



Town Council Meeting
September 6, 2018



A quorum being duly present, Council President Eric Steinhilber called the September 6, 2018, Town Council meeting to order at 7:00 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

An announcement was made by President Steinhilber regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 18.

Recording - Ellen Brown and Ellen Roy, not from any organization are taping this meeting.

PRESENT: Britt Beedenbender, James Crocker, Jr., Jennifer Cullum, Debra Dagwan John Flores, Jessica Rapp Grassetti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Eric Steinhilber, James Tinsley, Jr., Philip Wallace.

The Pledge of Allegiance was led by President Steinhilber followed by a moment of silence.

PUBLIC COMMENT:

Wendy Northcross Cape Cod Chamber of Commerce read a statement regarding cannabis zoning in town; many challenges for the town, but recreational cannabis is now legal (Exhibit A). Then a second statement regarding the agreement between the town and Vineyard Wind is a globally important project. (Exhibit B)

Michelle Scarlett supports Vineyard Wind; very concerned about the changes in our environment as a community we can support renewable energy support. Urged the town council support

Adam Higgins regarding 2019-015 cautioned the town council that the restrictions (Exhibit C) are too restrictive to support the cannabis businesses. Compromise as written is basically a ban. Support small business.

Richard Elrick is in opposition of the ordinances as drafted, do not permanently ban retail stores for cannabis; you have made decisions based on bias and politics. Further, there is a high level of hypocrisy here; we have dozens of places that sell alcoholic beverages in town and two of your councilors make their living selling alcohol.

Ellen Taylor Brown is invested in living here, would like to be a business owner on Cape Cod, if you ban micro businesses, you ban me. The proposed zoning is very small area not fair to do that to the small businesses.

Jan Kuhlac here to support Vineyard Wind, we need renewable energy and evidence of climate change. (Exhibit D)

Chris Gagne works for a Cannabis Community Care and Research, thank you for your dedication to the issue, spoke about the cannabis control commission, regarding jobs and training programs. Eligible for grants for workforce training, consider bringing the full industry to Barnstable, putting people back to work.

Also recording Jessica Edwards, not with an organization

Sue Rohrbach was opposed to Cape Wind, this is very different, Vineyard Wind is a good process; Barnstable has an opportunity to be part of a win/win situation; please support Vineyard Wind.

Spenser Knowles of Regulate Cape Cod urged the council to use the moratorium, go back to the drawing board; this council is nimble and agile, challenged and encouraged the councilors to include micro businesses revisit the moratorium on retail.

Gordon Starr supporting the Vineyard Wind renewable energy; this will protect our water and is needed. Support an agreement with Vineyard Wind.

Erin Peterson sharing her thoughts on what is essentially a ban is damaging; this will result in more families leaving the cape. You will be preventing the opportunity for gainful employment; asking to support cannabis.

Brianne Motil works with elderly who now use cannabis products to help them. You could improve the quality of life for the elderly.

Adam Hansen asks the council to open this town up to the cannabis industry; open up the zoning, this will directly affect any and all small business owners of micro businesses and craft co-operatives; please allow this golden opportunity to happen in Barnstable

Beth Waterfall of Elevate Northeast urges the council to embrace this opportunity; cannabis is not a harmful substance. Do not make a decision based on fear. Should you vote to ban these businesses it would be foolish and irresponsible.
Close public comment

COUNCIL RESPONSE TO PUBLIC COMMENT:

To suggest that we don't know what we are doing, we are opening up the door, in a thoughtful methodology for research, we want to work together. We serve the Town, not just a Precinct. The attitude in some of these presentations is offensive to me. My precinct has the high school, middle school and an elementary school; you don't have pot shops in a precinct loaded with schools. We have responsibilities to the entire town of Barnstable, the quality of water, what are we going to do with our wastewater.

TOWN MANAGER COMMUNICATIONS: Update August 16 through September 6 (Exhibit E)

Budget Action Calendar

Lt. Governor Karyn Polito met with the Cape Cod Delegation

Mass Department of Fish & Wildlife regarding water supply wells

Continuing discussion with Vineyard Wind
The Dog Park project is planning for fall opening
The Big Fix a community service event
Public meeting regarding flooding in the neighborhoods in Barnstable
Cape Cod Technical High School Board position
Board of Health to provide Comprehensive Water Management Plan update

Comprehensive Water Management PowerPoint Town Manager, Mark Ells gave an update of what our staff and the DPW are doing to bring change to an interim regulation.

COUNCILOR QUESTIONS AND COMMENTS:

Dredging pilot programs do we have a specific list [first is Cotuit Cut, will provide a list to the Council] If there is money left over from that project can that be used elsewhere [specific to this three phase project] Do we identify potential liabilities with Vineyard Wind [treated like a construction project, everything that would come with a construction project] Dog park asking the public to police itself; do we have any liabilities regarding a dog biting someone [never contemplated that we would man this area, no full time staff member at the facility] Wastewater problem, what is the impact of household septic systems, can we encourage people to better manage that aspect [if you don't pump out the septic system, it does impact the leaching fields; don't know how much it impacts our nutrient problems, needs investigation] short term rental tax money, could that be used to help with the pumping [will have to research that and get back to you] nitrogen mitigation regarding the two incubator nursery's in the embayment is that still on the table [will check with staff and come back to you] permeable reactive barriers made of soybean oil, turns nitrogen into gas, are we looking at this [we are looking at any and all, those technologies are site specific] owners of dogs have more problems than the dogs at the Yarmouth Dog Park; glad to hear we are involved in the Big Fix. Commend the DPW staff on the quick turnaround we have the largest grant of all the coastal communities; back in the Big Fix, like to hear how we are doing outreach to the community; shifting of the precincts, how did it go? [Town clerk, Ann Quirk I had many positive comments; the Police Department provided a trailer with a large electronic sign with arrows pointing to the new precinct location of Precincts 10 and 12. This helped to slow the traffic down] Signage at the old location. [We had a person at the old locations and signage at both] Many people went to the Zion Museum on North Street in Hyannis instead of the Zion Union Church at 805 Attucks Lane in Hyannis.

ACT ON MINUTES: Upon a motion duly made and seconded it was voted to approve the minutes of the August 16, 2018

VOTE: PASSES UNANIMOUS

COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements:

Thank you to Mark Ells, and the Planning and Development Department for postponing the hydrilla treatment in Long Pond, the treatment was moved back a week.
Congratulations to the School Committee for the smooth opening of the schools;
Village days in Marstons Mills, the First Annual Ride for Opioid Addiction Recovery (ROAR) at Barnstable High School.

Presentation on the “Public Art Discovery Walk Project” by Marilyn Heberling, Chair, Rachel Youngling, Treasurer, Mid Cape Cultural Center

Thank you for your continued support; we award grants to people in that arts, humanities

and science.

Councilor questions and comments:

Thank you for your dedication and perseverance; how does an artist go about contacting you [send an application into the town hall or the information is on our webpage and Facebook; asking that applicants consider a permanent sculpture, deadline September 30th, will consider all applicants]

Presentation by Mark A. Milne, CPA, Director of Finance Fiscal Year 2020 Preliminary Budget Planning (Exhibit F)

- Salaries & Wages
- Non-discretionary Costs Increases
- Other Strategic Spending Initiatives
- Projected General Fund Revenue Growth
- Tax Levy Increase Needed to Balance Budget
- 5 Year Property Tax Growth History
- Capital Program

Councilor questions and comments:

When is the Pleasant Street construction beginning, is that still moving forward [yes considered new growth] County Retirement is that done internally [all assets are transferred to the state] new sources of revenue tax increase cannabis [not in this projection] on the prop 2 1/2 increase what is the amount needed for contractual [about 2.5 %]

2018-074 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,000,000 FOR THE PURPOSE OF FUNDING THE COTUIT BAY ENTRANCE CHANNEL DREDGING PROJECT AS OUTLINED IN THE FISCAL YEAR 2019 – FISCAL YEAR 2023 CAPITAL IMPROVEMENT PLAN INTRO: 03/15/18, 04/05/18, 04/26/18, 05/03/18, 05/17/18, 08/16/18, 09/06/18

Town Manager Mark Ells gave the rationale, has been written to accept the grant. Open public hearing seeing no one close public hearing

Councilor questions and comments:

What does shovel ready mean [we are ready to go with the project] this is a long time coming, a private organization went through the permitting process; could you clarify the amount of cubic yards expected to be removed in phase one? Grant holder outside of the cut has concerns about his beds [Dan Santos, Director of Public Works, 44 thousand cubic yards over three years; spoke with the shell fisherman regarding the dredging. We will put out a press release] How many feet taken out in each phase [will get that too you] hope all my Councilors will support

General Fund Capital Improvement Plan

ORDERED: That the sum of **\$1,000,000** be appropriated for the purpose of funding the Cotuit Bay Entrance Channel Dredging Project as outlined in the Fiscal Year 2019 – Fiscal Year 2023 Capital Improvement Plan, including the payment of costs incidental or related

thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,000,000**, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: PASSES 13 YES

2019-015 AMENDING CHAPTER 240, THE ZONING ORDINANCES TO ADD REGULATIONS FOR ESTABLISHING AND OPERATING REGISTERED RECREATIONAL MARIJUANA CULTIVATORS, RESEARCH FACILITIES AND INDEPENDENT TESTING LABORATORIES AND PROHIBITING ALL OTHER NON-MEDICAL MARIJUANA ESTABLISHMENTS INTRO: 08/09/2018, 08/16/18, 09/06/18

Councilor comments and questions: Just to clarify, trying to come up with the compromise for safe zoning for this town; that seems to be no retail. What are we looking at if not retail; all closed spaces, no public interaction; in the ordinance it is not meant for small businesses; this is meant for big business; prevailing feeling is that this zoning does not accommodate either small or large business. We need to do more work. We have a tool to protect the vote of the minority and the individual; I don't think this is a good compromise. I did have a number of amendments but they are not appropriate at this time. In general, some people have an aversion to the facts; vocal supporter of retail. I am disappointed that I heard we should just pass it. We have talked and researched, we need to make a decision, there is a lot that we don't know; there are some uncertainties; this can help the farmers; heard from elderly supporters using CB oil; how it is helpful; entrepreneurs we want them; it's here and it has been here a long time; I invested in this town. We can make small changes. This isn't the biggest thing we are dealing with right now. It is important to note that some of the proponents are going to profit from cannabis; it is important to commit to a compromise and working towards a better solution; this is a place to start; we have all done our research; in six months we can take another look; it's a good foot forward; concerns me is that most people didn't really understand this at the time of the vote; this is probably the most emotional issue right now; dedicated to make sure medical marijuana is available; we are making a good effort. I take exception to Mr. Elrick's comment that we are not thoughtful in our decision making; this issue has taken a lot of our time and effort. Sit on a sub-committee of the Council, the initial original zoning didn't come to the committee nor did the permitting regulations. Precinct 7 voted against question four; medical marijuana is legal and can be purchased in Mashpee. We have excluded the retail on this item, I have to vote how my constituents voted. I would like to see the amount of liquor licenses reduced. This drug has become legal in Massachusetts, I am going to defer to my fellow Councilor's in the Hyannis precincts; this item can then be expanded; no one has come forth to have a medical marijuana facility in Independence Park.

Upon a motion duly made and seconded it was

ORDERED:

Section 1.

That Chapter 240, Article III, Section 240.24.1.4 MS Medical Services District of the Zoning Ordinance is hereby amended as follows:

1. Add a new Special Permit use to Section 240-24.1.4B as follows:
 - (3) Registered Recreational Marijuana Cultivators, Research Facilities and Independent Testing Laboratories, subject to compliance with the provisions of Article XII herein.

Section 2.

That Chapter 240, Article III, Section 240.24.1.9.1 GM Gateway Medical District of the Zoning Ordinance is hereby amended as follows:

1. Add a new Special Permit use to Section 240-24.1.9.1B as follows:
 - (2) Registered Recreational Marijuana Cultivators, Research Facilities and Independent Testing Laboratories, subject to compliance with the provisions of Article XII herein.

Section 3.

That Chapter 240, the Zoning Ordinance be amended by renumbering the existing Article XII (Administration and Enforcement) to Article XIII and by sequentially renumbering each Article thereafter and by substituting in place of the existing ARTICLE XII the following:

“ARTICLE XII Registered Recreational Marijuana Cultivators, Research Facilities and Testing Laboratories.

§240-122.1 Registered Recreational Marijuana Cultivators, Research Facilities and Testing Laboratories.

A. Purpose; applicability; use; prohibited marijuana establishments

(1) 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, G. L. c.94C, App. §1-1, et seq., as amended by Chapter 55 of the Acts of 2017, 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 MS Medical Services District and the GM Gateway Medical 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.

(2) Applicability. The cultivation, processing, packaging, and transfer of marijuana products; conducting of research regarding marijuana products; and

testing of marijuana or cannabis is prohibited unless licensed by all applicable Massachusetts licensing authorities and permitted under this Article.

(3) Use. Within the MS Medical Services District and GM Gateway Medical 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 and §240-24.1.2E herein and subject to all additional standards and conditions of this Article.

(4) 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 MS Medical Services District and GM Gateway Medical District, subject to all the requirements of this Article, all other types of non-medical “marijuana establishments” as defined in G.L. c. 94G §1, including marijuana product manufacturers, marijuana retailers or any other types of licensed related businesses are prohibited.

B. Definitions. Any term not specifically defined herein shall have the meaning as defined in Massachusetts General Laws Chapter 94G, §1, and the Cannabis Control Commission Regulations 935 CMR 500.00 governing Adult Use of Marijuana.

CANNABIS OR MARIJUANA OR MARIHUANA - All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include:

- (a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
- (b) hemp; or
- (c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

CRAFT MARIJUANA COOPERATIVE – A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

RECREATIONAL MARIJUANA ESTABLISHMENT, INDEPENDENT TESTING LABORATORY – A laboratory that is licensed by the Cannabis Control Commission and is:

- (a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Cannabis Control Commission;
- (b) independent financially from any Medical Marijuana Treatment Center, Marijuana Establishment or licensee for which it conducts a test; and
- (c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

RECREATIONAL MARIJUANA ESTABLISHMENT, MARIJUANA CULTIVATOR – An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

RECREATIONAL MARIJUANA ESTABLISHMENT, MARIJUANA RESEARCH FACILITY – An entity licensed to engage in research projects by the Cannabis Control Commission.

C. Requirements for allowed Marijuana Cultivators, Research Facilities and Independent Testing Laboratories.

Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall comply with the following requirements:

(1) General

- a) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall comply with applicable State and local laws, regulations, ordinances, codes, conditions and agreements with the Town, including, but not limited to, 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 and M.G.L. c. 94I, to be enacted pursuant to Chapter 55 of the Acts of 2017, Cannabis Control Commission Regulations 935 CMR 500.00 governing Adult Use of Marijuana, the Town of Barnstable's General Ordinances, the Town of Barnstable's Zoning Ordinances, all applicable Town building, fire prevention, police, and health codes, regulations and standards, any conditions imposed on licenses and permits held by the Marijuana Cultivators, Research Facilities and Independent Testing Laboratories (including, but not limited to, the Town's Planning Board special permit), and agreements between the Marijuana Cultivator, Research Facility or Independent Testing Laboratory and the Town, including host community agreements.
- b) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall maintain all permits and licenses required by State and local laws. Any voiding of the Cannabis Control Commission's license by operation of law (including due to cessation of operations, failure to become operational within the permitted time, or relocation without Cannabis Control Commission approval), and any revocation or suspension of the Marijuana Cultivators, Research Facilities and Independent Testing Laboratories' Cannabis Control Commission license shall result in an automatic suspension of the special permit

pending hearing or the opportunity therefore afforded to the Marijuana Cultivator, Research Facility or Independent Testing Laboratory and pending further determination by the Planning Board.

- c) All taxes and charges owed to the Town must be paid on a current basis. Failure to pay all taxes and charges shall be subject to the provisions of Chapter 121 of the Barnstable Code and all other available legal remedies.
- d) An approved Host Community Agreement shall be required prior to granting a Special Permit for a Marijuana Cultivator, Research Facility or Independent Testing Laboratory.
- e) Dimensional requirements. Except where it is explicitly stated otherwise in this Article, Marijuana Cultivator, Research Facilities and Independent Testing Laboratories shall conform to the dimensional requirements applicable within the underlying and other overlaying zoning districts.
- f) Parking. The required number of parking spaces for Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be one space for every 700 square feet of gross floor area. The Planning Board shall also rely on the recommendation of Site Plan Review.
- g) Loading. The Planning Board may require loading bays based on the recommendation of site plan review and/or based on the needs of the proposed use.
- h) Landscaping. Landscape requirements in the underlying zoning district shall apply.
- i) Landscape Buffers. The landscape setback from any residential property line shall be 20 feet. Landscape buffers shall be densely landscaped with a combination grasses, trees, and shrubs providing year-round screening.
- j) Signage. The signage requirements of the underlying zoning district pursuant to Article VII of this chapter shall apply. The Planning Board may impose additional restrictions on signage, as appropriate, to mitigate any aesthetic impacts.
- k) Groundwater Protection. Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be subject to the requirements of Section 240-35 Groundwater Protection Overlay Districts as applicable.

(2) Operational Requirements

- (a) All Marijuana Cultivators', Research Facilities' and Independent Testing Laboratories' licensed operations shall be conducted within a building at a fixed location.
- (b) No Marijuana Cultivators, Research Facilities or Independent Testing Laboratories shall allow research, testing, cultivation, processing, packaging, manufacturing, or display of Marijuana or Marijuana Products to be visible to the public without the use of binoculars, aircraft, or other optical aids.
- (c) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories may cultivate, process, package, or conduct research and testing on Marijuana or Marijuana Products as licensed by the Cannabis Control Commission only within an area that is enclosed and secured in a manner that prevents access by persons not permitted by the

Marijuana Cultivator, Research Facility or Independent Testing Laboratory to access the area.

- (d) The hours of operation for a Marijuana Cultivator, Research Facility or Independent Testing Laboratory shall be those conditioned by the Marijuana Cultivator's, Research Facility's or Independent Testing Laboratory's special permit.
- (e) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall ensure that their hours and methods of transportation of product shall not be a detriment to the surrounding area and nearby uses.
- (f) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall not permit any disorder, disturbance, or illegality under State or local law of any kind on the premises.
- (g) Marijuana Cultivators', Research Facilities' and Independent Testing Laboratories' operations shall not result in illegal redistribution under State or local law of Marijuana obtained from the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, or in use of Marijuana in any manner that violates State or local law.
- (h) Marijuana Cultivators, Research Facilities or Independent Testing Laboratories operations shall not create nuisance conditions in parking areas, sidewalks, streets and areas surrounding its premises and adjacent properties.
- (i) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall equip the premises and otherwise conduct their operations in such a manner that (a) no pesticides or other chemicals or products are dispersed into the outside atmosphere, or into a wastewater treatment system or in any other manner that may contaminate the groundwater and (b) no odor of Marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of any adjoining use or property.
- (j) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be required to remove all Marijuana and Marijuana Products by the earlier of: prior to surrendering its State-issued license; or within six (6) months of ceasing operations.
- (k) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories must display a sign legible from the exterior of the building in which the Marijuana Cultivator, Research Facility or Independent Testing Laboratory is located either by posting on the building exterior in close proximity to the entrance or by placement in a window in close proximity to the entrance with the text facing and legible from the exterior, which states: "Must be 21 years or older and show identification to enter this establishment."
- (l) Solid and liquid waste, including waste composed of or containing marijuana, finished marijuana, Marijuana-Infused Product, or byproducts of marijuana processing shall be stored, secured, managed, and disposed of in accordance with State Law and all other applicable statutes and ordinances and regulations of the Town.

(3) Security-Specific Requirements

- (a) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall submit and receive the approval of the Barnstable Police Department for its required security and emergency procedures, including a disaster plan, which plan shall include measures relating to alarms, fencing, gates, limited access areas, delivery procedures, police details, specification of video and lighting locations, notifications to the Police Department in the event of any known or suspected violation of criminal law that has taken place on or near the location of the establishment.
- (b) Lighting shall be designed and maintained so as to protect adjacent properties from intrusive lighting; however, in accordance with State Law, the exterior perimeter of Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be sufficiently lit to facilitate surveillance.
- (c) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall secure every entrance so that access to areas containing the storage of Marijuana products are restricted to employees and others permitted by the Marijuana Cultivator, Research Facility or Independent Testing Laboratory to access the area and to Cannabis Control Commission or state and local law enforcement officers, agents and emergency personnel.
- (d) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall secure their inventory and equipment during and after operating hours to deter and prevent theft of Marijuana, Marijuana Products and Marijuana accessories.
- (e) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall file an emergency procedures, including a disaster plan, with the Town's Fire, Police and Health Departments and share with these Departments their security plan and procedures and any updates to them in the event they are modified.
- (f) Landscaping shall be in compliance with the requirements set forth herein, except that in accordance with State Law, Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall maintain trees, bushes, and other exterior vegetation so that they do not allow for a person or persons to conceal themselves from sight.

(4) Access to Premises and Information/Reporting/Record-Keeping

- (a) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be subject to unannounced, unscheduled, periodic inspections of its premises by the Building Commissioner or designee, including an agent from the Building, Health, Police and applicable Fire Department on week-days between 8:00 a.m. to 5:00 p.m. to determine the Marijuana Cultivator, Research Facility or Independent Testing Laboratory's compliance with the requirements of applicable state and local laws, regulations, codes, license and permit conditions, and this Article. In addition, routine inspections may be made on week-days during regular Town business hours by authorized inspectional departments to determine compliance with applicable state and local laws, regulations, codes and license and permit conditions. Inspections by the authorized inspectional departments may be made at other times

to investigate complaints or suspected non-compliance issues. Inspections may include all areas occupied, used or controlled by the Marijuana Cultivator, Research Facility or Independent Testing Laboratory. Facilities requiring re-inspection are subject to applicable re-inspection fees. Inspections shall be conducted in conformity with applicable federal, state and local law.

- (b) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall cooperate and comply with requests for information made by the Building Commissioner or designee, including agents from the Planning & Development, Building, Health, Police, Fire and Public Works Departments.
- (c) Within twenty-four (24) hours of receipt of notice of it, Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall file with the Town Manager, Director of Public Health and the Building Commissioner any summary cease and desist order, cease and desist order, quarantine order, suspension order, revocation order, order limiting sales, deficiency statement, plan of correction, notice of a hearing, notice of any other administrative process or legal action, denial of a license, denial of a renewal of a license, or final action issued by a state or federal agency (including, but not limited to, the Cannabis Control Commission) regarding the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, or the Cannabis Control Commission license.

(5) Additional Location Requirements for Marijuana Cultivators, Research Facilities and Independent Testing Laboratories,

- (a) No Marijuana Cultivator, Research Facility and Independent Testing Laboratory shall be located within 500 feet, as measured from each lot line of the subject lot, of the following preexisting uses: K-12 educational use; childcare center; or children's camp.

D. Site Plan Review for Marijuana Cultivators, Research Facilities and Independent Testing Laboratories. Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be subject to Article IX, Site Plan Review, Section 240-102.

E. Special Permits. The following apply to special permits to operate a Marijuana Cultivator, Research Facility or Independent Testing Laboratory.

- (1) Application requirements: Applicants shall include with their special permit application:
 - (a) Copies of any required licenses and permits relating to the operation of the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, or, if an application for a required license or permit is pending, a copy of the application.
 - (b) Evidence of the applicant's right to use the proposed site as a Marijuana Cultivator, Research Facility or Independent Testing Laboratory, such as a deed, lease or purchase and sales agreement.
 - (c) A copy of the Site Plan Review Approval.
 - (d) A description of the security measures, required by this Article, approved by Barnstable Police Department and Cannabis Control Commission for the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, as applicable.

- (e) A copy of emergency procedures, including a disaster plan with procedures to be followed in case of fire or other emergencies, approved by the Cannabis Control Commission for the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, as applicable.
 - (f) A copy of the policies and procedures for the transfer, or acquisition of marijuana between Marijuana Cultivators, Research Facilities and Independent Testing Laboratories and other Recreational Marijuana Establishments, as applicable.
 - (g) A copy of proposed waste disposal procedures.
 - (h) Proof of liability insurance that is in accordance with 105 CMR 725.105(Q) or any applicable regulations promulgated by the Cannabis Control Commission.
 - (i) Any waivers from Cannabis Control Commission regulations issued for the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, as applicable.
 - (j) A copy of the Community Host Agreement.
 - (k) Any other materials requested by the Special Permit application form, as well as any other additional materials the Planning and Development Department determines is necessary for review, such as Department reports or transportation studies or a license application.
- (2) Special permit criteria, The Planning Board, subject to the provisions of §240-125C and §240-24.1.2E. shall not approve any application for a special permit unless it finds that in its judgment all of the following conditions are met:
- (a) That the Marijuana Cultivator, Research Facility or Independent Testing Laboratory has demonstrated compliance with or the ability to comply where the requirements are prospective with all of the General Requirements set forth in this Article.
 - (b) That the Marijuana Cultivator, Research Facility or Independent Testing Laboratory has an approved Host Agreement.
 - (c) That the Marijuana Cultivator, Research Facility or Independent Testing Laboratory has security and emergency procedures, including a disaster plan, approved by the Barnstable Police Department.
 - (d) The location is compliant with this Article in its entirety.
 - (e) The site is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, cyclists and public transportation users.
 - (f) Traffic generated by client trips, employee trips, and deliveries to and from the Marijuana Cultivator, Research Facility or Independent Testing Laboratory shall not create a substantial adverse impact on nearby residential uses.
 - (g) A special permit granted under this Article shall have a term limited to the duration of the applicant's ownership or lease of the premises for a Marijuana Cultivator, Research Facility or Independent Testing Laboratory, as licensed by the applicable Massachusetts licensing authority. Any new license for an existing Marijuana Cultivator, Research Facility or Independent Testing Laboratory location or transfer of an existing license to a new owner shall require a new Special Permit pursuant to the Barnstable Zoning Ordinance.

F. Implementation

This Article shall not be implemented in a manner that conflicts or interferes with the operation of M.G.L. c. 94G, 94I or the regulations promulgated thereunder, including 935 CMR 500.

G. Severability

The provisions of Article XII, §240-122.1 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.

That the Zoning Ordinance, Chapter 240, Article I, Prohibited Uses, §240-10, is hereby amended by adding a new paragraph E as follows:

“E. All types of non-medical “marijuana establishments” as defined in G.L. c. 94G §1, including marijuana product manufacturers, marijuana retailers or any other types of licensed related businesses except for licensed Marijuana Cultivators, Research and Independent Testing Laboratory Facilities permitted as a conditional use in the MS Medical Services District and GM Gateway Medical District, subject to all the requirements of Article XII, §240-122.1 herein.”

VOTE: Fails 8 YES, 5 NO (Beedenbender, Dagwan, Rapp Grasseti, Schnep, Tinsley)

2018-159 ORDER TO AMEND THE ZONING ORDINANCE TO PROHIBIT NON-MEDICAL MARIJUANA IN ALL ZONING DISTRICTS WITHIN THE TOWN OF BARNSTABLE INTRO: 06/07/18, 07/19/18, 08/16/18, 09/06/18

Upon a motion duly made and seconded

ORDERED: That the Code of the Town of Barnstable, Zoning Ordinance, Chapter 240, Article I, Prohibited Uses, §240-10, is hereby amended by adding a new paragraph E as follows:

“E. All types of non-medical “marijuana establishments” as defined in G.L. c. 94G §1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed related businesses.”

VOTE: Open and continue to a public hearing on 9/20/18 PASSES 11 YES, 1 NO (Schnep) Cullum off dais

2018-018 AUTHORIZING THE TOWN MANAGER TO EXECUTE A REGULATORY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND BIG PINK, LP INTRO: 08/16/18, 09/06/18

Elizabeth Jenkins, Director of Planning and Development, explained that the rationale was written by the applicant,

Open public hearing

Anthony Mazzio representing Big Pink, Ltd. proposing to add two new units in the downtown area, near transportation and shops; will add to the tax base.

Upon a motion duly made and seconded it was

ORDERED: That the Town Manager is authorized pursuant to Section 168-5, General Ordinances of the Code of the Town of Barnstable (the "Code"), to enter into and execute a Regulatory Agreement between the Town of Barnstable and Big Pink, LP for the property 49 Elm Avenue, Hyannis, .0969 acres (4,223 sq. ft.), shown on Town of Barnstable Assessor's Map 327, Page 75, and which is more particularly described in the deed recorded with the Barnstable Registry District of the Land Court as Certificate of Title No. 212309 ("the Property"); and permitting the development of the Property and granting the requested zoning relief and approval under Chapter 112, Article I of the Code pursuant to and as described in this Regulatory Agreement.

REGULATORY AGREEMENT
BIG PINK LIMITED PARTNERSHIP
49 ELM AVENUE, HYANNIS, MA 02601

This regulatory agreement (the "Agreement") is entered into by Big Pink, LP, a Massachusetts limited partnership with an address of Post Office Box 611, Hyannis Port, Massachusetts 02647 (the "Applicant" and the "Developer"), including successors and assigns, and the Town of Barnstable, a municipal corporation with a place of business at 367 Main Street, Hyannis, MA 02601 (the "Town") on this ___ day of _____, 2018 (the "Effective Date") pursuant to Section 240-24.1 of the Barnstable Zoning Ordinance and Section 168 of the Barnstable Code.

WHEREAS, this Agreement shall establish the permitted use and density with the development on the hereinafter identified Property, the duration of the Agreement, and any other terms or conditions mutually agreed upon between the Applicant and the Town;

WHEREAS, the Applicant is the legal owner of the real property located at 49 Elm Avenue, Hyannis, Massachusetts which as an area of .0969 acres (4,223 sq. ft.) and is shown on Barnstable Assessor's Map 327, Page 75, the title to which is evidenced by Certificate of Title No. 212309 recorded with the Barnstable Registry District of the Land Court;

WHEREAS, the Property is improved with a two-story building with 3,400 gross square feet (the "Building");

WHEREAS, the Building was constructed circa 1929 and has had various uses over the years but most recently has been vacant commercial space on the first floor and a two-bedroom apartment on the second floor;

WHEREAS, the provisions of Article III of Chapter 112 of the Barnstable Code are applicable because the subject property is located within the Hyannis Main Street Waterfront Historic District;

WHEREAS, the Applicant is not changing the exterior of the Building in any substantial or material manner and, thus, relief from Article III of Chapter 112 of the Barnstable Code is not necessary;

WHEREAS, the Applicant proposes to renovate the existing building to include up to three (3) apartments;

WHEREAS, the Applicant seeks to convert the empty first floor commercial space into one (1) new one-bedroom apartment, one (1) new studio apartment, and maintain the existing two-bedroom apartment and thus have three (3) apartments in the Building;

WHEREAS, to proceed with the project, the Applicant requires relief from Section 240-24.1.3(B)(3) to allow more than sixteen dwelling units per acre, from Section 240-24.1.3(D)(3)(b) to allow three on-site parking spaces where four are required that do not meet design criteria (buffers and landscaping.).

WHEREAS, the Town is authorized to enter into this Agreement pursuant to Chapter 168 of the Barnstable Code;

WHEREAS, the Town and the Applicant desire to set forth their respective understandings and agreements regarding the reuse of the Property;

WHEREAS, the Applicant is willing to commit to the reuse of the Property substantially in accordance with this Agreement and desires to have a reasonable amount of flexibility to carry out the reuse and therefore considered this Agreement to be in its best interests;

WHEREAS, this Agreement shall vest land use development rights in the Property for the duration of this Agreement and such rights shall not be subject to subsequent changes in local development ordinances, with the exception of changes necessary to protect the public health;

WHEREAS, the proposed development of the Property will not require regulatory review under the Massachusetts Environmental Policy Act (MEPA);

WHEREAS, the Development is located in the Downtown Hyannis Growth Incentive Zone (GIZ) as originally approved by the Cape Cod Commission by decision dated April 6, 2006, and re-designated by decision dated April 19, 2018, as authorized by Barnstable County Ordinance 2005-13, as amended by Barnstable County Ordinance 10-19, 14-05, 17-11 and 18-02 Chapter G, Growth Incentive Zone Regulations of the Cape Cod Commission Regulations of General Application;

WHEREAS, the Development is not subject to review by the Cape Cod Commission as a Development of Regional Impact due to its location in the GIZ and due to the adoption of Barnstable County Ordinance 2006-06, as amended by Barnstable County Ordinance 10-19, 14-05, 17-11 and 18-02, establishing revised development thresholds within the GIZ, under which this development may proceed and Developer has submitted a Jurisdictional Determination to the Town of Barnstable Building Department to confirm the same;

WHEREAS, prior to applying for approval of this Agreement, the Development was reviewed by the Town of Barnstable Site Plan Review Committee and the Site Plan Review Committee voted to find the development proposal approvable subject to the grant of a Regulatory Agreement and other conditions as stated in its letter dated November 29, 2017;

WHEREAS, the Town acknowledges that this Regulatory Agreement will result in a material increase in the number of year-round residential units for lower to middle income residents and will serve as so-called "workforce housing," as well as a reduction in the traffic flow on Elm Avenue;

WHEREAS, the Town acknowledged through the recently completed Housing Needs Assessment dated December 2014 that the Town of Barnstable's primary housing need is additional year-round rental housing and Hyannis is in need of market rate residential apartments and the two (2) new units, plus maintenance of the existing unit, for a total of three (3) units, will be such a benefit to the Town that mitigation is not warranted;

WHEREAS, the Town acknowledges that (a) the Property is located within the Hyannis Village Business Zoning District wherein multi-family residential use is allowed and (b) the existing commercial space and two (2) bedroom apartment are allowed uses; and (c) the use as residential development will result in appropriate use of the property and will generate less traffic than uses that are allowed-as-of-right;

WHEREAS, Applicant would require zoning relief to allow for multi-family residential development of the requested density within the Hyannis Village Business District and relief for parking requirements and parking-lot dimensional requirements;

WHEREAS, the project is consistent with the Downtown Hyannis Design & Infrastructure Plan in that it contributes to the plan's goals of creating livable neighborhoods for year-round residents; creates housing opportunities for persons and households of all income levels; is compatible with the historic and maritime character of the Downtown Hyannis.

WHEREAS, the Property is situated such that on-foot and bicycle access to workplaces and sundry shopping is viable, thus making the Property appropriate for development of so-called Workforce Housing;

WHEREAS, the proposal has undergone public hearings on the Agreement application and received an affirmative majority vote from the Planning Board on May 11, 2018;

WHEREAS, the proposal has undergone a public meeting on the Agreement application before the Town Council and received no less than a two-thirds vote approving the application on _____;

WHEREAS, this Agreement authorizes only the uses and intensity of use and mitigation stipulation, if any, specified herein. Any minor amendment to the authorized terms of this Agreement may be made by the Town Manager pursuant to Section 168-5D; any substantial amendment to the authorized terms of this Agreement shall require review by the Town Council and Planning Board pursuant to Section 168-10 of the Town Code.;

NOW THEREFORE, in consideration of the mutual covenants contained herein, and other good and valuable consideration, their receipt and sufficiency of which each of the parties hereto acknowledged to each other, the parties hereby agree as follows:

1. The Applicant shall renovate and maintain the Building and Property at 49 Elm Avenue and construct one (1) new one-bedroom apartment, one (1) new studio apartment, and maintain one year-round two-bedroom apartment, for a total of three (3) year-round apartments, in substantial compliance with the site plan entitled "Site Plan in # 49 Elm Avenue, Hyannis, MA prepared for Jeffrey Lyon" dated May 19, 2017, with revisions through November 14, 2017, scale 1'=10', prepared and stamped Daniel A Ojala P.L.S, P.E., Down Cape Engineering, Inc., 939 Main Street (Rt.6A), Yarmouthport, MA 02675; the floor plans entitled "Revised Existing First

Floor Plan," drawing no. 5 of 6, owner Jeff Lyons, 49 Elm Avenue, Hyannis, MA dated 3-10-18, prepared by F.D. Ciambriello, Residential & Commercial Design.

2. Applicant shall install a bicycle rack on the property for use of the residents as a Transportation Demand Management measure, prior to the issuance of the first certificate of occupancy.
3. Applicant shall install a split rail fence between the parking area and any abutters. A plan depicting said split rail fence shall be submitted to and approved by the Planning and Development Department before the issuance of a building permit.
4. Applicant shall assign one parking space to each apartment.
5. Based on existing acreage, the Applicant is permitted to construct 1 residential units in accordance with §240-24.1.3.A.1(w). In addition to the Principal Permitted Uses allowed in §240-24.1.3.A.1, this Agreement permits the construction of a total of 3 units as shown on the Plan on file with the Barnstable Planning Board. All units shall remain rental units in perpetuity and shall not be converted into a condominium form of ownership.
6. Any future partial and/or to total demolition of the Building shall constitute a substantial change to the Property and require review by Town Council and Planning Board pursuant to Section 168-10 of the Town Code.
7. The Applicant shall be responsible for obtaining all necessary building permits and all necessary approvals from the Town of Barnstable Public Works Water Supply Division as necessary and their use and construction of the Building shall be in compliance with all Building, Fire and Health Codes.
8. Prior to the issuance of any building permit, the Developer shall submit to the Planning and Development Department for approval a landscape plan for the Property that is consistent with Downtown Hyannis Design & Infrastructure Plan.
9. Developer shall be responsible for snow plowing and snow removal on the Development site in perpetuity.
10. Developer shall be responsible for providing trash removal on the Development site in perpetuity as is required by Section 54-5(2) of the Code of the town of Barnstable.
11. The basement of the Building shall not be converted to or used as habitable space.
12. All plumbing fixtures in the new units and any replacement plumbing fixtures in the existing units shall be low water use fixtures and other water conservation measures are encouraged in the design and development of the project;
13. Developer's minimum lease term of rental units shall be twelve (12) months. Sublease of rental units, if permitted by the Developer, shall be for a minimum term of ninety (90) days. The lease documents shall be reviewed by the Town Attorney for consistency with the conditions of this Agreement prior to issuance of the first Certificate of Occupancy

14. Subsequent to the issuance of a Certificate of Occupancy for the units, each apartment shall be registered with the Health Division's Rental Registration Program.
15. The Project shall be completed in compliance with all requirements and conditions of the Site Plan Review approval issued on November 29, 2017.
16. All mortgagees holding good and valid mortgages against the Property have executed documents effectively subordinating the provisions of the mortgages to their Agreement, which subordination agreements shall be recorded contemporaneously with this Agreement.
17. All development rights granted under the Agreement shall run with the land. However, the Applicant agrees that 30 days prior to any change of ownership of the Property that written notice shall be sent to the Planning Board, Town Council, and the Town Manager and further agrees that all terms and conditions of this regulatory agreement and amendments thereto, shall be binding on successive owners of the Property.
18. All terms, conditions, and obligations contained in this Regulatory Agreement shall be binding on any successor or assignee of the Applicant.
19. This Agreement provides for the following relief:
 - A. Variance from Section 240-24.1.3(B)(3) to allow density to be more than 16 dwellings per acre to permit three units on .0969 acres; and
 - B. Variance from Section 240-24.1.3.(D)(3) to allow 3 on-site parking spaces when 4 are required;
 - C. Variance from Sections 240-52 and 240-53 to allow 3 on-site parking spaces that to not comply with the off-street parking regulations (buffers and landscaping).

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed on the date first above written.

Town of Barnstable,
By,

Big Pink Limited Partnership,
By,

Mark S. Ells
Town Manager

Jeffrey Lyon
General Partner

VOTE: PASSES 12 YES (Crocker off dais)

2019-019 RESOLVE AUTHORIZING THE TOWN MANAGER TO EXECUTE A HOST COMMUNITY AGREEMENT WITH VINEYARD WIND, LLC FOR THE PROJECT CURRENTLY PENDING BEFORE THE COMMONWEALTH'S DEPARTMENT OF PUBLIC UTILITIES IN D.P.U. 18-18 AND 18-19, AND WITH THE ENERGY FACILITIES SITING BOARD IN EFSB 17-05 INTRO: 08/16/18, 09/06/18

Town Manager, Mark Ells gave an overview of the project with a PowerPoint presentation (Exhibit G)

Assistant Town Attorney Charles McLaughlin gave an overview of the process, status reports, options and guidance; protective issue have been identified and provide to Vineyard Wind folks. Bring it back to Manager; to allow the Manager to execute it with the leadership as this is time sensitive tight deadlines, hearings in October, if we have issues that arise, post agreement we have can bring this back to you.

Upon a motion duly made and seconded it was

RESOLVED: that the Town Council approves the execution and delivery by the Town Manager of a Host Community Agreement between the Town of Barnstable and Vineyard Wind, LLC, which agreement is designed to mitigate the impacts of the Vineyard Wind Project which is currently pending before the Commonwealth's Department of Public Utilities in D.P.U. 18-18 and 18-19, and with the Energy Facilities Siting Board in EFSB 17-05. The Project proposes to construct an 800-megawatt wind generating facility in federal waters south of Martha's Vineyard and to connect that facility via cables into state waters and eventually to an electrical sub-station in the Town in order to connect to the regional electric grid

VOTE: PASSES UNANIMOUS

RECONSIDERATION OF 2019-015

2019-015 AMENDING CHAPTER 240, THE ZONING ORDINANCES TO ADD REGULATIONS FOR ESTABLISHING AND OPERATING REGISTERED RECREATIONAL MARIJUANA CULTIVATORS, RESEARCH FACILITIES AND INDEPENDENT TESTING LABORATORIES AND PROHIBITING ALL OTHER NON-MEDICAL MARIJUANA ESTABLISHMENTS INTRO: 08/09/2018, 08/16/18, 09/06/18

Councilor Rapp Grassetto invoked Rule 6F of the Town Council, as she was on the prevailing side for immediate reconsideration of 2019-015. Seconded

Please ask the Town Attorney for Rule 6F is for immediate reconsideration, would be right after the vote or at the next meeting.

Ruth Weil, Town Attorney, stated that Rule 6F reads "it shall be order for any councilor who has voted with the prevailing side to move for immediate reconsideration or to serve notice that a motion for reconsideration shall take place at the next regular meeting of the council". Reading the two options together, immediate reconsideration has been interpreted over the years to mean the night of the vote. The other option is to give notice that reconsideration shall take place at the next town council meeting.

Councilor Rapp Grassetto brought this up, due to the previous vote, concerned that at the next meeting we will not have the votes to pass this item, and it could leave the Town

vulnerable.

We have more than enough time to take that compromise and adjust it for a reading and a second reading and a vote so we have something we will have 9 Yes votes. We do not have to rush in;

VOTE to reconsider: 10 YES, 3 NO (Tinsley, Dagwan, Beedenbender)

ITEM 2019-015

Councilor comments and questions:

Sorry that I can't get my head around this, if we pass this it is a clean canvas, ask for a zoning change for a medical dispensary, in a medical district, to be near the hospital. This is my idea and what I would like to do. This is pretty broad, reconsider this for its value. If we are a nimble Council, we have more than ample time to look at this ordinance, caution Cannabis Control Commission has so many safeguards put into place. We have the time to look at this, which is not conducive to businesses, rather than limiting it so much.

Thought from the charter objection we might get an amendment, nothing came forward; if this item passes as written can we then reconsider it down the road, to be amended; it can be added or changed; two of the amendments I wanted to make I could not add to this item, that's why there were no amendments; my concern is that we need to accept the vote that has been made; we are just not being honest to ourselves and the people; does not rank in the top ten issues that our town faces, fiscal year 2020 budget, we are talking small numbers, my precinct voted against it, medical use has potential and it should be fostered. This is not an emotional issue for me, maybe it is about cultivation; we need to make an appropriate response and continue to discuss it. I am not sure that we have the ability to manage it as yet. The only place that we will make revenue is in the retail market. We can always come back and readjust this accordingly; we need to stop kicking this can down the road, make a decision and stick with it.

Upon a motion duly made and seconded it was

ORDERED:

Section 1.

That Chapter 240, Article III, Section 240.24.1.4 MS Medical Services District of the Zoning Ordinance is hereby amended as follows:

2. Add a new Special Permit use to Section 240-24.1.4B as follows:
 - (3) Registered Recreational Marijuana Cultivators, Research Facilities and Independent Testing Laboratories, subject to compliance with the provisions of Article XII herein.

Section 2.

That Chapter 240, Article III, Section 240.24.1.9.1 GM Gateway Medical District of the Zoning Ordinance is hereby amended as follows:

2. Add a new Special Permit use to Section 240-24.1.9.1B as follows:
 - (2) Registered Recreational Marijuana Cultivators, Research Facilities and Independent Testing Laboratories, subject to compliance with the provisions of Article XII herein.

Section 3.

That Chapter 240, the Zoning Ordinance be amended by renumbering the existing Article XII (Administration and Enforcement) to Article XIII and by sequentially renumbering each Article thereafter and by substituting in place of the existing ARTICLE XII the following:

“ARTICLE XII Registered Recreational Marijuana Cultivators, Research Facilities and Testing Laboratories.

§240-122.1 Registered Recreational Marijuana Cultivators, Research Facilities and Testing Laboratories.

A. Purpose; applicability; use; prohibited marijuana establishments

(1) 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, G. L. c.94C, App. §1-1, et seq., as amended by Chapter 55 of the Acts of 2017, 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 MS Medical Services District and the GM Gateway Medical 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.

(2) Applicability. The cultivation, processing, packaging, and transfer of marijuana products; conducting of research regarding marijuana products; and testing of marijuana or cannabis is prohibited unless licensed by all applicable Massachusetts licensing authorities and permitted under this Article.

(3) Use. Within the MS Medical Services District and GM Gateway Medical 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 and §240-24.1.2E herein and subject to all additional standards and conditions of this Article.

(4) 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 MS Medical Services District and GM Gateway Medical District, subject to all the requirements of this Article, all other types of non-medical “marijuana establishments” as defined in G.L. c. 94G §1, including marijuana product manufacturers, marijuana retailers or any other types of licensed related businesses are prohibited.

B. Definitions. Any term not specifically defined herein shall have the meaning as defined in Massachusetts General Laws Chapter 94G, §1, and the Cannabis Control Commission Regulations 935 CMR 500.00 governing Adult Use of Marijuana.

CANNABIS OR MARIJUANA OR MARIHUANA - All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted

from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include:

- (d) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
- (e) hemp; or
- (f) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

CRAFT MARIJUANA COOPERATIVE – A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

RECREATIONAL MARIJUANA ESTABLISHMENT, INDEPENDENT TESTING LABORATORY – A laboratory that is licensed by the Cannabis Control Commission and is:

- (d) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Cannabis Control Commission;
- (e) independent financially from any Medical Marijuana Treatment Center, Marijuana Establishment or licensee for which it conducts a test; and
- (f) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

RECREATIONAL MARIJUANA ESTABLISHMENT, MARIJUANA CULTIVATOR – An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

RECREATIONAL MARIJUANA ESTABLISHMENT, MARIJUANA RESEARCH FACILITY – An entity licensed to engage in research projects by the Cannabis Control Commission.

C. Requirements for allowed Marijuana Cultivators, Research Facilities and Independent Testing Laboratories.

Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall comply with the following requirements:

(6) General

- l) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall comply with applicable State and local laws, regulations, ordinances, codes, conditions and agreements with the Town, including, but not limited to, 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 and M.G.L. c. 94I, to be enacted pursuant to Chapter 55 of the Acts of 2017, Cannabis Control Commission Regulations 935 CMR 500.00 governing Adult Use of Marijuana, the Town of Barnstable's General Ordinances, the Town of Barnstable's Zoning Ordinances, all applicable Town building, fire prevention, police, and health codes, regulations and standards, any conditions imposed on licenses and permits held by the Marijuana Cultivators, Research Facilities and Independent Testing Laboratories (including, but not limited to, the Town's Planning Board special permit), and agreements between the Marijuana Cultivator, Research Facility or Independent Testing Laboratory and the Town, including host community agreements.
- m) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall maintain all permits and licenses required by State and local laws. Any voiding of the Cannabis Control Commission's license by operation of law (including due to cessation of operations, failure to become operational within the permitted time, or relocation without Cannabis Control Commission approval), and any revocation or suspension of the Marijuana Cultivators, Research Facilities and Independent Testing Laboratories' Cannabis Control Commission license shall result in an automatic suspension of the special permit pending hearing or the opportunity therefore afforded to the Marijuana Cultivator, Research Facility or Independent Testing Laboratory and pending further determination by the Planning Board.
- n) All taxes and charges owed to the Town must be paid on a current basis. Failure to pay all taxes and charges shall be subject to the provisions of Chapter 121 of the Barnstable Code and all other available legal remedies.
- o) An approved Host Community Agreement shall be required prior to granting a Special Permit for a Marijuana Cultivator, Research Facility or Independent Testing Laboratory.
- p) Dimensional requirements. Except where it is explicitly stated otherwise in this Article, Marijuana Cultivator, Research Facilities and Independent Testing Laboratories shall conform to the dimensional requirements applicable within the underlying and other overlaying zoning districts.
- q) Parking. The required number of parking spaces for Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be one space for every 700 square feet of gross floor area. The Planning Board shall also rely on the recommendation of Site Plan Review.
- r) Loading. The Planning Board may require loading bays based on the recommendation of site plan review and/or based on the needs of the proposed use.
- s) Landscaping. Landscape requirements in the underlying zoning district shall apply.

- t) Landscape Buffers. The landscape setback from any residential property line shall be 20 feet. Landscape buffers shall be densely landscaped with a combination grasses, trees, and shrubs providing year-round screening.
- u) Signage. The signage requirements of the underlying zoning district pursuant to Article VII of this chapter shall apply. The Planning Board may impose additional restrictions on signage, as appropriate, to mitigate any aesthetic impacts.
- v) Groundwater Protection. Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be subject to the requirements of Section 240-35 Groundwater Protection Overlay Districts as applicable.

(7) Operational Requirements

- (m) All Marijuana Cultivators', Research Facilities' and Independent Testing Laboratories' licensed operations shall be conducted within a building at a fixed location.
- (n) No Marijuana Cultivators, Research Facilities or Independent Testing Laboratories shall allow research, testing, cultivation, processing, packaging, manufacturing, or display of Marijuana or Marijuana Products to be visible to the public without the use of binoculars, aircraft, or other optical aids.
- (o) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories may cultivate, process, package, or conduct research and testing on Marijuana or Marijuana Products as licensed by the Cannabis Control Commission only within an area that is enclosed and secured in a manner that prevents access by persons not permitted by the Marijuana Cultivator, Research Facility or Independent Testing Laboratory to access the area.
- (p) The hours of operation for a Marijuana Cultivator, Research Facility or Independent Testing Laboratory shall be those conditioned by the Marijuana Cultivator's, Research Facility's or Independent Testing Laboratory's special permit.
- (q) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall ensure that their hours and methods of transportation of product shall not be a detriment to the surrounding area and nearby uses.
- (r) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall not permit any disorder, disturbance, or illegality under State or local law of any kind on the premises.
- (s) Marijuana Cultivators', Research Facilities' and Independent Testing Laboratories' operations shall not result in illegal redistribution under State or local law of Marijuana obtained from the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, or in use of Marijuana in any manner that violates State or local law.
- (t) Marijuana Cultivators, Research Facilities or Independent Testing Laboratories operations shall not create nuisance conditions in parking areas, sidewalks, streets and areas surrounding its premises and adjacent properties.
- (u) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall equip the premises and otherwise conduct their

operations in such a manner that (a) no pesticides or other chemicals or products are dispersed into the outside atmosphere, or into a wastewater treatment system or in any other manner that may contaminate the groundwater and (b) no odor of Marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of any adjoining use or property.

- (v) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be required to remove all Marijuana and Marijuana Products by the earlier of: prior to surrendering its State-issued license; or within six (6) months of ceasing operations.
- (w) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories must display a sign legible from the exterior of the building in which the Marijuana Cultivator, Research Facility or Independent Testing Laboratory is located either by posting on the building exterior in close proximity to the entrance or by placement in a window in close proximity to the entrance with the text facing and legible from the exterior, which states: "Must be 21 years or older and show identification to enter this establishment."
- (x) Solid and liquid waste, including waste composed of or containing marijuana, finished marijuana, Marijuana-Infused Product, or byproducts of marijuana processing shall be stored, secured, managed, and disposed of in accordance with State Law and all other applicable statutes and ordinances and regulations of the Town.

(8) Security-Specific Requirements

- (g) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall submit and receive the approval of the Barnstable Police Department for its required security and emergency procedures, including a disaster plan, which plan shall include measures relating to alarms, fencing, gates, limited access areas, delivery procedures, police details, specification of video and lighting locations, notifications to the Police Department in the event of any known or suspected violation of criminal law that has taken place on or near the location of the establishment.
- (h) Lighting shall be designed and maintained so as to protect adjacent properties from intrusive lighting; however, in accordance with State Law, the exterior perimeter of Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be sufficiently lit to facilitate surveillance.
- (i) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall secure every entrance so that access to areas containing the storage of Marijuana products are restricted to employees and others permitted by the Marijuana Cultivator, Research Facility or Independent Testing Laboratory to access the area and to Cannabis Control Commission or state and local law enforcement officers, agents and emergency personnel.
- (j) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall secure their inventory and equipment during and after operating hours to deter and prevent theft of Marijuana, Marijuana Products and Marijuana accessories.

- (k) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall file an emergency procedures, including a disaster plan, with the Town's Fire, Police and Health Departments and share with these Departments their security plan and procedures and any updates to them in the event they are modified.
- (l) Landscaping shall be in compliance with the requirements set forth herein, except that in accordance with State Law, Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall maintain trees, bushes, and other exterior vegetation so that they do not allow for a person or persons to conceal themselves from sight.

(9) Access to Premises and Information/Reporting/Record-Keeping

- (d) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be subject to unannounced, unscheduled, periodic inspections of its premises by the Building Commissioner or designee, including an agent from the Building, Health, Police and applicable Fire Department on week-days between 8:00 a.m. to 5:00 p.m. to determine the Marijuana Cultivator, Research Facility or Independent Testing Laboratory's compliance with the requirements of applicable state and local laws, regulations, codes, license and permit conditions, and this Article. In addition, routine inspections may be made on week-days during regular Town business hours by authorized inspectional departments to determine compliance with applicable state and local laws, regulations, codes and license and permit conditions. Inspections by the authorized inspectional departments may be made at other times to investigate complaints or suspected non-compliance issues. Inspections may include all areas occupied, used or controlled by the Marijuana Cultivator, Research Facility or Independent Testing Laboratory. Facilities requiring re-inspection are subject to applicable re-inspection fees. Inspections shall be conducted in conformity with applicable federal, state and local law.
- (e) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall cooperate and comply with requests for information made by the Building Commissioner or designee, including agents from the Planning & Development, Building, Health, Police, Fire and Public Works Departments.
- (f) Within twenty-four (24) hours of receipt of notice of it, Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall file with the Town Manager, Director of Public Health and the Building Commissioner any summary cease and desist order, cease and desist order, quarantine order, suspension order, revocation order, order limiting sales, deficiency statement, plan of correction, notice of a hearing, notice of any other administrative process or legal action, denial of a license, denial of a renewal of a license, or final action issued by a state or federal agency (including, but not limited to, the Cannabis Control Commission) regarding the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, or the Cannabis Control Commission license.

(10) Additional Location Requirements for Marijuana Cultivators, Research Facilities and Independent Testing Laboratories,

- (b) No Marijuana Cultivator, Research Facility and Independent Testing Laboratory shall be located within 500 feet, as measured from each lot line of the subject lot, of the following preexisting uses: K-12 educational use; childcare center; or children's camp.

D. Site Plan Review for Marijuana Cultivators, Research Facilities and Independent Testing Laboratories. Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be subject to Article IX, Site Plan Review, Section 240-102.

E. Special Permits. The following apply to special permits to operate a Marijuana Cultivator, Research Facility or Independent Testing Laboratory.

(3) Application requirements: Applicants shall include with their special permit application:

- (l) Copies of any required licenses and permits relating to the operation of the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, or, if an application for a required license or permit is pending, a copy of the application.
- (m) Evidence of the applicant's right to use the proposed site as a Marijuana Cultivator, Research Facility or Independent Testing Laboratory, such as a deed, lease or purchase and sales agreement.
- (n) A copy of the Site Plan Review Approval.
- (o) A description of the security measures, required by this Article, approved by Barnstable Police Department and Cannabis Control Commission for the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, as applicable.
- (p) A copy of emergency procedures, including a disaster plan with procedures to be followed in case of fire or other emergencies, approved by the Cannabis Control Commission for the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, as applicable.
- (q) A copy of the policies and procedures for the transfer, or acquisition of marijuana between Marijuana Cultivators, Research Facilities and Independent Testing Laboratories and other Recreational Marijuana Establishments, as applicable.
- (r) A copy of proposed waste disposal procedures.
- (s) Proof of liability insurance that is in accordance with 105 CMR 725.105(Q) or any applicable regulations promulgated by the Cannabis Control Commission.
- (t) Any waivers from Cannabis Control Commission regulations issued for the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, as applicable.
- (u) A copy of the Community Host Agreement.
- (v) Any other materials requested by the Special Permit application form, as well as any other additional materials the Planning and Development Department determines is necessary for review, such as Department reports or transportation studies or a license application.

- (4) Special permit criteria, The Planning Board, subject to the provisions of §240-125C and §240-24.1.2E. shall not approve any application for a special permit unless it finds that in its judgment all of the following conditions are met:
- (h) That the Marijuana Cultivator, Research Facility or Independent Testing Laboratory has demonstrated compliance with or the ability to comply where the requirements are prospective with all of the General Requirements set forth in this Article.
 - (i) That the Marijuana Cultivator, Research Facility or Independent Testing Laboratory has an approved Host Agreement.
 - (j) That the Marijuana Cultivator, Research Facility or Independent Testing Laboratory has security and emergency procedures, including a disaster plan, approved by the Barnstable Police Department.
 - (k) The location is compliant with this Article in its entirety.
 - (l) The site is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, cyclists and public transportation users.
 - (m) Traffic generated by client trips, employee trips, and deliveries to and from the Marijuana Cultivator, Research Facility or Independent Testing Laboratory shall not create a substantial adverse impact on nearby residential uses.
 - (n) A special permit granted under this Article shall have a term limited to the duration of the applicant's ownership or lease of the premises for a Marijuana Cultivator, Research Facility or Independent Testing Laboratory, as licensed by the applicable Massachusetts licensing authority. Any new license for an existing Marijuana Cultivator, Research Facility or Independent Testing Laboratory location or transfer of an existing license to a new owner shall require a new Special Permit pursuant to the Barnstable Zoning Ordinance.

F. Implementation

This Article shall not be implemented in a manner that conflicts or interferes with the operation of M.G.L. c. 94G, 94I or the regulations promulgated thereunder, including 935 CMR 500.

G. Severability

The provisions of Article XII, §240-122.1 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.

That the Zoning Ordinance, Chapter 240, Article I, Prohibited Uses, §240-10, is hereby amended by adding a new paragraph E as follows:

“E. All types of non-medical “marijuana establishments” as defined in G.L. c. 94G §1, including marijuana product manufacturers, marijuana retailers or any other types of licensed related businesses except for licensed Marijuana Cultivators, Research and Independent Testing Laboratory Facilities permitted as a conditional use in the MS Medical Services District and GM Gateway Medical District, subject to all the requirements of Article XII, §240-122.1 herein.”

VOTE: PASSES 9 YES, 4 NO (Dagwan, Schnepf, Tinsley, Beedender)

Councilor Tinsley and Councilor Dagwan left the dais.

**2019-020 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:
08/16/18, 09/06/18**

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Airport Commission:** Norman Weill, 35 Dewey Lane, Cotuit, MA as a regular member to a term expiring 06/30/2021; **Community Preservation Committee:** Katherine Garofoli, 8 Western Circle, Hyannis, MA as a regular member to a term expiring 06/30/2021; **Hyannis Main Street Waterfront Historic District Commission:** Cheryl Powell, 419 Huckins Neck Road, Centerville, MA as a Historical Commission representative to a term expiring 06/30/2020; **Infrastructure and Energy Committee:** Peter Doyle, 60 Linden Lane, Osterville, MA as a regular member to a term expiring 06/30/2021; **Licensing Authority:** David Nunheimer, 221 Saddler Lane West Barnstable from an Associate Member to a full member to a term expiring 06/30/2021; **Youth Commission:** Morgan Contrino, c/o Hyannis Youth and Community Center, as a regular member to a term expiring 06/30/19

VOTE: PASSES UNANIMOUS

**2019-021 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:
08/16/18, 09/06/18**

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council reappoints the following individuals to a multiple-member board/committee/commission: **Community Preservation Committee:** Deborah Converse, 558 Lumbert Mill Road, Centerville, MA as a Barnstable Housing Authority representative member to a term expiring 06/30/2021; **Recreation Commission:** Rene Dowling, 35 Pasture Lane, Hyannis, MA as a regular member to a term expiring 06/30/19; Rene King, 192 Zeno Crocker Road, Centerville, MA as a regular member to a term expiring 06/30/2020

VOTE: PASSES UNANIMOUS

**2019-022 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$59,988 FROM THE
COASTAL POLLUTANT REMEDIATION GRANT PROGRAM TO DESIGN
STORMWATER BEST MANAGEMENT PRACTICE (BMP) FOR THE THREE BAYS
AREA INTRO: 09/06/18**

Dan Santos, Director of Public Works gave the rationale

Councilor questions and comments:

Previous grant was site specific regarding storm water management; and took away some public access; going ahead any further mitigation we do not want to lose our limited access to the water ways and that we do not lose parking spaces

Upon a motion duly made and seconded it was

RESOLVED: That the Town of Barnstable hereby accepts a grant of **\$59,988** from the Massachusetts Office of Coastal Zone Management to support the continuation of the stormwater remediation Best Management Practice (BMP) programming in the Three Bays Area and does hereby authorize the Town Manager to contract for and expend said

funds for that purpose.

VOTE: PASSES UNANIMOUS

**2019-023 APPROPRIATION ORDER IN THE AMOUNT OF \$98,625 FOR THE FISCAL YEAR 2019 BARNSTABLE POLICE DEPARTMENT OPERATING BUDGET
INTRO: 09/06/18**

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$98,625** be raised and appropriated for the purpose of funding the Fiscal Year 2019 Barnstable Police Department Personnel Operating Budget and that this sum be added to the **\$14,532,512** appropriated under Town Council Order 2018-111 resulting in a total Fiscal Year 2019 Operating Budget of **\$14,631,137**

VOTE: Referred to 9/20/18 Unanimous

**RECONSIDERATION OF VOTE TO MOVE 2018-159 TO A PUBLIC HEARING ON
SEPTEMBER 20, 2018**

**2018-159 ORDER TO AMEND THE ZONING ORDINANCE TO PROHIBIT NON-MEDICAL MARIJUANA IN ALL ZONING DISTRICTS WITHIN THE TOWN OF BARNSTABLE
INTRO: 06/07/18, 07/19/18, 08/16/18, 09/06/18**

Vice President Crocker, in consideration of the passage of 2019-0015, asked to reconsider the vote to move 2018-159 to a public hearing on September 2018 and instead to move to withdraw item 2018-159; seconded

VOTE: Motion to reconsider PASSES Unanimous

A motion to withdraw item 2018-159 was duly made and seconded

VOTE: PASSES UNANIMOUS

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

Adjourned at 10:45 PM

Respectfully submitted,

Ann M Quirk
Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: September 20, 2018

EXHIBITS:

- A. Cape Cod Chamber – Cannabis
- B. Cape Cod Chamber – Vineyard Wind
- C. Regulate Cape Cod
- D. Beyond Debate – Climate change
- E. Town Manager Communications– Comprehensive Water Management
- F. Budget Planning
- G. Resolve 2019-019