



TOWN COUNCIL
Committee to Review Zoning and Permitting Regulations
Selectmen's Conference Room

Thursday May 3, 2018 – 6:00pm

Councilors:

Vice-President James Crocker, Precinct 5 (CHAIR)
Councilor Jessica Rapp Grassetto, Precinct 7
Councilor Paula K. Schnepf, Precinct 12
Councilor Matthew Levesque, Precinct 10
Councilor Deborah Dagwan, Precinct 8
Member at large Hank Farnham

MEETING MINUTES

PRESENT: Chair of Committee, Vice-President James Crocker Jr.; Councilor Jessica Rapp Grassetto; Councilor Paula Schnepf; Hank Farnham, Member at large; Councilor Debra Dagwan; **ALSO IN ATTENDANCE:** Elizabeth Jenkins, Planning and Development Director; Brian Florence, Building Commissioner; Steven Helman, Planning Board; Jeffrey Swartz, Planning Board; Councilor Matthew Levesque (delayed)

Chair of the Committee opened up the meeting at 6:03pm requesting Elizabeth Jenkins, Director of Planning and Development to explain the changes incorporated into the definitions after discussion from the last meeting. Ms. Jenkins submitted to the Committee the following draft document:

Chair of the Committee asked to go through the ones that changed significantly;

Key: P = Permitted // PA = Permitted Accessory // S = Special Use

USE HB District Definition Notes

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USE HB District Definition Notes:

Art galleries

P

Artisans, craftspeople and makers

P

ARTISAN, CRAFTSPERSONS AND MAKERS — a small-scale use employing people who practice manual skills to produce ornamental or functional works in limited quantities. A key feature of works produced by artisans, craftspeople or makers is the high degree of manual or specialized technical expertise involved. Examples include artists or makers in a variety of mediums, designers, and art restoration and conservationists (Councilor Rapp Grassetto suggested that the word “conservationists” be removed). Ms. Jenkins also removed the specifics in this area that pertain to certain villages on their own and explained that a lot of the uses were designed for specific villages and those have been removed. It is more general now.

Artist's lofts

P

ARTIST'S LOFT — A place designed to be used as both a dwelling and a place of work by an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts, such as drawing, vocal or instrumental music, painting, sculpture, photography, graphics, media arts, and writing. The work activities shall not adversely impact the public health, safety, and welfare, or the livability, functioning, and appearance of adjacent property.

Auto service and repair shops	S	Foot note (1)
Banks	P	(3)
Bed-and-breakfast	P	*Subject to the provisions of § 240 11C (6)*
Building, sale, rental, storage and repair of boats	S	(1)
Business support services	P	
<p>BUSINESS SUPPORT SERVICES — Establishments engaged in the sale, rental, or repair of office equipment, supplies, and materials, or the provision of services used by office, professional, and service establishments. Typical uses include office equipment and supply firms, small business machine or computer repair shops, convenience printing and copying establishments, publishing and printing of information as a retail service use, or hotel equipment and supply firms. (Ms. Jenkins described this definition as one that she grouped with other definitions, and broadened the definition, cut out uses for a more modern stream line definition)</p>		
Car rental services	S	(1)
Contractor service establishments	P	
<p>CONTRACTOR SERVICE ESTABLISHMENTS - Wholesale sales and distribution of building materials including plumbing, carpentry, lumber, electrical, heating and air conditioning, and other similar service or repair businesses; associated showrooms and sales/display space customarily accessory to such uses. Ms. Jenkins explained that there is a real difference between contractors using his office and is very different if they are staging equipment and storing materials</p>		
		(1, 2)
Contractors' yards	S	
<p>CONTRACTORS' YARDS: Landscaping, construction and site preparation, and other similar service businesses, provided that all outdoor storage of building materials, trucks and landscaping equipment and materials, are screened from view from public ways</p>		
		(1, 2)

HIGHWAY BUSINESS ORDINANCE USE MATRIX

**Key: P = Permitted //PA = Permitted Accessory // S = Special Use
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Dwelling - Single-family residential	P	
Dwelling - Two-family	P	
Dwellings – Multifamily	P	*Subject to the provisions of § 240-21(A) (9) *
Educational institutions	P	
<p>EDUCATIONAL INSTITUTIONS: A public or private facility that offers in classroom instruction at the K-12 or post-secondary levels. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. Educational Institutions also include facilities that offering-classroom vocational instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a school for general educational development or driving school. Vocational educational also applies to privately operated schools that do not offer a complete educational curriculum. Ms. Jenkins would like to revisit this definition with the Committee. Mr. Helman would like clarification on the last sentence. Ms. Jenkins explained to Mr. Helman the examples would be a Plumbing school, Realtor's</p>		

school, Cooking school, a school setting that offers a certificate and not a diploma.

Fraternal or social organizations	P	
	FRATERNAL OR SOCIAL ORGANIZATION LODGE — A building or land used for the activities of an association of persons for the promotion of some nonprofit common objective, such as literature, science, politics, and good fellowship (not accessory to, or operated as, or in connection with a tavern, eating place, or other place open to the public), which meets periodically and may be limited to members.	
Gasoline and oil filling stations and service garages	S	(1)
Health club	P	
	HEALTH CLUB: A facility for the purpose of physical exercise opens only to members and guests or opens to the public for a fee. It shall include health and fitness clubs, and specialty fitness uses, such as yoga studios or cross-fit facilities and may include customary accessory uses. Ms. Jenkins spent a lot of time on this definition as well and feels that the definition is very broad and maybe needs to be tighten, Vice President Crocker wanted to also mention that a lot of these Health Clubs are now offering nutritional classes and wellness classes along with if you want the option of working out, but you do not necessarily have to be exercising, you may be going to these Health Clubs for the educational component. Ms. Jenkins feels that if someone is coming into Barnstable and they say they are a Health Club and they may not fit the model or definition completely, but there are pieces of it that fit into other aspects of another definition then we would most definitely look at that and okay it, Mr. Florence agreed.	
Hotel & Motel	S *	
	Subject to special provisions in 240-22(F) 1	
Manufacturing, light and industrial	S *	
	Parking areas for commercial vehicles any exterior areas used for loading or storage shall be screened from view from the public way (1, 2)	
Mixed use development	P	
	MIXED USE DEVELOPMENT — Development including at least one residential unit and at least one nonresidential use on a single lot or several nonresidential uses on a single lot.	
Mortuary or funeral home	S	(1)
Movie Theater	S	

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Museums	P	
	MUSEUMS — A public or private facility, including an aquarium, established for preserving and exhibiting artistic, historical, scientific, natural or man-made objects of interest, designed to be used by members of the public for viewing, with or without an admission charge. Such activity may include, as an accessory use, the sale of memorabilia, crafts work and artwork, and the holding of meetings and social events.	

Office - Business and Professional P

Office - Dental or Medical P

OFFICE, DENTAL OR MEDICAL — A building or portion of a building in which the primary use is the provision of health-care services to patients or clients by an appointment only. Such services may include the following: medical, dental, psychiatric, psychological, chiropractic, dialysis, acupuncture, reflexology, mental health professional, physical and/or occupational therapy, related medical services, or a laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists.

Performing arts facilities P

PERFORMING ARTS FACILITY — An enclosed space suitable for a variety of cultural arts performances, permanently available for the primary principal use of public performing arts presentations, such as plays, dances, and concerts, although incidental use for private meetings, exhibits and presentations shall be permitted. Such space may also include studios, classrooms, and galleries.

Personal service business P

PERSONAL SERVICES ESTABLISHMENT — An establishment engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, barbershop, beauty shop, dry cleaner, tailor, or other similar services.

Recreational Establishment P

RECREATIONAL ESTABLISHMENT — An establishment engaged in the provision of public recreational services, including bowling and billiards. Research and development, technological and computer research, software development and data processing including computer operations services

Restaurant and other food Establishment P 3

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Retail and wholesale P *

(Drive-through windows shall be permitted accessory to pharmacy uses only (3))

Self-storage facility P

SELF-STORAGE FACILITY: A facility for the storage of personal property where individual renters control and access individual storage spaces.

Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included

1

Senior Living, Assisted Living P

ASSISTED LIVING: A combination of housing, ancillary support services and personalized care that is designed to respond in a homelike setting to the individual needs of adults requiring help with activities of daily living, but who do not require the skilled medical care provided in a nursing home. **Ms. Jenkins spent time on this as well and broadened this definition as well; there are a lot of legal issues surrounding senior living so we will need legal to take a closer look at these because of the new laws regarding elderly housing and housing with children.**

Senior Living, Nursing Homes	P	
	NURSING HOMES: A facility, including for the aged or chronically ill, providing bed-care and in-patient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services.	
Warehouse and Distribution	S	(1, 2)
Veterinary Hospital/Clinic	P	
	VETERINARY HOSPITAL/CLINIC: A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases and injuries. Use as a kennel shall be limited to short term boarding and shall be only incidental to such hospital use.	
		(1)
Windmills	SA	

USE-SPECIFIC PERFORMANCE STANDARDS

FOOTNOTE 1: The landscape setback from all residential property lines shall be 15 feet. Within the landscape buffer, existing mature trees shall be retained and shall be supplemented with plantings that will provide dense year-round screening, or a solid fence with landscape plantings on the residential side

FOOTNOTE 2: Parking areas for commercial vehicles any exterior areas used for loading or storage shall be screened from view from the public way

FOOTNOTE 3: Drive-Through Aisles.

The minimum standards for drive-through aisles/drive-up windows (hereinafter “drive-throughs”) are as follows:

1. Drive-throughs shall not be located on properties with residential land uses.
2. Stacking. Drive-through and shall provide a minimum 180 feet of stacking space, as measured from the service window to the entry point into a drive-up lane. Non-food or beverage establishments may reduce the stacking length to a minimum of 120 feet.
3. Site Ingress/Egress. On properties containing drive-through, all direct-access driveways must be constructed so that the point of tangency of the curb return radius closest to a signalized or stop sign-controlled intersection is at least 120 feet from the curb face of the intersecting street.
4. A drive-through entrance/exit shall be at least 50 feet from each right-of-way, measured at the closest intersecting curbs.
5. Circulation. Each drive-through aisle shall be separated from the circulation routes necessary for ingress or egress from the property, or access to a parking space.
6. Hours of Operation. When located on a site abutting a residential property, hours of operation for the drive-up/drive-through service shall be limited from 7:00 a.m. to 10:00 p.m. daily. If the use is
7. Landscaping. Landscaping shall be provided to screen drive-through aisles from the right-of-way and shall be designed to prevent vehicle headlights from the drive-through lane to be visible from abutting rights-of-way.
8. Pedestrian Access and Crossings. Pedestrian access shall be provided from each abutting street to the primary entrance with a continuous four (4' 0") foot-wide sidewalk or delineated walkway. Pedestrian walkways should not intersect the drive-through drive aisles, but where they do the walkways shall have clear visibility and shall be delineated by textured and colored paving.

COMMITTEE DISCUSSION ON THE USES

Chair of the Committee would like the Committee to look at the above document and take a final look at the ones mentioned tonight and we will look at the next meeting we will look at concerns if there are any. The next document the Committee discussed was the permitted and special uses:

Proposed Highway Business District Uses

Permitted

- Art Galleries
- Artisan or Craftspeople
- Artists' Lofts
- Bank (with or without drive-through)
- Bed & Breakfasts (?)*
- Business Support Services
- Single family dwelling
- Two family Dwelling
- Multi-family dwelling*
- Educational institutions
- Fraternal or Social Organizations
- Health Club
- Mixed Use Development
- Museums
- Nursing Homes
- Office – Business and Professional
- Office – Dental or Medical
- Performing Arts Facilities (?)
- Personal Service Business
- Publishing and printing services
- Recreational Establishment
- Research and development, technological and computer research, software development and data processing including computer operations services
- Restaurant and other food establishment (with or without drive-through)
- Retail and wholesale store/salesroom (with or without drive-through)
- Telephone exchange

Special Permit Uses

- Auto service and repair shops

Committee members discussion on whether or not to tie them to mini marts like Cumberland Farms, Councilor Dagwan stated that the gas stations that are at a mini marts are not performing auto repairs, so she would not want to see this limited or taken away if one were to open up such as a Cumberland Farm type were residents are getting gas only, and some fast food of some type.

Vice President Crocker asked if the Committee felt that a Special Permit would be necessary is they were going to have a store attached and repair and offer gas but also offer oil change as well, keeping in mind the future of the building and what is going to be the next type of building. Ms. Jenkins stated that there are gas stations permitted with a mixed use, we already have that in place. Mr. Swartz agreed with Councilor Dagwan, don't we want to encourage business here and keep the Special Permit process, which allows us to approve some of the business, but may have questions or issues with other parts. Ms. Jenkins clarified the Special Permit and what that means, when there is a Special Permit issued or applied for there are public hearings at the Zoning Board that the individual will have to go through, so there is no circumventing around that; the second thing a Special Permit allows is the ability to impose conditions of external impacts. Mr. Florence also clarified that Special Permits are a low threshold, and if there is something else needed we have the variance procedure. Mr. Helman asked "What is the difference between a Cumberland Farm offering gas and a Mini Mart offering

the same”. Ms. Jenkins answered if the business is actually working on cars, then that is a different process of application and permitting because that triggers hazardous waste disposal and a whole lot of other permits that would need to be obtained. Vice President Crocker sees the difference between an auto repair shop and a filling station as the auto repair has a garage they work on cars in and a filling station has just pumps for filling your tank, so that would be the difference and the question we would ask the business is, what is it your planning on doing. This would give a clear understanding of which process they would take.

- Building, sale, rental, storage and repair of boats

Chair of Committee asked “Does this only pertain to boat activity only” Ms. Jenkins stated yes only boats.

- Car rental services
- Contractor service establishments
- Contractors' yards
- Gasoline and oil filling stations and garages

Elizabeth will define this definition more and change it to a P (permitted) use. Councilor Schnepf asked about industrial lighting in the gas stations, there may be a time when the lights maybe abutting a neighborhood that is unsightly, Mr. Florence stated that there is a site plan review with some of the projects that require an explanation of lighting and landscaping, this can be addressed at that point. Councilor Rapp Grasseti also had concerns about traffic design and impacts of traffic on residential neighborhoods if a filling station wants to put in 12 pumps, the lighting is at a much grander scale. Vice President Crocker asked that we look at the services provided before we limit the permit for some businesses of a large retail scale. These types of business are still subjected to our water protection plan as well.

- Hotel & Motel*
- Manufacturing and industrial uses
- Manufacturing, light
- Mortuary or funeral home

Chair of the Committee asked for clarification on the definition of a “funeral Home vs a Mortuary; this may help with a more defined definition. Elizabeth will define the definition and if need be remove the word mortuary and change it to a P

- Movie Theater (change to a P) Elizabeth may have to add a signage performance standard
- Servicing, storing and processing of goods in transit
- Windmills

Prohibited Uses

- Golf Course
- Kennels
- Lumber, fuel and ice
- Storage yards for coal, oil, junk, lumber
- Warehouse and distribution facility

Chair of Committee asked the members to look at this list again to make any notes they wanted to and come back to the next meeting and hopefully look at the final list before recommending any of these draft changes.

Elizabeth asked for direction on the Chapter H and applicability and the expectations putting an application forward. There has only been one decision so far on Chapter H in Sandwich in their industrial parks for specific category uses. Create year round jobs is what the Commission looks at, if they were to change the thresholds on a larger square footage building, however they then look at the impacts of what a larger square footage building will do to the infrastructure. Elizabeth asked the Committee members if they wanted to change all the thresholds in the application or look at it in different groups, and separate the Retail from Commercial and Industrial. Vice President Crocker mentioned that this is just an advisory board, so we can only make suggestions, however we have had

businesses walk away from Barnstable because these thresholds are too low. An example of that is the CVS in Cotuit, we squeezed them into a tiny spot and they use budget trucks onsite for storage because we did not allow a bigger building to accommodate the storage. Vice President Crocker wants the members of the Committee to look at this and give serious consideration to the thresholds and come back to the next meeting with any suggestions.

NEXT MEETING: May 17, 2018 6pm

ADJOURNMENT: 6:56pm