



Town of Barnstable

Town Council

367 Main Street, Village of Hyannis, MA 02601

508.862.4734 • 508.862.4770

E-mail: council@town.barnstable.ma.us

www.town.barnstable.ma.us

TOWN COUNCIL MEETING AGENDA

Councillors:

Frederick Chirigotis
President

Harold E. Tobey
Vice President

Richard G. Barry
Janice L. Barton
Ann B. Canedy
James H. Crocker, Jr.
Leah C. Curtis
Henry C. Farnham
Janet S. Joakim
J. Gregory Milne
James F. Munafo, Jr.
Tom Rugo
James M. Tinsley, Jr.

Administrator:
Donald M. Grissom

Administrative
Assistant:
Barbara A. Ford

September 3, 2009
7:00 PM

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
 - **Lifeguard Team Recognition**
 - **Jane Eshbaugh Community Service Award**
 - **Proclamation for Suicide Prevention Week**
 - **Coastal Resources Management Plan Presentation**
- 4. PUBLIC COMMENT (May be limited to 2 minutes)**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. ACT ON MINUTES**
- 7. COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS**
- 8. ORDERS OF THE DAY**
 - A. OLD BUSINESS**
 - B. NEW BUSINESS**
- 9. TOWN MANAGER COMMUNICATIONS**
- 10. ADJOURNMENT**

NEXT MEETING: September 17th

A. OLD BUSINESS

2010-003	Appropriation order to fund finalizing the Coastal Resources Management Plan (Public hearing closed) (Roll-call).....	3 - 4
2010-011	Appropriation & loan order for energy efficiency at the Hyannis Water Pollution Control Facility: wind turbine & photovoltaic installation (Public hearing continued) (Roll-call, 2/3).....	5 - 6
2010-012	District of Critical Planning Concern – Craigville Beach District implementation regulations (Continued joint public hearing with planning board) (Roll-call, 2/3) (Substitute text is appended to this agenda on pages 22 - 33)	7 - 19
2010-016	Appropriation & transfer \$137,500 from Community Preservation Fund set aside for open space (Public hearing) (Roll-call)	20 – 21

B. NEW BUSINESS

None

Minutes – August 6, 2009

Please Note:

It is possible that if it so votes, the Council may go into executive session.

The Council may also act on items in an order other than they appear on this agenda.

A. OLD BUSINESS (Public hearing closed) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2010-003

INTRO: 07/16/09, 08/06/09, 09/03/09

2010-003 APPROPRIATE & TRANSFER FROM RESERVE FUNDS FOR FINALIZING THE COASTAL RESOURCES MANAGEMENT PLAN.

ORDERED: that the sum of \$14,000 be appropriated from reserve funds for the purpose of finalizing the Coastal Resources Management Committee update of the 1990 Camp, Dresser & McKee Coastal Resources Management Plan as follows: \$13,000 for personnel; \$1,000 for final document preparation, printing and distribution; and that the Town manager is authorized to contract for and expend the Appropriation made available for this purpose.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close public hearing
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

COASTAL RESOURCES MANAGEMENT PLAN UPDATE THREE BAYS, EAST BAY AND THE CENTERVILLE RIVER

ITEM# 2010-003

INTRO: 07/16/09, 08/06/09, 09/03/09

SUMMARY

DATE: July 7, 2009
TO: Town Council
FROM: Jo Anne Miller Buntich, Growth Management Dept Director

BACKGROUND: The Committee created has worked steadily at this Town Council assigned task over the past year. The CRMC has carefully interviewed stakeholders, reviewed the 1990 Coastal Management Plan and worked to develop an inventory of existing condition and is now engaged in reviewing, editing and finalizing a draft of the plan update. Previous funds allocated for committee support have supported this extensive plan of work.

The requested funds will allow the CRMC, with assistance from the Growth Management Department, to bring the project to a close on time and under initial cost estimates.

A. OLD BUSINESS (Public hearing continued) (Roll-call, 2/3)

BARNSTABLE TOWN COUNCIL

ITEM# 2010-011

INTRO: 07/16/09, 08/06/09, 09/03/09

**2010-011 APPROPRIATION & LOAN ORDER –WIND TURBINE & PHOTOVOLTAIC
INSTALLATION AT HYANNIS WATER POLLUTION CONTROL FACILITY**

ORDERED: That the sum of \$9,150,000 be appropriated for the purpose of funding the energy efficiency, wind turbine and photovoltaic installation at the Hyannis Water Pollution Control Facility; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$9,150,000, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto, subject to the approval of the Town Council.

SPONSOR: Councilor Harold E. Tobey and Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close public hearing
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

WIND TURBINE & PHOTOVOLTAIC INSTALLATION HYANNIS WATER POLLUTION CONTROL FACILITY

ITEM# 2010-011

INTRO: 07/16/09, 08/06/09, 09/03/09

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: July 8, 2009

BACKGROUND: In December of 2007, the Executive Office of Energy & Environmental Affairs and MassDEP launched the first innovative phase of the Massachusetts Energy Management Pilot for Drinking Water and Wastewater Treatment Facilities - a project designed to reduce emissions of greenhouse gases and the amount of energy that treatment facilities use in treating the water that flows through the plant by 20%.

A total of 14 facilities are part of this pilot project, seven wastewater treatment facilities and seven drinking water treatment facilities. So far, the project guided the facilities through the assessment of their current energy performance, conducted energy audits, and assessed renewable energy generation potential. MassDEP and local strategic partners are working together to assist with the implementation of efficiency and renewable energy projects that will result in substantial energy savings for all the targeted facilities. MassDEP is also currently assisting in the identification of funding sources through the State Revolving Fund (SRF) and the Federal Stimulus package to complete the pilot project's findings and recommendations for each of the treatment facilities.

ANALYSIS: The Hyannis Water Pollution Control Facilities has been identified as one of the 14 facilities to receive eligibility for State Revolving Fund (SRF) and the Federal Stimulus funding. Improvements at the Hyannis Water Pollution Control facility include installing variable speed drives, premium motor upgrades, and replacement of high efficiency motors, installation of 1,000kW solar photovoltaic system (roof & ground-mounted), and installation of (3) 250kW wind turbines.

The total estimated budget for the projects totals \$9.15 M and to be eligible for SRF funding as described above the community must have submitted a completed loan application by September 1, 2009 for "green infrastructure" projects to be funded through the State Revolving Fund and American Recovery and Reinvestment Act (Federal Stimulus Monies).

FISCAL IMPACT: The cost of the construction of the energy efficiency, wind turbine and photovoltaic improvements are to be funded through a \$9,150,000 grant through the American Recovery and Reinvestment Act (ARRA) of 2009. Impacts on future user fees shall be determined subsequent to the final determination of principal subsidy received for this infrastructure improvements and improved energy efficiencies.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of the appropriation order after the required public hearing. The Town Manager recommends the approval of the borrowing of these funds.

STAFF SUPPORT: Mark S. Ells, Director of Public Works

A. OLD BUSINESS (Joint public hearing with planning board continued) (Roll-call, 2/3)
(Appended to the end of the agenda is substitute text dated August 19, 2009)

BARNSTABLE TOWN COUNCIL

ITEM# 2010-012
INTRO: 07/16/09, 08/06/09, 09/03/09

2010-012 DCPC IMPLEMENTING REGULATIONS-CRAIGVILLE BEACH DISTRICT

ORDERED:

Preamble: This ordinance is adopted as an implementing regulation of the Craigville Beach portion of the Centerville Village Craigville Beach District of Critical Planning Concern (DCPC). Included in this order in **Section 1** amends the zoning map to create the Craigville Beach District; **Section 2** adopts the Centerville Village Implementing Regulations.

Section 1

Craigville Beach District Map

That the official zoning map of the Town of Barnstable is hereby amended by adding the Boundary of the Craigville Beach District replacing portions of the RC, RD and RD-1 district as shown on a map on file with the Town Clerk entitled "Proposed Amendment to the Town Zoning Map Creating the Centerville Village District" dated July 16, 2009 and "Proposed Amendment to the Centerville Zoning Map Sheet 4 of 7" dated July 16, 2009.

Section 2

Craigville Beach District Implementing Regulations

That Chapter 240, Zoning Ordinance is hereby amended by adding a new Article XIV District of Critical Planning Concern Implementing Regulations and adding Craigville Beach District Implementing Regulations:

§240- 131 Authority

This Article is adopted under the authority of the Home Rule Amendment, Article 89 of the Constitution of the Commonwealth, and the Cape Cod Commission Act, Chapter 716 of the Acts of 1989.

§240-131.1 Purposes and Intent

- A. The purposes and intent of this section is to guide development in the Craigville Beach District by promoting development and redevelopment that:
- (1.) Contributes to and respects the character and historic development patterns of the area; lessen development and redevelopment impacts to the historic and community character resources in this area;
 - (2.) Protects and preserves scenic views and vistas and ways to the water;
 - (3.) Protects and improves natural resources including but not limited to the barrier beach and groundwater and coastal water quality; lessen development and redevelopment impacts to the natural resources and ecosystems in this district;
 - (4.) Protects human life and property from the hazards of periodic flooding,
 - (5.) Preserves the natural flood control characteristics and the flood control function of the flood plain,
 - (6.) Preserves and maintains the ground water table and water recharge areas within the floodplain. As the entire complex of coastal wetland resources moves landward due to relative sea level rise, the Craigville Beach area's coastal floodplains immediately landward of salt marshes, coastal beaches, barrier beaches, coastal dunes, and coastal banks require special protection.

240-131.2 District Boundaries

A. The provisions of ordinance shall apply within the Craigville Beach District (CBD), as shown on the Barnstable Zoning Map, July 16, 2009.

B. **Neighborhood Overlays.** For the purpose of this ordinance the Craigville Beach District is divided into the following Neighborhood Overlay areas, as shown on the Barnstable Zoning Map, July 16, 2009.

LBSB: Long Beach/Short Beach

CB: Craigville Beach

CRNB: Centerville River North Bank

CV: Craigville Village

§ 240-131.3 Definitions

Accessory Use or Building-- A use or structure which is customarily incidental to and subordinate in area, extent, and purpose to that of the principal use or structure.

Base Flood Elevation (BFE) – The elevation shown on the Flood Insurance Rate Map (FIRM) that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Beach Club -- A membership establishment legally in existence at the time of the adoption of this ordinance, not open to the general public, located in close proximity to a beach and providing recreational and social activities, including food service, to members.

Building Coverage - The percentage of a lot covered by principal and accessory buildings or structures. For the purposes of this section, this definition does not include uncovered swimming pools and tennis courts, and decks not exceeding 100 square feet or 10 feet in length.

Building Height –The vertical distance between the highest point on the roof and the natural mean grade as measured from the natural mean grade from the four farthest corners of the structure to the height of the highest point on the roof, and dividing the aggregate number of these heights by four (4). These height limitations shall not apply to chimneys or flagpoles, as approved by the Building Commissioner.

Building Story — The vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

Conference Center – A non-profit religious and educational use legally in existence at the time of the adoption of this ordinance comprised of guest houses and cottages, single family residences, recreational areas, lodging for guests, meeting spaces, and summer recreational opportunities.

Cottage Colony – A group of three or more detached dwellings, under one ownership, legally in existence at the time of the adoption of this ordinance located on a single lot, which are customarily rented out to the transient public by day, week, month, or season and occupied on a seasonal basis only.

Elevated Structure - A structure elevated for the purpose of Barnstable Code, Section 240-34, Flood Area provisions whose lowest structural member is 1’ above BFE in A zones and 2’ above BFE in V zones.

FEMA – Federal Emergency Management Agency.

FEMA Flood Zones - Geographic areas susceptible to inundation by water that FEMA has mapped according to varying levels of flood risk, as defined and delineated on a community’s Flood Insurance Resource Map.

FIRM – Flood Insurance Rate Map.

Grade - The referenced plane of the average of all finished ground levels adjoining the building or structure for a distance of 6 feet from all exterior walls.

Gross Floor Area – The total area of a building measured by taking the outside dimensions of the building at each floor level.

Impervious Surface A surface which prevents the penetration of precipitation or other liquids into the ground, including roofs, concrete, asphalt, natural stone, sidewalks, etc. Any area designed initially to be semi-pervious but has been shown to become impervious over time (e.g., gravel, crushed stone, shells, porous pavement, etc.) may, at the discretion of the Building Commissioner, be considered an Impervious Surface.

Lot Area - The horizontal area of a lot exclusive of any area in a street or way open to public use. All of the lot area used for zoning compliance shall be land other than that under water nine (9) months or more in a normal year, or considered as wetland resource area as defined in the Wetlands Protection Act, Chapter 131, Section 40 of MGL and subsequent regulations, 310 CMR 10.00.

Lot Coverage - The percentage of a lot covered by Impervious Surfaces. For the purposes of this section, paved driveways and parking areas, principal and accessory structures, and other on-site amenities that render any portion of a lot impervious surfaces shall be included in the definition of lot coverage.

Non-Profit Educational Use – An educational use conducted by a not for profit corporation whose articles of incorporation permit it to engage educational activities and “educational purposes” as its principal permitted use within the meaning of Massachusetts General Laws, Chapter 40A, sec. 3, including but not limited to libraries and museums.

Open Foundation: A pile or column foundation designed for structures in flood zones that minimizes the foundation area subject to lateral flood loads. Open foundations are intended to prevent flotation, collapse, and lateral movement of a building during a flood-event.

Religious Institution – An institution engaged in “religious purposes” within the meaning of Massachusetts General Laws, Chapter 40A, Section 3.

Single Family Residence - A detached residential building designed for and occupied by a single family.

Small-Scale Food Service – An establishment legally in existence at the time of the adoption of this ordinance where food is served to customers by wait staff. Small-scale food service does not include restaurants designed to serve a large volume of customers. Small-scale food service is subject to formula business limitations as described herein. These uses are intended to increase pedestrian.

Special Permit Granting Authority (SPGA) - The Zoning Board of Appeals shall be the special permit granting authority within the Craigville Beach District.

V (Velocity) Zone—area extending from mean low water to the inland limit 100 year floodplain supporting waves greater than three (3) feet in height. V-zones are mapped on the FEMA FIRM.

Section 240-131.4 Craigville Beach District Use Regulations

Municipal uses are exempt from these regulations.

A. Principal Permitted Uses. See 240-131.7 (Neighborhood Overlay Regulations) herein.

B. Use Limitations

(1.) Any use not expressly allowed herein is prohibited.

- (2.) The conversion of any building or structure from seasonal use to year round use is prohibited, except that Single Family Residences are not subject to this use limitation. The conversion of a building, or buildings, constituting a cottage colony, hotel, inn or rooming house, or of a facility required to be licensed as a recreational camp, overnight camp or cabin, or motel under S. 32A to I of Chapter 140 of the General Laws, to condominium-type ownership, shall be deemed to be a change in use from seasonal to year-round use, and is prohibited.
- (3.) Permitted business and retail uses shall not include a business which is required by contractual or other arrangement to maintain one or more of the following items: standardized (“Formula”) array of services and/or merchandise, trademark, logo, service mark, symbol, décor, architecture, layout, uniform, or similar standardized features and which causes it to be substantially identical to more than fourteen (14) other businesses regardless of ownership or location. Drive-up windows and/or drive-through facilities are prohibited.

C. Exempt Uses

(1.) Religious institutions, municipal uses, accessory day care centers, and Non-Profit Educational uses are permitted as exempt uses within the Craigville Beach District. These uses shall, however, be subject to and in conformance with the reasonable bulk, density, design and development regulations of the Craigville Beach District as set forth in Sections 240-131.1 Purposes and Intent, § 240-131.5 Dimensional, Bulk and Other Regulations, § 240-131.7 Neighborhood Overlay Regulations.

(2.) Where the exempt use does not comply with said regulations, the Zoning Board of Appeals shall, by modification permit, modify said regulations if compliance with the regulation substantially diminishes or detracts from the usefulness of a proposed development or impairs the character of the development so as to affect its intended use, provided however that the relief granted will not create a public safety hazard along adjacent roadways and will adversely impact natural resources or create a nuisance or adverse impacts to other surrounding properties. A modification permit shall be subject to the same procedural requirements as a special permit except that approval of a modification permit shall require a simple majority of the members of the Board.

- D.** Continuation. Any lawfully established lot, structure, use or site improvement existing at the time of the adoption of this ordinance that does not conform to the provisions of the CBD shall be allowed to continue.

E. Change, Expansion or Alteration of Uses and Structures

Uses and structures lawfully existing at the time of the adoption of this ordinance may continue subject to the following:

- (1) As of right
 - a) The normal and customary repair and maintenance of a building or structure is permitted as of right.
 - b) The alteration and expansion of a building or structure, not including conversion of existing floor area to habitable space, is permitted as of right provided that the alteration or expansion shall conform to following criteria:
 - [1] The building or structure alteration or expansion.
 - [2] Conforms to applicable height requirements of § 240-131.5.
 - [3] Does not exceed the Coverage Limitations set forth in § 240-131.6
 - [4] Complies with applicable neighborhood performance standards.
- (2) By Special Permit
 - (a) The alteration or expansion of a lawfully established building or structure that does not qualify under the “as of right” provisions above shall be permitted only by a special permit

from the SPGA. In granting such special permit, the SPGA shall find that the proposed alterations and/or expansions:

- (1) Are not substantially more detrimental to the environment, community or historic character of the neighborhood;
- (2) Comply with Section 240-131.1 Purposes and Intent and with the Performance Standards for the neighborhood district where the development is located, in accordance with Section 240-131.7 Neighborhood District Overlay Regulations;
- (3) Do not exceed 25% of the Gross Floor Area in existence as of February 12, 2008;
- (4) Do not increase lot coverage over what is allowed under § 240-131.6 Coverage

Limitations;

- (5) Result in enhanced protection of the structure and the neighborhood from flood hazards
- (6) Reduce impervious surfaces;
- (7) Increase or enhances public access to the coast;
- (8) Enhance views to Nantucket Sound and/or the Centerville River;
- (9) In V-zones reduce south facing building surfaces and so the adverse effect of increasing elevation or velocity of flood waters due to a change in flowage characteristics on the subject site, adjacent properties or any public or private way

F. Special Permit for Dimensional Relief

The SPGA may provide relief from minimum lot area, minimum lot frontage, maximum building setback, minimum yard setbacks, is consistent with § 240-131.1 Purposes and Intent-the Performance Standards for the neighborhood district where the development is located, in accordance with Section 240-131.7, Neighborhood Overlay Regulations and the applicant demonstrates undue hardship without desired relief-

G. Re-establishment of damaged or destroyed use, building or structure.

- (1.) The re-establishment of a use and/or building or structure which has been destroyed or damaged by fire, acts of nature or other catastrophe shall be permitted as of right, provided that the Building Commissioner has determined that all the following conditions are met:
 - (a.) The reconstruction or repair will not materially increase the gross floor area or height of the building or structure beyond that which previously existed, nor materially increase the footprint of the structure; or materially change the grade; except that buildings in the flood plain that existed prior to the February 12, 2008 may be elevated 2 feet above BFE regardless of the resulting building height provided the building complied with building height regulations at the time of its construction.
 - (b.) If the buildings location on the lot is to be changed, it will change in a manner that will be closer to complying with the dimensional and bulk regulations.
 - (c.) The reconstruction or repair will not constitute an expansion or intensification of any use.
 - (d.) In the case of any use in which it would otherwise be required, the site plan review process has been followed.
 - (e.) Design and architecture of damaged or destroyed buildings and structures in existence at the time of the adoption of this regulation may be replicated. If the Building Commissioner finds that the structure is to be rebuilt to replicate what existed before the damage or destruction the design guidelines in this chapter do not apply.
- (2.) Any previously established use or structure which no longer complies with the provisions of the CBD shall be discontinued unless a building permit has been applied for within three years from the date of damage or destruction, and construction is continuously pursued to completion.

H. Voluntary Demolition and Reconstruction of Single Family Residences: Lawfully established Single Family Residences may be completely demolished and reconstructed in accordance with the applicable provisions of this chapter with the exception of minimum lot area and frontage which shall be the lot area and frontage in effect at the time the structure was lawfully established.

240-131.5 Dimensional, Bulk, and Other Requirements: The following requirements apply to all development and redevelopment in the Craigville Beach Zoning District.

	Neighborhood Overlays			
	Craigville Village	Craigville Beach	Long Beach/Short Beach	Centerville River North Bank
Requirements				
Minimum Lot Area (upland) (s.f)	87, 120 or Legally established lot area as of 07/16/2009	87, 120 or Legally established lot area as of 07/16/2009	87,120 or Legally established lot area as of 07/16/2009	87,120 or Legally established lot area as of 07/16/2009
Minimum Lot Frontage (linear feet)	75	100	125	125
Min. Front Yard Setback (feet)	15	20	30	30
Min. Side Yard Setback (feet)	10	15	<u>15</u> ⁴	20
Min. Rear Yard Setback (feet)	10	15	20	20
Maximum Building Height ^{1,2,3}	30	26	30	30
Maximum number of stories ⁵	2	2	2	2
Maximum Building Coverage	See Section 240-131-6			
Maximum Lot Coverage	See Section 240-131-6			

Dimensional table notes:

- (1.) Maximum Building Height allowances vary depending upon the roof pitch of the structure, with gable roofs having a slope of 7/12 or greater allowed the maximum building height, hip and roofs with a slope of 4/12 or greater are allowed 5 feet less than the maximum building height, and flat roofs prohibited except on one-story additions totaling less than 300 square feet per parcel.
- (2.) Buildings in the flood plain that existed prior to the February 12, 2008 may be elevated 2 feet above BFE provided the building complied with building height regulations at the time of its construction.
- (3.) Within the flood plain the maximum building height, when necessary to flood proof the structure, reconstruction or addition, may be increased to allow the required elevation above the BFE plus 2 feet.
- (4.) In the Long and Short Beach Neighborhood, to preserve and enhance views of Craigville Beach and the Craigville River a view corridor shall be preserved with one side setback at 20 feet or a total of 25% of the lot frontage, whichever is greater. The view corridor shall remain free of view obstructing buildings, structures, site improvements or landscaping other than low growing plant material or existing natural vegetation for the entire depth of the property from the street to the river or beach. The view corridor may be divided into two view corridors to facilitate development of the property.
- (5.) The second story must be set back at least 2 feet from the façade line of the floor below on two of the building’s facades and the second story floor area shall not exceed 80% area of floor area immediately below it.

240-131.6 Coverage Limitations: The following limitations apply to all development and redevelopment in the Craigville Beach Zoning District.

Lot Size	Maximum Building Coverage (footprint) Allowance	Maximum Lot Coverage Allowance
1,300-4,999 s.f.	1,100 s.f. plus 10.8% of lot area over 1,300 s.f.	50%
5,000-7,499	1,500 s.f. plus 6% of lot area over 5,000	50%
7,500-9,999	1,650 s.f. plus 6% of lot area over 7,500	35%
10,000-14,999	1,800 s.f. plus 4% of lot area over 10,000	25%
15,000-19,999	2,000 s.f. plus 6% of lot area over 15,000	20%
20,000-34,999	2,300 s.f. plus 4% of lot area over 20,000	15%
35,000-44,999	2,900 s.f. plus 4% of lot area over 35,000	10%
45,000 and above	3,300 s.f. plus 3% of lot area over 45,000	10%

Section 240-131.7 Neighborhood Overlay Regulations

A. Purpose: The Neighborhood Overlay regulations establish uses, dimensional requirements and design guidelines to preserve the distinctive character; allow continued use and enjoyment of properties and structures; make provisions for changes, expansions; protect and preserve scenic views and vistas; protect and improve natural resources; and to limit damage from periodic flood events for each neighborhood within the Craigville Beach District.

B. Historic and Community Character. These regulations will ensure that development and redevelopment in the CBD contributes to and does not detract from the historic character of the Craigville Beach area; that any proposed additions to historic structures shall be consistent with the historic structure; and that the character of the surrounding neighborhood, including elements such as building height, mass and orientation; and preserves views and ways to the water from public spaces, streets and ways.

C. Applicability: Development and redevelopment shall be subject to the following additional requirements and regulations based upon the applicable Neighborhood Overlay.

D. General Performance Standards

- 1) **Dimensional requirements.** The development complies with the height limitations, setbacks, and lot coverage requirements set forth herein, and is in character with surrounding structures, particularly structures that predate it unless relief has been granted by the SPGA in accordance with Sections 240-131.4(E) and (F).
- 2) **Natural Resource protection.** The development minimizes the alteration of natural landforms, protects natural resources and prevents flood damage to the subject property and any other properties. The development plan correctly delineates all natural resource boundaries, including but not limited to wetlands, rare and endangered species habitat as mapped by Natural Heritage and Endangered Species Program of the Massachusetts Division of Fish and Wildlife, salt marsh, land subject to coastal storm flowage, coastal beach, coastal dune, barrier beach, tidal flats and land subject to tidal action, vernal pools, land under salt ponds and floodplains. Where the limit of such resources is in question, the applicant shall obtain a Determination of Applicability from the Barnstable Conservation Commission and provide it to the Board of Appeals or the Building Commissioner for the record.
- 3) **Removal of Vegetation.** The alteration or removal of vegetation within the 100' buffer to wetland resources, as defined by the Barnstable Code, Section 237, shall be prohibited. The removal of more than 25% of the existing vegetation on a parcel located on a barrier beach or coastal bank is prohibited.
- 4) **Screening.** Exposed foundation walls for raised septic systems and/or elevated structures are prohibited; foundation walls shall be screened through the use of foundation plantings

and/or the use of other natural materials. Where possible mounded septic systems shall be located at the rear of the property.

- 5) The development does not require variances from the maximum wastewater design flow limitations set forth in Title 5.
- 6) Stormwater management and erosion control comply with best management practices through Low Impact Development or other adaptive management practice.
- 7) Roof decks: Up to 50 square feet of roof deck may be allowed atop the first or second floor of a structure if the railing and support structure for the roof deck are constructed fully below the tallest part of the roofline they are contained within.

E. Long Beach/Short Beach Neighborhood

(1) Permitted Principal Uses: The following principal uses are permitted in the Long Beach/Short Beach Neighborhood Overlay area subject to the performance standards listed below.

- (a.) Single Family Residence

(2) Permitted Accessory Uses: The following uses are permitted in the Long Beach Neighborhood Overlay district subject to the use limitations and performance standards listed in 240-131-7.Cand below:

- (a.) Boat houses and boat shelters that do not exceed eight (8) feet in height; have a roof pitch of at least 4:12; do not include a roof top structure; and do not exceed 300 square feet of building area or 350 square feet of combined building area and accessory decking, including but not limited to ramps, roofed decks, and walkways. Boat houses shall be primarily of wood construction.
- (b.) Parking facilities accessory to the rental of non-motorized watercraft that result in no more than 25% impervious area

(3) Performance Standards All development and redevelopment shall meet the following standards:

- (a.) No land area shown as V-zone shall be developed unless such development is demonstrated by the applicant to be located landward of the reach of the mean high tide. Any man-made alteration of sand dunes in the course of such development within said designated V zones which might increase the potential for flood damage shall be prohibited.
- (b.) Any activity or development in a V-zone that creates an adverse effect by increasing elevation or velocity of flood waters due to a change in drainage or flowage characteristics on the subject site, adjacent properties or any public or private way is prohibited. Any proposed activity shall not result in flood damage due to filling which causes lateral displacement of flood waters that, in the judgment of the SPGA, would otherwise be confined to said area. The burden of proof for this standard rest with the applicant and shall require certification by a professional engineer.
- (c.) Open foundations shall be designed to accommodate only the height required to elevate the lowest structural member 2' above the BFE in V zones and 1 foot above BFE in A zones. For all new construction and substantial improvements within the V zones, the space below the lowest floor must either be free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

F. Craigville Beach Neighborhood

(1) Permitted Principal Uses: The following principal uses are permitted in the Craigville Beach Neighborhood Overlay area subject to the performance standards listed below.

- (a.) Single Family Residence
- (b.) Small-scale food service
- (c.) Beach club

(d.) Cottage colony

(2) Permitted Accessory Uses: The following uses are permitted in the Craigville Beach Neighborhood Overlay district subject to the use limitations and performance standards listed 240-131-7.C and below:

- (a.) Parking facilities accessory to the rental of non-motorized watercraft that result in no more than 25% impervious area.
- (b.) Boat houses and boat shelters that do not exceed eight (8) feet in height, have a roof pitch of at least 4:12, do not include a roof top structure, and do not exceed 300 square feet of building area or 350 square feet of combined building area and accessory decking, including but not limited to ramps, roofed decks, and walkways. Boat houses shall be primarily of wood construction.

(3) Performance Standards: All development and redevelopment shall meet the following standards:

- (a.) No land area shown as V-zone shall be developed unless such development is demonstrated by the applicant to be located landward of the reach of the mean high tide. Any man-made alteration of sand dunes in the course of such development within said designated V zones which might increase the potential for flood damage shall be prohibited.
- (b.) Any activity or development in a V-zone that creates an adverse effect by increasing elevation or velocity of flood waters due to a change in drainage or flowage characteristics on the subject site, adjacent properties or any public or private way is prohibited. A proposed activity shall not result in flood damage due to filling which causes lateral displacement of flood waters that, in the judgment of the SPGA, would otherwise be confined to said area. The burden of proof for this standard rest with the applicant and shall require certification by a professional engineer.
- (c.) Open foundations shall be designed to accommodate only the height required to elevate the lowest structural member 2' above the BFE in V zones and 1 foot above BFE in A zones. For all new construction and substantial improvements within the V zones, the space below the lowest floor must either be free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

(4) Beach Club Design Guidelines

Purpose: To maintain public views to the water and to maintain the neighborhood's existing character with small scale building masses and natural or traditional building materials.

- (a.) **Building Height and Massing:** New construction on Beach Club properties should have modest massings to relate to the small scale of most structures in the beachfront neighborhood. Any structure with a footprint of 3000 square feet or more should incorporate significant changes in massing to break up the facade, and should integrate one-story massings into the design to relate the building to the surrounding smaller structures.
- (b.) **Building Orientation:** Buildings should be oriented with the narrow end facing the street and the water to maximize public views of the water across the site. New buildings or complexes should not extend over more than 150 feet of the lot frontage, and efforts should be made to limit the expansion of existing buildings.
- (c.) **Maintaining Views to Water:** Multiple buildings on one lot should be clustered close together to limit obstructed views of the water, or should be separated from each other by 100 feet or more of road frontage to allow broad unobstructed views across the lot to the water.
- (d.) **Fences:** Fences should be of open construction and low profile (such as split rail and low picket fencing) to maintain public views to the water. Fences over 3 feet in height should be limited to screening loading and delivery areas adjacent to buildings, or

modest trash collection areas. Screening fences should not extend farther than necessary beyond the building footprint to maintain public views.

- (e.) **Building Materials:** Exterior building materials should be those traditionally used in the region or other naturally weathering materials, such as wood shingle, wood clapboard, or board and batten siding.

G. Centerville River North Bank Neighborhood

(1) Permitted Principal Uses: The following principal uses are permitted in the Centerville River Neighborhood Overlay area subject to the performance standards listed below.

Single Family Residence

(2) Permitted Accessory Uses: The following uses are permitted in the River North Neighborhood Overlay district subject to the use limitations and performance standards listed 240-131. 7.C and below:

- (a.) Parking facilities accessory to the rental of non-motorized watercraft that result in no more than 25% impervious area.
- (b.) Boat houses and boat shelters that do not exceed eight (8) feet in height, have a roof pitch of at least 4:12, do not include a roof top structure, and do not exceed 300 square feet of building area or 350 square feet of combined building area and accessory decking, including but not limited to ramps, roofed decks, and walkways. Boat houses shall be primarily of wood construction.
- (3) Performance Standards:** All development and redevelopment shall meet the following standards:
 - (a.) **Vista pruning.** Where existing vegetation is greater than twenty feet in height, the development minimizes vista pruning and maintains a vegetated screen between the structure and the Centerville River. Tree removal shall not interrupt the treeline as viewed from the south looking northward to the treeline.
 - (b.) No land area designated as V-zone of the FIRM maps shall be developed unless such development is demonstrated by the applicant to be located landward of the reach of the mean high tide. Any man-made alteration of sand dunes in the course of such development within said designated V zone which might increase the potential for flood damage shall be prohibited.
 - (c.) Any activity or development in a V-zone that creates an adverse effect by increasing elevation or velocity of flood waters due to a change in drainage or flowage characteristics on the subject site, adjacent properties or any public or private way is prohibited. A proposed activity shall not result in flood damage due to filling which causes lateral displacement of flood waters that, in the judgment of the SPGA, would otherwise be confined to said area. The burden of proof for this standard rest with the applicant and shall require certification by a professional engineer.
 - (d.) Open foundations shall be designed to accommodate only the height required to elevate the lowest structural member 2' above the BFE in V zones and 1 foot above BFE in A zones. For all new construction and substantial improvements within the V zones, the space below the lowest floor must either be free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

H. Craigville Village Neighborhood

(1) Permitted Principal Uses: The following principal uses are permitted in the Craigville Village Neighborhood Overlay area subject to the use limitations and performance standards listed 240-131.7.C and below.

- (a) Single Family Residence
- (b) Conference Center

(2) Permitted Accessory Uses: The following uses are permitted in the River North Neighborhood Overlay district subject to the performance standards listed below:

- (a) Parking facilities accessory to the rental of non-motorized that result in no more than 25% impervious area.
- (b) Boat houses and boat shelters that do not exceed eight (8) feet in height, have a roof pitch of at least 4:12, do not include a roof top structure, and do not exceed 300 square feet of building area or 350 square feet of combined building area and accessory decking, including but not limited to ramps, roofed decks, and walkways. Boat houses shall be primarily of wood construction.

(3) Performance Standards: All development and redevelopment shall meet the following standards:

(4) Design Guidelines

(a.) Purpose:

Most buildings in the Craigville Village Neighborhood date from the late 1800s and early 1900s when the neighborhood developed as a Christian Camp Meeting Association. The neighborhood is still defined by its historic structures and their configuration around a central green, small street grid, and communal paths.

(b.) Objectives:

- (1.) To preserve the character-defining features of the original camp meeting neighborhood including its small lots, modest scale structures, and orientation of buildings to public areas.
- (2.) To ensure that additions and alterations to structures are compatible with the existing scale and character of the building and preserve the original massing and unique architectural features of its historic buildings.

(c.) Application:

The design guidelines set forth herein do not apply to structures in existence as of the date of the adoption of this ordinance, but shall apply to all new development, to any additions to existing structures, and to all reconstruction projects except as provided for in Section 240-131 (x).

(d.) Building Design. The guidelines shall apply to construction of new structures and expansions and alterations of existing structures.

- (1.) Preserve the original massing of historic structures (pre-1945):
- (2.) Additions should be attached to secondary or less prominent facades of the building (the side or rear facades), and should be stepped back from the front and rear corners of the building so as to preserve the original massing of the structure, including its roof form.
- (3.) Work with modest massings: Additions should be scaled to be consistent with or smaller than the size of the original historic structure, following the neighborhood tradition of expanding small cottages incrementally with modest additions. Additions should generally have a lower roofline than the original structure to maintain the prominence of the original building, though some additions may be slightly taller than the original structure if attached to the original structure with a smaller connecting mass.
- (4.) Roof forms: The roof pitch on new construction and additions should complement the roof pitch of the original historic structure and should maintain a pitch of at least 6 over 12.
- (5.) Retain Original Architectural Details and Unique Forms: Additions should be placed so as to limit the removal of distinctive architectural trim and features that are unique to the building. Additions and alterations should not interfere with character-defining features such as open porches, steeply pitched roof forms, unique windows, and carpenter gothic trim along eaves and entries. Siding materials used on the original

structure should be retained, though other regional siding materials may be appropriate on additions.

Section 240-131.8 Additional Provisions

A. Other regulations

The following provisions of the Barnstable Code are hereby incorporated into this regulation: § 240-7 Application of District Regulations; § 240-9.C & D; § 240-10 Prohibited Uses; § 240-34 Flood Area Provisions; § 240-43 Accessory Uses; § 240-46.A & B Home Occupations; Article VI Off Street Parking Sections 240-52, 240-53.B through .E ; and Sign Regulations § 240-59 through 63; Article XI Growth Management Sections 240-110 through 122; Article IX Site Plan Review; Article XII Administration and Enforcement § 240-123 – 240-124; § 240-125 C Special Permit Provisions as these provisions of the Barnstable Code cited in this section may be amended from time to time

B. Conflicts

Unless otherwise stated, the requirements of the Craigville Beach District shall apply to uses and structures within the Craigville Beach District. In the event of a conflict, these regulations shall apply.

C. Severability

The provisions of this chapter are severable. If any court of competent jurisdiction shall invalidate any provision herein, such invalidation shall not affect any other provisions of this chapter. If any court of competent jurisdiction shall invalidate the application of any provision of this chapter to a particular case, such invalidation shall not affect the application of said provision to any other case within the Town.

SPONSORS: Council President Frederick Chirigotis, Councilor Janet S. Joakim, and Councilor Tom Rugo

DATE

ACTION TAKEN

- ___ Read item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close public hearing
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

IMPLEMENTATION OF DCPC CRAIGVILLE BEACH DISTRICT

ITEM# 2010-012

INTRO: 07/16/09, 08/06/09, 09/03/09

SUMMARY

TO: Town Council
FROM: Jo Anne Buntich Miller, Director of Growth Management
DATE: July 9, 2009

BACKGROUND: This is an amendment to the Zoning Ordinance that creates Section XIII District of Critical Planning Concern Regulations, Section 240-131 Craigville Beach District.

The Centerville Village DCPC was nominated in February of 2008 as a Cultural, Historic, Architectural Resource and Economic Development Resource District. The DCPC process was initiated at the request of Centerville residents. Adoption of these implementing regulations will allow the Town to provide the regulation desired by local residents and ensure that this small economic center will grow in a way that existing infrastructure can support.

The Town through the Town Attorney's Office and the Growth Management Department organized and partnered with an Advisory Group representing stakeholders in the Beach DCPC. Attorneys Eliza Cox, Michael Scott, Barry Weiner, Sarah Alger, William Ryckman – and at the outset Patrick M. Butler - represented property owners; Roy Richardson and Meg Loughran, represented the Centerville Village Association; Lindsey Counsell, Three Bays; Steve Brown, Red Lily Pond Association; Dr. Wayne Miller, Board of Health; Town Attorney Ruth Weil and Interim Director of Growth Management Jo Anne Miller Buntich along with former Interim Director Patty Daley worked with this group. Over the last several months Planning Board members Ray Lang and Paul Curley sat with the group as the ordinance was drafted. This group has met several times a month since October 2008.

ANALYSIS: Adoption of this regulation will create the Craigville Beach District by rezoning portions of the existing RC, RD and RD-1 districts.

RATIONALE: These regulations respond to and support the purposes of the District of Critical Planning Concern which included protecting community, historic and architectural character which is accomplished through use regulations, dimensional regulations and design guidelines. Natural resources and flood protection are supported through performance standards tailored to each neighborhood.

A. OLD BUSINESS (Public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2010-016

INTRO: 08/06/09, 09/03/09

2010-016 APPROPRIATION & TRANSFER \$137,500 FROM COMMUNITY PRESERVATION FUND SET ASIDE FOR OPEN SPACE

ORDERED: That, pursuant to the provisions of G. L. c. 44B, the sum of One hundred thirty seven thousand five hundred dollars and no/100 (\$137,500.00) be appropriated and transferred from the amount set aside for Open Space in the Community Preservation Fund on June 18, 2009 under agenda item 2009-129; and that the Growth Management Department is authorized to contract for and expend the amount appropriated with the prior approval of the Town Manager for the acquisition of a conservation restriction on 1.05 acres of land located at 671 Main Street, Cotuit, MA., Map / Parcel 036/015.

SPONSOR: Town Manager John C. Klimm upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close public hearing
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2010-016

INTRO: 08/06/09, 09/03/09

SUMMARY

TO: Town Council
FROM: Community Preservation Committee
DATE: July 27, 2009
SUBJECT: Rationale: Bay Point, LLC – Conservation Restriction

BACKGROUND: The Community Preservation Committee (CPC) met on July 20, 2009, and recommends that the town support this funding request for the Open Space Conservation Restriction on 1.05 acres of land located at 671 Main Street, Cotuit, Map / Parcel 036/015, in an amount not to exceed \$137,500 and shall be appropriated and transferred from the Community Preservation Funds.

RATIONALE: The project goal is to secure a conservation restriction (CR) for a combined sum of \$275,000, of which the Cotuit Water District will share the cost with the town – each will contribute \$137,500.

In the agreement with the developers in return for the purchase of the conservation restriction extensive portions of the property will be restricted from any development. The remaining project will be dramatically reduced in size and density. The developer will physically set off the conservation restriction property with fencing, landscaping and signage at Cotuit Water District's direction. The Town's Growth Management Department will have design and landscaping approval rights. An enhanced Bioclere septic system or its equivalent will be installed and will be subject to extensive regulation and examination requirements that will be reflected in a comprehensive set of documents via order of Housing Appeals Committee, Condominium documents and Board of Health Order.

Barnstable's character will be preserved by protection of nitrate loading and injection of pathogens into ground water near a public water supply wellhead; increased affordable housing opportunities and protection of land.

Cost sharing with the Cotuit Water District and co-management of the CR with Cotuit Water District will assure strict compliance with the terms of settlement and maximize protection of the wellhead. Monitoring costs will initially be paid by the developer and later assumed by the condominium association as an encumbrance on the fee monitoring well installation costs will be paid by the developer to Cotuit Water District, which will install the wells to its specifications. Either Cotuit Water District or the Town, acting through the Board of Health, will have authority to act upon any reported threat to the wellhead or to groundwater.

STAFF ASSISTANCE: Theresa M. Santos, Growth Management Department

Substitute Text – 2010-012
Dated August 19, 2009

BARNSTABLE TOWN COUNCIL

ITEM# 2010-012

2010-012 DCPC IMPLEMENTING REGULATIONS-CRAIGVILLE BEACH DISTRICT

ORDERED:

Preamble: This ordinance is adopted as a zoning implementing regulation of the Craigville Beach portion of the Craigville Beach District of Critical Planning Concern (DCPC). Included in this order in **Section 1** amends the zoning map to create the Craigville Beach District; **Section 2** adopts the Craigville Village Implementing Regulations.

Section 1

Craigville Beach District Map

That the official zoning map of the Town of Barnstable is hereby amended by adding the Boundary of the Craigville Beach District replacing portions of the RB, RC, RD and RD-1 district as shown on a map on file with the Town Clerk entitled "Proposed Amendment to the Town Zoning Map Creating the Craigville Beach District" dated July 16, 2009 and "Proposed Amendment to the Town Zoning Map Hyannis Sheet 3 of 7 and Centerville Zoning Map Zoning Map 4 of 7 creating the Craigville Beach District" dated July 16, 2009

Section 2

Craigville Beach District Implementing Regulations

That Chapter 240, The Zoning Ordinance is hereby amended by adding a new Article XIV District of Critical Planning Concern Implementing Regulations and adding Craigville Beach District Implementing Regulations:

§240- 131 Authority

This Article is adopted under the authority of the Home Rule Amendment, Article 89 of the Constitution of the Commonwealth, and the Cape Cod Commission Act, Chapter 716 of the Acts of 1989.

§240-131.1 Purposes and Intent

- A. The purpose and intent of this section is to guide development in the Craigville Beach District pursuant to the Guidelines of Barnstable County Ordinance 08-06 to ensure that development and redevelopment:
- (1.) Contributes to and respects the character and historic development patterns of the area; lessens inconsistent development and redevelopment impacts to the historic and community character resources in this area;
 - (2.) Protects and preserves scenic views and vistas and ways to the water;
 - (3.) Protects and improves natural resources including but not limited to the barrier beach and groundwater and coastal water quality; lessen development and redevelopment impacts to the natural resources and ecosystems in this district;
 - (4.) Protects human life and property from the hazards of periodic flooding,
 - (5.) Preserves the natural flood control characteristics and the flood control function of the flood plain,
 - (6.) Preserves and maintains the ground water table and water recharge areas within the floodplain. As the entire complex of coastal wetland resources moves landward due to relative sea level rise, the Craigville Beach area's coastal floodplains immediately landward of salt marshes, coastal beaches, barrier beaches, coastal dunes, and coastal banks require special protection.

240-131.2 District Boundaries

A. The provisions of this ordinance shall apply within the Craigville Beach District (CBD), as shown on the Barnstable Zoning Map, July 16, 2009.

B. Neighborhood Overlays.

For the purpose of this ordinance the Craigville Beach District is divided into the following Neighborhood Overlay areas, as shown on the Barnstable Zoning Map, July 16, 2009.

LBSB: Long Beach/Short Beach

CB: Craigville Beach

CRNB: Centerville River North Bank

CV: Craigville Village

§ 240-131.3 Definitions

Accessory Use or Building-- A use or structure which is customarily incidental to and subordinate in area, extent, and purpose to that of the principal use or structure.

Base Flood Elevation (BFE) – The elevation shown on the Flood Insurance Rate Map (FIRM) that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Beach Club -- A membership establishment legally in existence at the time of the adoption of this ordinance, not open to the general public, located in close proximity to a beach and providing recreational and social activities, including food service, to members.

Building Coverage - The percentage of a lot covered by principal and accessory buildings or structures. For the purposes of this section, this definition does not include uncovered swimming pools and tennis courts, and decks not exceeding 100 square feet or 10 feet in length.

Building Height – The vertical distance from the grade plane to the highest point of a gable, hip or gambrel roof and the highest point of the coping of a flat roof. These height limitations shall not apply to chimneys or flagpoles, as approved by the Building Commissioner.

Common Driveway – A form of access which is not a street but extends from a street and provides common vehicular access to more than one (1) lot. For the purposes of calculating Lot Coverage, the common driveway's Impervious Surfaces shall be equally allocated among the lots served and/or benefited by the common driveway in proportion to the sizes of the lots.

Conference Center – A non-profit religious and educational use legally in existence at the time of the adoption of this ordinance comprised of guest houses and cottages, single family residences, recreational areas, lodging for guests, meeting spaces, and summer recreational opportunities.

Cottage Colony – A group of three or more detached dwellings, under one ownership, legally in existence at the time of the adoption of this ordinance located on a single lot, which are customarily rented out to the transient public by day, week, month, or season and occupied on a seasonal basis only. Cottage colonies shall not be used year round. Cottage colony structures shall not exceed one and one-half stories and 800 s.f. GFA.

Elevated Structure - A structure elevated for the purpose of Barnstable Code, Section 240-34, Flood Area provisions whose lowest structural member is 1' above BFE in A zones and 2' above BFE in V zones.

FEMA – Federal Emergency Management Agency.

FEMA Flood Zones - Geographic areas susceptible to inundation by water that FEMA has mapped according to varying levels of flood risk, as defined and delineated on a community's Flood Insurance Rate Map.

FIRM – Flood Insurance Rate Map

Grade – The referenced plane of the average of all finished ground levels adjoining the building or structure for a distance of 6 feet from all exterior walls. Retaining walls for mounded septic systems mandated by the Board of Health are not included in the calculation of grade.

Gross Floor Area – The sum of all floor areas within a building or structure, measured from the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns, or other features. It shall include all areas capable of being used for human occupancy, including all basement floor areas, mezzanine and attic space and enclosed porches.

Half Story – That space above the plate line but below the ridgeline in an area commonly called the “attic space”, provided that the gross floor area of the half story shall not exceed 66% of the gross floor area immediately below the half story.

Impervious Surface A surface which prevents the penetration of precipitation or other liquids into the ground, including roofs, concrete, asphalt, natural stone, sidewalks, etc. Any area designed for vehicle use or vehicle

3

parking covered with porous pavers which may become impervious over time may, at the discretion of the Building Commissioner, be considered impervious surface.

Lot Area - The upland area of a lot.

Lot Coverage - The percentage of a lot covered by Impervious Surfaces. For the purposes of this section, paved driveways and parking areas, principal and accessory structures, and other on-site amenities that render any portion of a lot impervious shall be included in the definition of lot coverage.

Non-Profit Educational Use – An educational use conducted by a not for profit corporation whose articles of incorporation permit it to engage educational activities and “educational purposes” as its principal permitted use within the meaning of Massachusetts General Laws, Chapter 40A, sec. 3, including but not limited to libraries and museums.

Open Foundation: A pile or column foundation designed for structures in flood zones that minimizes the foundation area subject to lateral flood loads. Open foundations are intended to prevent flotation, collapse, and lateral movement of a building during a flood-event.

Religious Institution – An institution engaged in “religious purposes” within the meaning of Massachusetts General Laws, Chapter 40A, Section 3.

Seasonal Use – A use carried on for only a part of the year. Typical seasonal uses are outdoor recreational activities such as swimming and boating both motorized and non-motorized; impermanent use of cottages, motels, hotels, letting of rooms in a residential structure and letting an entire residential structure.

Seasonal Use Structure – Any structure designed or used as temporary seasonal living quarters that is not used as a primary, permanent residence. Seasonal use structures may have heat and other amenities but do not deposit wastewater into wastewater treatment systems on a regular year round basis and do not withdraw water for consumption or other activities on a regular year round basis.

Single Family Residence - A detached residential building designed for and occupied by a single family.

Small-Scale Food Service – An establishment legally in existence at the time of the adoption of this ordinance where food is served to customers by wait staff. Small-scale food service does not include restaurants designed to serve a large volume of customers. Small-scale food service is subject to formula business limitations as described herein. These uses are intended to increase pedestrian activity.

Special Permit Granting Authority (SPGA) - The Zoning Board of Appeals shall be the special permit granting authority within the Craigville Beach District.

Story - The vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

Upland – All lands not defined herein as wetlands.

V (Velocity) Zone—The area extending from mean low water to the inland limit 100 year floodplain supporting waves greater than three (3) feet in height. V-zones are mapped on the FEMA FIRM.

Wetland – The land under the ocean or under any bay, lake, pond, river, stream, creek or estuary; any wet meadows, marshes, swamps, bogs, areas where high groundwater, flowing or standing surface water or ice provide a significant part of the supporting substrata for a plant community for at least five months of the year, lowland subject to any tidal action or annual storm flooding or flowage, or any flat, beach, dune, or other shifting sand formation.

Section 240-131.4 Craigville Beach District Use Regulations

Municipal uses are exempt from these regulations.

A. Principal Permitted Uses. See 240-131.7 (Neighborhood Overlay Regulations) herein.

B. Use Limitations

(1.) Any use not expressly allowed herein is prohibited.

(2.) The conversion of any building or structure from seasonal use to year round use is prohibited, except that Single Family Residences are not subject to this use limitation. The

conversion of a building, or buildings, constituting a cottage colony, hotel, inn or rooming house, or of a facility required to be licensed as a recreational camp, overnight camp or cabin, or motel under S. 32A to I of Chapter 140 of the General Laws, to condominium-type ownership, shall be deemed to be a change in use from seasonal to year-round use, and is prohibited.

(3.) Permitted business and retail uses shall not include a business which is required by contractual or other arrangement to maintain one or more of the following items: standardized (“Formula”) array of services and/or merchandise, trademark, logo, service mark, symbol, décor, architecture, layout, uniform, or similar standardized features and which causes it to be substantially identical to more than fourteen (14) other businesses regardless of ownership or location. Drive-up windows and/or drive-through facilities are prohibited.

C. Exempt Uses

(1.) Religious institutions, accessory day care centers, and Non-Profit Educational uses are permitted as exempt uses within the Craigville Beach District. These uses shall, however, be subject to and in conformance with the reasonable bulk, density, design and development regulations of the Craigville Beach District as set forth in Sections 240-131.1 Purposes and Intent, § 240-131.5 Dimensional, Bulk and Other Regulations, § 240-131.7 Neighborhood Overlay Regulations.

(2.) Where the exempt use does not comply with said regulations, the Zoning Board of Appeals shall, by modification permit, modify said regulations if compliance with the regulation substantially diminishes or detracts from the usefulness of a proposed development or impairs the character of the development so as to affect its intended use, provided however that the relief granted will not create a public safety hazard along adjacent roadways and will not adversely impact natural resources or create a nuisance or adverse impacts to other surrounding properties. A modification permit shall be subject to the same procedural requirements as a special permit except that approval of a modification permit shall require a simple majority of the members of the Board.

D. Continuation. Any lawfully established lot, structure or use existing at the time of the adoption of this ordinance that does not conform to the provisions of the CBD shall be allowed to continue.

E. Change, Expansion or Alteration of Uses and Structures

Existing conforming or non-conforming uses and structures lawfully existing at the time of the adoption of this ordinance may continue subject to the following:

(1) As of right

(a.) The normal and customary repair and maintenance of a building or structure and the conversion of existing floor area to habitable space is permitted as of right.

(b.) The alteration and expansion of a building or structure is permitted as of right provided that the alteration or expansion shall conform to following criteria:

[1.] Conforms to applicable height requirements of § 240-131.5.

[2.] Does not exceed the Coverage Limitations set forth in § 240-131.6

[3.] Complies with applicable neighborhood performance standards.

(2) By Special Permit

(a) The alteration or expansion of an existing conforming or non-conforming lawfully established building or structure that does not qualify under the “as of right” provisions above shall be permitted only by a special permit from the SPGA. In granting such special permit, the SPGA shall find that the proposed alterations and/or expansions:

[1.] Are not substantially more detrimental to the environment, community and/or historic character of the neighborhood than the existing building or structure;

[2.] Comply with Section 240-131.1 Purposes and Intent and with the Performance Standards for the neighborhood district where the development is located, in accordance with Section 240-131.7 Neighborhood District Overlay Regulations with the exception of the dimensional requirements of Section 240-131.7 D (1);

[3.] Do not exceed 25% of the Gross Floor Area of structures in existence as of July 1, 1989 or 10% of the Gross Floor Area of structures in existence as of June 13, 2008.

[4.] Do not increase Lot Coverage over what is allowed under § 240-131.6 Coverage Limitations or by more than 10% over what was existing on June 13, 2008, whichever is greater.

[5.] Do not increase flood hazards in the neighborhood.

[6.] Maintain or enhance views to Nantucket Sound and/or the Centerville River where applicable in accordance with Section 240-131.5, note 4;

[7.] In V-zones does not increase south facing building surfaces so as to limit the adverse effect of increasing elevation or velocity of flood waters due to a change in flowage characteristics on the subject site, adjacent properties, or any public or private way.

F. Special Permit for Dimensional Relief

The SPGA may provide relief from minimum yard setbacks when such relief ensures that the proposed development:

- (1.) Is consistent with § 240-131.I Purposes and Intent;
- (2.) Is consistent with the Performance Standards for the neighborhood district where the development is located in accordance with Section 240-131.7 Neighborhood Overlay Regulations; and
- (3.) The applicant demonstrates undue hardship without desired relief.

G. Re-establishment of damaged or destroyed use, building or structure.

(1.) The re-establishment of a lawfully established conforming or non-conforming use and/or building or structure which has been destroyed or damaged by fire, acts of nature or other catastrophe shall be permitted as of right, provided that the Building Commissioner has determined that all the following conditions are met:

(a.) The reconstruction or repair will not materially increase the gross floor area or height of the building or structure beyond that which previously existed, nor materially increase the footprint of the structure; or materially change the grade; except that buildings in the flood plain that existed prior to June 13, 2008 may be elevated 2 feet above BFE or as required by the applicable law regardless of the resulting building height provided the building complied with building height regulations at the time of its construction.

(b.) If the building's location on the lot is to be changed, it will change in a manner that will be closer to complying with the dimensional and bulk regulations and with performance standards regarding building orientation.

(c.) The reconstruction or repair will not constitute an expansion or intensification of any use.

(d.) In the case of any use in which it would otherwise be required, the site plan review process has been followed.

(e.) Design and architecture of damaged or destroyed buildings and structures in existence at the time of the adoption of this regulation may be replicated. If the Building Commissioner finds that the structure is to be rebuilt to replicate what existed before the damage or destruction the design guidelines in this chapter do not apply.

(2.) Any previously established use or structure which no longer complies with the provisions of the CBD shall be discontinued unless a building permit has been applied for within two years from the date of damage or destruction, and construction is continuously pursued to completion.

H. Voluntary Demolition and Reconstruction of Single Family Residences: Lawfully established Single Family Residences may be demolished and reconstructed in accordance with §240-131.4 G. This provision shall not be construed to supersede local, state or federal regulations pertaining to the demolition of historic structures.

240-131.5 Dimensional, Bulk, and Other Requirements: The following requirements apply to all development and redevelopment in the Craigville Beach Zoning District.

Neighborhood Overlays				
	Craigville Village	Craigville Beach	Long Beach/Short Beach	Centerville River North Bank
Requirements	For all legally created and/or legally developed lots that were in existence as of June, 13 2008 and conformed to the existing zoning when legally created, the existing lot area, lot frontage, front, side and rear setbacks and building height dimensions may be used in lieu of the following dimensional requirements.			
Minimum Lot Area (s.f.)	87, 120	87, 120	87,120	87,120
Minimum Lot Frontage (feet)	75	100	125	125
Min. Front Yard Setback (feet)	15	20	20	20
Min. Side Yard Setback (feet) ⁴	10	15	15 ⁴	15
Min. Rear Yard Setback (feet)	10	15	15	15
Maximum Building Height ^{1,2,3}	30	26	30	30
Maximum number of stories ³	2	2	2	2
Maximum Building Coverage	See Section 240-131-6			
Maximum Lot Coverage	See Section 240-131-6			

Dimensional table notes:

(1.) Maximum Building Height allowances vary depending upon the roof pitch of the structure, with gable roofs having a slope of 7/12 or greater allowed the maximum building height, hip and other sloped roofs with a slope of 4/12 or greater are allowed 5 feet less than the maximum building height, and flat roofs prohibited except on one-story additions totaling less than 300 square feet per parcel.

(2.) Buildings in the flood plain that existed prior to June 13, 2008 may be elevated 2 feet above BFE or as required by the applicable law provided the building complied with building height regulations at the time of its construction.

(3.) The second story must be set back at least 2 feet from the façade line of the floor below on two of the building's facades and the second story floor area shall not exceed 80% area of floor area immediately below it.

(4.) In the Long Beach/Short Beach Neighborhood, to preserve and enhance views of Craigville Beach and the Centerville River, a view corridor shall be preserved using 20 feet of either side setback or, where side yard setbacks are less than 20 feet, the greater of either side yard setback existing on June 13, 2008. The view corridor shall remain free of view obstructing buildings, structures, site improvements or landscaping other than low growing plant material or existing natural vegetation for the entire depth of the property from the street to the river or beach.

240-131.6 Coverage Limitations: The following limitations apply to all development and redevelopment in the Craigville Beach Zoning District.

Lot Size	Maximum Building Coverage (footprint) Allowance	Maximum Lot Coverage Allowance
1,300-4,999 s.f.	1,100 s.f. plus 10.8% of lot area over 1,300 s.f.	50%
5,000-7,499	1,500 s.f. plus 6% of lot area over 5,000	50%, but no more than 3,200 s.f.
7,500-9,999	1,650 s.f. plus 6% of lot area over 7,500	3,200 s.f.
10,000-14,999	1,800 s.f. plus 4% of lot area over 10,000	3,300 s.f.
15,000-19,999	2,000 s.f. plus 6% of lot area over 15,000	3,400 s.f.
20,000-34,999	2,300 s.f. plus 4% of lot area over 20,000	3,600 s.f.
35,000-44,999	2,900 s.f. plus 4% of lot area over 35,000	3,600 s.f. or 10%, whichever is greater.
45,000 and above	3,300 s.f. plus 3% of lot area over 45,000	10%

Section 240-131.7 Neighborhood Overlay Regulations

A. Purpose: The Neighborhood Overlay regulations establish uses, dimensional requirements and design guidelines to preserve the distinctive character; allow continued use and enjoyment of properties and structures; make provisions for changes, expansions; protect and preserve scenic views and vistas; protect and improve natural resources; and to limit damage from periodic flood events for each neighborhood within the Craigville Beach District.

B. Historic and Community Character. These regulations will ensure that development and redevelopment in the CBD contributes to and does not detract from the historic character of the Craigville Beach area; that any proposed additions to historic structures shall be consistent with the historic structure and shall be consistent with the character of the surrounding neighborhood, including elements such as building height, mass and orientation; and preserves views and ways to the water from public spaces, streets and ways.

C. Applicability: Development and redevelopment shall be subject to the following additional requirements and regulations based upon the applicable Neighborhood Overlay.

D. General Performance Standards

- 1) The development complies with the setbacks and lot coverage requirements set forth herein, and is in character with surrounding structures, particularly structures that predate it unless relief has been granted by the SPGA in accordance with Sections 240-131.4(E) and (F).
- 2) The development complies with the height limitations set forth herein.
- 3) Exposed foundation walls for raised septic systems and/or elevated structures are prohibited; foundation walls shall be screened through the use of foundation plantings and/or the use of other natural materials.
- 4) Stormwater management and erosion control for non-residential uses comply with best management practices through Low Impact Development or other adaptive management practice.
- 5) Up to 50 square feet of roof deck may be allowed atop the first or second floor of a structure if the railing and support structure for the roof deck are constructed fully below the tallest part of the roofline they are contained within.

E. Long Beach/Short Beach Neighborhood

(1) Permitted Principal Uses: The following principal uses are permitted in the Long Beach/Short Beach Neighborhood Overlay area subject to the performance standards listed below.

- (a.) Single Family Residence

(2) Permitted Accessory Uses: Customary and incidental uses and structures are permitted in the Long Beach/Short Beach Neighborhood Overlay area subject to the use limitations and performance standards listed in 240-131-7 C.

(3) Performance Standards All development and redevelopment shall meet the following standards:

- (a.) No land area shown as V-zone shall be developed unless such development is demonstrated by the applicant to be located landward of the reach of the mean high tide. Any man-made alteration of sand dunes in the course of such development within said designated V zones which might increase the potential for flood damage shall be prohibited. This provision shall not be construed to include duly permitted docks and piers.
- (b.) Any activity or development in a V-zone that creates an adverse effect by increasing elevation or velocity of flood waters due to a change in drainage or flowage characteristics on the subject site, adjacent properties or any public or private way is prohibited. Any proposed activity shall not result in flood damage due to filling which causes lateral displacement of flood waters that, in the judgment of the SPGA, would otherwise be confined to said area. The burden of proof for this standard rest with the applicant and shall require certification by a professional engineer.
- (c.) Open foundations shall be designed to accommodate only the height required to elevate the lowest structural member 2' above the BFE in V zones and 1 foot above BFE in A zones. For all new construction and substantial improvements within the V zones, the space below the lowest floor must either be free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.
- (d.) **Transitional Provision** Any development that has obtained a hardship approval from the Cape Cod Commission for a building permit prior to the effective date of this ordinance shall not be subject to these regulations for the development authorized by said hardship exemption.

F. Craigville Beach Neighborhood

(1) Permitted Principal Uses: The following principal uses are permitted in the Craigville Beach Neighborhood Overlay area subject to the performance standards listed below.

- (a.) Single Family Residence
- (b.) Small-scale food service
- (c.) Beach club
- (d.) Cottage colony
- (e.) Hotel or motel in existence as of July 16, 2008 that is lawfully established

(2) Permitted Accessory Uses: Customary and incidental uses and structures are permitted in the Craigville Beach Neighborhood Overlay area subject to the use limitations and performance standards listed in 240-131-7 C.

(3) Performance Standards: All development and redevelopment shall meet the following standards:

- (a.) No land area shown as V-zone shall be developed unless such development is demonstrated by the applicant to be located landward of the reach of the mean high tide. Any man-made alteration of sand dunes in the course of such development within said designated V zones which might increase the potential for flood damage shall be prohibited.
- (b.) Any activity or development in a V-zone that creates an adverse effect by increasing elevation or velocity of flood waters due to a change in drainage or flowage characteristics on the subject site, adjacent properties or any public or private way is prohibited. A proposed activity shall not result in flood damage due to filling which causes lateral

displacement of flood waters that, in the judgment of the SPGA, would otherwise be confined to said area. The burden of proof for this standard rest with the applicant and shall require certification by a professional engineer.

(c.) Open foundations shall be designed to accommodate only the height required to elevate the lowest structural member 2' above the BFE in V zones and 1 foot above BFE in A zones. For all new construction and substantial improvements within the V zones, the space below the lowest floor must either be free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

(4) Beach Club Design Guidelines

Purpose: To maintain public views to the water and to maintain the neighborhood's existing character with small scale building masses and natural or traditional building materials.

(a.) **Building Height and Massing:** New construction on Beach Club properties shall have modest massings to relate to the small scale of most structures in the beachfront neighborhood. Any structure with a footprint of 3000 square feet or more shall incorporate significant changes in massing to break up the facade, and should integrate one-story massings into the design to relate the building to the surrounding smaller structures.

(b.) **Building Orientation:** Buildings shall be oriented with the narrow end facing the street and the water to maximize public views of the water across the site. New buildings or complexes should not extend over more than 150 feet of the lot frontage, and efforts should be made to limit the expansion of existing buildings.

(c.) **Maintaining Views to Water:** Multiple buildings on one lot should be clustered close together to limit obstructed views of the water, or shall be separated from each other by 100 feet or more of road frontage to allow broad unobstructed views across the lot to the water.

(d.) **Fences:** Fences shall be of open construction and low profile (such as split rail and low picket fencing) to maintain public views to the water. Fences over 3 feet in height should be limited to screening loading and delivery areas adjacent to buildings, or modest trash collection areas. Screening fences should not extend farther than necessary beyond the building footprint to maintain public views.

(e.) **Building Materials:** Exterior building materials shall be those traditionally used in the region or other naturally weathering materials, such as wood shingle, wood clapboard, or board and batten siding.

G. Centerville River North Bank Neighborhood

(1) Permitted Principal Uses: The following principal uses are permitted in the Centerville River North Bank Neighborhood Overlay area subject to the performance standards listed below.

(a.) Single Family Residence

(2) Permitted Accessory Uses: Customary and incidental uses and structures are permitted in the Centerville River North Neighborhood Overlay area subject to the use limitations and performance standards listed in 240-131.7 C.

(3) Performance Standards: All development and redevelopment shall meet the following standards:

(a.) Tree removal or vista pruning shall not interrupt the treeline as viewed from the south looking northward to the treeline.

(b.) No land area designated as V-zone of the FIRM maps shall be developed unless such development is demonstrated by the applicant to be located landward of the reach of the mean high tide. Any man-made alteration of sand dunes in the course of such development within said designated V zone which might increase the potential for flood damage shall be prohibited. This provision shall not be construed to include duly permitted docks and piers.

(c.) Any activity or development in a V-zone that creates an adverse effect by increasing elevation or velocity of flood waters due to a change in drainage or flowage characteristics on the subject site, adjacent properties or any public or private way is prohibited. A proposed activity shall not result in flood damage due to filling which causes lateral displacement of flood waters that, in the judgment of the SPGA, would otherwise be confined to said area. The burden of proof for this standard rest with the applicant and shall require certification by a professional engineer.

(d.) Open foundations shall be designed to accommodate only the height required to elevate the lowest structural member 2' above the BFE in V zones and 1 foot above BFE in A zones. For all new construction and substantial improvements within the V zones, the space below the lowest floor must either be free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

H. Craigville Village Neighborhood

(1) Permitted Principal Uses: The following principal uses are permitted in the Craigville Village Neighborhood Overlay area subject to the performance standards listed below.

- (a) Single Family Residence
- (b) Conference Center

(2) Permitted Accessory Uses: Customary and incidental uses and structures are permitted in the Craigville Village Neighborhood Overlay area subject to the use limitations and performance standards listed in 240-131.7 C.

(3) Performance Standards: All development and redevelopment shall meet the following standards:

(4) Design Guidelines

(a.) **Purpose:** Most buildings in the Craigville Village Neighborhood date from the late 1800s and early 1900s when the neighborhood developed as a Christian Camp Meeting Association. The neighborhood is still defined by its historic structures and their configuration around a central green, small street grid, and communal paths.

(b.) Objectives:

- (1.) To preserve the character-defining features of the original camp meeting neighborhood including its small lots, modest scale structures, and orientation of buildings to public areas.
- (2.) To ensure that additions and alterations to structures are compatible with the existing scale and character of the building and preserve the original massing and unique architectural features of its historic buildings.

(c.) **Application:** The design guidelines set forth herein do not apply to structures in existence as of the date of the adoption of this ordinance, but shall apply to all new development, to any additions to existing structures, and to all reconstruction projects except as provided for in Section 240-131 (G)(1)(e).

(d.) **Building Design.** The guidelines shall apply to construction of new structures and expansions and alterations of existing structures.

- (1.) Preserve the original massing of historic structures (pre-1945):
- (2.) Additions should be attached to secondary or less prominent facades of the building (the side or rear facades), and should be stepped back from the front and rear corners of the building so as to preserve the original massing of the structure, including its roof form.
- (3.) Work with modest massings: Additions should be scaled to be consistent with or smaller than the size of the original historic structure, following the

neighborhood tradition of expanding small cottages incrementally with modest additions. Additions should generally have a lower roofline than the original structure to maintain the prominence of the original building, though some additions may be slightly taller than the original structure if attached to the original structure with a smaller connecting mass.

(4.) Roof forms: The roof pitch on new construction and additions should complement the roof pitch of the original historic structure and should maintain a pitch of at least 6 over 12.

(5.) Retain Original Architectural Details and Unique Forms: Additions should be placed so as to limit the removal of distinctive architectural trim and features that are unique to the building. Additions and alterations should not interfere with character-defining features such as open porches, steeply pitched roof forms, unique windows, and carpenter gothic trim along eaves and entries. Siding materials used on the original structure should be retained, though other regional siding materials may be appropriate on additions.

Section 240-131.8 Additional Provisions

A. Other regulations

The following provisions of the Barnstable Code are hereby incorporated into this regulation: § 240-7 Application of District Regulations; § 240-9.C & D; § 240-10 Prohibited Uses; § 240-34 Flood Area Provisions; § 240-43 Accessory Uses; § 240-46.A & B Home Occupations; Article VI Off Street Parking Sections 240-52, 240-53.B through .E ; and Sign Regulations § 240-59 through 63; Article XI Growth Management Sections 240-110 through 122; Article IX Site Plan Review; Article XII Administration and Enforcement § 240-123 – 240-124; § 240-125 C Special Permit Provisions as these provisions of the Barnstable Code cited in this section may be amended from time to time

B. Conflicts

Unless otherwise stated, the requirements of the Craigville Beach District shall apply to uses and structures within the Craigville Beach District. In the event of a conflict, these regulations shall apply.

C. Severability

The provisions of this chapter are severable. If any court of competent jurisdiction shall invalidate any provision herein, such invalidation shall not affect any other provisions of this chapter. If any court of competent jurisdiction shall invalidate the application of any provision of this chapter to a particular case, such invalidation shall not affect the application of said provision to any other case within the Town.

SPONSORS: Council President Frederick Chirigotis, Councilor Janet S. Joakim, and Councilor Tom Rugo

**BARNSTABLE TOWN COUNCIL
IMPLEMENTATION OF DCPC
CRAIGVILLE BEACH DISTRICT**

ITEM# 2010-012

SUMMARY

TO: Town Council

FROM: Jo Anne Buntich Miller, Director of Growth Management

DATE: July 9, 2009

BACKGROUND: This is an amendment to the Zoning Ordinance that creates Section XIII District of Critical Planning Concern Regulations, Section 240-131 Craigville Beach District.

The Centerville Village DCPC was nominated in February of 2008 as a Cultural, Historic, Architectural Resource and Economic Development Resource District. The DCPC process was initiated at the request of Centerville residents. Adoption of these implementing regulations will allow the Town to provide the regulation desired by local residents and ensure that this small economic center will grow in a way that existing infrastructure can support.

The Town through the Town Attorney's Office and the Growth Management Department organized and partnered with an Advisory Group representing stakeholders in the Beach DCPC. Attorneys Eliza Cox, Michael Scott, Barry Weiner, Sarah Alger, William Ryckman – and at the outset Patrick M. Butler - represented property owners; Roy Richardson and Meg Loughran, represented the Centerville Village Association; Lindsey Counsell, Three Bays; Steve Brown, Red Lily Pond Association; Dr. Wayne Miller, Board of Health; Town Attorney Ruth Weil and Interim Director of Growth Management Jo Anne Miller Buntich along with former Interim Director Patty Daley worked with this group. Over the last several months Planning Board members Ray Lang and Paul Curley sat with the group as the ordinance was drafted. This group has met several times a month since October 2008.

ANALYSIS: Adoption of this regulation will create the Craigville Beach District by rezoning portions of the existing RC, RD and RD-1 districts.

RATIONALE: These regulations respond to and support the purposes of the District of Critical Planning Concern which included protecting community, historic and architectural character which is accomplished through use regulations, dimensional regulations and design guidelines. Natural resources and flood protection are supported through performance standards tailored to each neighborhood.