington.

In considering specific recommendations, the Task Force evaluated each proposal against the following criteria:

- Is it consistent with Eastham’s established vision and goals?
- How does it align with the DCPC strategy and intent?
- Is it compatible with the parameters of each subdistrict?
- Is it an emerging best practice in the field of land use planning?
- Has it been tested in other communities?

The Task Force also reviewed a number of Eastham’s approved town plans and reports that detailed its long-term vision and short-term goals, particularly those related to the commercial district. These plans include:

- Eastham’s Strategic Plan (2019 and 2024 updates),
- North Eastham Village Center Master Plan (2022),
- Market Study (2021),
- Housing Production Plan (2024 updated) and,
- Eastham DCPC Zoning (2017).

Two of these assessments, the Market Study and the Housing Production Plan, illustrate the town's needs and challenges.

## Market Study

The Market Study (2021) was commissioned to collect data to support an economic development plan and assist the Town in determining potential uses for the T-Time and Town Center Plaza. The study focused on the “Primary Trade Area,” which encompasses the entire town and extends into Orleans and Wellfleet.

### Key Findings of the Market Study:

- Small businesses dominate Eastham’s economy with a high share of self-employment and a significant presence of home-based enterprises,
- The economy is highly dependent on tourism and seasonal residents,
- The town lacks quality retail establishments oriented toward year-round residents,
- Infrastructure and operational space are needed to support the local “Blue Economy” marine and other environmentally based services,
- Low commercial vacancy and lack of space inhibit the expansion or introduction of non-traditional enterprises,
- Route 6 is an impediment to circulation between businesses and traffic safety,
- Eastham’s commercial spaces are older, and many need major repairs,
- Eastham experiences substantial “retail leakage” (*spending outside of the town by residents*) totaling \$59 million annually.

### Additional constraints limiting business activity:

- A high percentage (60%) of seasonal/part-time residents limiting year-round customer base,
- Shortage of labor related to limited workforce housing and childcare services,
- Lack of affordable year-round rental and start-up housing options,
- A substantial decrease in the workforce age population (25-45 age cohort),
- Dependence on septic systems and,
- Limited high speed internet connectivity.

Given the current demographics, Eastham's projected future retail potential was estimated to support only 25,000 sq. ft of new retail space.

The Task Force has recommended several proposals to address the obstacles to business development, including mixed-use zoning throughout the ESCD subdistricts, modest height bonuses for workforce housing, regulatory clarity for building design and size, and advocacy for infrastructure improvements.

The Task Force considered two additional markets when making its recommendations. First, there is a **market for services**, primarily formula restaurants and retail, that target commuters (seasonal, workforce, and residents) traveling along Route 6 between Provincetown and Orleans.

It should be noted that the prime motivation for the DCPC's initial creation in 2017 was to respond to a proposal for a formula-based business, which would have been incompatible with Eastham's distinctive Cape Cod character.

In response to this market sector, the Task Force has recommended preserving the current prohibition on drive-thru restaurants and several design requirements for massing, signage, and façade articulation to discourage formula businesses.

A second market is **second-home buyers** coming from outside the area. As discussed above, this has been the primary real estate interest for the past several decades. As Eastham is comparatively affordable for second-home buyers compared to other Outer and Lower Cape communities, this market trend is expected to continue unabated. To mitigate against further expansion of this housing in the DCPC, the Task Force has several proposals to incentivize year-round rental housing.

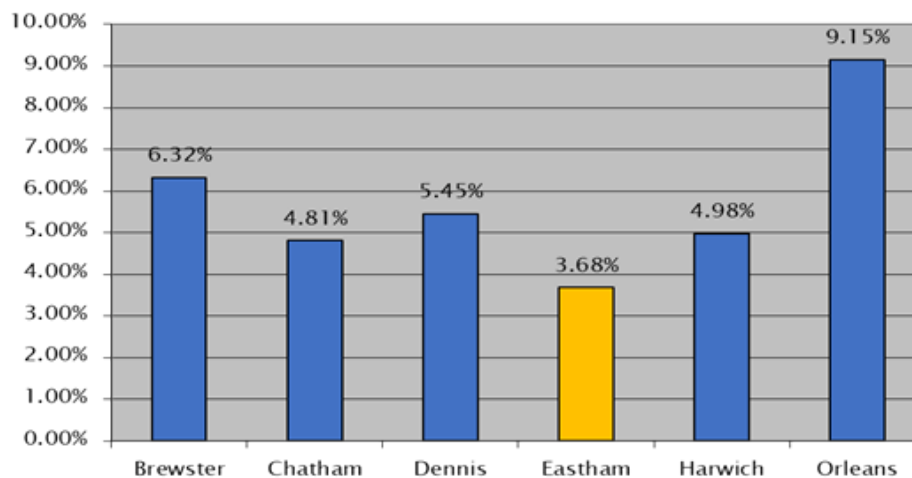
## Housing Production Plan

Massachusetts communities are required by the State to update their housing plans every five years. Eastham's Housing Production Plan was updated in January 2024 to include data from the 2020 census. The plan details demographics and real estate trends over the past 25 years and housing production goals for the next five years.

### Several key trends and findings from the Housing Production Plan:

- Limited housing diversity: 96% of all properties are detached single-family,
- Aging housing stock, 56% of all properties built before 1980,
- Rising housing costs: median housing price rose from \$381K (2010) to \$775K (2023),
- Year-round rental housing is disappearing; more than 300 units lost since 2000,
- Since 2000, the majority of private construction of housing has been high-end seasonal housing,
- Eastham’s **Subsidized Housing Inventory (SHI)**, a state calculation of local housing affordability rates, is 3.28% of the housing stock, the lowest of all Outer and Lower Cape towns.
- The medium income of residents is \$76.8K compared with the income required to purchase a home in Eastham at \$191K,
- While income rose 145% between 1990 and 2021, single-family home prices rose by 385% during this period,
- Between 2000 and 2021, Eastham’s poverty rate rose from 5.5% to 6.8%,
- It estimated that 50% of all Eastham residents are burdened by housing costs, with 16% paying more than 50% of income for housing,
- Eastham is aging, with a medium age rising from 47.6 to 59 years (2020 Census), and
- The town is rapidly losing younger residents, with a 32% decline in the 18-34-year-old population since 2000.

Figure III-14: Comparison of SHI Levels



Eastham Housing Production Plan, January 2024, p.63

The housing crisis directly impacts Eastham’s ability to create a vibrant year-round village center. The lack of year-round affordable housing challenges businesses’ viability due to a diminished workforce and customer base.

Beyond single-family homes, Eastham has a “missing middle” range of housing types, i.e., the range of housing options between single-family homes and large apartment complexes, e.g., ADU, Duplex, Townhouses, Cottage Courts, and “top of shop apartments.” With single-family homes no longer affordable to young families, and apartments unavailable for workers and seniors looking to downsize, migration out of town is increasingly the reality for many. Long term, if left unaddressed, the rise of market-rate seasonal housing, coupled with the loss of workforce-age residents, has broad negative implications for the overall economic health of the community.

The Task Force has proposed several recommendations to address this condition. These include the inclusion of “missing middle” housing types, increased density, and modest height bonuses for developers who create year-round rental units. Additionally, the Task Force recommends expanding mixed-use housing in the Trade Park and advocating for connector roads to open up new opportunities for trade spaces and multi-family housing.



Missing Middle illustrations (Union Studio) From left, ADU, Duplex, Cottage, Micro-Unit, Manor House



Missing Middle illustrations (Union Studio) From left, Stacked - Flat, Townhouse, Walk-Up

Additionally, several other projects are underway in Eastham that inform and/or impact zoning. The Task Force does not oversee these initiatives, but as they influence development in the DCPC, they were evaluated for impact. These projects include:

### **Wastewater:**

Wastewater planning efforts have been underway for several years. The town has explored many alternatives to traditional sewers, such as permeable reactive barriers and specialized septic systems. However, certain areas of the town will need traditional sewer infrastructure in the future.

Eastham’s Targeted Watershed Management Plan, which includes the environmental assessment for Eastham’s portion of the Nauset Estuary and Rock Harbor and the proposed wastewater treatment facility, has been submitted to MA-EPA for review. It is anticipated that the wastewater project will be presented to the voters for approval at the Town Meeting in May 2025. Wastewater infrastructure will be a significant factor in whether or not Eastham will be able to support the housing and economic needs identified in the Market Study and Housing Production Plan.

### **Route 6 Transportation Planning:**

Conceptual roadway plans for Route 6 have been developed for traffic safety improvements and multi-modal access upgrades. This effort is being coordinated with the wastewater infrastructure planning and the form-based zoning code under review by the zoning task force. Because Route 6 is under the control of MassDOT, the Town will need to coordinate its planning efforts with State transportation officials to ensure the proposed improvements receive all necessary approvals. A review by MassDOT District 5 is scheduled for January 2025.



Rte. 6/Brackett Road intersection improvement concept



Rte 6 roadway cross section concept



**North Eastham Corridor Plans:** Support for potential new secondary roadways throughout the DCPC area emerged from the December 2023 Charrette. These new roadways could relieve traffic pressure from Route 6 and provide new connections among existing and future commercial and residential areas. Town staff, in coordination with land use and transportation consultants, are working on a vision plan for the North Eastham Village Center that would create new roadway connections between Brackett Rd and the T-Time site and an extension of Holmes Road in the Trade Park to Route 6.



Brackett Rd/T-Time connection - Concept plan for "Main Street" with buildout illustrating form-based code concepts.



Holmes Road - Concept plan for potential roadway extension and buildout illustrating form based code concepts.

These roadway projects have multiple potential long-term benefits, including increasing economic development opportunities for the Trade Park, improving access to Route 6, enhancing the walkability of the business district, combining commercial properties with top-of-the-shop housing, and supporting the creation of multifamily housing options.

### **North Eastham Village Center Financial Analysis:**

The town is working with a consultant to develop a high-level financial model and analysis of the recommended concepts for T-Time and Town Center Plaza in the North Eastham Village Center Report. The purpose of the study is to evaluate those development concepts through the lens of the current development market and finances, to assess their viability, and to provide guidance in achieving community goals for these properties in a way that is achievable with existing market realities. The report will address the following questions:

- Would developers be interested in building the Town Center and T-Time development concepts, and what public financial support would the Town of Eastham require to attract that developer interest?
- In the current resource environment, what alternative development programs could address the Town's stated goals of creating a high-quality town center and year-round workforce housing?

### **Local Business and Developer Feedback**

The Task Force also received important feedback from local businesses and developers, which were considered in the recommendations for zoning change. Highlights of this feedback include:

#### Local Businesses:

- Current rental rates for commercial space are relatively low, and there is concern that the cost of new development will price out existing businesses,
- Insufficient workforce to operate year-round, related to availability of housing,
- The small year-round resident population challenges the ability of many businesses to operate on a twelve-month basis,
- Year-round workforce housing and other onsite housing units received strong endorsement from local business operators.

#### Developers:

- High capital (financing) and construction costs are major barriers to projects,
- Wastewater availability is needed to offset cost and support density,
- Height restrictions (30 ft) constrain the economics of mixed-use developments and limit the amount of housing that can be developed,
- New State energy codes add costs to development,
- Zoning does not reflect current plans, and regulatory clarity is needed.

# TASK FORCE RECOMMENDATIONS

From these plans and feedback, common themes emerged that served as **guiding criteria** for Task Force analysis. These policy priorities include:

- Concentrate mixed uses in the Core Commercial District to create a walkable, vibrant, and inviting town center designed to support year-round activity.
- Incentivize the creation of year-round affordable and workforce rental housing,
- Support sustainable development and environmental protection,
- Promote architectural design that reflects a traditional New England village,
- Minimize traffic impact, and
- Encourage local commercial and economic development.

## FORM BASED ZONING CODE OVERVIEW

Form-Based Codes are organized around the physical forms of buildings and sites rather than the segregation of land uses. Unlike conventional zoning, form-based zoning is focused on how buildings relate to the streetscape and surrounding area, not what uses occur inside the buildings. Form-based codes use pictures, diagrams, and simple language to describe types of development desirable to the town to foster predictable development patterns and a streamlined regulatory process.

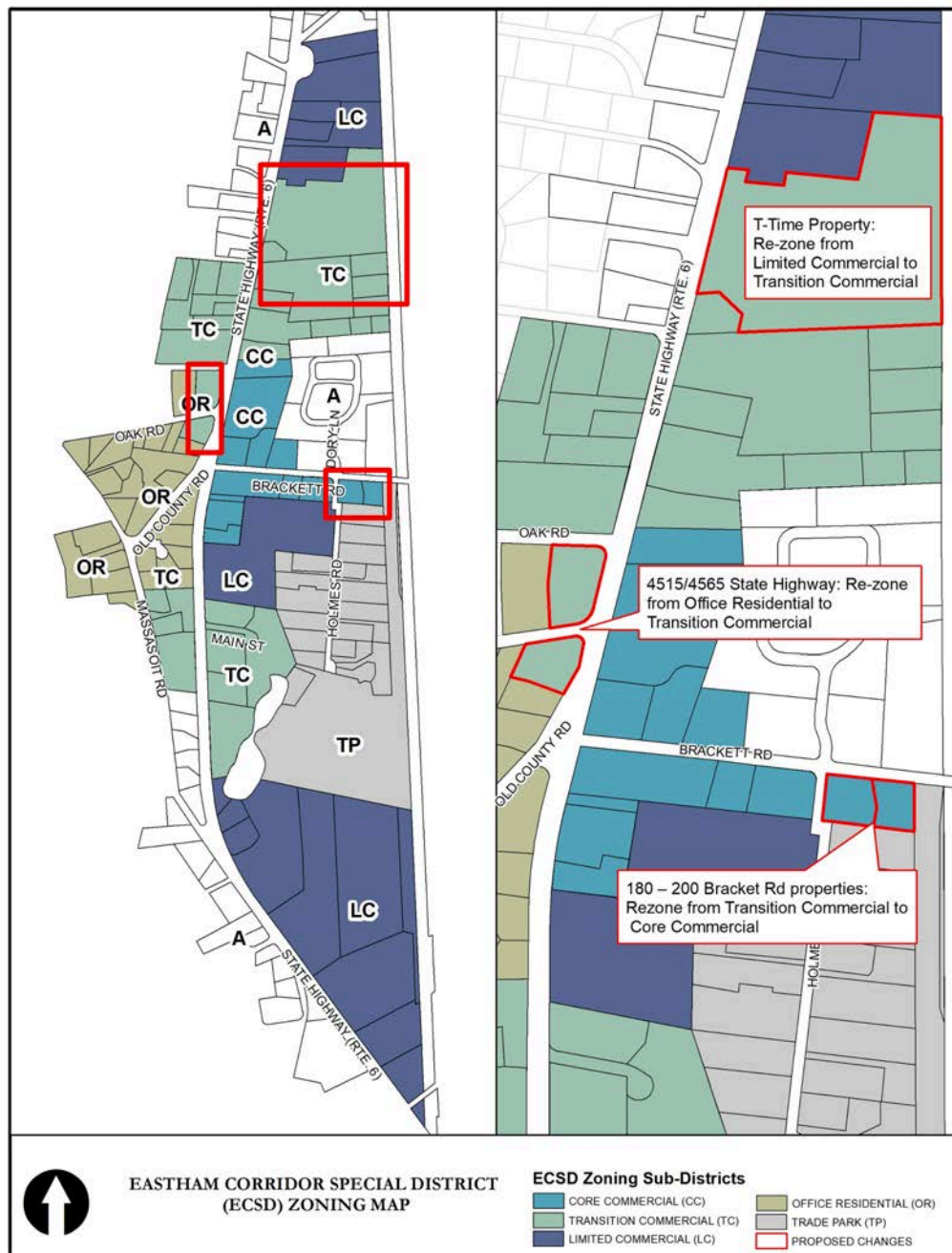
The following summary of recommendations highlights the areas where the proposed form base code regulations address Eastham's policy priorities and incorporate best practices for architectural and site design standards. Throughout the recommendations, the Task Force has sought to comply with the purpose and intent of the District of Critical Planning Concern (DCPC) and enhance and protect Eastham's character.

The proposed regulations aim to maximize the potential for development sites to support mixed uses with ample open space, provide incentives for affordable and attainable housing, and provide flexibility in building height and density to ensure that new development is financially viable.

# SUMMARY OF RECOMMENDED CHANGES TO ZONING REGULATIONS

## 1. SUB DISTRICT BOUNDARY CHANGES

- T-Time property: Re-zone from Limited Commercial to Transition Commercial to align recommended uses for the property with the zoning land use table.
- 180 – 200 Brackett Rd properties: Rezone from Transition Commercial to Core Commercial to expand commercial development potential.
- 4515 and 4565 State Highway property: Re-zone from Office Residential to Transition Commercial to better align with zoning on adjacent properties.



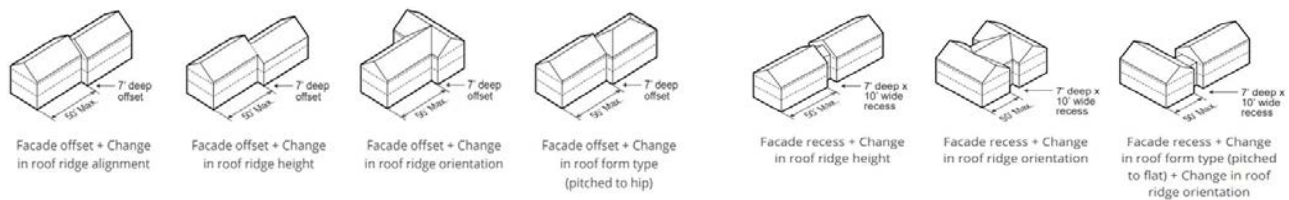
# SUMMARY OF RECOMMENDED CHANGES TO ZONING REGULATIONS

## 2. USE TABLE

- The use table was simplified by consolidating into more general categories for Retail, Sales and Service, Restaurants, and Light/Heavy Industry, in alignment with best practices for form-based zoning.
- Expanded options for Multi-Family housing.
- Expanded options for mixed-uses to incentivize public-oriented commercial development with compatible residential and accessory uses.
- Continued municipal uses allowed by right in all districts.

## 3. ARCHITECTURAL STANDARDS

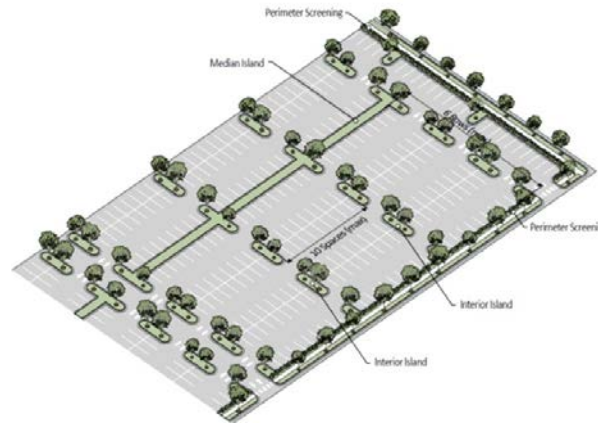
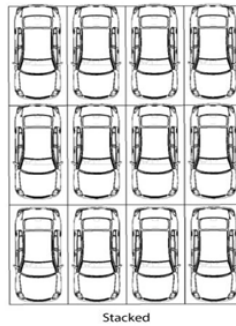
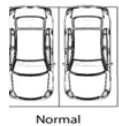
- Standardized requirements for roof forms, façade articulation, building massing, and composition to foster a cohesive and harmonious village center design.
- Incentives for “**Missing Middle**” housing types include Duplexes, Townhouses, Cottage Courts, and Top-of-Shop Apartments.
- Building height bonuses of 2.5 stories/35 feet for mixed-use buildings with year-round rental housing units on upper floors and three stories/39 feet for building multi-family rental units on the back of the lot.
- Size limits on residential units based on building type to curtail large luxury units with average unit size requirements to provide design flexibility to developers.
- By-right residential uses for multifamily developments to diversify the housing stock and affordability options.
- Increase maximum by-right building footprint and eliminate mandatory frontage building requirements.
- Requirements for placement of active uses (retail and restaurant use) within front lot buildings to foster a vibrant village center and passive uses focused within rear buildings to provide appropriate levels of intensity for private office and residential uses.
- Setback requirements between commercial and residential uses to improve compatibility.



# SUMMARY OF RECOMMENDED CHANGES TO ZONING REGULATIONS

## 4. PARKING AND TRANSPORTATION

- Creation of a “Roadway Network Plan” that outlines existing and future potential transportation routes and pedestrian and bicycle connections in context with open space and new development areas.
- Envision Brackett Road as a “classic” Main Street development pattern with small setbacks, sidewalks, street trees, and traditional storefronts.
- Route 6 as a hybrid highway corridor with improved site layouts and safety enhancements
- A potential new “Main Street” connecting Brackett Road to T-Time to provide opportunities for expanded commercial and residential development.
- Propose buildout of Holmes Road to support expansion of trade space and multi-family housing.
- Flexibility for parking reductions and options such as stacked and tandem parking, shared parking, shared driveways, and curb cuts to maximize space for active uses and open space.
- Requirements for locating parking in the rear of buildings to provide open space, public amenity space, and landscape buffers.

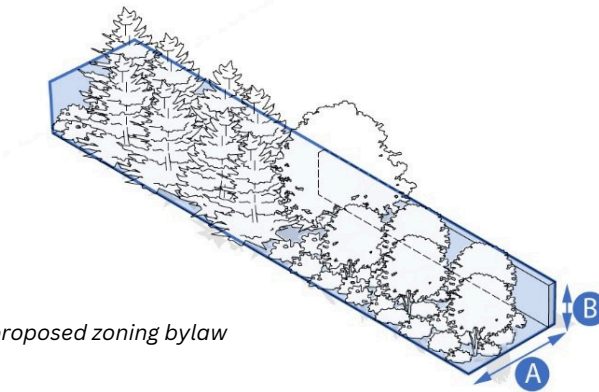


*Diagrams for alternative parking layouts and parking lot landscape components from proposed zoning bylaw*

# SUMMARY OF RECOMMENDED CHANGES TO ZONING REGULATIONS

## 5. LANDSCAPING STANDARDS

- Requirements for enhanced landscape buffers between commercial and residential areas.
- Requirements for landscaped buffers around the periphery of parking lots and interior islands.



*Landscaping and screening diagram from proposed zoning bylaw*

## 6. ENVIRONMENTAL STANDARDS

- Minimum requirements for Electric Vehicle accommodations
- Limits on impervious surface areas and options for alternative parking surfaces such as “grass on gravel.”
- Minimum requirements for shade tree coverage for parking areas
- Prohibition of clear-cutting of lots without approval.
- Minimum requirements for outdoor amenity/open spaces.
- Requirements for stormwater management that utilize bio-filtration practices include vegetated swales, constructed wetlands, and rain gardens.
- A minimum requirement of 50% of proposed plants are native species appropriate to the site.

## 7. LIGHTING AND SIGNAGE

- New sign code language will ensure that signage within the business district communicates a positive and clear identity, achieves coordination between the building and development site, and harmonizes and reflects Eastham’s traditional New England character.
- Lighting standards ensure cohesive design and compatibility with surrounding areas and reduce light pollution.

## 8. FORMULA BUSINESS

- Maintain existing regulations on formula-based businesses to reduce negative impacts on community character and local economy.
- Requirements for special permits for all formula businesses
- Specifications of exterior elements (building, design, signs, colors, etc.)
- Consider the impacts on economic and community needs, fiscal impacts on town services, local tax base, and employment.

# SUMMARY OF RECOMMENDED CHANGES TO ZONING REGULATIONS

## 9. REGULATORY PROCESS

- Retain existing three-tiered regulatory reviews (Minor, Major, Special Permit) with increased project size thresholds to provide flexibility for smaller projects.
- Pre-existing non-conforming sites: New requirements for compliance with minimum standards for any site improvements for projects that meet the thresholds for site plan and/or special permit review and approval. Property maintenance activities do not require regulatory approval.
- Requirements for mandatory peer review for specific projects to ensure adequate technical review for complicated projects.
- Requirements for administrative staff review prior to formal application to improve regulatory process and ensure compliance with bylaw.

## 10. DESIGN & PERFORMANCE STANDARDS

Design and performance standards provide additional guidance and detail on how to achieve conformity with the form-based zoning regulations. The purpose of the standards is to establish the minimum expectations for the quality of design and operations for uses permitted in the ECSD District. Any development that requires a Site Plan or Special Permit approval is required to follow these Design and Performance Standards.

A Design & Performance Standards document has been developed separate from the proposed zoning bylaw amendments. This has been done to provide the Planning Board with a document that can be updated more quickly and easily than amendments to the actual zoning bylaw through a local public hearing process.

The proposed Planning Board Design Standards are available at:

<https://www.eastham-ma.gov/1963/Proposed-Zoning-Amendments-2025>



*Conceptual rendering illustrating form based code design elements (Union Studio)*



# SUMMARY OF RECOMMENDED CHANGES TO ZONING REGULATIONS

## 10. PLANNING AND ADMINISTRATIVE RECOMMENDATIONS

During the review, several opportunities for new economic development, improved traffic flow, and workforce housing became apparent. While land development is beyond the scope of the Task Force's charge, consideration of this potential is reflected in the recommended zoning amendments.

### **Staff and Technical Capacity:**

Given the multiple planning efforts currently active in the Town, including Town Center Plaza, T-Time, wastewater, and various housing initiatives, the Task Force believes that the current planning staff is at capacity and that new economic development will require dedicated staff to advance. Given the comprehensiveness of the Town's plans for the DCPC, one possible funding source is State housing and economic development funds. The Task Force recommends that the Town actively lobby for support that embraces the totality of the DCPC vision, including the required capacity for staff and technical support.

### **North Eastham Transportation Network:**

The North Eastham Transportation network analysis details the potential for extending Holmes Road to Route 6 and a new connector road from Brackett Rd. to the T-Time parcel. These enhanced roadways open up new opportunities for business development, housing, and improved traffic flow. To facilitate this potential, it is recommended that the Town proactively invest in the design and engineering of these corridors and position the projects for state-sponsored construction funding.

### **Trade Park Opportunities:**

The Holmes Road Trade Park has substandard infrastructure and lacks a cohesive development pattern, but it also has significant expansion opportunities. The zoning proposed here would provide for new development, both for trades and multi-family housing, and allow for creating "top of the shop" workforce housing units.

With the anticipation of new roadways and sidewalks and allowances for on-site workforce housing, this area will become attractive to emerging business sectors, such as the trades, marine, and environmental sectors. To realize the potential of the Trade Park, the Task Force recommends that the Town put in place a master plan for this area and proactively work with existing and potential businesses and property owners to develop it in the future.

# REFERENCE PROJECTS

## **North Eastham Business District - Route 6/Brackett Road**

*Potential development concept utilizing proposed form-based code.*



## **North Eastham Business District - Brackett Road**

*Potential development concept utilizing proposed form-based code.*



# REFERENCE PROJECTS

## Example 1: Joseph Baker House 626 Main Street Dennis Port (Under Construction)

*Building Footprint: 4,203 sf. / Building Height: 2.5 stories/33 feet*



## Example 2: 1533 Main Street Chatham, Pennrose Inc. (Selected for Development)

*Building Footprint: 2,660 sf. / Building Height: 2.5 stories/35 feet*



BUILDING TYPE - 3



BUILDING TYPE - 3

**Example 4: 255 Main Street Hyannis (Historic Rehab) Completed)**

*Building Footprint: 4,000 sf. / Building Height: 3 stories/42 feet*



**Example 4: Province Post Development (Provincetown, Under Construction)**

*Building Footprint: 7,000 sf. / Building Height: 3 stories/39 feet*



**Example 5: Governor Prence Site, Orleans (Selected for development)**

*Building 1 Footprint: 17,487 sf. / Building Height: 3 stories/39.6 feet (street side)*



SIDE ELEVATION



FRONT ELEVATION

**Example 5: Governor Prence Site, Orleans (Selected for development)**

*Building 2 Footprint: 8,241 sf. / Building Height: 3 stories/36 feet*

*Note: the building footprint above exceeds the maximum size proposed by the Task Force. The image is intended as a reference to proposals for height and number of stories.*



SIDE ELEVATION



FRONT ELEVATION

**Example 5: Governor Prence Site, Orleans (Selected for development)**

*Building 3 Footprint: 2,635 sf. / Building Height: 2 stories/32.6 feet*



**Example 5: Governor Prence Site, Orleans (Selected for development)**

*Site Renderings illustrating site layout with buildings 30-39 feet*



# BIBLIOGRAPHY

1. Town of Eastham, Zoning Bylaws (2024)
2. Town of Eastham, Strategic Plan FY 2020-2024
3. Town of Eastham, North Eastham Village Center Master Plan
4. Town of Eastham, Housing Production Plan (2024)
5. Town of Eastham, Market Study (2021)
6. Cape Cod Commission, A Mixed-Use Model Bylaw for Cape Cod Towns
7. Brovitz Community Planning & Design, Ted Brovitz, Development Case Studies, North Eastham Village Center
8. Urban Land Institute for Town of Eastham, A Technical Assistance Panel Report
9. Town of Barnstable, Zoning Bylaws
10. Town of Bourne Zoning Bylaws
11. Town of Burlington, Zoning Bylaws
12. Town of Chatham Zoning Bylaws
13. Town of Concord, Zoning Bylaws
14. Town of Danvers, Zoning Bylaws
15. Town of Hyannis Zoning Bylaws
16. Town of Lexington, Zoning Bylaws
17. Town of Oak Bluffs, Zoning Bylaw
18. Town of Orleans, Zoning Bylaw
19. Town of Provincetown, Zoning Bylaw
20. Town of Scituate, Zoning Bylaws
21. Town of Wellfleet, Zoning Bylaw
22. Town of Yarmouth, Zoning Bylaw