



Town of Barnstable
Town Council
James H. Crocker Jr. Hearing Room
367 Main Street, 2nd floor,
Hyannis, MA 02601
Office 508.862.4738 • Fax 508.862.4770
E-mail: council@town.barnstable.ma.us

TOWN COUNCIL MEETING AGENDA
March 03, 2022
7:00 PM

Councillors:

Matthew Levesque
President
Precinct 10

Paula Schnepf
Vice President
Precinct 12

Gordon Starr
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Nikolas Atsalis
Precinct 4

David W. Bogan
Precinct 5

Paul C. Neary
Precinct 6

Jessica Rapp Grassetti
Precinct 7

Jeffrey Mendes
Precinct 8

Tracy Shaughnessy
Precinct 9

Kristine Clark
Precinct 11

Jennifer L. Cullum
Precinct 13

Administrator:
Cynthia A. Lovell
Cynthia.Lovell@town.barnstable.ma.us

Administrative
Assistant:
Kelly Crahan
Kelly.Crahan@town.barnstable.ma.us

The March 03, 2022 Town Council Meeting of the Barnstable Town Council shall be conducted remotely and shall be physically closed to the public. Alternative public access shall be provided as set forth below.

1. The meeting will be televised live via Comcast Channel 18 or may be accessed via the Channel 18 live stream: <http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Remote Participation: Real-time public comment may be addressed to the Barnstable Town Council utilizing the Zoom video link or telephone number and access meeting code:

Join Zoom Meeting <https://zoom.us/j/92823414281> Meeting ID: 928 2341 4281
US Toll-free 888 475 4499

3. Written Comments may be submitted to:

https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/Town_Council/Agenda-Comment.asp

PUBLIC SESSION

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. TOWN MANAGER COMMUNICATIONS

- Update on the Local Comprehensive Plan
Elizabeth Jenkins, Director, Planning and Development
- Update on activities at Cape Cod Community College
John Cox, President, Cape Cod Community College

7. ACT ON MINUTES (Including Executive Session)

8. COMMUNICATIONS- from elected officials, boards, committees, and staff, commission reports, correspondence and announcements

9. ORDERS OF THE DAY

- A. Old Business
- B. New Business

10. ADJOURNMENT

Councilors:

Matthew Levesque
President
Precinct 10

Paula Schnepf
Vice President
Precinct 12

Gordon Starr
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Nikolas Atsalis
Precinct 4

David W. Bogan
Precinct 5

Paul C. Neary
Precinct 6

Jessica Rapp Grasseti
Precinct 7

Jeffrey Mendes
Precinct 8

Tracy Shaughnessy
Precinct 9

Kristine Clark
Precinct 11

Jennifer L. Cullum
Precinct 13

Administrator:
Cynthia A. Lovell
Cynthia.Lovell@
town.barnstable.ma.us

Administrative
Assistant:
Kelly Crahan
Kelly.Crahan@
town.barnstable.ma.us

NEXT REGULAR MEETING: March 17, 2022

ITEM NO.	INDEX TITLE	PAGE
A. OLD BUSINESS		
2022-135	Appointments to a Board/Committee/Commission: Registrar of Voters: Lisa Gage, Barnstable, MA; Michael R. Curtis, Cotuit, MA (May be acted upon) (Roll Call Majority)	5
2022-136	Amendment to the Administrative Code to designate members of the Local Comprehensive Planning Committee as Special Municipal Employees for purposes of the State Conflict of Interest Law (May be acted upon) (Roll Call Majority)	6-7
2022-137	Appropriation and Transfer Order in the amount of \$68,000 for the purpose of addressing infrastructure and code compliance issues in several buildings within the Golf Operations Division (Public Hearing) (Roll Call Majority Full Council)	8-9
B. NEW BUSINESS		
2022-138	Appointments to a Board/Committee/Commission: Board of Health: Dan Luczkow, M.D. from an alternate position to a regular member to a term expiring 6/30/2024; Paul Canniff, D.M.D as a regular member to a term expiring 6/30/2023; Steve Waller M.D. as an alternate member to a term expiring 6/30/2022; Human Services Committee: Cheryl Powell, as a regular member to a term expiring 6/30/2023; Hyannis Main Street Waterfront Historic District Commission: Tom Doherty, as an alternate member to a term expiring 6/30/2023 (First Reading) (Refer to Second Reading 03/17/2022)	10
2022-139	Appropriation Order in the amount of \$300,000 for the purpose of funding emergency repairs at the Old Colony Road Pump Station and Water Pollution Control Facility Renewable Energy System. (Refer to Public Hearing 03/17/2022)	11-13
2022-140	Appropriation and Transfer Order in the amount of \$295,000 for the purpose of funding Blish Point dune storm damage repair and design of future improvements (Refer to Public Hearing 03/17/2022)	14-15
2022-141	Authorization to expend a Fiscal Year 2022 grant in the amount of \$154,140 from the Commonwealth of Massachusetts, Executive Office of Elder Affairs to fund staff salaries and operating expenses of the Barnstable Council on Aging Division (May be acted upon) (Roll Call Majority)	16-17
2022-142	Authorization to expend a Fiscal Year 2022 grant in the amount of \$60,000 of American Rescue Plan Funds Act of 2021 (ARPA) from the Commonwealth of Massachusetts, Executive Office of Health & Human Services to support the Barnstable Youth Commission (May be acted upon) (Roll Call Majority)	18-19
2022-143	Appropriation and Transfer Order in the amount of \$87,500 in Community Preservation Historic Preservation Funds for the preservation and restoration of Dottridge Homestead, Rothwell Icehouse and Museum, Map 034, Parcel 051, 1148 Main Street, Cotuit, MA (Refer to Public Hearing 03/17/2022)	20-21
2022-144	Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning by repealing the Zoning Districts known as the “Hyannis Village Zoning Districts” and replacing them with revised and updated districts collectively known as the “Downtown Hyannis Zoning Districts” (Refer to Planning Board)	22-59
2022-145	Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article VII Sign Regulations to amend regulations to be consistent with proposed new district regulations (Refer to Planning Board)	60-63

2022-146 Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning by moving and renumbering section 240-122.1 Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories into a new overlay Zoning District and repealing sections 240-129 and 240-129.1 expired temporary moratorium for Marijuana uses
(Refer to Planning Board) 64-67

Approve Minutes: February 17, 2022

Please Note: The lists of matters are those reasonably anticipated by the Council President which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the extent permitted by law. 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 as they appear on this agenda. Persons interested are advised that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, it may be continued to a future meeting, and with proper notice

A. OLD BUSINESS (May be acted upon) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM# 2022-135
INTRO: 02/17/2022, 03/03/2022

2022-135 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Registrar of Voters:** Lisa Gage, Barnstable; Michael R. Curtis, Cotuit

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>02/17/2022</u>	<u>Referred to Second Reading 03/03/2022</u>

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

A. OLD BUSINESS (May be acted upon) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM# 2022-136

INTRO: 02/17/2022, 03/03/2022

2022-136 AMENDMENT TO THE ADMINISTRATIVE CODE TO DESIGNATE MEMBERS OF THE LOCAL COMPREHENSIVE PLANNING COMMITTEE AS SPECIAL MUNICIPAL EMPLOYEES FOR PURPOSES OF THE STATE CONFLICT OF INTEREST LAW

ORDERED: That the Town Council does hereby designate the members of the Local Comprehensive Planning Committee as special municipal employees for the purposes of G.L. c. 268A, the state conflict of interest law, and that the Code of the Town of Barnstable Section 241 Attachment 1 of the Administrative Code is hereby amended by adding the Local Comprehensive Planning Committee to the list of multiple member bodies so designated.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>02/17/2022</u>	<u>First Reading, Referred to Second Reading 03/03/2022</u>

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2022-136

INTRO: 02/17/2022, 03/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth Jenkins, Director, Planning & Development
DATE: February 17, 2022
SUBJECT: Amendment to the Administrative Code to designate members of the Local Comprehensive Planning Committee as Special Municipal Employees for purposes of the State Conflict of Interest Law

BACKGROUND: M.G.L. Chapter 268A, the state conflict of interest law, covers all municipal officials and employees, whether elected or appointed, paid or unpaid, full-time or part-time. However, in recognition of the need not to unduly restrict the ability of town volunteers and part-time employees to earn a living, the law is less restrictive for “special” municipal employees than for other employees.

Those who serve on unpaid part-time boards or commissions are considered a regular municipal employee unless the position has been expressly designated as having "special municipal employee" status by vote of the Town Council. It is the municipal position that is designated as having "special" status, not the person or persons holding the position.

Two sections of the conflict of interest law apply less restrictively to special employees: Sections 17 and 20. All other sections of the conflict law that govern regular municipal employees apply to "special municipal employees" in exactly the same way.

Section 17 - Acting on Behalf of Others

Section 17 generally prohibits municipal employees from representing a private party or anyone else before municipal boards or departments. It also prohibits municipal employees from acting as agent or attorney for, or receiving compensation from, any private party in connection with any matter of direct and substantial interest to the Town.

However, if a municipal position has been designated as “special,” a person holding that position may be paid by others and may act as agent or attorney for others with respect to matters before municipal boards other than his own, as long as he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility.

Section 20 -- Restrictions on Having an Interest in Contracts with the Town

Section 20 generally prohibits municipal employees from having a direct or indirect financial interest in a contract with the Town, including having a second municipal job. This section has a number of exemptions, and there are two additional exemptions for special municipal employees.

ANALYSIS: Town of Barnstable Board, Committee, and Commission members have been classified by the Town Council as special municipal employees. By designating the members of the Local Comprehensive Planning Committee as special municipal employees, the Town would be consistent in how it classifies its volunteer board members for purposes of the conflict of interest law. Furthermore, designating the unpaid members of Town boards as “specials” encourages those who wish to serve on such boards by not placing undue restrictions on their ability to earn a living. This item is being brought forward prior to appointments so applicants will know how the conflict of interest law will apply to them.

FISCAL IMPACT: There is no fiscal impact.

STAFF ASSISTANCE: Karen L. Nober, Town Attorney; Elizabeth Jenkins, Director, Planning & Development

A. OLD BUSINESS (May be acted upon) (Roll Call Majority Full Council)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-137
INTRO: 02/17/2022, 03/03/2022**

2022-137 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$68,000 FOR THE PURPOSE OF ADDRESSING INFRASTRUCTURE AND CODE COMPLIANCE ISSUES IN SEVERAL BUILDINGS WITHIN THE GOLF OPERATIONS DIVISION

ORDERED: That the amount of **\$68,000** be appropriated for the purpose of remediating various facility infrastructure and code compliance issues at Hyannis Golf Course and Olde Barnstable Fairgrounds, and that to fund this appropriation, that the remaining available balance of \$27,000 in Town Council Order 2018-072 and the remaining available balance of \$12,000 in Town Council Order 2018-073 be transferred, and that \$29,000 be provided from the Golf Enterprise Fund reserves, and the Town Manager is authorized to contract for and expend the appropriation for the stated purpose.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>02/17/2022</u>	<u>Referred to Public Hearing 03/03/2022</u>

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2022-137

INTRO: 02/17/2022, 03/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Madeline Noonan, Director, Community Services
DATE: February 17, 2022
SUBJECT: Appropriation and Transfer Order in the amount of **\$68,000** for the purpose of addressing infrastructure and code compliance issues in several buildings within the Golf Operations Division

BACKGROUND: The Golf Division has numerous infrastructure needs that are time sensitive. These items include air conditioning units at Old Barnstable Fairgrounds Golf Course (OBFGC) that were destroyed in a fire in the spring of 2021, a substantially sized hole in the roof of the cart barn at OBFGC, electrical service panels that are outdated, dangerous and not to code at Hyannis Golf Course, (HGC) failed air conditioning units in the administrative office at Hyannis GC, and several other issues.

ANALYSIS: These issues are large enough in scope to where the regular operating budget cannot accommodate them, and are time sensitive enough to be handled outside of the normal budget cycle.

A fire destroyed the units providing A/C to the OBFGC clubhouse last spring, creating for many days during which employees were asked to work in 85-90 degree temperatures. The A/C units in the administrative office at HGC have also failed, creating for the same situation. These A/C issues need to be fixed to avoid losing staff and potential union grievances. This past December, a large hole was found in the roof of that cart barn at OBFGC. It was discovered after the CIP submission deadline, and cannot wait until Fiscal Year 2024 if we are to protect not only the building itself, but the \$300,000 worth of golf carts that it houses as well. During an inspection this past fall, the main electrical distribution panel at in the HGC clubhouse was found to be outdated and not to code. The panel model is widely known amongst electricians to be dangerous. Again, this cannot wait until FY24. Twice this past season the Golf Division has been required to spend \$4,000+ (each) on hazard pay to clean up a septic backup caused by a backup within the piping system. In light of all these issues, coupled with the knowledge that all of these buildings/structures are thirty, and in some cases 50 years old, it was decided that we are due for a comprehensive facility study which will greatly help us formulate the most prudent and cost effective plan for addressing the years of deferred maintenance.

FISCAL IMPACT: The total estimated cost of all projects is \$109,000. The majority of the total cost of these items is being covered by an insurance reimbursement for the fire at OBFGC of \$41,000 and \$39,000 in remaining funds in two Fiscal Year 2019 Capital Appropriations. The remaining amount needed of \$29,000 will be provided from the Golf Enterprise Fund reserves which were last certified on July 1 2021 in the amount of \$1,901,994.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this appropriation and transfer order.

STAFF ASSISTANCE: Madeline Noonan, Director, Community Services; Jesse Schechtman, Director, Golf Operations

**B. NEW BUSINESS (First Reading) (Refer to Second Reading
03/17/2022)**

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-138
INTRO: 03/03/2022**

2022-138 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Board of Health:** Dan Luczkow, from an alternate position to a regular member to a term expiring 6/30/2024; Paul Canniff, D.M.D, as a regular member to a term expiring 6/30/2023; Steve Waller, M.D., as an alternate member to a term expiring 6/30/2022; **Human Services Committee:** Cheryl Powell, as a regular member to a term expiring 6/30/2023; **Hyannis Main Street Waterfront Historic District Commission:** Tom Doherty, as an alternate member to a term expiring 6/30/2023

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

B. NEW BUSINESS (Refer to Public Hearing 03/17/2022)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-139
INTRO: 03/03/2022**

2022-139 APPROPRIATION ORDER IN THE AMOUNT OF \$300,000 FOR THE PURPOSE OF FUNDING EMERGENCY REPAIRS AT THE OLD COLONY ROAD PUMP STATION AND WATER POLLUTON CONTROL FACILTY RENEWABLE ENERGY SYSTEM

ORDERED: That the amount of **\$300,000** be appropriated for the purpose of funding emergency repair work at the Old Colony Road Pump Station and emergency repairs at the Water Pollution Control Facility renewable energy system, and that to fund this appropriation that \$300,000 be provided from the Water Pollution Control Division Enterprise Fund reserves, and that the Town Manager is authorized to contract for and expend this appropriation for the purposes stated.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2022-139
INTRO: 03/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: February 18, 2022
SUBJECT: Appropriation Order in the amount of **\$300,000** for the purpose of funding emergency repairs at the Old Colony Road Pump Station and Water Pollution Control Facility Renewable Energy System.

BACKGROUND: The Water Pollution Control Division (WPCD) is responsible for the operation and maintenance of the Town's wastewater collection system and wastewater treatment facilities including the renewable energy production system at the Water Pollution Control Facility. During fiscal year 2022 two unanticipated emergencies have had major impacts on the WPCD operating budget.

The Old Colony Road Pump Station is the largest pump station in Town, serving the majority of downtown Hyannis. The pump station pumps up to 800,000 gallons of sewage per day to the Water Pollution Control Facility on Bearses Way. On October 14, 2021, the pump station experienced a mechanical failure requiring emergency staff response. While one of the three pumps at the pump station was out of service for repair, the remaining two pumps became plugged simultaneously and the pump station level began to climb rapidly. A bypass pumping system was set up and staff was able to move flow around the pump station until repairs were made. During the emergency response effort, one of the remaining two pumps became damaged leaving the Town with just one serviceable pump in operation. As a result, WPCD staff opted to leave the bypass system in place in order to protect against subsequent pump failures until replacement pumps could be purchased, delivered and installed. The total cost of the response and repair work is \$195,000.

The Water Pollution Control Facility renewable energy system consists of two 100kw wind turbines and an 800kw solar array. The WPCD receives credits on its electrical bills for all renewable energy that is produced by the system. On September 5, 2021 a potential transformer failed at the main switchgear that feeds power back to the grid. The system remained offline for one month while replacement parts were delivered and installed. Two additional outages affected isolated segments of the system resulting in additional system downtime. Due to the outages, the WPCD is projected to exceed its electricity budget by approximately \$75,000. Due to the emergency repair work, the repair and maintenance budget for the renewable energy system is over budget by \$30,000.

ANALYSIS: Due to the critical nature of the Old Colony Road pump station, immediate action was necessary to restore flow to the pump station, to keep a backup pumping system in place, and to replace damaged equipment as soon as possible. This appropriation covers the cost of the emergency response effort and subsequent repair work required to keep the pump station operational. This includes the cost for emergency hauler services, a temporary bypass pump setup, temporary fencing, two new pumps, associated pipework, a new variable frequency drive, and the cost for the installation and wiring of the new pumps.

The renewable energy system produces over \$1,000 per day in electricity during peak season. While every effort was made to bring the system back online as soon as possible, recent supply chain issues caused delays with the delivery of repair parts. The lost revenue and unanticipated emergency repair

costs will necessitate cuts to the operation and maintenance budgets for the wastewater treatment process if this appropriation is not approved.

FINANCIAL IMPACT: Funding for this appropriation is to be provided from the Water Pollution Control Division (WPCD) Enterprise Fund reserves which currently have a balance of \$9,870,222. The financial impact of this appropriation has been factored into the most recent update to the WPCD rate model. WPCD revenues are tracking ahead of budget estimates for Fiscal Year 2022 which will help to replenish the reserves used to fund this emergency repair work.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this appropriation order.

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director, Department of Public Works; Andrew Boulé, Supervisor, Water Pollution Control Division

B. NEW BUSINESS (Refer to Public Hearing 03/17/2022)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-140
INTRO: 03/03/2022**

**2022-140 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF
\$295,000 FOR THE PURPOSE OF FUNDING BLISH POINT DUNE STORM
DAMAGE REPAIR AND DESIGN OF FUTURE IMPROVEMENTS**

ORDERED: That the amount of **\$295,000** be appropriated for the purpose of funding repairs to the dune at Blish Point and the design and permitting of a permanent, or semi-permanent, solution for the dune at Blish Point, and that to fund this appropriation that \$295,000 be transferred from the remaining available funds under Town Council Order 2020-108, and that the Town Manager is authorized to contract for and expend this appropriation for the purposes stated.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2022-140
INTRO: 03/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director, Department of Public Works
DATE: March 03, 2022
SUBJECT: Appropriation and Transfer Order in the amount of **\$295,000** for the purpose of funding Blish Point dune storm damage repair and design of future improvements

BACKGROUND: In 2015, a “soft solution” was implemented to stabilize the dune at Blish Point in an effort to protect the Blish Point Dredge Sediment Containment Basin (BPDSCB). This “soft solution” included the use of coir bags, sand nourishment, and dune plantings. As per the Monitoring and Maintenance Plan for the “soft solution”, sand placement is necessary from time to time to address erosion. This dune is experiencing severe erosion on roughly a 2-year frequency. The recent January 29th Winter Storm Kenan included high tides, strong northerly winds, and storm surges that resulted in severe erosion to the dune and exposing portions of the coir bags.

ANALYSIS: Currently, the dune is vulnerable to further erosion and any remaining intact coir bags may fail, which could potentially cause a release of fine-grain dredge material into Barnstable Harbor impacting navigation and adjacent coastal resource areas. Sand nourishment is necessary to stabilize the situation and protect the dune from further erosion. This project would install up to 3,500 cubic yards of clean compatible sand to the permitted footprint. It is recommended that we maximize sand placement within the permitted footprint to provide maximum protection from future storm events and to stabilize the dune. In addition, this “soft-solution” is reaching the end of its useful life (5-7 years) and will need to be replaced with a new permanent, or semi-permanent, solution. Public Works will retain an engineering firm to design and permit the eventual replacement.

FISCAL IMPACT: There is no General Fund impact as a result of this request. The Town currently has additional funds in the Fiscal Year 2021 Channel Dredging Program, Town Council Order 2020-108, due to the Town successfully being awarded a Massachusetts Dredging Grant in each of the past four dredge seasons and a Seaport Economic Council Dredging grant this year, totaling \$2,136,611 in awards to the Town to support dredging projects. Remaining funds in the Channel Dredging Program are sufficient to support dredging needs through Fiscal Year 2023.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this Appropriation and Transfer Order.

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director, Department of Public Works

B. NEW BUSINESS (May be acted upon) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-141
INTRO: 03/03/2022**

2022-141 AUTHORIZATION TO EXPEND A FISCAL YEAR 2022 GRANT IN THE AMOUNT OF \$154,140 FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ELDER AFFAIRS TO FUND STAFF SALARIES AND OPERATING EXPENSES OF THE BARNSTABLE COUNCIL ON AGING DIVISION

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2022 grant in the amount of **\$154,140** from the Commonwealth of Massachusetts, Executive Office of Elder Affairs to be used to fund staff salaries and operating expenses of the Barnstable Council on Aging Division.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2022-141
INTRO: 03/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Madeline Noonan, Director of Community Services
DATE: March 03, 2022
SUBJECT: Authorization to expend a Fiscal Year 2022 grant in the amount of **\$154,140** from the Commonwealth of Massachusetts, Executive Office of Elder Affairs to fund staff salaries and operating expenses of the Barnstable Council on Aging Division

RATIONALE: The Executive Office of Elder Affairs awards municipalities in Massachusetts an annual formula grant based on the census of residents aged 60 and above in each town. Based on 2010 census data, there were 12,845 residents over the age of 60 in the Town of Barnstable. The Fiscal Year 2022 award is \$12 per older adult which will result in a total award of \$154,140.

Formula grant funding assists the Barnstable Council on Aging Division in maintaining adequate personnel to ensure sustained delivery of our programs and services. This year's grant will fully fund our Program Coordinator, and part-time Division Assistant, and also partially fund our Caregiver Support Services Coordinator, and Division Assistant position. Formula grant funds will also be used to offset other operating expenses including newsletter mailings, program supplies and repairs and maintenance of our BACC facility.

We are extremely grateful to the Executive Office of Elder Affairs and the Commonwealth of Massachusetts for their continued support of the needs of older adults in our community.

FISCAL IMPACT: There is no immediate financial impact to the Town's operating budget as a result of accepting this grant. However, in order to continue this service after the grant funds are exhausted the cost will need to be added to the Council on Aging operating budget if another grant is not obtained. Otherwise, the service will have to be eliminated.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends acceptance of this grant.

STAFF ASSISTANCE: Donna-Marie Burns, Council on Aging Director

B. NEW BUSINESS (May be acted upon) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-142
INTRO: 03/03/2022**

2022-142 AUTHORIZATION TO EXPEND A FISCAL YEAR 2022 GRANT IN THE AMOUNT OF \$60,000 OF AMERICAN RESCUE PLAN ACT (ARPA) FUNDS FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF HEALTH & HUMAN SERVICES TO SUPPORT THE BARNSTABLE YOUTH COMMISSION

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2022 grant in the amount of **\$60,000** of American Rescue Plan Act (“ARPA”) Funds from the Commonwealth of Massachusetts, Executive Office of Health & Human Services to be used to support programs and events of the Barnstable Youth Commission.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council discussion
- Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2022-142
INTRO: 03/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Madeline Noonan, Director of Community Services
DATE: March 3, 2022
SUBJECT: Authorization to expend a Fiscal Year 2022 grant in the amount of **\$60,000** of American Rescue Plan (ARPA) Funds from the Commonwealth of Massachusetts, Executive Office of Health & Human Services to support the Barnstable Youth Commission

RATIONALE: The Barnstable Youth Commission was notified by State Representative Kip Diggs that a Legislative Earmark ARPA Grant of \$60,000 is being awarded through the Executive Office of Health & Human Services to support the various projects and initiatives of the Youth Commission. This funding will help to offset the cost of Youth Commission-sponsored events, including the 7th Grade Youth Summit, Youth Job Fair and Community Substance Abuse Prevention Forum, as well as other programs of importance to youth in our community.

We are extremely grateful to Representative Kip Diggs and the Commonwealth of Massachusetts for their support of the valuable work of the Barnstable Youth Commission.

FISCAL IMPACT: There is no immediate financial impact to the Town's operating budget as a result of accepting this grant.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends acceptance of this ARPA grant.

STAFF ASSISTANCE: Madeline Noonan, Director of Community Services; John Gleason, Interim Recreation Director; Moriah Becal, Youth & Family Outreach Coordinator

B. NEW BUSINESS (Refer to Public Hearing on 03/17/2022)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-143
INTRO: 03/03/2022**

2022-143 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$87,500 IN COMMUNITY PRESERVATION HISTORIC PRESERVATION FUNDS FOR THE PRESERVATION AND RESTORATION OF DOTTRIDGE HOMESTEAD, ROTHWELL ICEHOUSE AND MUSEUM, MAP 034, PARCEL 051, 1148 MAIN STREET, COTUIT, MA

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the amount of Eighty-Seven Thousand, Five Hundred and No/100 (**\$87,500**) Dollars, representing a portion of the total project cost of \$500,000, with \$290,000 in private donations raised to date, be appropriated and transferred from the amount set aside for Historic Preservation within the Community Preservation Fund to be used for preservation and restoration work on the historic resources consisting of the Dottridge Homestead, Rothwell Icehouse and Museum located at 1148 Main Street, Cotuit MA. The property has an existing Preservation Restriction held by the Town of Barnstable. It is further ordered that the Town Manager is authorized to expend the appropriation subject to oversight by the Community Preservation Committee and to receive, execute, deliver, and record any written instruments for the purposes set forth herein.

SPONSOR: Mark S. Ells, Town Manager, 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
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2022-143
INTRO: 03/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, on Behalf of Community Preservation Committee
THROUGH: Lindsey Counsell, Chair, Community Preservation Committee
DATE: March 03, 2022
SUBJECT: Appropriation and Transfer Order in the amount of **\$87,500** in Community Preservation Historic Preservation Funds for the preservation and restoration of Dottridge Homestead, Rothwell Icehouse and Museum, Map 034, Parcel 051, 1148 Main Street, Cotuit, MA

BACKGROUND: The Historical Society of Santuit & Cotuit, located at 1148 Main Street, Cotuit, MA, is seeking approval from the Town Council through the Town Manager for Community Preservation Act (CPA) Historic Preservation Funds in the amount of **\$87,500** representing a portion of the total project cost of \$500,000 with \$290,000 in private donations raised to date. At the January 24, 2022, meeting, the Community Preservation Committee voted unanimously 8 yes, 0 no to recommend the Historical Society's Application for appropriation. This CPA funding request is for the installation of fire safety equipment in the expanded museum, Dottridge Homestead and Rothwell Icehouse; and installation of a climate control system to safeguard the exhibits, archives and artifact storage areas located in the museum and Dottridge Homestead. Additional archival storage units to allow capacity for new acquisitions and safe storage of fragile archive objects are also included in the request. These updates will help ensure that the historic collection is safely stored and displayed for generations to come. Included also in the request is the complete restoration of the Dottridge Homestead buttry from a bathroom to its original use. This restoration would increase the homestead's authenticity as well as create an additional point of interest for educational opportunities.

ANALYSIS: The Historical Society's building; a/k/a Samuel Dottridge House ca. 1790 is a classic example of early 19th century architecture and reflects life in coastal Massachusetts during this time. Their archives are available for research and the buildings are open to the public seasonally. The 1790 Samuel Dottridge Homestead is listed on the State Register and the National Register as a contributing building in the Cotuit National Register District and has an existing preservation restriction in place.

FISCAL IMPACT: This appropriation is provided from the set-aside for historic preservation within the Community Preservation Fund which has an available balance of \$528,647. There is no impact on the General Fund Operating Budget.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, upon recommendation of the Community Preservation Committee.

VOLUNTEER ASSISTANCE: Lindsey Counsell, Chair, Community Preservation Committee

B. NEW BUSINESS (Refer Planning Board)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-144
INTRO: 03/03/2022**

2022-144 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING BY REPEALING THE ZONING DISTRICTS KNOWN AS THE “HYANNIS VILLAGE ZONING DISTRICTS” AND REPLACING THEM WITH REVISED AND UPDATED DISTRICTS COLLECTIVELY KNOWN AS THE “DOWNTOWN HYANNIS ZONING DISTRICTS”

ORDERED: That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

SECTION 1: By amending the Zoning Map of Barnstable, Mass. Dated September 1, 1998, as previously amended, as referenced in Article II, Section 240-6, to repeal the districts collectively known as the “Hyannis Village Zoning Districts” and replace them with seven (7) new districts collectively known as the “Downtown Hyannis Zoning Districts”, as shown on maps dated January 21, 2022, prepared by the Town of Barnstable Geographical Information System Unit, and entitled:

- Proposed Amendment to the Hyannis Zoning Map Re-Zoning Downtown Hyannis
- Proposed Amendment to the Town Zoning Map Re-Zoning Downtown Hyannis

SECTION 2

A. By amending Article II, Section 240-5, Establishment of districts, by deleting:

“Hyannis Village Zoning Districts”

- HVB Hyannis Village Business District
- MS Medical Services District
- SF Single Family Residential District
- OM Office/Multi-Family Residential District
- HD Harbor District
- HG Hyannis Gateway District
- TD Transportation Hub District
- GM Gateway Medical District”

and inserting in its place:

“Downtown Hyannis Zoning Districts”

- DMS Downtown Main Street
- DV Downtown Village
- DN Downtown Neighborhood

HH	Hyannis Harbor
TC	Transportation Center
HC	Highway Commercial
DH	Downtown Hospital”

- B. By further amending said Section 240-5 by deleting “Hyannis Parking Overlay District” as it appears under the heading “Overlay Districts”.

SECTION 3

By amending Article III District Regulations to repeal Sections 240-24.1 through 240-24.1.13 and replace them with the following new Sections 240-24.1.1 through 240-24.1.13:

“§240-24.1.1 Downtown Hyannis Zoning Districts”

§240-24.1.2 Title

These districts shall be collectively known as the "Downtown Hyannis Zoning Districts."

§240-24.1.3 General Provisions

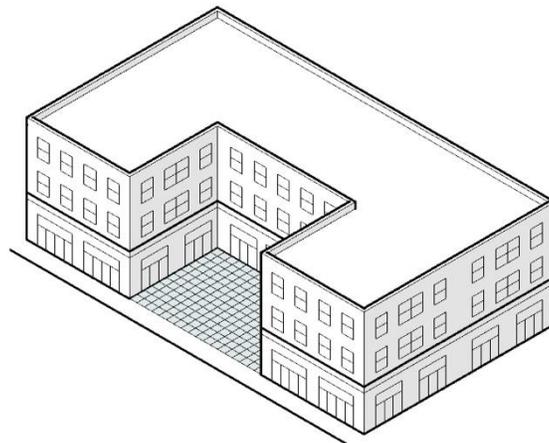
- A. Applicability
 - 1. Where the provisions of Sections 240-24.1.1 through 240-24.1.13 conflict with those found elsewhere in the Barnstable Zoning Ordinance, the provisions of this Section shall apply.
 - 2. The provisions of the Barnstable Zoning Ordinance § 240-6.C (3) shall not apply within the Downtown Hyannis Zoning Districts.
- B. Development Review
 - 1. The Planning Board is the Special Permit Granting Authority (SPGA) for all development within the Downtown Hyannis Zoning Districts.
 - 2. Development within the Downtown Hyannis Zoning Districts, excluding single-family residences, must comply with Article IX, §240-103, site development standards, and the Design and Infrastructure Plan.
 - (a) The Planning Board shall establish a Design and Infrastructure Plan (DIP) which shall be adopted after a public hearing.
 - 3. The use of land or occupancy of floor space is permitted as specified by §240-24.1.5.B Use Provisions.
- C. Compliance
 - 1. Any modification to an existing structure that results in greater conformance to this Ordinance is permitted.
 - 2. Any modification to an existing structure that increases an existing nonconformity or creates a new nonconformity is prohibited.

§240-24.1.4 Definitions

- A. General
 - 1. The following defined words, phrases, and terms are applicable for real property within the Downtown Hyannis Zoning Districts.

Accessory Parking	Motor vehicle parking spaces that are incidental but supportive of (a) principal building(s).
-------------------	---

Building Component	A structural projection from the main massing or roof of a building that increases habitable square footage or enhances the usefulness of floor area.
Commercial Parking	A surface parking lot or structured parking facility providing short- or long-term parking service for a fee.
Commercial Service	The provision of various services, entertainment, or recreational opportunities to individuals, groups, or businesses including animal care, assembly & entertainment, banking & financial services, building & home repair, business support, day care & education, maintenance & repair of consumer goods, personal services, gyms & health clubs, and recreational services.
Cultural Services	The provision of social or cultural services to individuals or groups including membership based social organizations and the production, manufacture, publishing, rehearsal, performance, broadcast, selling, or teaching of the arts.
Development	The platting of any lot, construction of any structure, or establishment of any parking lot that did not exist prior to the adoption of the Downtown Hyannis Zoning Districts.
Façade.	Any exterior wall of a principal building oriented toward a front lot line.
Fenestration	The openings in the façade of a building, including windows and doors.
Food & Beverage Services	The provision of food or beverages for on- or off-site sale or consumption.
Forecourt	An open space between the forward projecting wings of a building.



Frontage Area	The area of a lot between the façade of a principal building and any front lot line(s), projected to the side lines of the lot.
Frontage Type	A distinct combination of façade and frontage area design features.
Health Care Clinic	The provision of health care services to patients or clients excluding inpatient or overnight care.
Hospital	A facility for the care and treatment of patients as licensed by the Massachusetts Department of Public Health under MGL c. 111, §51.
Lot Coverage	The ratio or percentage of a lot that is covered by principal buildings, outbuildings, accessory structures, and impervious paved surfaces including driveways, parking lots and sidewalks.
Modification	The alteration or structural change of an existing structure and any change to the parking capacity of an existing parking lot.
Office	The administrative, professional, or clerical operations of a business and the provision of outpatient health services to patients or clients by appointment.
Outbuilding	A free-standing, fully enclosed structure for an accessory use or for activities customary to the principal use of land or a principal building.
Principal Building	The primary building on a lot.

Principal Entrance	The addressed entrance to a building or commercial space.
Recreational Facility	The provision of public recreational services including bowling and billiards, and video arcades.
Research & Development	The analysis, testing, and development of ideas and technology including computer software, information technology, communications systems, transportation, and multi-media technology where the construction of prototypes may be an ancillary activity.
Residential	The provision of living accommodations.
Retail Sales	The sale, lease, or rental of new or used goods to the ultimate consumer.
Shrub, Large	A multi-stemmed, woody plant with an expected mature height of six (6) feet.
Shrub, Medium	A multi-stemmed, woody plant with an expected mature height of four (4) feet.
Shrub, Small	A multi-stemmed, woody plant with an expected mature height of two (2) feet.
Story	The portion of a building located between the surface of a habitable floor and the surface of the habitable floor or roof next above.
Story, Ground	The lowest story of a building with a finished floor at or above the finished ground level next to a building at the facade.
Story, Upper	Any story above the ground story of a building.
Through Lot	A lot fronting on two (2) or more improved ways, excluding a corner lot.
Tree, Canopy	A deciduous tree with an expected mature height of thirty (30) feet or more.
Tree, Evergreen	An evergreen tree (conifer) with an expected mature height of twenty (20) feet or more.
Tree, Understory	A deciduous tree with an expected mature height of twenty (20) feet or more.
Visitor Accommodations	The provision of temporary lodging in guest rooms or guest units for a fee.

§240-24.1.9 Standards for all Districts

B. Building Standards

1. Frontage types.
 - (a) Buildings must have at least one (1) frontage type except if otherwise specified. Buildings on corner lots must have two (2) frontage types, one (1) for each frontage.
 - (b) Frontage types are permitted as specified by Table 11.
 - (c) Multiple frontage types may exist for buildings that have more than one (1) principal entrance.
2. Buildings must have at least one (1) principal entrance located on the façade.
 - (a) Multi-story buildings with ground floor commercial space(s) must have one (1) principal entrance for each commercial space in addition to any principal entrance(s) necessary for any upper stories.
3. Buildings may not exceed the maximum number of stories as specified for each district.
 - (a) Each individual story of a building must comply with the minimum and maximum story height specified for each district.
 - (b) Story height is measured vertically from the surface of the finished floor to the surface of the finished floor above. When there is no floor above, story height is measured from the surface of the finished floor to the top of the structural beam or joists above or the top of the wall plate, whichever is more.
 - (c) The ground story is always counted as one (1) story, except that a single ground story over eighteen (18) feet in height is counted as two (2) stories.
 - (d) Each upper story is counted as one (1) additional story, except that any upper story over sixteen (16) feet is counted as two (2) stories.

- (e) Basements are not counted as one (1) story unless the finished floor of the ground story is five (5) feet or more above the average ground level of the lot.
- (f) Habitable space located directly under a pitched roof is counted as a half (0.5) story.
 - (i) The roof rafters of a half story must intersect the wall plate or top of wall frame of the exterior walls at a height no more than (2) feet above the finished floor of the half story.
- (g) Non-habitable attic space located under a pitched roof is not counted a half story.
- (h) Pitched roofs with a slope greater than 12:12 require a Special Permit.
- 4. Buildings may not exceed the maximum building height specified for each district, as applicable.
 - (a) Building height is measured as the vertical distance from the average finished ground level to the top of the structural beam or joists of the upper most story.
- 5. Non-habitable architectural features including, but not limited to, mechanical & stairwell penthouses; vents or exhausts; solar panels or skylights; belfries, chimneys, cupolas, parapets, spires, and steeples are not included in any building height or story calculations and are permitted on roofs.
- 6. Building components are permitted as specified by Table 12.
- 7. Facades must have fenestration as specified for each district, as applicable.
 - (a) Fenestration is calculated as a percentage of the area of a façade.
 - (b) For buildings with ground story commercial spaces, ground story fenestration is measured between two (2) feet and twelve (12) feet above the finished floor of the ground story.
 - (c) For all other buildings and all other building stories, fenestration is measured independently for each story, corresponding with the top of a finished floor to the top of the finished floor above.
- 8. Fenestration enclosed with glass may be included in the calculation if it meets the following criteria:
 - (a) For ground story fenestration, glazing must have a minimum sixty percent (60%) Visible Light Transmittance (VLT) and no more than fifteen percent (15%) Visible Light Reflectance (VLR) as indicated by the manufacturer.
 - (b) For upper story fenestration, glazing must have a minimum of forty percent (40%) VLT and no more than fifteen percent (15%) VLR as indicated by the manufacturer.

C. Use Provisions

1. General

- (a) The use of real property is permitted as specified by Table 1.
 - (i) Table 1 is organized by broad use categories and specific uses that may be regulated differently than other uses from the same category.
 - (ii) Use categories are intended to include uses with similar functional, product, or physical characteristics; the type and amount of activity; the manner of tenancy; the conduct of customers; how goods or services are sold or delivered; and the likely impacts on surrounding properties.
 - (iii) Where Table 1 identifies a category followed by “except as follows” any use that meets the definition of that use category is permitted by right, while the specific uses identified in the list under that category are either not permitted, are permitted with limitations, or require a special permit despite belonging to the same use category.
 - (iv) Where Table 1 identifies a category followed by “as specified below” the specific uses listed under the category are the only land uses permitted from that use category.
- (b) The Building Commissioner shall classify the actual use of land or structures using the defined use categories specified on Table 1. Also see §240-24.1.4 Definitions.
 - (i) Real property may have one (1) or more principal use(s).
 - (ii) Once classified into a use category, the use of land or structures in the same manner cannot also be classified into another use category.
 - (iii) The use of land or structures in a manner that is inconsistent with a permitted use category or specific use type specified on Table 1 is prohibited.

- (iv) Unless classified as a specific use that is not permitted in a zoning district, an existing nonconforming use may be changed to another nonconforming use that is from the same use category as the existing nonconforming use by Special Permit.
- (v) A nonconforming use may not change to a different nonconforming use that is from a different use category than the existing nonconforming use.

Use Category Specific Use	DMS	DV	DN	HH	TC	HC	DH
Commercial Services (except as follows)	P	P	N	P	P	P	P
Automobile Maintenance & Repair	N	N	N	N	N	N	N
Boat Storage	N	N	N	N	N	N	N
Contractor Services	N	N	N	N	N	N	N
Funeral Services	N	N	N	N	N	N	N
Marina	N	N	N	SP	N	N	N
Commercial Parking	N	N	N	N	P	SP	N
Public Transportation Maintenance	N	N	N	N	SP	N	N
Recreational Facility	SP	SP	N	SP	SP	SP	SP
Self-Storage Facility	N	N	N	N	N	SP	N
Veterinary Services	N	N	N	N	N	P	N
Cultural Services (as specified below)	--	--	--	--	--	--	--
Arts & Culture Establishments	P	P	N	P	P	P	N
Fraternal & Social Organizations	P	P	N	P	P	P	N
Performing Arts & Theaters	P	P	N	P	P	P	N
Artist Live/Work	P	P	P	P	P	N	N
Food & Beverage Services (except as follows)	L	L	N	L	P	P	P
Brewery/Distillery	L	N	N	N	N	N	N
Hospital	N	N	N	N	N	N	P
Office (except as follows)	P	P	L	P	P	P	P
Health Care Clinic	P	P	L	P	N	P	P
Research & Development	P	P	N	P	N	P	P
Residential (as specified below)	--	--	--	--	--	--	--
Multi-Unit Dwelling	L	L	N	L	L	N	N
Two-Unit Dwelling	P	P	L	N	N	N	N
Single Unit Dwelling	N	P	P	N	N	N	N
Retail Sales (except as follows)	L	L	N	L	P	P	P
Boat Sales	N	N	N	SP	N	N	N
Gasoline Sales	N	N	N	N	N	N	N
Motor Vehicle Sales	N	N	N	N	N	N	N
Visitor Accommodations (as specified below)	--	--	--	--	--	--	--
Hotel/Motel	P	N	N	P	N	P	N
Bed & Breakfast	N	P	P	P	N	N	N

P – Permitted By-Right SP – Special Permit

N – Not Permitted L – Permitted with Limitations (see district)

D. Parking Standards

1. Applicability

- (a) Parking is required based on the intended use of floor area within a building at construction permitting and not for the subsequent establishment, change, or expansion of any permitted use; or the renovation of any existing principal building.

2. General

- (a) Accessory parking must be provided as specified by Table 2 and is calculated as the sum of all required spaces, including any adjustment specified for on-site shared parking.
 - (i) Commercial Parking uses are exempt from Table 2.
- (b) Relief from the parking requirements of Table 2 requires a Special Permit.
- (c) In its discretion to approve or deny a Special Permit authorizing relief from the minimum parking requirements of Table 2, the Planning Board shall consider conditioning the Special Permit upon one or more of the following:
 - (i) Elimination or reduction of existing curb cuts and driveway aprons
 - (ii) Establishment of a shared driveway or cross-access connection between abutting parking lots with a binding easement and joint maintenance agreement defining the responsibilities of abutting property owners sharing access.

3. Location

- (a) Accessory parking spaces must be located on the same lot as the building they support and may be provided within a principal building or outbuilding or as surface parking.
- (b) Motor vehicle parking of any type is prohibited within the frontage area of a lot and any required landscape buffer.
 - (i) Real property in the Highway Commercial (HC) district or in the Downtown Hospital (DH) district is exempt.

Table 2. Minimum Required Accessory Parking Spaces

Use Category	DMS	DV	DN	DH	HH	TC	HC	On Site Shared Parking Adjustment ¹
Commercial Services (per 1,000 sf)	0	4	N/A	4	4	4	4	Subtract 80% of any spaces provided for any Residential uses on the same lot from the total required for all uses
Cultural Services (per 1,000 sf)	0	4	4	4	N/A	4	4	Subtract 20% of any spaces provided for any Residential uses on the same lot from the total required for all uses
Food & Beverage Services (per 1,000 sf)	0	4	N/A	4	4	4	4	--
Hospital (per 3 beds)	N/A	N/A	N/A	1	N/A	N/A	N/A	--
Office (per 1,000 sf)	3	3	3	3	3	3	3	Subtract 80% of any spaces provided for any Residential uses on the same lot from the total required for all uses
Residential or Artist Live/Work (per DU)	1	1	1	N/A	1	1	N/A	--
Retail Sales (per 1,000 sf)	0	4	N/A	4	4	4	4	Subtract 20% of any spaces provided for any Residential uses on the same lot from the total required for all uses
Visitor Accommodations (per room)	1.25	1.25	1.25	N/A	1.25	N/A	1.25	--

¹ Rounded up to the nearest whole number

E. Site Standards

1. Forecourts

- (a) Driveways and passenger drop-offs are permitted in forecourts by Special Permit.
 - (ii) Real property fronting Main Street or in the Downtown Hospital (DH) district is exempt.
- (b) Garage entrances, parking spaces, loading and service areas, exhaust vents, mechanical equipment, and refuse or recycling storage are not permitted in forecourts.

2. Landscaping

- (a) Lot area uncovered by structures or impermeable surfaces must be landscaped.
- (b) New canopy trees must be at least fourteen (14) feet in height or three (3) inches in caliper when planted.
- (c) New understory trees must be at least ten (10) feet in height or one and a half (1.5) inches in caliper when planted.
- (d) New evergreen trees must be at least six (6) feet in height when planted.
- (e) Vegetation must be low water use and low maintenance plant species that are indigenous to Cape Cod. Plant species should be capable of withstanding seasonably wet conditions and provide habitat value for wildlife.
- (f) Landscaped areas must be maintained, irrigated, and fertilized. Vegetation should be organically maintained to every extent practicable.
- (g) Vegetation may not obscure any driveways, vehicular entrances, or roadway intersections.
- (h) Mulch may not be placed in a manner that will wash into catch basins or drainage pipes.
- (i) All Site Plan and Special Permit applications must submit a Landscape Plan(s) signed and stamped by a MA registered Landscape Architect unless waived/exempt by the Building Commissioner.
- (j) The Building Commissioner shall not issue a Certificate of Occupancy until the landscaping has been installed in accordance with the approved plans unless the property owner posts security to the Town of Barnstable for one hundred and fifty percent (150%) of the estimated cost of installation of the landscaping.
- (k) Any fractional value required for plant materials is rounded up to the next whole number.

3. Stormwater Management

- (a) Rain gardens should be used to the maximum extent practicable. Rain gardens are defined as landscaped areas designed to absorb and filter stormwater runoff from impervious surfaces.

4. Signs

- (a) All development shall comply with the applicable signage requirements contained in Article VII, Sign Regulations, at §240-59 through 240-89, inclusive, of the Barnstable Zoning Ordinance. Internally illuminated signs are prohibited in the Downtown Hyannis Zoning Districts.

5. Outdoor Lighting

- (a) All outdoor lighting must be directed only on site.
 - (i) The trespass of light at any lot line may not exceed 0.1 of a footcandle, except that the trespass of light at any lot line abutting a lot in Downtown Neighborhood (DN) district may not exceed 0.05 footcandle.
 - (ii) At driveways, lighting may be up to 0.5 of a footcandle at the front lot line.
 - (iii) Outdoor lighting may not cause glare that impacts motorists, pedestrians, or neighboring premises.
- (b) Light fixtures must have a total cutoff of all light at less than ninety degrees (90°) and a beam cutoff of less than seventy-five degrees (75°). Attached building or wall pack lighting should be screened by the building's architectural features or contain a forty-five-degree cutoff shield.
- (c) Electrical service for lighting on posts or poles must be located underground.

6. Fences

- (a) Fences greater than four (4) feet in height in the frontage area and seven (7) feet in height in all other locations at any point along their length require a Special Permit except that where fencing that is higher than seven (7) feet is needed to screen mechanical equipment, the Building Commissioner may allow a greater height as determined through the Site Plan Review process.
- (b) Fences may be no more than fifty percent (50%) open.
- (c) Fence posts and supporting rails must face inward toward the property being fenced and the finished face must be oriented towards the abutting lot.

7. Vehicular Access

- (a) Driveways, vehicular entrances to parking lots or structures, and curb cuts must comply with the minimum or maximum width specified for each district.
- (b) Drive throughs require a Special Permit and are only permitted for the following uses:
 - (i) Banks (a specific use of the Commercial Service use category)
 - (ii) Pharmacies (a specific use of the Retail Sales use category)
- (c) All new curb cuts require a Special Permit.
- (d) The interior width of a curb cut (between the curb stones or flares) may be no wider than the driveway, vehicular entrance, or loading facility it serves, unless a greater width is determined to be appropriate by the Building Commissioner during the Site Plan Review process based upon unique operational requirements of the proposed use.
- (e) A driveway apron may be installed within a sidewalk of an improved way, but the grade, cross slope, and clear width of the pedestrian walkway must be maintained between the driveway apron and the abutting driveway.
- (f) The appearance of the pedestrian walkway (ie. scoring pattern or paving material) must indicate that, although a vehicle may cross to enter a property, the area traversed by a vehicle remains part of the sidewalk.

8. Utilities

- (a) All mechanical equipment must be screened from view from adjacent lots and public rights-of-way and integrated into or compatible with the architectural design of the building.

F. Surface Parking Lot Design Standards

1. Applicability

- (a) This section is applicable to the construction of any new surface parking lot and the expansion or modification of an existing surface parking lot containing twenty-one (21) or more parking spaces that increases the number of parking spaces by five (5) or more.

2. General

- (a) To reduce traffic congestion and increasing convenience for customers, employees, and residents, development is encouraged to provide direct vehicular connections between abutting parking lots so that motor vehicles can move between properties without re-entering the public street.
- (b) To increase walkability and reduce conflicts between pedestrians and motor vehicles, development is encouraged to provide access to rear parking lots via driveways that are shared between abutting properties or multiple properties on the same block face.

3. Surface Parking Lot Landscaping

- (a) One (1) three (3) inch minimum caliper low-water-use, low-maintenance tree must be provided for every five (5) parking spaces and must be located within ten (10) feet of the parking lot. Trees shall be maintained and irrigated as necessary and planted within at least fifty (50) square feet of permeable area. Existing trees located in the interior of parking lots are credited toward this requirement.

- (b) A front landscaped buffer at least ten (10) feet wide must be provided between any parking lot and any lot line abutting an improved way and must include the following features over the span of fifty (50) linear feet:
 - (i) One (1) canopy tree
 - (ii) One (1) understory or evergreen tree
 - (iii) Five (5) medium shrubs and five (5) small shrubs or a fence or wall a maximum of four (4) feet in height.
- (c) A side/rear landscaped buffer at least six (6) feet wide must be provided between any side or rear lot line and any parking lot with five (5) or more parking spaces, excluding any vehicular connections to abutting parking lots and must include the following features over the span of fifty (50) linear feet:
 - (i) Two (2) understory or evergreen trees
 - (ii) Three (3) large shrubs and five (5) small shrubs or a fence or wall at least six (6) feet in height.
- (d) A landscaped buffer at least ten (10) feet wide must be provided between any building and any parking lot with ten (10) or more parking spaces, excluding building entrances, service and loading areas, and utility locations, and must include the following features over the span of fifty (50) linear feet:
 - (i) Two (2) understory or evergreen trees
 - (ii) Four (4) medium shrubs
 - (iii) Six (6) small shrubs
- (e) At least ten percent (10%) of any parking lot with ten (10) or more parking spaces must be landscaped. Lot area required as a landscape buffer is excluded from the calculation of the parking lot area.
- (f) Landscape islands abutting a single row of parking spaces must be at least six (6) feet in width and the same length as the parking spaces. Each island must include one (1) three (3) inch minimum caliper, low-water-use, low-maintenance tree.
- (g) Landscape islands abutting a double row of parking spaces must be at least eight (8) feet in width and the same length as the parking spaces. Each island must include two (2) three (3) inch minimum caliper, low-water-use, low-maintenance trees.

§240-24.1.10 Downtown Main Street District (DMS)

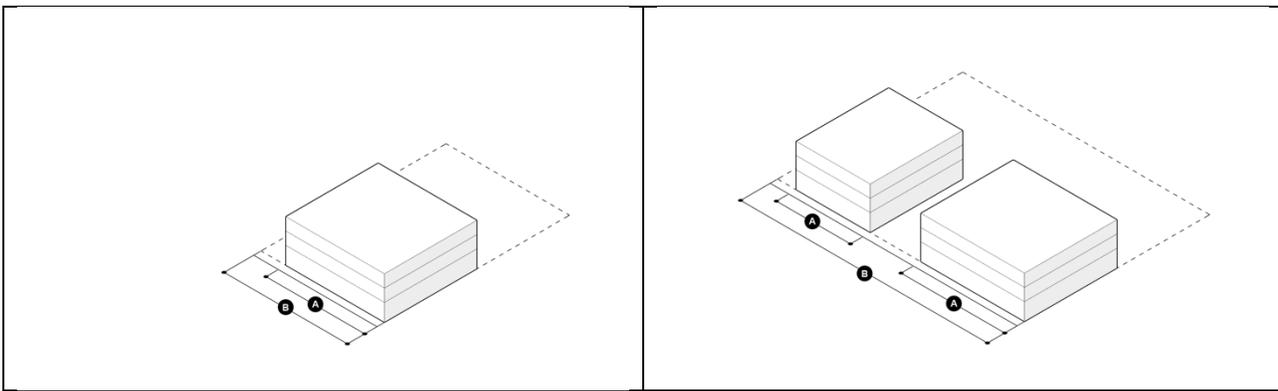
A. Intent

1. The Downtown Main Street District is intended to promote the continuation of a walkable, pedestrian-oriented downtown environment with continuous active streetscape. Development is characterized by mid-rise mixed-use buildings, continuous street walls and variety of materials with parking visually minimized. Land uses are mixed residential and active commercial, including retail, restaurant, office, hospitality, cultural and institutional.

B. Lot Standards

1. Newly platted lots must be dimensioned as specified by Table 3.
2. Building facades must have a minimum width that is equal to a percentage of a lot's width and is specified as the façade build out by Table 3.
 - (a) Façade build out is calculated by dividing the total width of all facades by the lot width and may be cumulatively calculated by multiple buildings.
 - (b) The open space of a forecourt is considered part of the building for the purpose of measuring building width and façade build out.
 - (c) The SPGA may provide relief from the façade build out requirements; the Board must find the issuance of the special permit is consistent with the Design and Infrastructure Plan.

Façade Build Out

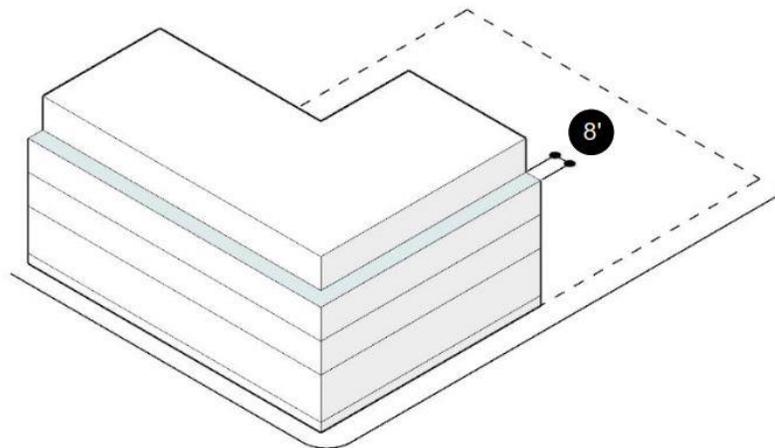


Single Building per Lot = $A \div B$

Multiple Buildings per Lot = $(A+A) \div B$

C. Building Standards

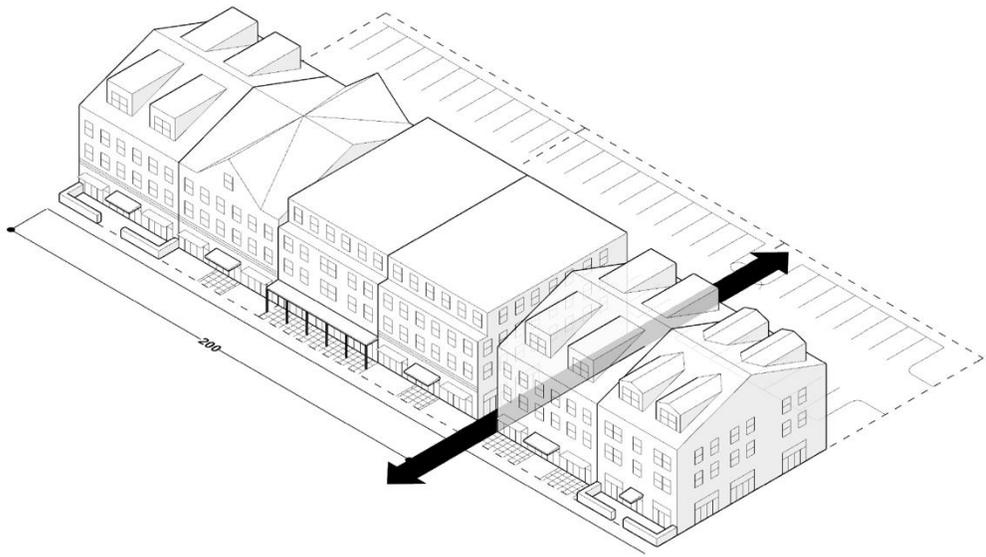
1. Multiple principal buildings are permitted per lot.
2. Principal buildings are permitted as specified by Table 3.
 - (a) Additional principal buildings are exempt from the required maximum front setback.
3. Principal building façade(s) must be built parallel to any primary front lot line, at or between the minimum and maximum front setbacks.
4. Any building contributing toward the frontage buildout for any lot fronting Main Street between Ocean Street and Sea Street must provide ground story commercial space that is at least twenty (20) feet in depth for one hundred percent (100%) of the total width of the building, excluding lobby entrances and other means of egress associated with the use of upper stories.
5. Awnings, canopies, signs, balconies, and non-habitable architectural features of a building may project over the public sidewalk but must provide at least eight (8) feet of clearance and a license from the Town Manager in accordance with Barnstable General Ordinances, Part 1, Chapter 121, § 121-6J is required.
6. The fourth (4th) story of any building must be recessed (“stepped back”) from the façade of the stories below at least eight (8) feet.



7. Mechanical & stairwell penthouses and building systems equipment must be setback from any exterior wall a distance that is equal to their height.
8. Facades may not have any blank wall areas without fenestration or architectural surface relief greater than twenty (20) feet measured both vertically and horizontally for all stories of a building for any facade.
9. Loading and service areas may not be visible from any public sidewalk of Main Street.

D. Design Guidelines

1. The development of any new principal building should include a pedestrian passage connecting the sidewalk at the front of the property to any parking areas to the rear of the building, to every extent practicable, where no such pedestrian passage exists within two hundred (200) linear feet of the building's principal entrance.



2. When provided, pedestrian passages may be designed as an open-air passage between buildings, a covered atrium providing continuous protection from the elements, or as an up to two (2) story passage through a building.

E. Use Provisions

1. Limitations

- (a) Occupation of a single commercial space greater than five thousand (5,000) square feet by any Food & Beverage Service or Retail Sales use requires a Special Permit.
- (b) The maximum number of dwelling units permitted for any Multi-Unit Dwelling residential use is determined by the permitted dimensions of the building and the actual motor-vehicle parking spaces provided on a lot as required by Table 2.

F. Site Standards

1. Driveways, vehicular entrances to parking lots or structures, and curb cuts may be no wider than twenty-four (24) feet.

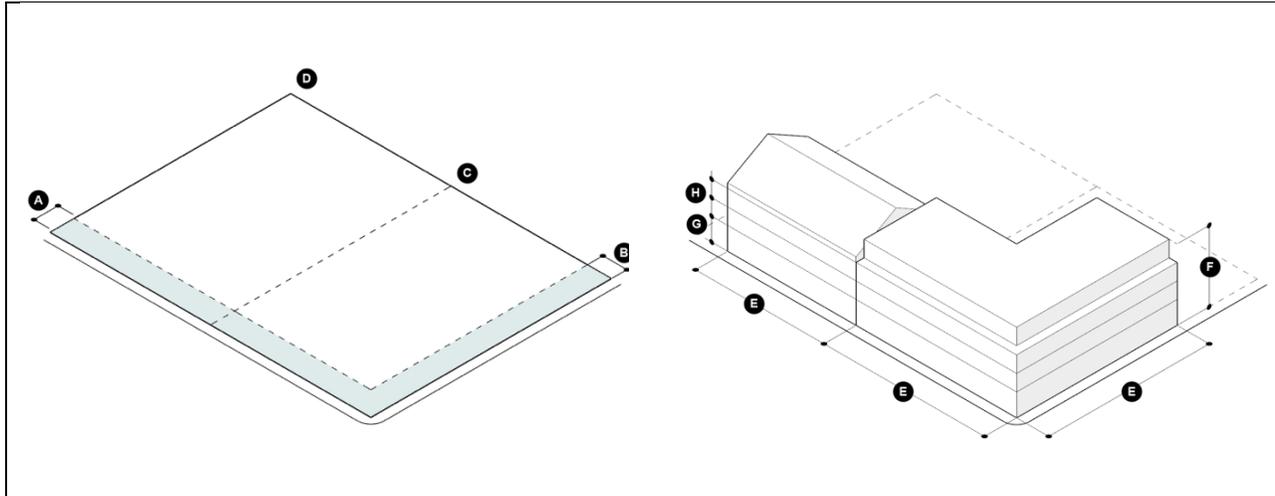
G. Landscape Standards

1. A front landscape area is not required if the front setback is zero. When a setback is greater than zero, those portions of the setback not occupied by pedestrian amenities and public spaces shall be landscaped including one (1) canopy tree to be planted every thirty (30) feet of frontage of the property.
2. A side or rear landscaped area at least six (6) feet wide must be provided along any side or rear lot line abutting a lot in Downtown Neighborhood (DN) district and must include the following features over the span of fifty (50) linear feet:
 - (i) Two (2) understory or evergreen trees
 - (ii) Three (5) medium shrubs and three (3) small shrubs or a fence or wall at least six (6) feet in height.

H. Parking Standards

1. For development on any through lot fronting Main Street, parking access must be provided from the non-Main Street frontage.

Table 3. DMS Dimensional Standards



LOT		BUILDING FORM	
Lot Width	30' min	E - Building Width	180' max
Lot Coverage	100% max	F - Number of Stories	3.5 or 4 max ²
Façade Build Out (min)	--	G - Ground Story Height	--
Primary Frontage	80% min	Commercial	14' min
Secondary Frontage	40% min	Residential	10' min
SETBACKS – PRINCIPAL BUILDINGS		H - Upper Story Height	10' min
A - Primary Front Setback	0' min 15' max	BUILDING FEATURES	
B - Secondary Front Setback	0' min 15' max	Ground Story Fenestration	--
C - Side Setback	0' min	Primary Frontage	60% min
D - Rear Setback	0' min	Secondary Frontage	15% min
		Upper Story Fenestration	15% min
		Blank Wall	20' max
		Commercial Space Depth	20' min

² See 240-24.1.6.C.6 (4th Story Step-back)

§240-24.1.11 Downtown Village District (DV)

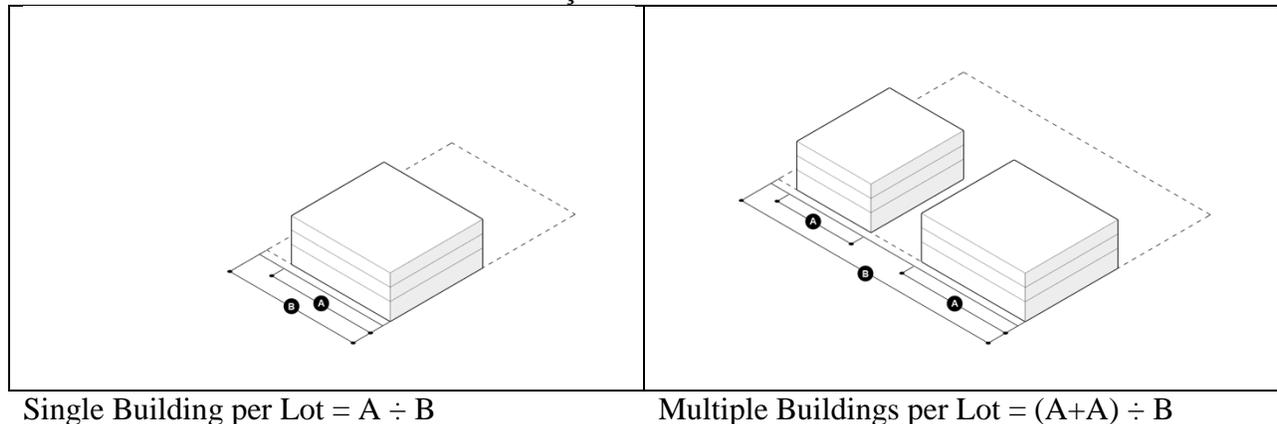
A. Intent

1. The Downtown Village District is intended to promote mixed land uses that support the downtown core and reestablish or preserve traditional neighborhood forms and pedestrian orientation. Development is characterized by mid-rise single-use buildings and detached and semi-detached residential buildings.

B. Lot Standards

1. Newly platted lots must be dimensioned as specified by Table 4.
2. Lot coverage may not exceed the maximum specified by Table 4.
3. Building facades must have a minimum width that is equal to a percentage of a lot's width and is specified as the façade build out on Table 4.
 - (a) Façade build out is calculated by dividing the total width of all facades at or forward of the maximum front setback by the lot width and may be cumulatively calculated by multiple buildings.
 - (b) The open space of a forecourt is considered part of the building for the purpose of measuring building width and façade build out.
 - (c) The SPGA may provide relief from the façade build out requirements; the Board must find the issuance of the special permit is consistent with the Design and Infrastructure Plan.

Façade Build Out



C. Building Standards

1. Multiple principal buildings are permitted per lot.
2. Principal buildings are permitted as specified by Table 4.
 - (a) Additional principal buildings are exempt from the required maximum front setback.
3. Principal building façade(s) must be built parallel to any primary front lot line, at or between the minimum and maximum front setbacks.
4. The fourth (4th) story of any building must be recessed (“stepped back”) from the façade of the stories below at least eight (8) feet.
5. Mechanical & stairwell penthouses and building systems equipment must be setback from any exterior wall a distance that is equal to their height.

D. Use Provisions

1. Limitations

- (a) Occupation of a single commercial space greater than five thousand (5,000) square feet by any Food & Beverage Service or Retail Sales use requires a Special Permit.
- (b) The maximum number of dwelling units permitted for any Multi-Unit Dwelling residential use is determined by the permitted dimensions of the building and the actual motor-vehicle parking spaces provided on a lot as required by Table 2.

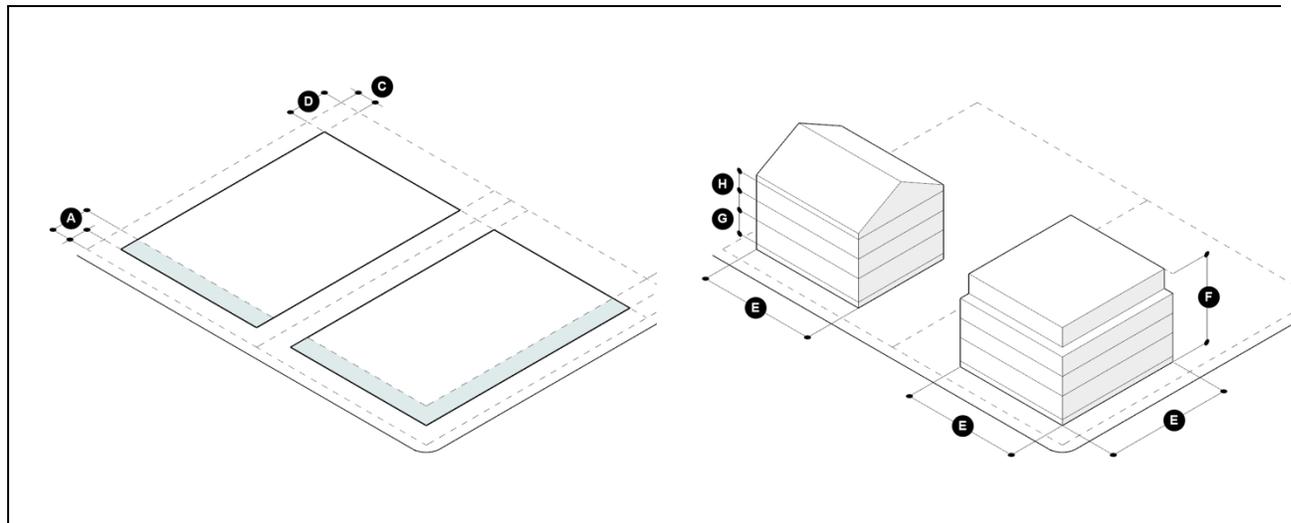
E. Site Standards

- 1. Driveways, vehicular entrances to parking lots or structures, and curb cuts may be no wider than twenty-four (24) feet.

F. Landscape Standards

- 1. A front landscape area is not required if the front setback is zero. When a setback is greater than zero, those portions of the setback not occupied by pedestrian amenities and public spaces shall be landscaped including one (1) canopy tree to be planted every thirty (30) feet of frontage of the property.

Table 4. DV Dimensional Standards



LOT		BUILDING FORM	
Lot Width	30' min	E - Building Width	120' max
Lot Coverage	80% max	F - Number of Stories	3.5 or 4 max ³
Façade Build Out (min)	--	G - Ground Story Height	--
Primary Frontage	80% min	Commercial	14' min
		Residential	10' min
SETBACKS – PRINCIPAL BUILDINGS		H - Upper Story Height	10' min
A - Primary Front Setback	0' min 15' max	BUILDING FEATURES	
B - Secondary Front Setback	0' min 15' max	Ground Story Fenestration	--
C - Side Setback	0' min	Primary Frontage	15% min
D - Rear Setback	0' min	Secondary Frontage	15% min
		Upper Story Fenestration	15% min
		Blank Wall	20' max
		Commercial Space Depth	20' min

³ See 240-24.1.7.C.4 (4th Story Step-back)

§240-24.1.12Downtown Neighborhood District (DN)

A. Intent

1. The Downtown Neighborhood District is intended to promote the traditional uses and form of the neighborhoods adjacent to downtown that are characterized by a variety of 19th and 20th Century detached and semi-detached residential building types.

B. Lot Standards

1. Newly platted lots must be dimensioned as specified by Table 5.
2. Lot coverage may not exceed the maximum specified by Table 5.

C. Building Standards

1. One (1) principal building and multiple outbuildings are permitted per lot.
2. Principal buildings and outbuildings are permitted as specified by Table 5.
 - (a) The third story in a single-family or two-family dwelling can only occur within habitable attic space.

D. Use Provisions

1. Limitations

- (b) Office and Health Care Clinic uses are permitted only for lots fronting South Street or High School Road.
- (c) Two-Unit dwellings are prohibited for lots fronting only Brookshire Road or King's Way.

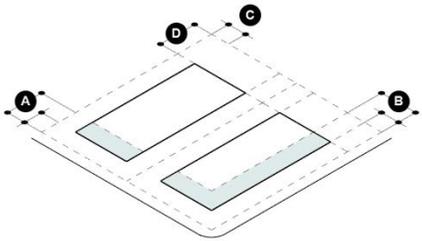
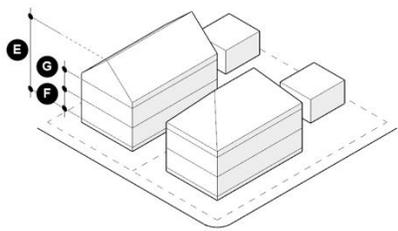
E. Site Development

1. Development on corner lots must comply with the provisions of § 240-41 of the Barnstable Zoning Ordinance.
2. Curb cuts may be no wider than twelve (12) feet.
3. Outdoor lighting must be shielded and provide total cut off of all light at the boundaries of the lot under development.
4. Fences greater than four (4) feet in height in the frontage area and seven (7) feet in height in all other locations at any point along their length require a Special Permit.

F. Landscape Standards

- (i) A perimeter green space of not less than ten (10) feet in width shall be provided, such space to be planted and maintained as green area and to be broken only in a front yard by a driveway.

Table 5. DN Dimensional Standards

			
LOT		BUILDING FORM	
Lot Width	20' min	E - Number of Stories	3 max ⁴
Lot Coverage	50% max	F - Ground Story Height	10' min
SETBACKS – PRINCIPAL BUILDINGS		G - Upper Story Height	10' min
A - Primary Front Setback	10' min 20' max		
B - Secondary Front Setback	10' min 20' max		
C - Side Setback	10' min		
D - Rear Setback	20' min		
SETBACKS - OUTBUILDINGS			
Front Setback	60' min		
Side Setback	3' min		
Rear Setback	3' min		

§240-24.1.13 Downtown Hospital District (DH)

A. Intent

1. The Downtown Hospital District is intended to maintain an area of Hyannis for a large-scale Health Care Services institution and is characterized by moderate to large floor plate, multi-story buildings arranged in a campus-like setting, with clear pedestrian and vehicular connections to downtown and the region.

B. Lot Standards

1. Newly platted lots must be dimensioned as specified by Table 6.

⁴ See 240-24.1.8.C.2(a)

2. Lot coverage may not exceed the maximum specified by Table 6.

C. Building Standards

1. Multiple principal buildings are permitted per lot.
2. Principal buildings are permitted as specified by Table 6.
3. Buildings are exempt from 240-24.1.5.A.1 frontage types and 240-24.1.5.A.3 provisions for calculating building stories. Buildings must comply with the maximum number of stories and maximum building height defined within Table 6.

D. Site Standards

1. Driveways, vehicular entrances to parking lots or structures, and curb cuts may be no wider than twenty-four (24) feet except that wider widths may be allowed by the Building Commissioner during the Site Plan Review process if additional width is needed to provide emergency access.

E. Landscape Standards

1. A front landscaped area at least ten (10) feet wide measured from the lot line toward the interior of the lot must include the following features over the span of fifty (50) linear feet:
 - (i) One (1) canopy tree
 - (ii) One (1) understory or evergreen tree
 - (iii) Four (4) medium shrubs
 - (iv) Six (6) small shrubs

Table 6. DH Dimensional Standards

LOT		BUILDING FORM	
Lot Width	50' min	Number of Stories	6 max
Lot Coverage	100% max	Building Height	85' max
SETBACKS – PRINCIPAL BUILDINGS			
Primary Front Setback	20' min		
Secondary Front Setback	20' min		
Side Setback	10' min		
Rear Setback	10' min		

§240-24.1.14 Hyannis Harbor District (HH)

A. Intent

1. The Hyannis Harbor District is intended to maintain an area near Hyannis Inner Harbor for maritime activities and water-related uses, and is characterized by a mix of commercial, maritime industrial, and residential development and the presence of the commercial ferry services.

B. Lot Standards

1. Newly platted lots must be dimensioned as specified by Table 7.
2. Lot coverage may not exceed the maximum specified by Table 7.

C. Building Standards

1. Multiple principal buildings are permitted per lot.
2. Principal buildings are permitted as specified by Table 7.
 - (a) To support water-dependent uses on the harbor, the maximum building height permitted for existing structures used as a Marina or a Commercial Service use for constructing, selling, renting, or repairing boats is forty-five (45) feet.
3. Mechanical & stairwell penthouses and building systems equipment must be setback from any exterior wall a distance that is equal to their height.

D. Use Provisions

1. Limitations

- (a) The maximum number of dwelling units permitted for any Multi-Unit Dwelling residential use is determined by the permitted dimensions of the building and the actual motor-vehicle parking spaces provided on a lot as required by Table 2.

E. Site Standards

1. Driveways, vehicular entrances to parking lots or structures, and curb cuts may be no wider than twenty-four (24) feet.

F. Landscape Standards

1. A front landscaped area at least ten (10) feet wide measured from the lot line toward the interior of the lot must include the following features over the span of fifty (50) linear feet:
 - (i) One (1) canopy tree
 - (ii) One (1) understory or evergreen tree
 - (iii) Four (4) medium shrubs
 - (iv) Six (6) small shrubs
2. A side or rear landscaped area at least six (6) feet wide must be provided along any side or rear lot line abutting a lot in Downtown Neighborhood (DN) district and must include the following features over the span of fifty (50) linear feet:
 - (i) Two (2) understory or evergreen trees
 - (ii) Five (5) medium shrubs and three (3) small shrubs or a fence or wall at least six (6) feet in height.

Table 7. HH Dimensional Standards

LOT		BUILDING FORM	
Lot Width	20' min	Number of Stories	2.5 max
Lot Coverage	90% max	Building Height	35 ft max ⁵
SETBACKS – PRINCIPAL BUILDINGS			
Primary Front Setback	20' min		
Secondary Front Setback	20' min		
Side Setback	10' min		
Rear Setback	10' min		

⁵ See 240-24.1.10.C.2(a)

§240-24.1.15 Transportation Center District (TC)

A. Intent

1. The Transportation District is intended to accommodate transportation related-uses serving the downtown, harbor and the region and is characterized by functional buildings and parking areas screened and not highly visible from surrounding roadways.

B. Lot Standards

1. Newly platted lots must be dimensioned as specified by Table 8.
2. Lot coverage may not exceed the maximum specified by Table 8.

C. Building Standards

1. Multiple principal buildings are permitted per lot.
2. Principal buildings are permitted as specified by Table 8.
3. Mechanical & stairwell penthouses and building systems equipment must be setback from any exterior wall a distance that is equal to their height.

D. Use Provisions

1. Limitations

- (a) Occupation of a single commercial space greater than five thousand (5,000) square feet by any Food & Beverage Service or Retail Sales use requires a Special Permit.
- (b) The maximum number of dwelling units permitted for any Multi-Unit Dwelling residential use is determined by the permitted dimensions of the building and the actual motor-vehicle parking spaces provided on a lot as required by Table 2.

E. Site Standards

1. Driveways, vehicular entrances to parking lots or structures, and curb cuts may be no wider than twenty-four (24) feet.

F. Landscape Standards

1. A front landscaped area at least ten (10) feet wide measured from the lot line toward the interior of the lot must include the following features over the span of fifty (50) linear feet:
 - (i) One (1) canopy tree
 - (ii) One (1) understory or evergreen tree
 - (iii) Four (4) medium shrubs
 - (iv) Six (6) small shrubs
2. A side or rear landscaped area at least six (6) feet wide must be provided along any side or rear lot line abutting a lot in Downtown Neighborhood (DN) district and must include the following features over the span of fifty (50) linear feet:
 - (i) Two (2) understory or evergreen trees
 - (ii) Three (3) large shrubs and three (3) medium shrubs or a fence or wall at least six (6) feet in height.

Table 8. TC Dimensional Standards

LOT		BUILDING FORM	
Lot Width	50' min	Number of Stories	3 max
Lot Coverage	65% max	Building Height	40 ft max
SETBACKS – PRINCIPAL BUILDINGS			
Primary Front Setback	--		
Lots fronting Route 28	50' min		
All other Lots	20' min		
Secondary Front Setback	20' min		
Side Setback	10' min		
Rear Setback	10' min		

§240-24.1.16 Highway Commercial District (HC)

A. Intent

1. The Highway Commercial District is intended to maintain an area for larger-scale commercial land uses, with private parking appropriately screened, on a regional roadway and promote in the long-term transformation of the area into a cohesive gateway corridor into Hyannis. The area is characterized by detached low- and mid-rise commercial structures.

B. Lot Standards

1. Newly platted lots must be dimensioned as specified by Table 9.
2. Lot coverage may not exceed the maximum specified by Table 9.

C. Building Standards

1. Multiple principal buildings are permitted per lot.
2. Principal buildings are permitted as specified by Table 9.
 - (a) The third story can only occur within habitable attic space.
3. Mechanical & stairwell penthouses and building systems equipment must be setback from any exterior wall a distance that is equal to their height.

D. Site Standards

1. Driveways, vehicular entrances to parking lots or structures, and curb cuts may be no wider than twenty-four (24) feet.

E. Landscape Standards

1. A front landscaped area at least ten (10) feet wide measured from the lot line toward the interior of the lot must include the following features over the span of fifty (50) linear feet:
 - (i) One (1) canopy tree
 - (ii) One (1) understory or evergreen tree
 - (iii) Four (4) large shrubs
 - (iv) Two (2) small shrubs
1. A side or rear landscaped area at least six (6) feet wide must be provided along any side or rear lot line abutting a lot in Downtown Neighborhood (DN) district and must include the following features over the span of fifty (50) linear feet:
 - (i) Two (2) canopy trees
 - (ii) Three (3) large shrubs and three (3) medium shrubs or a fence or wall at least six (6) feet in height.

F. Parking Standards

1. To reduce traffic congestion and increase convenience for customers, employees, and residents, development is encouraged to provide direct vehicular connections between abutting parking lots so that motor vehicles can move between properties without re-entering the public street.
2. To increase walkability and reduce conflicts between pedestrians and motor vehicles, development is encouraged to:
 - (a) Provide only the minimum number of driveways or vehicular entrances to parking lots necessary to accommodate the number of parking spaces provided
 - (b) Share driveways between abutting properties or multiple properties fronting the same street
 - (c) Relocate any existing frontage area parking spaces to the side or rear of buildings.
3. Establishment of a new curb cut on Route 28 or Barnstable Road must consult the Director of Public Works regarding access prior to applying for a state highway access

permit from the Massachusetts Department of Transportation and work with the Town and other authorizing agencies on a transportation access plan prior to site plan approval.

4. New construction, modification of an existing principal building, and the establishment, change, or expansion of any use of real property abutting Engine House Road must provide vehicular access only from the Engine House Road frontage.
5. Parking is highly discouraged within the frontage area and should be limited to a single row of parking stalls and associated drive aisle where necessary.

Table 9. HC Dimensional Standards

LOT		BUILDING FORM	
Lot Width	50' min	Number of Stories (max)	3 max ⁶
Lot Coverage	80% max	Building Height	40 ft max
SETBACKS – PRINCIPAL BUILDINGS			
Primary Front Setback	60' max		
Lots fronting Route 28	20' min		
Secondary Front Setback	20' min		
Side Setback	10' min		
Rear Setback	10' min		

⁶ See 240-24.1.12.C.2(a)

§240-24.1.17 Tables

Table 10. Dimensional Standards Summary Table

	DMS	DV	DN	DH	HH	TC	HC
A. Lot							
Lot Width	30' min	30' min	20' min	50' min	20' min	50' min	50' min
Lot Coverage	100% max	80% max	50% max	100% max	90% max	65% max	80% max
Façade Build Out	--	--	--	--	--	--	--
Primary Frontage	80% min	80% min	--	--	--	--	--
Secondary Frontage	40% min		--	--	--	--	--
B. Setbacks – Principal Building							
Primary Front Setback	0' min 15' max	0' min 15' max	10' min 20' max	20' min	20' min	20' min	60' max
Lots fronting Route 28	--	--	--	--	--	50' min	20' min
Secondary Front Setback	0' min 15' max	0' min 15' max	10' min 20' max	20' min	20' min	20' min	20' min
Side Setback	0' min	0' min	10' min	10' min	10' min	10' min	10' min
Rear Setback	0' min	0' min	20' min	10' min	10' min	10' min	10' min
C. Setbacks - Outbuilding							
Primary Front Setback	--	--	60' min	--	--	--	--
Secondary Front Setback	--	--	--	--	--	--	--
Side Setback	--	--	3' min	--	--	--	--
Rear Setback	--	--	3' min	--	--	--	--
D. Building Form							
Building Width	180' max	120' max	--	--	--	--	--
Number of Stories	--	--	--	--	--	--	--
Principal Building	3.5 or 4 max ⁷	3.5 or 4 max ⁸	3 max ⁹	6 max	2.5 max	3 max	3 max ¹⁰
Outbuilding	--	--	--	--	--	--	--
Ground Story Height	--	--	10' min	--	--	--	--
Commercial	14' min	14' min	--	--	--	--	--
Residential	10' min	10' min	--	--	--	--	--
Upper Story Height	10' min	10' min	10' min	--	--	--	--
Building Height	--	--	--	85' max	35' max ¹¹	40' max	40' max
E. Building Features							
Ground Story Fenestration	--	--	--	--	--	--	--
Primary Frontage	60% min	15% min	--	--	--	--	--
Secondary Frontage	15% min	15% min	--	--	--	--	--
Upper Story Fenestration	15% min	15% min	--	--	--	--	--
Blank Wall	20' max	20' max	--	--	--	--	--
Commercial Space Depth	20' min	20' min					

⁷ See 240-24.1.6.C.6 (4th Story Step-back)

⁸ See 240-24.1.7.C.4 (4th Story Step-back)

⁹ See 240-24.1.8.C.2(a)

¹⁰ See 240-24.1.12.C.2(a)

¹¹ See 240-24.1.10.C.2(a)

Table 11. Frontage Types

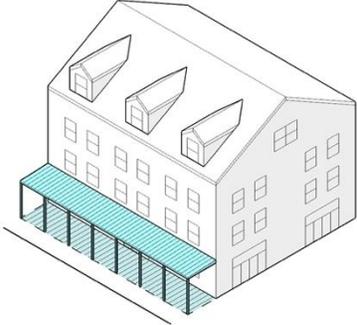
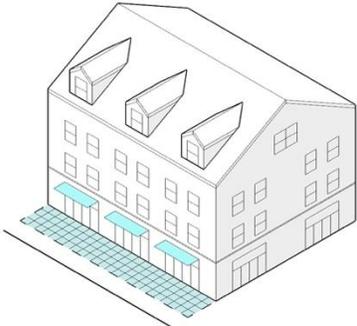
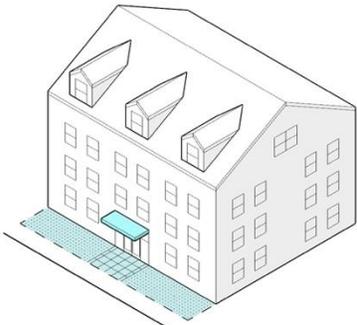
P – Permitted N – Not Permitted	DMS	DV	DN	DH	HH	TC	HC
<p>Gallery</p>  <p>A frontage type consisting of a storefront(s) and an attached colonnade with a roof, open pergola, or balcony overhanging a paved sidewalk. A gallery may wrap around the corner of a building to create a veranda-like gallery.</p>	P	P	N	N/A	P	P	P
<p>Storefront</p>  <p>A frontage type consisting of an assembly of commercial entry doors and display windows providing access and light to a commercial space and a place to display goods, services, and signs.</p>	P	P	N	N/A	P	P	P
<p>Common Lobby</p>  <p>A frontage type consisting of an assembly of entry doors and windows providing access and light to the lobby of a building. A common lobby may be combined with an entry plaza or front garden frontage type.</p>	P	P	N	N/A	P	P	P

Table 11. Frontage Types

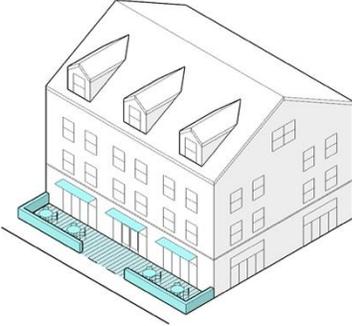
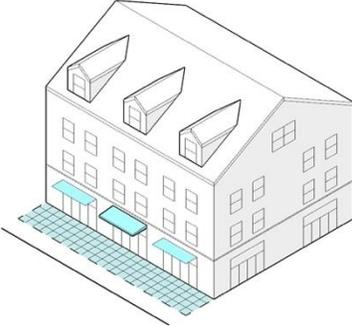
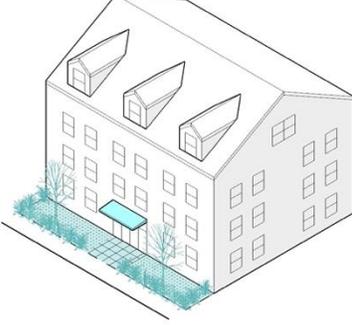
P – Permitted N – Not Permitted	DMS	DV	DN	DH	HH	TC	HC
<p>Dining Patio</p>  <p>A frontage type consisting of a storefront(s) and outdoor café seating in the frontage area.</p>	P	P	N	N/A	P	P	P
<p>Entry Plaza</p>  <p>A frontage type consisting of a storefront(s) and a highly paved frontage area. An entry plaza may be combined with a common lobby frontage type.</p>	P	P	N	N/A	P	P	P
<p>Front Garden</p>  <p>A frontage type consisting of a highly landscaped frontage area. A front garden may be combined with a common lobby, dooryard or stoop, or porch frontage type.</p>	N	P	P	N/A	N	N	N

Table 11. Frontage Types

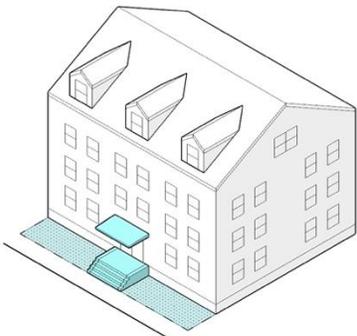
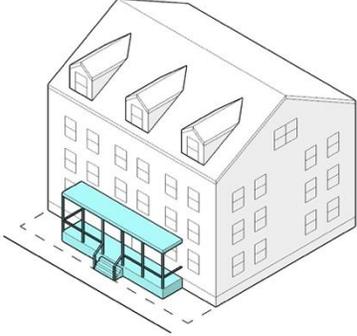
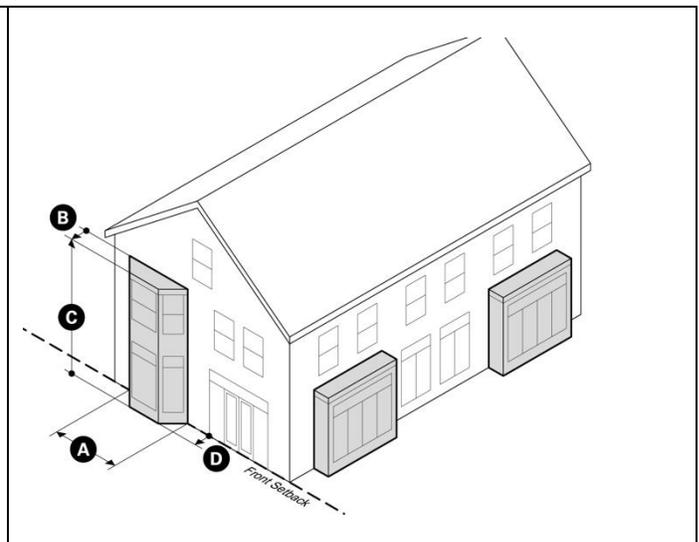
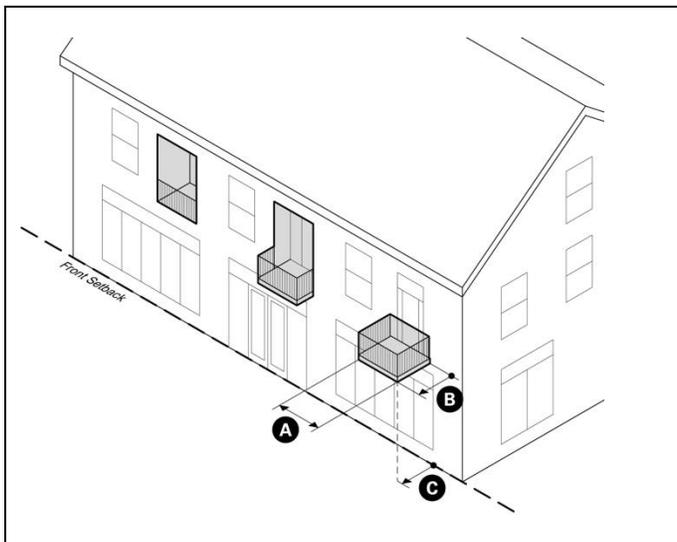
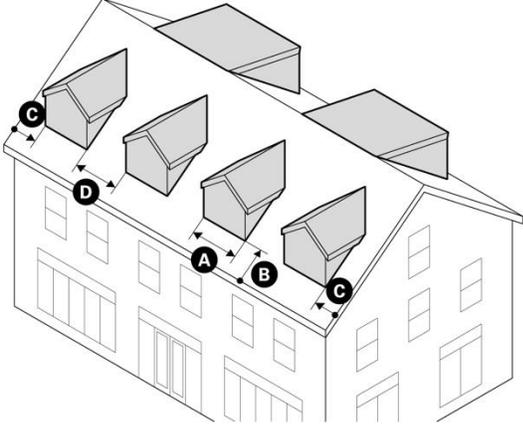
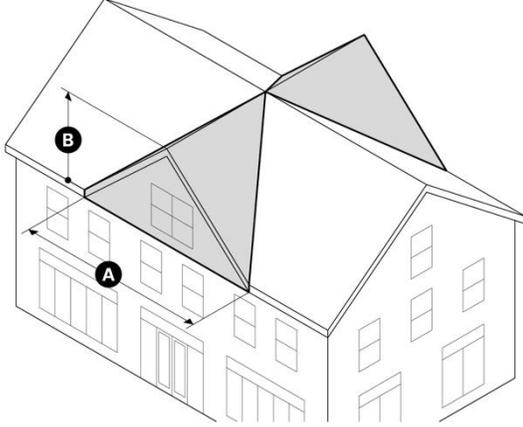
P – Permitted N – Not Permitted	DMS	DV	DN	DH	HH	TC	HC
<p>Dooryard or Stoop</p>  <p>A frontage type consisting of a zero-step entrance or a set of stairs with a landing that provides access to the entrance of a building. A dooryard or stoop may be combined with a front garden frontage type.</p>	N	P	P	N/A	N	N	N
<p>Porch</p>  <p>A frontage type consisting of a raised platform with a roof supported by columns, piers, or posts; an area for seating; and an optional set of stairs with a landing that provides access to the entrance of a building. A porch may be combined with a front garden frontage type</p>	N	P	P	N/A	N	N	N

Table 12. Building Components

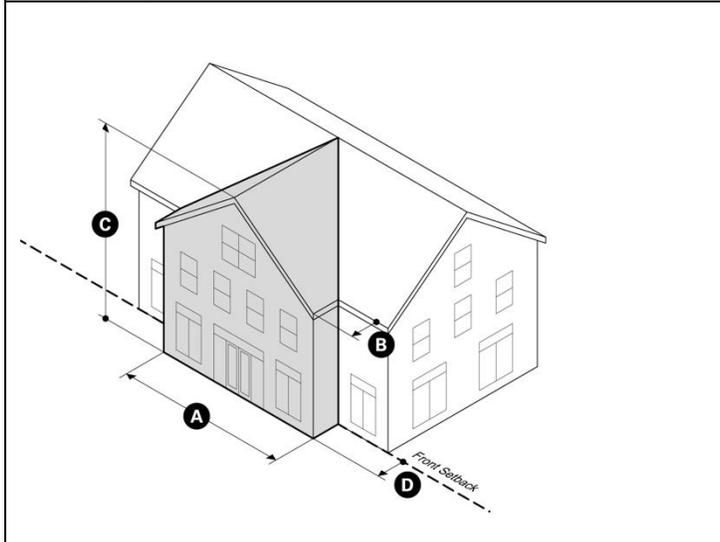
A. Balcony	B. Bay or Oriel Window
------------	------------------------



A	Width (min)	5 ft	A	Single Bay Width (max)	16 ft
B	Depth (min)	4 ft		Cumulative Bay Width (max)	50% of the width of the exterior wall from which the bays project
	Area (min)	20 sf	B	Projection (max)	3 ft
C	Front Setback Encroachment (max)	5 ft	C	Stories (max)	Same as the principal building
			D	Front Setback Encroachment (max)	3 ft
<p>Design Standards:</p> <p>Balconies may attach to any exterior wall of a principal building.</p> <p>Balconies may be recessed, projecting, a combination of the two, or terraced as part of the roof of a permitted building component.</p>			<p>Design Standards:</p> <p>Bays may attach to any exterior wall of a principal building.</p> <p>A bay window may have a flat roof.</p>		

C. Dormer			D. Cross Gable		
					
A	Cumulative Width of all Dormers (max)	50% of the roof eave	A	Width (max)	50% of the roof eave below
B	Exterior Wall Setback (min)	--	B	Height (min)	Equal to the height of the roof of the attached primary massing
	Roof with Eave	0 ft	Design Standards: The roof ridge of a cross gable must be perpendicular to the main roof ridge of the principal building. The rakes and ridge of the roof of the cross gable must be structurally integrated into the eave and ridge of roof of the attached primary massing.		
	Roof without Eave	1 ft			
C	Setback from Gable (min)	3 ft			
D	Separation from another Dormer (min)	50% of dormer width			
	Design Standards: The face wall of a dormer window may not project beyond the exterior wall of the building and may not interrupt the eave of the roof.				

E. Projecting Gable



A	Width (max)	Equal to the shortest side of the attached primary massing
B	Projection (max)	6 ft
C	Height (min)	Height of Building in Stories
D	Front Setback Encroachment (max)	6 ft

Design Standards:

A projecting gable may attach only the façade of a principal building.

The roof ridge of a projecting gable must be perpendicular to the main roof ridge of the principal building.

”

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2022-144
INTRO: 03/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth Jenkins, Director, Planning & Development Department
DATE: March 03, 2022
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning by repealing the Zoning Districts known as the “Hyannis Village Zoning Districts” and replacing them with revised and updated districts collectively known as the “Downtown Hyannis Zoning Districts”

RATIONALE: This item proposes a comprehensive revision of the zoning districts in Downtown Hyannis, replacing the “Hyannis Village Zoning Districts” first adopted in 2005 with seven new districts collectively known as the “Downtown Hyannis Zoning Districts”. The purpose of updating the zoning in Downtown Hyannis is to: address housing goals, including increasing housing supply and diversity in areas with infrastructure and community activity and away from open spaces and areas with critical natural resource value; improve the urban fabric of downtown Hyannis in a manner consistent with its historic and maritime character and existing development patterns; improve the ease of use of the zoning ordinance for the public and for businesses and developers; and to encourage housing production and mixed use development at human-scale density, and create predictable outcomes in urban form.

The subject of these amendments is downtown Hyannis, in an area with the same boundary as the Downtown Hyannis Growth Incentive Zone (GIZ) and the existing “Hyannis Village Zoning Districts”. This area is currently served by public sewer and water. Hyannis is the regional commercial and transportation hub of the Cape. Achieving a greater density of jobs and housing within the GIZ supports the community’s vision of a vibrant, livable, mixed-use, walkable regional center. Compact housing options within buildings that respond to Hyannis’ unique character can support a mix of housing choices for all ages and incomes while encouraging healthier and more sustainable lifestyles.

These proposed amendments are supported by past planning initiatives including the 2010 Local Comprehensive Plan, the 2016 Housing Production Plan (HPP), and the 2018 Growth Incentive Zone Strategic Plan (GIZ). All of these plans encourage new investment in areas with infrastructure and community and business activity, promoting infill and redevelopment over the development of open spaces and sensitive natural resources. The HPP and the GIZ specifically recognize that zoning changes are necessary to achieve housing and revitalizations goals.

Existing Conditions

The GIZ and the current zoning districts provide some opportunity for streamlined permitting and as-of-right multi-family development, but the regulatory structure has not been effective in broadly attracting residential development to the area. In the first 10 years of the initial GIZ designation, only 110 new residential units were built. The residential densities allowed by zoning do not respond to the high costs of land and construction. Requiring a developer to permit projects through a lengthy and unpredictable process only further increases project costs. This dis-incentivizes investment and raises the costs of housing in projects that do move forward.

Additionally, the current conventional methods of zoning do not adequately address most physical characteristics that contribute to the sense of place or sufficiently address the aesthetic character of our community. An examination of the property in the GIZ shows a diversity of lot sizes that range from small residential lots around 4,000 square feet to large commercial lots upwards of 70,000 square feet. This condition makes current multi-family residential standards that use ratio-based zoning metrics (dwelling units/acre) problematic, unaligned with housing goals; unintended consequences result, such as regulatory agreement review for small housing projects.

Background & Study

The focus of this effort is to create a predictable regulatory framework that encourages compact residential development, compatible with traditional development patterns, meeting a range of housing needs. The proposed zoning revisions benefit from input received during the Community Resiliency by Design process. This process studied ways to address the need for additional housing options while also respecting the existing historic and maritime character of downtown Hyannis. This report considered community input on preferred types and styles of building massing, scale, character, and composition and considered the unique land use patterns in Hyannis. It presented a framework for revitalization and increased housing supply that included strategies such as retrofitting existing structures (including top-of-shop housing and conversion of underutilized space), redeveloping underutilized property, and infilling underutilized lots.

This zoning amendment is also supported by the Cape Cod Commission's Form Based Code Framework which advocates for the use of form-based and hybrid zoning to help deliver context-appropriate densities in forms that respect existing historic development patterns.

Summary of Proposed Zoning Ordinance

The proposed zoning is organized into six (6) sections. The 'Title' and 'General Provisions' sections introduce the ordinance and designates the Planning Board as the Special Permit Granting Authority. The 'Definitions' section provides direction on the meaning of terms used to regulate uses, dimensional and building standards, and landscape materials. The section 'Standards for All Districts' includes the use table (establishing permitted, prohibited, and special permit uses); parking standards; and landscaping, lighting, access, and surface parking lot standards. Next are 'Standards for Specific Districts' which include dimensional requirements, building standards, use standards, and site standards specific to each of the seven (7) districts proposed to be established. Finally, in 'Tables' there is a summary dimensional table and standards for frontage types and building components.

Districts

The Downtown Main Street and Downtown Village districts incorporate new "form-based" standards, in addition to regulating land uses.

- The Downtown Main Street (DMS) district seeks to maintain, reinforce, and extend the character and mixed use development pattern of Main Street. Active ground floor commercial use on Main Street between Ocean Street and Sea Street continue to be required. In addition to setback requirements, new form standards include standards to build out a percentage of the lots primary and secondary frontage, modified fenestration requirements, standards for story height (ground and upper), and roof pitch. Building height in this district is proposed to increase from three (3) stories to three and a half (3.5) stories or four stories, if that story is recessed at least eight (8) feet to limit its visibility.
- The Downtown Village district encompasses areas immediately north and east of the Main Street, formerly zoned "Office/Multi-Family" and "Medical Services". This district also incorporates the new form-based standards outlined above, ensuring future buildings are pulled up to the street and parking areas are set back, and allows for the same height/number of stories in the DMS; building massing standards (frontage buildout and setbacks) are reduced from the DMS in this transitional district.

A wide range of commercial uses are proposed to be permitted in both the DMS and DV Districts, with the limitation that any one commercial use that exceeds 5,000 square feet requires a special permit.

The remaining five districts remain largely consistent with the provision in the current zoning ordinance.

- The Downtown Neighborhood District (formerly Single Family) maintains the same use requirements, but now permits two-family dwellings on South Street, Ridgewood Street, and Spring Street.
- The Downtown Hospital District consolidates the provisions called out specifically for the regional hospital formerly in the Medical Services District in the current zoning into one district. Development in this district is exempt from a number of site standards in recognition of the specific use and development type.
- The Hyannis Harbor District is limited to parcels south of South Street and maintains most current use and dimensional standards. Multi-family residential use is allowed, and the marine supportive uses continued to be allowed, with the exception of boat storage as a principal use.
- The Transportation District maintains its purpose of supporting regional transportation-related uses. Multi-family use is proposed to be permitted, in support of potential transit-oriented development.

- The Highway Commercial District consolidates the two current districts along Route 28 and includes new dimensional requirements and enhanced landscaping requirements.

In all districts, landscaping and landscape buffer standards are enhanced, with new requirements for number and size of required plant materials to enhance streetscapes and screening between commercial and residential uses.

Parking

The proposed ordinance defines parking requirements for each category of permitted use in each zoning district. Shared parking is encouraged and flexibility in meeting requirements is promoted through the availability of special permit relief. Parking requirements in the DMS only are reduced to zero for retail, service, and food service uses in recognition of the built-out conditions of Main Street and availability of public parking. All other districts maintain traditional parking requirements for all uses. Parking requirements for dwelling units is proposed to be a minimum of one space per unit.

The Downtown Hyannis Parking Study and Hyannis Growth Incentive Zone strategic plan emphasize the importance of encouraging shared parking downtown. When land uses with different parking demands share parking, it allows for more housing at a lower cost, requires less land be dedicated to parking, and reduces impervious surface. The proposed parking requirements for multi-family residential dwellings (one space per unit) are minimums consistent with the Commonwealth's Housing Choice efforts that seek to encourage new housing production, and, support the viability of top-of-shop and small scale infill development.

Hyannis Parking Overlay District

This proposed amendment repeals the Hyannis Parking Overlay District, an overlay district established to address zoning for commercial parking lots. This zoning ordinance was appealed and struck down in Land Court on procedural grounds. This amendment accomplishes the necessary housekeeping associated with that ruling.

FISCAL IMPACT: There is no significant fiscal impact of the proposed zoning amendment.

TOWN MANAGER RECOMMENDATION: Mark S. Eells, Town Manager, recommends the proposed zoning amendment.

STAFF SUPPORT: Elizabeth Jenkins, Director, Planning & Development; Kate Maldonado, Assistant Director, Planning & Development; Gloria McPherson, Planning & Economic Development Coordinator; Jim Kupfer, Senior Planner; Ryan Bennett, Housing Coordinator; Brian Florence, Building Commissioner; Karen Nober, Town Attorney; Kate Connolly, Assistant Town Attorney

B. NEW BUSINESS (Refer to Planning Board)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-145
INTRO: 03/03/2022**

**2022-145 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I
GENERAL ORDINANCES, CHAPTER 240 ZONING BY AMENDING ARTICLE
VII SIGN REGULATIONS**

ORDERED: That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article VII Sign Regulations be amended as follows:

SECTION 1

By amending Article VII, Section 240-64 as follows:

- A. By striking the words “Signs in Medical Services District” from the section heading and inserting “**Signs in Downtown Hospital District**” in their place.
- B. In subsection A, by striking the words “in a professional residential zone”, so that the revised Section shall read:
 - “§ 240-64 **Signs in Downtown Hospital District.**
 - A. One sign giving the name of the occupant or other identification of a permitted use may be permitted. Such signs shall be no more than 12 square feet in area and shall not extend more than eight feet above the ground.
- C. Any illuminated sign must comply with the provisions of § **240-63** herein.”

SECTION 2

By amending Article VII, Section 240-65 by adding the word “and” after “S&D,” in the section heading and striking “and GM”, so that the revised section heading shall read:

“§ 240-65 **Signs in B, UB, HB, HO, S&D, and SD-1 Districts.**”

SECTION 3

By amending Article VII, Section 240-67 by striking “OM, HG, TD” from the section heading and inserting “HC, TC” in their place, so that the revised section heading shall read:

“§240-67 **Signs in CVD, HC, TC, VB-A, WBVBD and MMV Districts.**”

SECTION 4

By amending Article VII, Section 240-68 by striking “HD” from the section heading and inserting “HH” in its place, so that the revised section heading shall read:

“§ 240-68 **Signs in MB-A1, MB-A2, MB-B and HH Districts.**”

SECTION 5

- A. By amending Article VII, Section 240-71 by striking “HVB” from the section heading and inserting “DMS” in its place, so that the revised section heading shall read:

“§ 240-71 Signs DMS District.”

- B. By amending Article VII, Section 240-71, Subsection A by inserting after the words “eight feet” the phrase “, except that the Building Commissioner may allow signs up to 14 feet in height on buildings if he finds that such height is necessary for the façade and is compatible with the appearance, scale and character of the area”, so that the revised Subsection shall read:

“The maximum allowable height of all signs on buildings shall be 12 feet, and the maximum height of a freestanding sign shall be eight feet, except that the Building Commissioner may allow signs up to 14 feet in height on buildings if he finds that such height is necessary for the façade and is compatible with the appearance, scale and character of the area.”

- C. By amending Article VII, Section 240-71, Subsection D by striking the words “HVB Business” and inserting in their place “DMS” so that the revised Subsection shall read:

“Temporary street banners may be permitted in the DMS District only, for the purpose of informing the general public of community events and activities, with approval of the Town Manager. Street banners shall be hung in prescribed locations, securely fastened to buildings, maintain a minimum height of 16 feet above the street, be constructed of durable materials, used solely for community events in the district, and remain in place for no more than three weeks prior to the event and be removed within one week after the event.”

SECTION 6

By amending Article VII by adding the following new Section 240-71.1:

“§ 240-71.1 Signs in Downtown Village (DV) District.

- A. Each business establishment may be allowed a maximum of two signs. The allowed signage types are: wall signs; projecting signs, which may be double sided and considered a single sign; and signage as part of a freestanding sign serving businesses on the lot.
- B. One freestanding sign may be allowed on a lot. A freestanding sign may contain signage for multiple businesses on the lot.
- C. The area of all signs for each individual business establishment shall not exceed 10% of the area of the building facade that contains the establishment's primary customer entrance or 32 square feet, whichever is the lesser amount.
- D. The total area of a wall sign shall not exceed 24 square feet.
- E. The total area of a projecting sign shall not exceed 15 square feet.
- F. The maximum height of any freestanding sign shall not exceed 8 feet in height and 12 square feet in area, except that the Building Commissioner may allow signs to be up to 24 square feet in area if the sign will include more than one business establishment and it is determined that the additional area will be in keeping with the scale of the building and will not detract from the appearance or safety of the area and will not obscure existing signs that conform to these regulations and have a Town permit.
- G. Any illuminated sign must comply with the provisions of § 240-63 herein.”

SPONSOR:

DATE

ACTION TAKEN

_____	_____
_____	_____

- _____ Read Item
- _____ Motion to Open Public Hearing
- _____ Rationale
- _____ Public Hearing
- _____ Close Public Hearing
- _____ Council Discussion
- _____ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2022-145
INTRO: 03/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth Jenkins, Director, Planning & Development Department
DATE: March 03, 2022
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article VII Sign Regulations to amend regulations to be consistent with proposed new district regulations

RATIONALE: This item is a companion to Item 2022-144 which comprehensively updates the zoning regulations within the area designated as the Downtown Hyannis Growth Incentive Zone. The zoning amendments proposed create seven new zoning districts. This item updates the signage regulations in Article VII of the Zoning Code to reflect the proposed new district names. The allowable size, number, and height of signs in most cases is not proposed to be altered. For the consolidated Hyannis Gateway and Gateway Medical Districts, proposed as Highway Commercial, the more generous signage allow was incorporated. For the new Downtown Village District, provisions of the former districts were combined and redrafted with the intent of allowing appropriate signage for the wide variety of business and commercial properties, but respecting the smaller scale of many of the lots.

FISCAL IMPACT: There is no significant fiscal impact of the proposed zoning amendment.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends the proposed zoning amendment.

STAFF SUPPORT: Elizabeth Jenkins, Director of Planning & Development; Kate Maldonado, Assistant Director of Planning & Development; Gloria McPherson, Planning & Economic Development Coordinator; Karen Nober, Town Attorney; Kate Connolly, Assistant Town Attorney

B. NEW BUSINESS (Refer to Planning Board)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-146
INTRO: 03/03/2022**

2022-146 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING BY MOVING AND RENUMBERING SECTION 240-122.1 REGISTERED RECREATIONAL MARIJUANA CULTIVATORS, RESEARCH FACILITIES, AND TESTING LABORATORIES INTO A NEW OVERLAY ZONING DISTRICT AND REPEALING SECTIONS 240-129 AND 240-129.1 EXPIRED TEMPORARY MORATORIAM FOR MARIJUANA USES

ORDERED: That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

SECTION 1

By amending the Zoning Map of Barnstable, Mass., dated September 1, 1998, as previously amended, as referenced in Article II, Section 240-6, to add a Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories Overlay District, as shown on maps dated January 21, 2022, prepared by the Town of Barnstable Geographical Information System Unit, and entitled:

- Proposed Amendment to the Town Zoning Map Creating the Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories Overlay District
- Proposed Amendment to the Hyannis Zoning Map Creating the Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories Overlay District

SECTION 2

By amending Article II, Section 240-5, Establishment of districts, by inserting “Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories Overlay District” immediately below the “Medical Marijuana Overlay District” as it appears under the heading “Overlay Districts”.

SECTION 3

- C. By striking the words “Article XII. Registered Recreational Marijuana Cultivators, Research Facilities and Testing Laboratories” and inserting “Article XII. (Reserved)” in their place.
- D. By moving Section 240-122.1, Registered recreational marijuana cultivators, research facilities and testing laboratories, in its entirety from Article XII to Article III and inserting and renumbering said section as Section 240-31..

SECTION 4

By amending said Article III, Chapter 240-31 as follows:

- A. In Subsection A(1), striking out “MS Medical Services District and the GM Gateway Medical District” and substituting in its place “Registered Recreational Marijuana Cultivators, Research Facilities and Testing Laboratories Overlay District”, so that revised Section 240-31 A(1) shall read:

“Purpose. To provide for the location of registered recreational marijuana cultivators, research facilities and independent testing laboratories, as defined herein, in accordance with Chapter 55 of the Acts of 2017 and M.G.L. c.94G, the Humanitarian Medical Use of marijuana Act. M.G.L. c.94C, App. § 1-1, et. seq., as amended by Chapter 55 of the Acts of 2017, M.G.L. c.94I, to be enacted pursuant to Chapter 55 of the Acts of 2017, and Cannabis Control Commission Regulations 935 CMR 500.00 governing Adult Use of marijuana, in locations within the Registered Recreational Marijuana Cultivators, Research Facilities and Testing Laboratories Overlay District suitable for lawful marijuana cultivation, research and Independent Testing and to minimize adverse impacts of marijuana cultivation, research facilities and independent testing laboratories on adjacent properties, residential neighborhoods, historic sites, schools and other locations where minors congregate by regulating the siting, design, placement, security, modification and removal of marijuana cultivators, research facilities and independent testing laboratories.”

- B. By amending Subsection A(3) by striking out “MS Medical Services District and the GM Gateway Medical District” and substituting in its place “Registered Recreational Marijuana Cultivators, Research Facilities and Testing Laboratories Overlay District”.
- C. By further amending Subsection A(3) by striking out the words “and § 240-24.1.2E”, so that revised Section 240-31 A(3) shall read:

“Use. Within the Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories Overlay District, a licensed marijuana cultivator, research facility or independent testing laboratory may be permitted as a conditional use, provided a special permit is first obtained from the Planning Board. All special permits granted under this article shall be subject to the provisions of § 240-125C herein and subject to all additional standards and conditions of this article.”

- D. In Subsection A(4), striking out “MS Medical Services District and the GM Gateway Medical District” and substituting in its place “Registered Recreational Marijuana Cultivators, Research Facilities and Testing Laboratories Overlay District”, so that revised Section 240-31 A(4) shall read:

“Prohibition of all other non-medical marijuana establishments. Except for licensed marijuana cultivators, research facilities and independent testing laboratories permitted as a conditional use in the Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories Overlay District, subject to all the requirements of this article, all other types of non-medical "marijuana establishments" as defined in M.G.L. c.94G § 1, including marijuana product manufacturers, marijuana retailers or any other types of licensed related businesses are prohibited.”

- E. In Subsection G, striking out “Article XII, § 240-122.1,” and substituting in its place “Article **III**, § **240-31**” so that revised Section 240-31 G shall read:

“Severability. The provisions of Article **III**, § **240-31**, are severable. If any provision shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.”

SECTION 4

By deleting Article XIV, Section 240-129 in its entirety.

SECTION 5

By deleting Article XIV, Section 240-129.1 in its entirety.

SPONSOR:

DATE

ACTION TAKEN

- _____ Read Item
- _____ Motion to Open Public Hearing
- _____ Rationale
- _____ Public Hearing
- _____ Close Public Hearing
- _____ Council Discussion
- _____ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2022-146
INTRO: 03/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth S. Jenkins, Planning & Development Director
DATE: March 03, 2022
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning by moving and renumbering section 240-122.1 Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories into a new overlay Zoning District and repealing sections 240-129 and 240-129.1 expired temporary moratorium for Marijuana uses

RATIONALE: This proposed zoning ordinance amendment is a corollary amendment to the proposed new Downtown Hyannis Zoning.

Adult use registered recreational marijuana cultivators, research facilities, and testing laboratories are currently allowed within the Medical Services (MS) Zoning District and the Gateway Medical (GM) Zoning District. The new Downtown Hyannis Zoning will create a total of seven zoning districts, where there are currently eight, and the boundaries of the MS and GM Zoning Districts will be changed with the redrawing of the zoning district lines.

In order to maintain the current configuration and extent of the allowed recreational marijuana uses, we have created an overlay district that mirrors the current MS and GM zoning districts. By doing so, every lot that currently allows for recreational marijuana uses will continue to do so, and every lot that currently does not allow for recreational marijuana uses will continue to not allow them.

There are no changes proposed to the current allowed location of recreational marijuana uses; there are no changes proposed to the recreational marijuana use regulations themselves.

There is also a corollary zoning map amendment, which shows the new “Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories Overlay Zoning District.”

This amendment also repeals two expired temporary zoning moratoria on marijuana uses. Section 240-129 was a temporary moratorium on medical marijuana treatment centers. This moratorium expired on January 1, 2014. Section 240-129.1 was a temporary moratorium on recreational marijuana establishments and marijuana retailers. This moratorium expired on December 31, 2018.

Collectively, these amendments clean up and consolidate all provisions related to recreational adult-use marijuana and medical marijuana and make them consistent with the proposed new Downtown Hyannis Zoning without changing any of the current regulatory provisions.

STAFF ASSISTANCE: Gloria McPherson, Planning & Economic Development Coordinator; Kate Connolly, Assistant Town Attorney