



Town Council Meeting
November 3, 2022



A quorum being duly present, President Matthew Levesque called the November 3, 2022, Town Council meeting to order at 7:04 PM.

An announcement was made by President Levesque 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.

PRESENT: Nikolas Atsalis, Kristine Clark, Jennifer Cullum, Paul Cusack, Jessica Rapp Grasseti, Matthew Levesque, Jeffrey Mendes, Paul Neary, Paula Schnepf, Tracy Shaughnessy, Gordon Starr, Eric Steinhilber **Absent:** Betty Ludtke

The Pledge of Allegiance was led by Council Cullum followed with a moment of silence. President Levesque said our thoughts and prayers are with the Country of Ukraine. He added peace on earth was a thought for some but a dream for most.

PUBLIC COMMENT:

Wendy Lavenda-Carroll (No Place for Hate) wants to know what is the role of the Town Council concerning low cost affordable housing, would like to be part of this discussion.

Sue Mager (No Place for Hate) we are advocating for the low cost affordable housing, ensure low cost housing in Barnstable. Would like to know what that number is for low cost housing.

Susan Conley of Save Greater Dowses Beach a group opposed to the use of Dowses Beach, find another way, and please disallow the use of the beach. Item 2023-054 that will allow Town Manager Mark Ells to negotiate a host community agreement, ask it to be indefinitely postponed.

Mary Ann Barboza people are being rude to people of color and I have seen it. This type of behavior is happening more and more. The Police come out and say there is nothing they can do about it. We are going backwards, would like to have a meeting with committees and a Town Councillor.

Nathan Herschler supports the proposed zoning amendments we are severely lacking in housing and workforce across Cape Cod; we are squeezing out the middle class working people.

Barbara Kozma calling in regard to the Save Greater Dowses Beach in Osterville, concerned about the beach and want to make sure you keep the community informed about the wind farms, maybe another location would be more acceptable.

Close public comment

COUNCILOR RESPONSE TO PUBLIC COMMENT:

(Shaughnessy) we received many emails about Dowses Beach, there is a series of 4 upcoming meetings regarding the Wind Farm, the first one is in person at the Osterville Library, planning multiple meetings. Low cost affordable is based on federal guidelines, we do not as a town define what that is, we are well aware of the housing crisis in the Town of Barnstable. Thank you for going out of your way standing up for people in our community and speaking out about it. (Atsalis) there will be an in person open house at the Centerville Library speaking about Park City Wind (Schnepf) today was a very important housing summit, we are losing population, and our workforce and what can be done. We are making progress by looking at our zoning issues. (Cullum) very disturbing to hear the rudeness that is happening in our community, there is no place for that in our town. Wonder if the Town Manager could

explain how this works with the wind farms and the steps necessary. (Ells) Thank you for the time, right now there isn't anything pending with the Town of Barnstable; the entire process is laid out on the website. It starts with a federal process then to the state and finally to the Town. As we move forward, you need to give your concerns at the hybrid session which will be at the Osterville Library in November. (Cusack) Have heard the opposition and the support, this is a judicious next step, not an endorsement. This is not the end of the conversation, this project is just one of a bunch of things we will have to do, I will be voting in favor.

TOWN MANAGER'S COMMUNICATIONS: (Exhibit A)

- Elizabeth Jenkins, Director of Planning and Development gave an update on the Local Comprehensive Plan (LCP) and the survey.

Councilor questions and comments:

(Clark) how do you ensure that people haven't voted twice (Jenkins) Always have control problems, think chances are that the survey is too long for people to take it several times; (Cullum) Were you speaking Portuguese (Jenkins) No, (Cullum) thank you for working hard on this (Levesque) also had the opportunity to speak at the Portuguese radio station(Schnepp) If you are going to each Village Association will the presentation on the data be village specific or an aggregate (Jenkins) we are looking at all the different variables so yes we are keeping the information village specific, tracking by event.

Town Manager Ells reached out to the Community College, and their significant role on the survey, very receptive and want to be a part of the LCP

- Proceeding with the Budget Action Calendar for FY2024
- Massachusetts Department of Environmental Protection (MassDEP) developing regulatory revisions to restore and protect coastal estuaries (three public hearings)
- Continue to review permits filed with regulatory agencies regarding the proposed Phase 3 (Commonwealth Wind) landing of cable in Barnstable
- Planning and Development Department recently commence the project Great Streets Downtown Hyannis: A Walkable Heart for Cape Cod.

Councilor questions and comments:

(Schnepp) regarding the MassDEP regulations will you or your staff share the comments? (Ells) This is significant and an extremely aggressive time line, yes we will share; concerned with the regulations relating to each of the communities where we share estuaries. (Schnepp) Is there a deadline for public comment (Ells) will go back and check on this (Rapp Grassetti) submit comment in writing is December 16th at 5 pm (Cullum) use the Portuguese radio station to get the word out as well, so everyone can weigh in on this topic (Clark) Is there any benefit to bring this to the Cape and Islands Municipal Leaders group (Ells) Yes we have been doing that and will continue to do so.

- Mark Milne, Director of Finance provided a presentation on the Allocation of the Tax Levy-Adoption of a Residential Exemption and Residential Factor with Director of Assessing Lane Partridge.

Councilor questions and comments:

(Schnepp) a residential exemption does not include the multifamily properties, is there any way that we could tinker with that to give a multifamily a break (Milne) that would require a legislative change (Levesque) In Provincetown they did something like this, an exemption for year round housing (Milne) Yes, we can create something similar to that with a Home Rule Petition. (Clark) I would support going that way (Milne) We can talk that over to do a Home Rule Petition (Cullum) a slippery slope to give a multifamily discount that would go to the landlord and may not trickle down to the renter (Clark) Betty Ludtke raised that Provincetown exemption.

- Cape Light Compact Update on 2022-2023 Winter Energy Pricing, Mariel Marchand, Power Supply Planner and Briana Kane Residential/Commercial/Industrial Program Manager

Councilor questions and comments:

(Schnepp) is it obvious on the energy bill if the customer has a discount (Kane) R-2 or R-4 noted on the bill; must apply every year, it is income based. Also go for fuel assistance which would trigger the reduced energy costs.

- Asset Management Updated with the emphasis on upcoming property disposal, David Anthony, Director, Property & Risk Management

ACT ON MINUTES:

Upon a motion duly made and seconded it was to accept the minutes of October 20, 2022 as presented.

VOTE: PASSES 12 YES

Roll Call: Atsalis, Clark, Cullum, Cusack, Rapp Grasseti, Levesque, Ludtke, Mendes, Neary, Schnepp, Shaughnessy, Starr, Steinhilber.

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

(Clark) Brought up Veterans Day, tax abatement, shell fish licenses and the Scudder Lane Boat Ramp project meeting (Schnepp) Comprehensive Financial Advisory Committees have lost members, and are unable to meet due to quorum; a change in the amount of members is necessary, will move the request to the Appointments Committee

Break 5 minutes

Before taking up the next item President Levesque asked the Councilors who will be recusing?

- Atsalis does not own property in Hyannis, however his family members do, he reluctantly recuses
- Rapp Grasseti recusing
- Shaughnessy, reluctantly recusing herself, as she lives in the Precinct
- Neary recusing

President Levesque state that because 4 Councilors are recused from Item No. 2022-144 and another Councilor is absent, we do not have a quorum tonight for that item. And because Items 2022-145 and 2022-146 are related to that item, he opened and continued Items 2022-144, 2022-145 and 2022-146 to individual public hearings to be held on each item at the Town Council meeting on December 1, 2022.

2022-144 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING BY REPEALING THE ZONING DISTRICTS KNOWN AS THE “HYANNIS VILLAGE ZONING DISTRICTS” AND REPLACING THEM WITH REVISED AND UPDATED DISTRICTS COLLECTIVELY KNOWN AS THE “DOWNTOWN HYANNIS ZONING DISTRICTS” INTRO: 03/03/2022, 03/17/2022

Upon a motion duly made and seconded it was

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

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

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

SECTION 2

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

“Hyannis Village Zoning Districts”

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

and inserting in its place:

“Downtown Hyannis Zoning Districts”

DMS	Downtown Main Street
DV	Downtown Village
DN	Downtown Neighborhood
HH	Hyannis Harbor
TC	Transportation Center
HC	Highway Commercial
DH	Downtown Hospital”

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

section 3

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

“§240-24.1.1 Downtown Hyannis Zoning Districts”

Title

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

General Provisions

Applicability

Where the provisions of Sections 240-24.1.1 through 240-24.1.13 conflict with those found elsewhere in the Barnstable Zoning Ordinance, the provisions of this Section shall apply.

The provisions of the Barnstable Zoning Ordinance § 240-6.C (3) shall not apply within the Downtown Hyannis Zoning Districts.

Development Review

The Planning Board is the Special Permit Granting Authority (SPGA) for all development within the Downtown Hyannis Zoning Districts.

Development within the Downtown Hyannis Zoning Districts, excluding single-family residences, must comply with Article IX, §240-103, site development standards, and the Design and Infrastructure Plan. The Planning Board shall establish a Design and Infrastructure Plan (DIP) which shall be adopted after a public hearing.

The use of land or occupancy of floor space is permitted as specified by §240-24.1.5.B Use Provisions.

Compliance

Any modification to an existing structure that results in greater conformance to this Ordinance is permitted.

Any modification to an existing structure that increases an existing nonconformity or creates a new nonconformity is prohibited.

Definitions

General

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

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

Building Component A structural projection from the main massing or roof of a building that increases habitable square footage or enhances the usefulness of floor area.

Commercial Parking A surface parking lot or structured parking facility providing short- or long-term parking service for a fee.

Commercial Service The provision of various services, entertainment, or recreational opportunities to individuals, groups, or businesses including animal care, assembly & entertainment, banking & financial services, building & home repair, business support, day care & education, maintenance & repair of consumer goods, personal services, gyms & health clubs, and recreational services.

Cultural Services The provision of social or cultural services to individuals or groups including membership based social organizations and the production, manufacture, publishing, rehearsal, performance, broadcast, selling, or teaching of the arts.

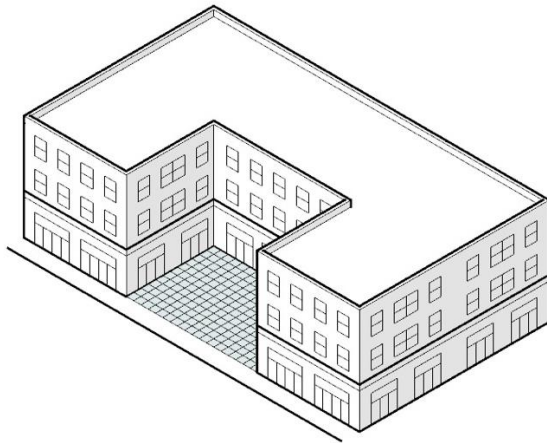
Development The platting of any lot, construction of any structure, or establishment of any parking lot that did not exist prior to the adoption of the Downtown Hyannis Zoning Districts.

Façade. Any exterior wall of a principal building oriented toward a front lot line.

Fenestration The openings in the façade of a building, including windows and doors.

Food & Beverage Services The provision of food or beverages for on- or off-site sale or consumption.

Forecourt An open space between the forward projecting wings of a building.



Frontage Area The area of a lot between the façade of a principal building and any front lot line(s), projected to the side lines of the lot.

Frontage Type A distinct combination of façade and frontage area design features.

Health Care Clinic The provision of health care services to patients or clients excluding inpatient or overnight care.

Hospital A facility for the care and treatment of patients as licensed by the Massachusetts Department of Public Health under MGL c. 111, §51.

Lot Coverage The ratio or percentage of a lot that is covered by principal buildings, outbuildings, accessory structures, and impervious paved surfaces including driveways, parking lots and sidewalks.

Modification The alteration or structural change of an existing structure and any change to the parking capacity of an existing parking lot.

Office The administrative, professional, or clerical operations of a business and the provision of outpatient health services to patients or clients by appointment.

Outbuilding A free-standing, fully enclosed structure for an accessory use or for activities customary to the principal use of land or a principal building.

Principal Building The primary building on a lot.

Principal Entrance The addressed entrance to a building or commercial space.

Recreational Facility The provision of public recreational services including bowling and billiards, and video arcades.

Research & Development The analysis, testing, and development of ideas and technology including computer software, information technology, communications systems, transportation, and multi-media technology where the construction of prototypes may be an ancillary activity.

Residential The provision of living accommodations.

Retail Sales The sale, lease, or rental of new or used goods to the ultimate consumer.

Shrub, Large A multi-stemmed, woody plant with an expected mature height of six (6) feet.

Shrub, Medium A multi-stemmed, woody plant with an expected mature height of four (4) feet.

Shrub, Small A multi-stemmed, woody plant with an expected mature height of two (2) feet.

Story The portion of a building located between the surface of a habitable floor and the surface of the habitable floor or roof next above.

Story, Ground The lowest story of a building with a finished floor at or above the finished ground level next to a building at the facade.

Story, Upper Any story above the ground story of a building.

Through Lot A lot fronting on two (2) or more improved ways, excluding a corner lot.

Tree, Canopy A deciduous tree with an expected mature height of thirty (30) feet or more.

Tree, Evergreen An evergreen tree (conifer) with an expected mature height of twenty (20) feet or more.

Tree, Understory A deciduous tree with an expected mature height of twenty (20) feet or more.

Visitor Accommodations The provision of temporary lodging in guest rooms or guest units for a fee.

Standards for all Districts

Building Standards

Frontage types.

Buildings must have at least one (1) frontage type except if otherwise specified. Buildings on corner lots must have two (2) frontage types, one (1) for each frontage.

Frontage types are permitted as specified by Table 11.

Multiple frontage types may exist for buildings that have more than one (1) principal entrance.

Buildings must have at least one (1) principal entrance located on the façade.

Multi-story buildings with ground floor commercial space(s) must have one (1) principal entrance for each commercial space in addition to any principal entrance(s) necessary for any upper stories.

Buildings may not exceed the maximum number of stories as specified for each district.

Each individual story of a building must comply with the minimum and maximum story height specified for each district.

Story height is measured vertically from the surface of the finished floor to the surface of the finished floor above. When there is no floor above, story height is measured from the surface of the finished floor to the top of the structural beam or joists above or the top of the wall plate, whichever is more.

The ground story is always counted as one (1) story, except that a single ground story over eighteen (18) feet in height is counted as two (2) stories.

Each upper story is counted as one (1) additional story, except that any upper story over sixteen (16) feet is counted as two (2) stories.

Basements are not counted as one (1) story unless the finished floor of the ground story is five (5) feet or more above the average ground level of the lot.

Habitable space located directly under a pitched roof is counted as a half (0.5) story.

The roof rafters of a half story must intersect the wall plate or top of wall frame of the exterior walls at a height no more than (2) feet above the finished floor of the half story.

Non-habitable attic space located under a pitched roof is not counted a half story.

Pitched roofs with a slope greater than 12:12 require a Special Permit.

Buildings may not exceed the maximum building height specified for each district, as applicable.

Building height is measured as the vertical distance from the average finished ground level to the top of the structural beam or joists of the upper most story.

Non-habitable architectural features including, but not limited to, mechanical & stairwell penthouses; vents or exhausts; solar panels or skylights; belfries, chimneys, cupolas, parapets, spires, and steeples are not included in any building height or story calculations and are permitted on roofs.

Building components are permitted as specified by Table 12.

Facades must have fenestration as specified for each district, as applicable.

Fenestration is calculated as a percentage of the area of a façade.

For buildings with ground story commercial spaces, ground story fenestration is measured between two (2) feet and twelve (12) feet above the finished floor of the ground story.

For all other buildings and all other building stories, fenestration is measured independently for each story, corresponding with the top of a finished floor to the top of the finished floor above.

Fenestration enclosed with glass may be included in the calculation if it meets the following criteria:

For ground story fenestration, glazing must have a minimum sixty percent (60%) Visible Light Transmittance (VLT) and no more than fifteen percent (15%) Visible Light Reflectance (VLR) as indicated by the manufacturer.

For upper story fenestration, glazing must have a minimum of forty percent (40%) VLT and no more than fifteen percent (15%) VLR as indicated by the manufacturer.

Use Provisions

General

The use of real property is permitted as specified by Table 1.

Table 1 is organized by broad use categories and specific uses that may be regulated differently than other uses from the same category.

Use categories are intended to include uses with similar functional, product, or physical characteristics; the type and amount of activity; the manner of tenancy; the conduct of customers; how goods or services are sold or delivered; and the likely impacts on surrounding properties.

Where Table 1 identifies a category followed by “except as follows” any use that meets the definition of that use category is permitted by right, while the specific uses identified in the list under that category are either not permitted, are permitted with limitations, or require a special permit despite belonging to the same use category.

Where Table 1 identifies a category followed by “as specified below” the specific uses listed under the category are the only land uses permitted from that use category.

The Building Commissioner shall classify the actual use of land or structures using the defined use categories specified on Table 1. Also see §240-24.1.4 Definitions.

Real property may have one (1) or more principal use(s).

Once classified into a use category, the use of land or structures in the same manner cannot also be classified into another use category.

The use of land or structures in a manner that is inconsistent with a permitted use category or specific use type specified on Table 1 is prohibited.

Unless classified as a specific use that is not permitted in a zoning district, an existing nonconforming use may be changed to another nonconforming use that is from the same use category as the existing nonconforming use by Special Permit.

A nonconforming use may not change to a different nonconforming use that is from a different use category than the existing nonconforming use.

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

P – Permitted By-Right SP – Special Permit
N – Not Permitted L – Permitted with Limitations (see district)

Parking Standards

Applicability

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

General

Accessory parking must be provided as specified by Table 2 and is calculated as the sum of all required spaces, including any adjustment specified for on-site shared parking.

Commercial Parking uses are exempt from Table 2.

Relief from the parking requirements of Table 2 requires a Special Permit.

In its discretion to approve or deny a Special Permit authorizing relief from the minimum parking requirements of Table 2, the Planning Board shall consider conditioning the Special Permit upon one or more of the following:

Elimination or reduction of existing curb cuts and driveway aprons

Establishment of a shared driveway or cross-access connection between abutting parking lots with a binding easement and joint maintenance agreement defining the responsibilities of abutting property owners sharing access.

Location

Accessory parking spaces must be located on the same lot as the building they support and may be provided within a principal building or outbuilding or as surface parking.

Motor vehicle parking of any type is prohibited within the frontage area of a lot and any required landscape buffer.

Real property in the Highway Commercial (HC) district or in the Downtown Hospital (DH) district is exempt.

Table 2. Minimum Required Accessory Parking Spaces

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

¹ Rounded up to the nearest whole number

Site Standards

Forecourts

Driveways and passenger drop-offs are permitted in forecourts by Special Permit.

Real property fronting Main Street or in the Downtown Hospital (DH) district is exempt.

Garage entrances, parking spaces, loading and service areas, exhaust vents, mechanical equipment, and refuse or recycling storage are not permitted in forecourts.

Landscaping

Lot area uncovered by structures or impermeable surfaces must be landscaped.

New canopy trees must be at least fourteen (14) feet in height or three (3) inches in caliper when planted.

New understory trees must be at least ten (10) feet in height or one and a half (1.5) inches in caliper when planted.

New evergreen trees must be at least six (6) feet in height when planted.

Vegetation must be low water use and low maintenance plant species that are indigenous to Cape Cod. Plant species should be capable of withstanding seasonably wet conditions and provide habitat value for wildlife.

Landscaped areas must be maintained, irrigated, and fertilized. Vegetation should be organically maintained to every extent practicable.

Vegetation may not obscure any driveways, vehicular entrances, or roadway intersections.

Mulch may not be placed in a manner that will wash into catch basins or drainage pipes.

All Site Plan and Special Permit applications must submit a Landscape Plan(s) signed and stamped by a MA registered Landscape Architect unless waived/exempt by the Building Commissioner.

The Building Commissioner shall not issue a Certificate of Occupancy until the landscaping has been installed in accordance with the approved plans unless the property owner posts security to the Town of Barnstable for one hundred and fifty percent (150%) of the estimated cost of installation of the landscaping.

Any fractional value required for plant materials is rounded up to the next whole number.

Stormwater Management

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

Signs

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

Outdoor Lighting

All outdoor lighting must be directed only on site.

The trespass of light at any lot line may not exceed 0.1 of a footcandle, except that the trespass of light at any lot line abutting a lot in Downtown Neighborhood (DN) district may not exceed 0.05 footcandle. At driveways, lighting may be up to 0.5 of a footcandle at the front lot line.

Outdoor lighting may not cause glare that impacts motorists, pedestrians, or neighboring premises. Light fixtures must have a total cutoff of all light at less than ninety degrees (90°) and a beam cutoff of less than seventy-five degrees (75°). Attached building or wall pack lighting should be screened by the building's architectural features or contain a forty-five-degree cutoff shield.

Electrical service for lighting on posts or poles must be located underground.

Fences

Fences greater than four (4) feet in height in the frontage area and seven (7) feet in height in all other locations at any point along their length require a Special Permit except that where fencing that is higher than seven (7) feet is needed to screen mechanical equipment, the Building Commissioner may allow a greater height as determined through the Site Plan Review process.

Fences may be no more than fifty percent (50%) open.

Fence posts and supporting rails must face inward toward the property being fenced and the finished face must be oriented towards the abutting lot.

Vehicular Access

Driveways, vehicular entrances to parking lots or structures, and curb cuts must comply with the minimum or maximum width specified for each district.

Drive throughs require a Special Permit and are only permitted for the following uses:

Banks (a specific use of the Commercial Service use category)

Pharmacies (a specific use of the Retail Sales use category)

All new curb cuts require a Special Permit.

The interior width of a curb cut (between the curb stones or flares) may be no wider than the driveway, vehicular entrance, or loading facility it serves, unless a greater width is determined to be appropriate by the Building Commissioner during the Site Plan Review process based upon unique operational requirements of the proposed use.

A driveway apron may be installed within a sidewalk of an improved way, but the grade, cross slope, and clear width of the pedestrian walkway must be maintained between the driveway apron and the abutting driveway.

The appearance of the pedestrian walkway (i.e. scoring pattern or paving material) must indicate that, although a vehicle may cross to enter a property, the area traversed by a vehicle remains part of the sidewalk.

Utilities

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

Surface Parking Lot Design Standards

Applicability

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

General

To reduce traffic congestion and increasing convenience for customers, employees, and residents, development is encouraged to provide direct vehicular connections between abutting parking lots so that motor vehicles can move between properties without re-entering the public street.

To increase walkability and reduce conflicts between pedestrians and motor vehicles, development is encouraged to provide access to rear parking lots via driveways that are shared between abutting properties or multiple properties on the same block face.

Surface Parking Lot Landscaping

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

A front landscaped buffer at least ten (10) feet wide must be provided between any parking lot and any lot line abutting an improved way and must include the following features over the span of fifty (50) linear feet:

One (1) canopy tree

One (1) understory or evergreen tree

Five (5) medium shrubs and five (5) small shrubs or a fence or wall a maximum of four (4) feet in height.

A side/rear landscaped buffer at least six (6) feet wide must be provided between any side or rear lot line and any parking lot with five (5) or more parking spaces, excluding any vehicular connections to abutting parking lots and must include the following features over the span of fifty (50) linear feet:

Two (2) understory or evergreen trees

Three (3) large shrubs and five (5) small shrubs or a fence or wall at least six (6) feet in height. A landscaped buffer at least ten (10) feet wide must be provided between any building and any parking lot with ten (10) or more parking spaces, excluding building entrances, service and loading areas, and utility locations, and must include the following features over the span of fifty (50) linear feet:

Two (2) understory or evergreen trees

Four (4) medium shrubs

Six (6) small shrubs

At least ten percent (10%) of any parking lot with ten (10) or more parking spaces must be landscaped. Lot area required as a landscape buffer is excluded from the calculation of the parking lot area.

Landscape islands abutting a single row of parking spaces must be at least six (6) feet in width and the same length as the parking spaces. Each island must include one (1) three (3) inch minimum caliper, low-water-use, low-maintenance tree.

Landscape islands abutting a double row of parking spaces must be at least eight (8) feet in width and the same length as the parking spaces. Each island must include two (2) three (3) inch minimum caliper, low-water-use, low-maintenance trees.

Downtown Main Street District (DMS)

Intent

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

Lot Standards

Newly platted lots must be dimensioned as specified by Table 3.

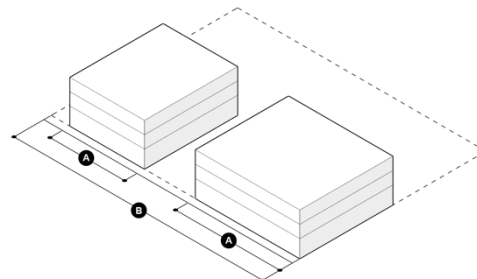
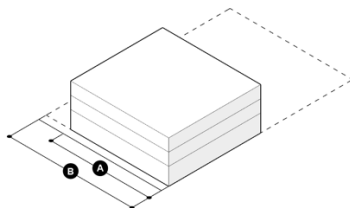
Building facades must have a minimum width that is equal to a percentage of a lot's width and is specified as the façade build out by Table 3.

Façade build out is calculated by dividing the total width of all facades by the lot width and may be cumulatively calculated by multiple buildings.

The open space of a forecourt is considered part of the building for the purpose of measuring building width and façade build out.

The SPGA may provide relief from the façade build out requirements; the Board must find the issuance of the special permit is consistent with the Design and Infrastructure Plan.

Façade Build Out



Single Building per Lot = $A \div B$

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

Building Standards

Multiple principal buildings are permitted per lot.

Principal buildings are permitted as specified by Table 3.

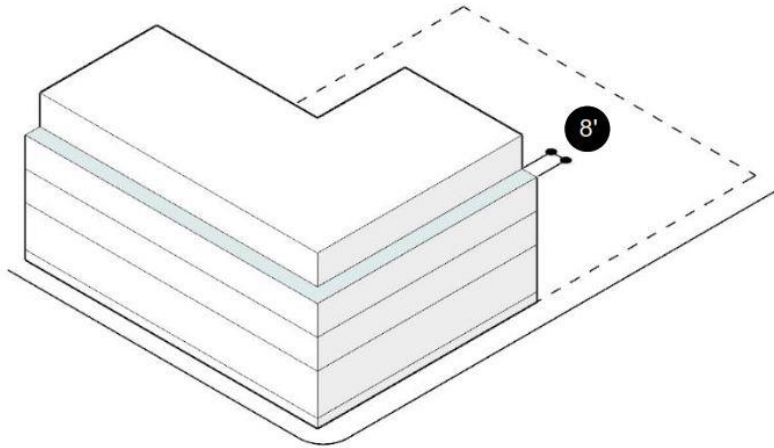
Additional principal buildings are exempt from the required maximum front setback.

Principal building façade(s) must be built parallel to any primary front lot line, at or between the minimum and maximum front setbacks.

Any building contributing toward the frontage buildout for any lot fronting Main Street between Ocean Street and Sea Street must provide ground story commercial space that is at least twenty (20) feet in depth for one hundred percent (100%) of the total width of the building, excluding lobby entrances and other means of egress associated with the use of upper stories.

Awnings, canopies, signs, balconies, and non-habitable architectural features of a building may project over the public sidewalk but must provide at least eight (8) feet of clearance and a license from the Town Manager in accordance with Barnstable General Ordinances, Part 1, Chapter 121, § 121-6J is required.

The fourth (4th) story of any building must be recessed (“stepped back”) from the façade of the stories below at least eight (8) feet.



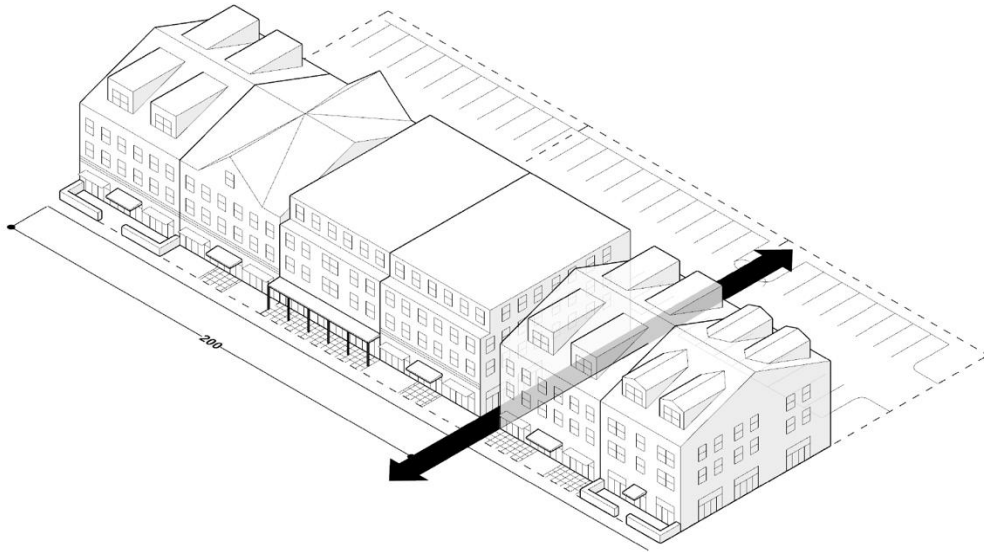
Mechanical & stairwell penthouses and building systems equipment must be setback from any exterior wall a distance that is equal to their height.

Facades may not have any blank wall areas without fenestration or architectural surface relief greater than twenty (20) feet measured both vertically and horizontally for all stories of a building for any facade.

Loading and service areas may not be visible from any public sidewalk of Main Street.

Design Guidelines

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



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

Use Provisions

Limitations

Occupation of a single commercial space greater than five thousand (5,000) square feet by any Food & Beverage Service or Retail Sales use requires a Special Permit.

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

Site Standards

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

Landscape Standards

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

A side or rear landscaped area at least six (6) feet wide must be provided along any side or rear lot line abutting a lot in Downtown Neighborhood (DN) district and must include the following features over the span of fifty (50) linear feet:

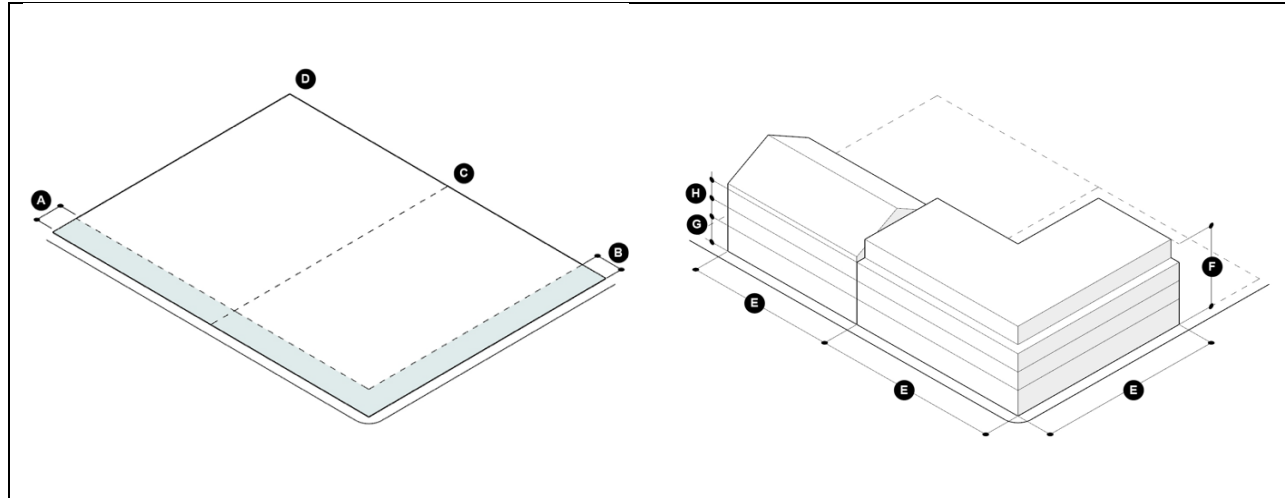
Two (2) understory or evergreen trees

Three (5) medium shrubs and three (3) small shrubs or a fence or wall at least six (6) feet in height.

Parking Standards

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

Table 3. DMS Dimensional Standards



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

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

Downtown Village District (DV)

Intent

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

Lot Standards

Newly platted lots must be dimensioned as specified by Table 4.

Lot coverage may not exceed the maximum specified by Table 4.

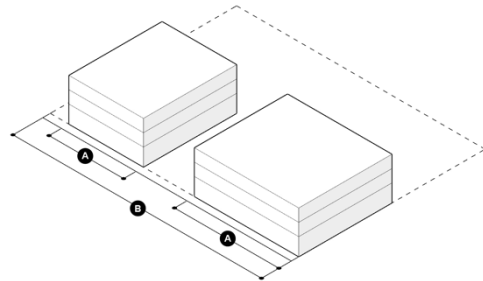
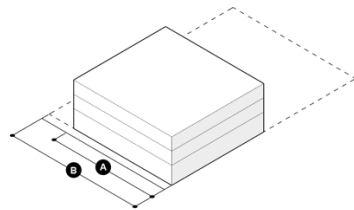
Building facades must have a minimum width that is equal to a percentage of a lot's width and is specified as the façade build out on Table 4.

Façade build out is calculated by dividing the total width of all facades at or forward of the maximum front setback by the lot width and may be cumulatively calculated by multiple buildings.

The open space of a forecourt is considered part of the building for the purpose of measuring building width and façade build out.

The SPGA may provide relief from the façade build out requirements; the Board must find the issuance of the special permit is consistent with the Design and Infrastructure Plan.

Façade Build Out



Single Building per Lot = $A \div B$

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

Building Standards

Multiple principal buildings are permitted per lot.

Principal buildings are permitted as specified by Table 4.

Additional principal buildings are exempt from the required maximum front setback.

Principal building façade(s) must be built parallel to any primary front lot line, at or between the minimum and maximum front setbacks.

The fourth (4th) story of any building must be recessed (“stepped back”) from the façade of the stories below at least eight (8) feet.

Mechanical & stairwell penthouses and building systems equipment must be setback from any exterior wall a distance that is equal to their height.

Use Provisions

Limitations

Occupation of a single commercial space greater than five thousand (5,000) square feet by any Food & Beverage Service or Retail Sales use requires a Special Permit.

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

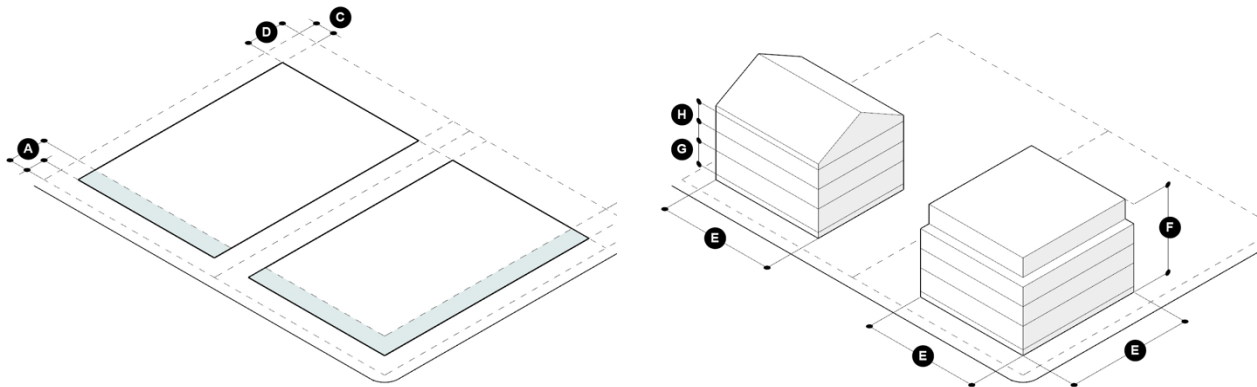
Site Standards

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

Landscape Standards

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

Table 4. DV Dimensional Standards



LOT		BUILDING FORM	
Lot Width	30' min	E - Building Width	120' max
Lot Coverage	80% max	F - Number of Stories	3.5 or 4 max3
Façade Build Out (min)	--	G - Ground Story Height	--
Primary Frontage	80% min	Commercial	14' min
		Residential	10' min
SETBACKS – PRINCIPAL BUILDINGS		H - Upper Story Height	10' min
A - Primary Front Setback	0' min 15' max	BUILDING FEATURES	
B - Secondary Front Setback	0' min 15' max	Ground Story Fenestration	--
C - Side Setback	0' min	Primary Frontage	15% min
D - Rear Setback	0' min	Secondary Frontage	15% min
		Upper Story Fenestration	15% min
		Blank Wall	20' max
		Commercial Space Depth	20' min

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

Downtown Neighborhood District (DN)

Intent

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

Lot Standards

Newly platted lots must be dimensioned as specified by Table 5.

Lot coverage may not exceed the maximum specified by Table 5.

Building Standards

One (1) principal building and multiple outbuildings are permitted per lot.

Principal buildings and outbuildings are permitted as specified by Table 5.

The third story in a single-family or two-family dwelling can only occur within habitable attic space.

Use Provisions

Limitations

Office and Health Care Clinic uses are permitted only for lots fronting South Street or High School Road.

Two-Unit dwellings are prohibited for lots fronting only Brookshire Road or King's Way.

Site Development

Development on corner lots must comply with the provisions of § 240-41 of the Barnstable Zoning Ordinance.

Curb cuts may be no wider than twelve (12) feet.

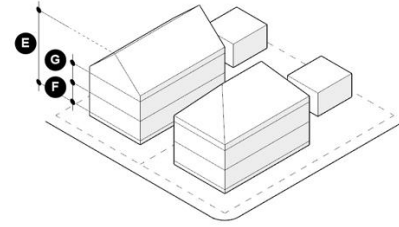
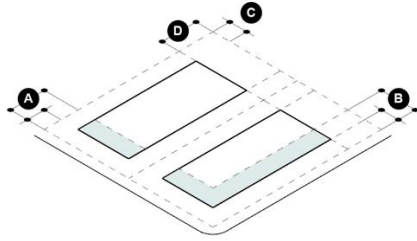
Outdoor lighting must be shielded and provide total cut off of all light at the boundaries of the lot under development.

Fences greater than four (4) feet in height in the frontage area and seven (7) feet in height in all other locations at any point along their length require a Special Permit.

Landscape Standards

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

Table 5. DN Dimensional Standards



LOT		BUILDING FORM	
Lot Width	20' min	E - Number of Stories	3 max4
Lot Coverage	50% max	F - Ground Story Height	10' min
SETBACKS – PRINCIPAL BUILDINGS		G - Upper Story Height	10' min
A - Primary Front Setback	10' min 20' max		
B - Secondary Front Setback	10' min 20' max		
C - Side Setback	10' min		
D - Rear Setback	20' min		
SETBACKS - OUTBUILDINGS			
Front Setback	60' min		
Side Setback	3' min		
Rear Setback	3' min		

Downtown Hospital District (DH)

Intent

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

4 See 240-24.1.8.C.2(a)

Lot Standards

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

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

Building Standards

Multiple principal buildings are permitted per lot.

Principal buildings are permitted as specified by Table 6.

Buildings are exempt from 240-24.1.5.A.1 frontage types and 240-24.1.5.A.3 provisions for calculating building stories. Buildings must comply with the maximum number of stories and maximum building height defined within Table 6.

Site Standards

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

Landscape Standards

A front landscaped area at least ten (10) feet wide measured from the lot line toward the interior of the lot must include the following features over the span of fifty (50) linear feet:

One (1) canopy tree

One (1) understory or evergreen tree

Four (4) medium shrubs

Six (6) small shrubs

Table 6. DH Dimensional Standards

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

Hyannis Harbor District (HH)

Intent

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

Lot Standards

Newly platted lots must be dimensioned as specified by Table 7.

Lot coverage may not exceed the maximum specified by Table 7.

Building Standards

Multiple principal buildings are permitted per lot.

Principal buildings are permitted as specified by Table 7.

To support water-dependent uses on the harbor, the maximum building height permitted for existing structures used as a Marina or a Commercial Service use for constructing, selling, renting, or repairing boats is forty-five (45) feet.

Mechanical & stairwell penthouses and building systems equipment must be setback from any exterior wall a distance that is equal to their height.

Use Provisions

Limitations

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

Site Standards

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

Landscape Standards

A front landscaped area at least ten (10) feet wide measured from the lot line toward the interior of the lot must include the following features over the span of fifty (50) linear feet:

One (1) canopy tree

One (1) understory or evergreen tree

Four (4) medium shrubs

Six (6) small shrubs

A side or rear landscaped area at least six (6) feet wide must be provided along any side or rear lot line abutting a lot in Downtown Neighborhood (DN) district and must include the following features over the span of fifty (50) linear feet:

Two (2) understory or evergreen trees

Five (5) medium shrubs and three (3) small shrubs or a fence or wall at least six (6) feet in height.

Table 7. HH Dimensional Standards

LOT		BUILDING FORM	
Lot Width	20' min	Number of Stories	2.5 max
Lot Coverage	90% max	Building Height	35 ft max ⁵

SETBACKS – PRINCIPAL BUILDINGS

Primary Front Setback	20' min
Secondary Front Setback	20' min
Side Setback	10' min
Rear Setback	10' min

⁵ See 240-24.1.10.C.2(a)

Transportation Center District (TC)

Intent

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

Lot Standards

Newly platted lots must be dimensioned as specified by Table 8.

Lot coverage may not exceed the maximum specified by Table 8.

Building Standards

Multiple principal buildings are permitted per lot.

Principal buildings are permitted as specified by Table 8.

Mechanical & stairwell penthouses and building systems equipment must be setback from any exterior wall a distance that is equal to their height.

Use Provisions

Limitations

Occupation of a single commercial space greater than five thousand (5,000) square feet by any Food & Beverage Service or Retail Sales use requires a Special Permit.

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

Site Standards

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

Landscape Standards

A front landscaped area at least ten (10) feet wide measured from the lot line toward the interior of the lot must include the following features over the span of fifty (50) linear feet:

One (1) canopy tree

One (1) understory or evergreen tree

Four (4) medium shrubs

Six (6) small shrubs

A side or rear landscaped area at least six (6) feet wide must be provided along any side or rear lot line abutting a lot in Downtown Neighborhood (DN) district and must include the following features over the span of fifty (50) linear feet:

Two (2) understory or evergreen trees

Three (3) large shrubs and three (3) medium shrubs or a fence or wall at least six (6) feet in height.

Table 8. TC Dimensional Standards

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

Highway Commercial District (HC)

Intent

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

Lot Standards

Newly platted lots must be dimensioned as specified by Table 9.

Lot coverage may not exceed the maximum specified by Table 9.

Building Standards

Multiple principal buildings are permitted per lot.

Principal buildings are permitted as specified by Table 9.

The third story can only occur within habitable attic space.

Mechanical & stairwell penthouses and building systems equipment must be setback from any exterior wall a distance that is equal to their height.

Site Standards

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

Landscape Standards

A front landscaped area at least ten (10) feet wide measured from the lot line toward the interior of the lot must include the following features over the span of fifty (50) linear feet:

One (1) canopy tree

One (1) understory or evergreen tree

Four (4) large shrubs

Two (2) small shrubs

A side or rear landscaped area at least six (6) feet wide must be provided along any side or rear lot line abutting a lot in Downtown Neighborhood (DN) district and must include the following features over the span of fifty (50) linear feet:

Two (2) canopy trees

Three (3) large shrubs and three (3) medium shrubs or a fence or wall at least six (6) feet in height.

Parking Standards

To reduce traffic congestion and increase convenience for customers, employees, and residents, development is encouraged to provide direct vehicular connections between abutting parking lots so that motor vehicles can move between properties without re-entering the public street.

To increase walkability and reduce conflicts between pedestrians and motor vehicles, development is encouraged to:

Provide only the minimum number of driveways or vehicular entrances to parking lots necessary to accommodate the number of parking spaces provided

Share driveways between abutting properties or multiple properties fronting the same street

Relocate any existing frontage area parking spaces to the side or rear of buildings.

Establishment of a new curb cut on Route 28 or Barnstable Road must consult the Director of Public Works regarding access prior to applying for a state highway access permit from the Massachusetts Department of Transportation and work with the Town and other authorizing agencies on a transportation access plan prior to site plan approval.

New construction, modification of an existing principal building, and the establishment, change, or expansion of any use of real property abutting Engine House Road must provide vehicular access only from the Engine House Road frontage.

Parking is highly discouraged within the frontage area and should be limited to a single row of parking stalls and associated drive aisle where necessary.

Table 9. HC Dimensional Standards

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

⁶ See 240-24.1.12.C.2(a)

Tables

Table 10. Dimensional Standards Summary Table

	DMS	DV	DN	DH	HH	TC	HC
A. Lot							
Lot Width	30' min	30' min	20' min	50' min	20' min	50' min	50' min
Lot Coverage	100% max	80% max	50% max	100% max	90% max	65% max	80% max
Facade Build Out	--	--	--	--	--	--	--
Primary Frontage	80% min	80% min	--	--	--	--	--
Secondary Frontage	40% min	--	--	--	--	--	--
B. Setbacks – Principal Building							
Primary Front Setback	0' min 15' max	0' min 15' max	10' min 20' max	20' min	20' min	20' min	60' max
Lots fronting Route 28	--	--	--	--	--	50' min	20' min
Secondary Front Setback	0' min 15' max	0' min 15' max	10' min 20' max	20' min	20' min	20' min	20' min
Side Setback	0' min	0' min	10' min	10' min	10' min	10' min	10' min
Rear Setback	0' min	0' min	20' min	10' min	10' min	10' min	10' min
C. Setbacks - Outbuilding							
Primary Front Setback	--	--	60' min	--	--	--	--
Secondary Front Setback	--	--	--	--	--	--	--
Side Setback	--	--	3' min	--	--	--	--
Rear Setback	--	--	3' min	--	--	--	--
D. Building Form							
Building Width	180' max	120' max	--	--	--	--	--
Number of Stories	--	--	--	--	--	--	--
Principal Building	3.5 or 4 max7	3.5 or 4 max8	3 max9	6 max	2.5 max	3 max	3 max10
Outbuilding	--	--	--	--	--	--	--
Ground Story Height	--	--	10' min	--	--	--	--
Commercial	14' min	14' min	--	--	--	--	--
Residential	10' min	10' min	--	--	--	--	--
Upper Story Height	10' min	10' min	10' min	--	--	--	--
Building Height	--	--	--	85' max	35' max11	40' max	40' max
E. Building Features							
Ground Story Fenestration	--	--	--	--	--	--	--
Primary Frontage	60% min	15% min	--	--	--	--	--

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

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

9 See 240-24.1.8.C.2(a)

10 See 240-24.1.12.C.2(a)

11 See 240-24.1.10.C.2(a)

Secondary Frontage	15% min	15% min	--	--	--	--	--
Upper Story Fenestration	15% min	15% min	--	--	--	--	--
Blank Wall	20' max	20' max	--	--	--	--	--
Commercial Space Depth	20' min	20' min					

Table 11. Frontage Types

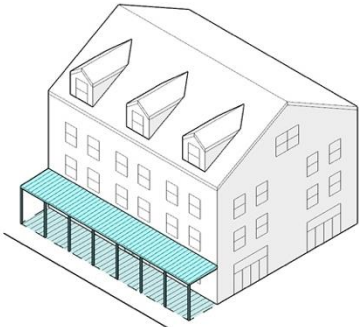
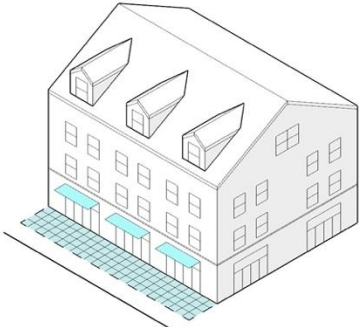
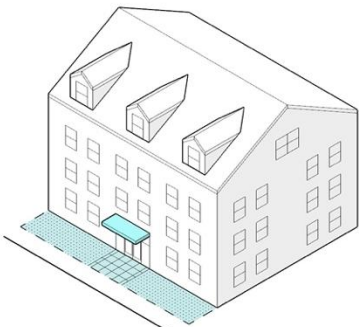
P – Permitted N – Not Permitted	DMS	DV	DN	DH	HH	TC	HC
<p>Gallery</p>  <p>A frontage type consisting of a storefront(s) and an attached colonnade with a roof, open pergola, or balcony overhanging a paved sidewalk. A gallery may wrap around the corner of a building to create a veranda-like gallery.</p>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

Table 11. Frontage Types

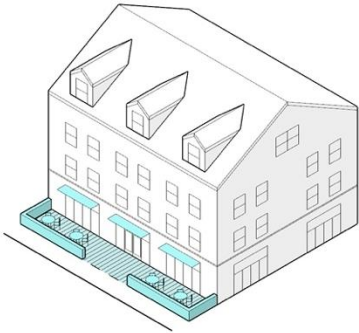
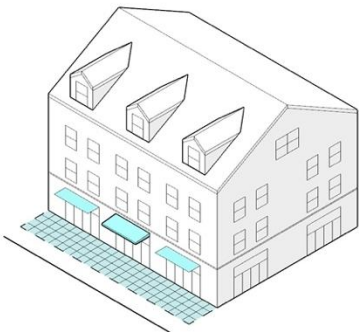
P – Permitted N – Not Permitted	DMS	DV	DN	DH	HH	TC	HC
<p>providing access and light to the lobby of a building. A common lobby may be combined with an entry plaza or front garden frontage type.</p>							
<p>Dining Patio</p>  <p>A frontage type consisting of a storefront(s) and outdoor café seating in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

Table 11. Frontage Types

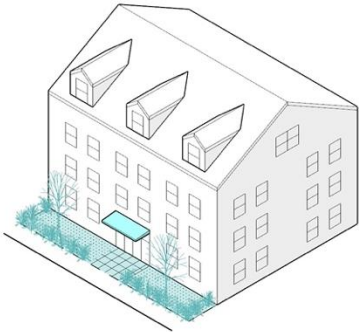
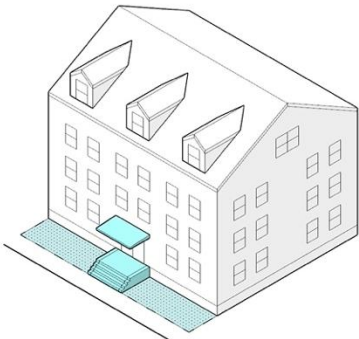
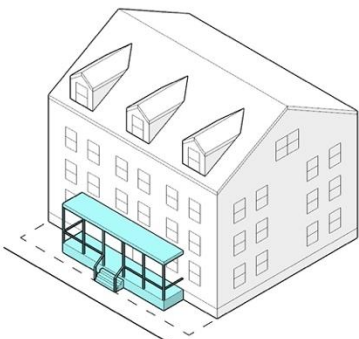
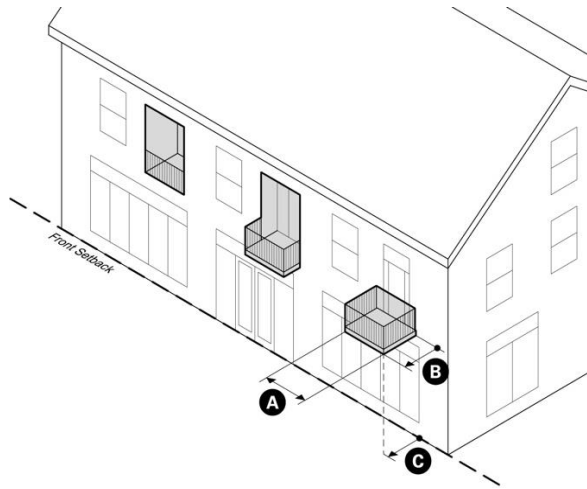
P – Permitted N – Not Permitted	DMS	DV	DN	DH	HH	TC	HC
<p>Front Garden</p>  <p>A frontage type consisting of a highly landscaped frontage area. A front garden may be combined with a common lobby, dooryard or stoop, or porch frontage type.</p>	N	P	P	N/A	N	N	N
<p>Dooryard or Stoop</p>  <p>A frontage type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

Table 12. Building Components

A. Balcony



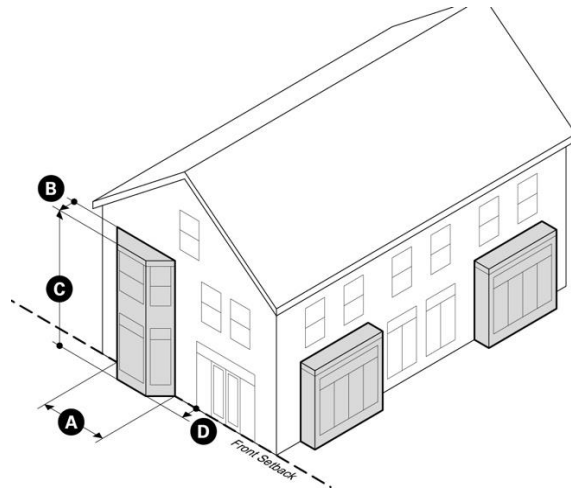
A	Width (min)	5 ft
B	Depth (min)	4 ft
	Area (min)	20 sf
C	Front Setback Encroachment (max)	5 ft

Design Standards:

Balconies may attach to any exterior wall of a principal building.

Balconies may be recessed, projecting, a combination of the two, or terraced as part of the roof of a permitted building component.

B. Bay or Oriel Window



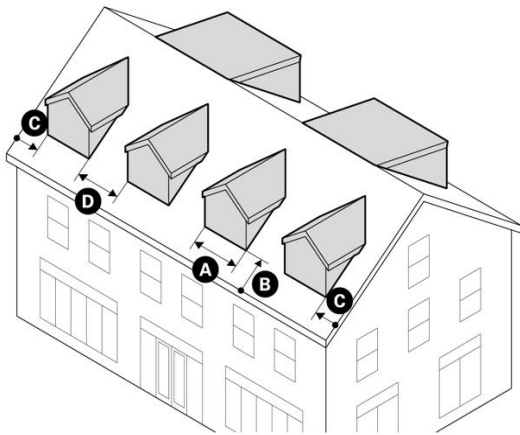
A	Single Bay Width (max)	16 ft
	Cumulative Bay Width (max)	50% of the width of the exterior wall from which the bays project
B	Projection (max)	3 ft
C	Stories (max)	Same as the principal building
D	Front Setback Encroachment (max)	3 ft

Design Standards:

Bays may attach to any exterior wall of a principal building.

A bay window may have a flat roof.

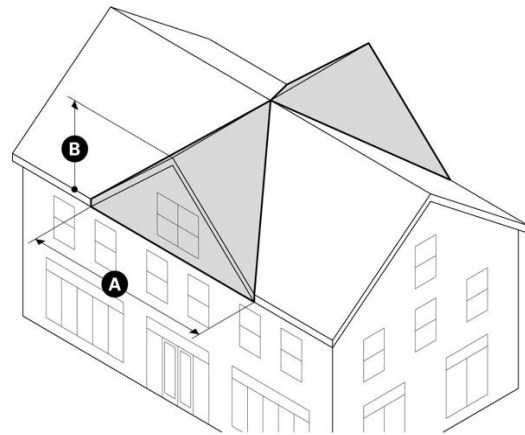
C. Dormer



A	Cumulative Width of all Dormers (max)	50% of the roof eave
B	Exterior Wall Setback (min)	--
	Roof with Eave	0 ft
	Roof without Eave	1 ft
C	Setback from Gable (min)	3 ft
D	Separation from another Dormer (min)	50% of dormer width

The face wall of a dormer window may not project beyond the exterior wall of the building and may not interrupt the eave of the roof.

D. Cross Gable



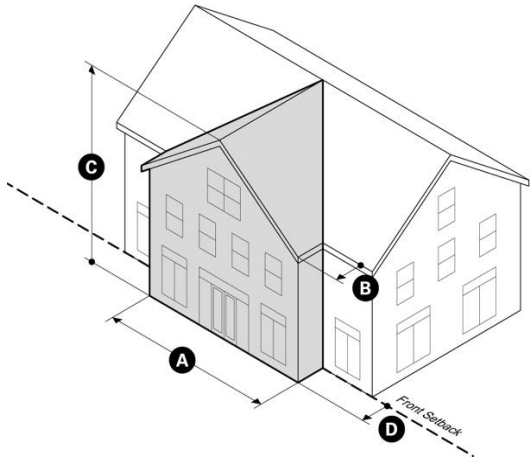
A	Width (max)	50% of the roof eave below
B	Height (min)	Equal to the height of the roof of the attached primary massing

Design Standards:

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

The rakes and ridge of the roof of the cross gable must be structurally integrated into the eave and ridge of roof of the attached primary massing.

E. Projecting Gable



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

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

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

VOTE: Opened and Continued to December 1, 2022

2022-145 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING BY AMENDING ARTICLE VII SIGN REGULATIONS INTRO: 03/03/2022, 03/17/2022, 11/03/2022

In subsection A, by striking the words “in a professional residential zone”, so that the revised Section shall **2022-145 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING BY AMENDING ARTICLE VII SIGN REGULATIONS**

Upon a motion duly made and seconded it was

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

SECTION 1

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

A. By striking the words “Signs in Medical Services District” from the section heading and inserting “**Signs in Downtown Hospital District**” in their place.

B. read:

“§ 240-64 **Signs in Downtown Hospital District.**

A. One sign giving the name of the occupant or other identification of a permitted use may be permitted. Such signs shall be no more than 12 square feet in area and shall not extend more than eight feet above the ground.

C. Any illuminated sign must comply with the provisions of § **240-63** herein.”

SECTION 2

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

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

SECTION 3

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

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

SECTION 4

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

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

SECTION 5

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

“§ 240-71 **Signs DMS District.**”

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

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

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

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

SECTION 6

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

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

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

VOTE: Opened and Continued to December 1, 2022

2022-146 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING BY MOVING AND RENUMBERING SECTION 240-122.1 REGISTERED RECREATIONAL MARIJUANA CULTIVATORS, RESEARCH FACILITIES, AND TESTING LABORATORIES INTO A NEW OVERLAY ZONING DISTRICT AND REPEALING SECTIONS 240-129 AND 240-129.1 EXPIRED TEMPORARY MORATORIUM FOR MARIJUANA USES INTRO: 03/03/2022, 03/17/2022, 11/03/2022

Upon a motion duly made and seconded it was

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

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

SECTION 4

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

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

"Purpose. To provide for the location of registered recreational marijuana cultivators, research facilities and independent testing laboratories, as defined herein, in accordance with Chapter 55 of the Acts of 2017 and M.G.L. c.94G, the Humanitarian

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

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

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

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

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

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

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

SECTION 4

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

SECTION 5

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

VOTE: Opened and Continued to December 1, 2022

Councilor Starr left Zoom

2023-046 AUTHORIZATION OF A HOUSING DEVELOPMENT INCENTIVE PROGRAM TAX INCREMENT EXEMPTION AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND SEASHORE HOMES, INC. FOR 8 NEW MARKET RATE RESIDENTIAL UNITS LOCATED AT 63 MAIN STREET, HYANNIS, MA INTRO: 10/20/2022, 11/03/2022

Elizabeth Jenkins, Director of Planning and Development gave the rationale.

Councilor questions and comments:

(Atsalis) fully support this project, kind of development we need in this town, very reasonable.
(Cullum) This is an improvement in Hyannis, the fees associated with going to the housing trust money are staggering, and the process of funding should not be so onerous; I am supporting this project.

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby authorizes a Tax Increment Exemption (TIE) Agreement between the Town of Barnstable and Seashore Homes, Inc. pursuant to the Housing Development Incentive Program, M.G.L. c. 40V, and the regulations promulgated thereunder at 760 CMR 66.00, for eight (8) new market rate residential units located at 63 Main Street, Hyannis, MA (Assessor's Map 342, Parcel 017), substantially in the form as presented to the Town Council at this meeting, and further authorizes the Town Manager to execute the TIE Agreement and submit it to the Massachusetts Department of Housing and Community Development for approval.

VOTE: PASSES 11 YES

Roll Call: Atsalis, Clark, Cullum, Cusack, Rapp Grassetto, Levesque, Mendes, Neary, Schnepf, Shaughnessy, Steinhilber.

2023-047 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 11/03/2022

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: **Disability Commission:** Christopher Bartley, as a regular member to a term expiring 06/30/2024; **Housing Committee:** Evan Gaudette, as a regular member to a term expiring 06/30/2024; **Youth Commission:** Madeleine Boyle, as a student member, to a term expiring 06/30/2023; Eric Arabadzhiev as a student member to a term expiring 06/30/2023

VOTE: 2nd reading on 11/17/2022-UNANIMOUS

Roll Call: Atsalis, Clark, Cullum, Cusack, Rapp Grassetto, Levesque, Mendes, Neary, Schnepf, Shaughnessy, Steinhilber.

2023-048 SUPPLEMENTAL APPROPRIATION ORDER FOR THE BARNSTABLE POLICE DEPARTMENT FISCAL YEAR 2023 OPERATING EXPENSE BUDGET IN THE AMOUNT OF \$142,896 FOR THE PURPOSE OF FUNDING THE COSTS ASSOCIATED WITH THE HIRING OF EIGHT (8) PATROL OFFICERS TO FILL CURRENT VACANCIES INTRO: 11/03/2022

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$142,896** be appropriated and added to the Fiscal Year 2023 Police Department General Fund Operating Expense Budget for the purpose of funding

expenses related to the hiring of eight (8) new police officers, including costs related to hiring, training, uniforms, ammunition and equipment purchases.

VOTE: (Missed see below after 2023-051)

2023-049 APPROPRIATION ORDER IN THE AMOUNT OF \$150,000 IN COMMUNITY PRESERVATION FUNDS FOR THE PURPOSE OF ACQUIRING A CONSERVATION RESTRICTION ON 2.3 ACRES OF OPEN SPACE LOCATED AT 242 COMMERCE ROAD, BARNSTABLE, MA, SHOWN AS A PORTION ON ASSESORS MAP 318, PARCEL 025/001
INTRO: 11/03/2022

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G.L. c. 44B, the amount of One Hundred and Fifty Thousand Dollars **\$150,000** be appropriated and transferred from the amount set aside for Open Space and Recreation within the Community Preservation Fund for the purpose of acquiring a Conservation Restriction on 2.3 acres of open space located at 242 Commerce Road, Barnstable, shown as a portion of Assessors Map 318, Parcel 025/001. Said Restriction is subject to approval by the Massachusetts Secretary of Energy and Environmental Affairs. Further it is ordered that the Town Manager is authorized to expend the amount appropriated on behalf of the Town for the acquisition subject to oversight by the Community Preservation Committee, and that the Town Manager is authorized to execute, receive, deliver and record any written instruments for the stated purposes.

VOTE: To a public hearing on 11/17/2022-UNANIMOUS

Roll Call: Atsalis, Clark, Cullum, Cusack, Rapp Grasseti, Levesque, Mendes, Neary, Schnep, Shaughnessy, Steinhilber.

2023-050 ALLOCATION OF TAX LEVY FISCAL YEAR 2023 – RESIDENTIAL EXEMPTION
INTRO: 11/03/2022

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby votes to adopt a Residential Exemption of twenty percent (20%) for Fiscal Year 2023.

VOTE: To a public hearing on 11/17/2022-UNANIMOUS

Roll Call: Atsalis, Clark, Cullum, Cusack, Rapp Grasseti, Levesque, Mendes, Neary, Schnep, Shaughnessy, Steinhilber.

2023-051 ALLOCATION OF TAX LEVY FISCAL YEAR 2023 – TAX FACTOR
INTRO: 11/03/2022

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby votes to classify the Town of Barnstable under M.G.L. c. 40, § 56, the Classification Act, at a Residential Factor of 1 (one) for Fiscal Year 2023.

VOTE: To a public hearing on 11/17/2022-UNANIMOUS

Roll Call: Atsalis, Clark, Cullum, Cusack, Rapp Grasseti, Levesque, Mendes, Neary, Schnep, Shaughnessy, Steinhilber.

2023-048 Vote missed VOTE: To a public hearing on 11/17/2022- UNANIMOUS

Roll Call: Atsalis, Clark, Cullum, Cusack, Rapp Grasseti, Levesque, Mendes, Neary, Schnep, Shaughnessy, Steinhilber.

2023-052 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$2,850,000 FOR THE PURPOSE OF FUNDING DESIGN AND PERMITTING OF THE WATER POLLUTION CONTROL FACILITY HEADWORKS IMPROVEMENT PROJECT INTRO: 11/03/2022

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$2,850,000** be appropriated for the purpose of funding the design and permitting of the Water Pollution Control Facility Headworks Improvement Project, 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 \$2,850,000 under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, 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, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

VOTE: To a public hearing on 11/17/2022

Roll Call: Atsalis, Clark, Cullum, Cusack, Rapp Grasseti, Levesque, Mendes, Neary, Schnepf, Shaughnessy, Steinhilber.

023-053 TRANSFER ORDER IN THE AMOUNT OF \$34,500 FROM THE DEPARTMENT OF PUBLIC WORKS FISCAL YEAR 2023 GENERAL FUND PERSONNEL BUDGET TO THE DEPARTMENT OF PUBLIC WORKS GENERAL FUND OPERATING CAPITAL BUDGET FOR THE PURPOSE OF ACQUIRING AND INSTALLING NEW FURNITURE AND PARTITIONS IN THE TOWN ASSESSING OFFICE INTRO: 11/03/2022

Dan Santos, Director of Public Works gave the rationale

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$34,500** be transferred from the Department of Public Works General Fund Personnel Budget to the Department of Public Works General Fund Capital Outlay Budget for the purpose of acquiring and installing new furniture and partitions in the Town Assessing Office in Town Hall.

VOTE: PASSES 11 YES

Roll Call: Atsalis, Clark, Cullum, Cusack, Rapp Grasseti, Levesque, Mendes, Neary, Schnepf, Shaughnessy, Steinhilber.

2023-054 RESOLVE AUTHORIZING THE TOWN MANAGER TO COMMENCE NEGOTIATIONS WITH COMMONWEALTH WIND LLC FOR A NEW HOST COMMUNITY AGREEMENT INTRO: 11/03/2022

Mark Ells, Town Manager gave the rationale

Councilor questions and comments:

(Atsalis) could you reiterate what you said earlier, this does not give permissions to move forward (Ells) said that is correct, the project falls into the federal, state, county and town, for a grant area to erect wind turbines (federally approved) to run cable to Osterville in the area of Dowses Beach; it is not completed yet; they have also proceeded to the Commonwealth of Massachusetts, with an environmental notification, comments are important where we have concern and want answers. Information is on the Town Managers website. This is not an approval of the project.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize the Town Manager to commence negotiations with Commonwealth Wind LLC, a wholly owned subsidiary of Avangrid Renewables LLC, for a new Host Community Agreement (“HCA 3”) between the Town of Barnstable and Commonwealth Wind LLC, which agreement is designed to mitigate the impacts of the Commonwealth Wind Project selected by the Commonwealth of Massachusetts and Electric Distribution Companies within Massachusetts under M.G.L. c. 83C on December 17, 2021, as described in section S-4.1.6 of the June update of the federal Construction and Operation Plan filed at the Bureau of Ocean Energy Management, which project includes cable landings in Osterville and underground cables connecting the landfall with a substation and with Eversource’s existing West Barnstable substation.

VOTE: PASSES 11 YES

Roll Call: Atsalis, Clark, Cullum, Cusack, Rapp Grassetti, Levesque, Mendes, Neary, Schnepf, Shaughnessy, Steinhilber.

2023-055 A RESOLUTION THAT THE TOWN COUNCIL PETITION THE COUNTY COMMISSIONERS OF BARNSTABLE COUNTY TO FORMALLY DISCONTINUE A SECTION OF COUNTY HIGHWAY, NAMELY, MOTHER’S PARK ROAD, AS DESCRIBED IN THE COMMISSIONERS’ JANUARY 9, 1912 TAKING NO. 642 OF PHINNEY’S LANE AND NORTH MAIN STREET AND MOTHER’S PARK ROAD IN BARNSTABLE INTRO: 11/03/2022

Senior Town Attorney, Charles McLaughlin gave the rationale

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council petition the County Commissioners of Barnstable County (“Commissioners”) to formally discontinue a section of county highway, namely, Mother’s Park Road, as described in the Commissioners’ January 9, 1912 taking No. 642 of Phinney’s Lane and North Main Street and Mother’s Park Road in Barnstable described in the Written Taking Books at Volume 9, Page 81 and also described in an order of taking by the Commissioners recorded in the Barnstable County Registry of Deeds in Book 479, Page 284, for which the plan of the 1932 County layout of Phinney’s Lane in Plan Book 47 Plan 45, depicting the original January 9, 1912 Highway layout by the Commissioners is on file in the Office of the Town Council, and that pursuant to M.G.L. c. 82, § 5, said petition shall request that said discontinued section of said county highway remain a public way, and that the Town Manager be authorized to execute any documents on behalf of the Town necessary to effectuate this resolve.

VOTE: PASSES 11 YES

Roll Call: Atsalis, Clark, Cullum, Cusack, Rapp Grassetti, Levesque, Mendes, Neary, Schnepf, Shaughnessy, Steinhilber.

2023-056 TRANSFER ORDER IN THE AMOUNT OF \$19,000 FOR THE PLANNING AND DEVELOPMENT DEPARTMENT FISCAL YEAR 2023 OPERATING EXPENSE BUDGET FOR THE PURPOSE OF FUNDING THE COSTS OF PRINT MATERIALS ASSOCIATED WITH OUTREACH FOR THE LOCAL COMPREHENSIVE PLAN INTRO: 11/03/2022

Elizabeth Jenkins, Director of Planning and Development gave the rationale

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$19,000** be transferred from the Planning and Development Department’s Fiscal Year 2023 Personnel Budget to the Planning and Development Department’s Operating Expense Budget for the purpose of funding expenses related to

creating and distributing print materials for public outreach for the Local Comprehensive Plan, including costs related to printing and mailing postcards, posters, and signs

VOTE: PASSES 11 YES

Roll Call: Atsalis, Clark, Cullum, Cusack, Rapp Grassetto, Levesque, Mendes, Neary, Schnepf, Shaughnessy, Steinhilber.

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

VOTE: PASSES 11YES

Roll Call: Atsalis, Clark, Cullum, Cusack, Rapp Grassetto, Levesque, Mendes, Neary, Schnepf, Shaughnessy, Steinhilber.

Adjourned at 10:27 PM

Respectfully submitted,

Ann M Quirk

Barnstable Town Clerk

NEXT MEETING: November 17, 2022

Exhibits:

- A. Town Manager Update
- B. Local Comprehensive Plan
- C. Tax Bill Classification & Exemptions
- D. Cape Light Compact Winter Pricing Update
- E. Asset Management Update