



TOWN COUNCIL  
**Committee to Review Zoning and Permitting Regulations**  
**Joint Meeting with Planning Board members**  
**Selectmen's Conference Room**

Thursday October 18, 2018 – 6:00pm

Councilors:

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

## MEETING MINUTES

**PRESENT:** Chair of Committee, Vice-President James Crocker Jr.; Councilor Jessica Rapp Grasseti; Councilor Paul Neary; Councilor Paula Schnepf; Councilor Matthew Levesque; Hank Farnham, Member at large; Councilor Debra Dagwan **ALSO IN ATTENDANCE:** Elizabeth Jenkins, Planning and Development Director; Paul Wackrow, Principal Planner, Planning & Development Department; Ruth Weil, Town Attorney; Mary Barry, Chair, Planning Board; Steven Costello, member of Planning Board; Jeffrey Swartz, member of Planning Board **MEMBERS FROM THE PUBLIC:** Marcel Poyant

Chair opened the meeting at 6:03pm will Roll Call: There was no Public Comment. Continued discussions with Elizabeth Jenkins, Director of Planning and Development; regarding boundaries in the Highway Business Zone and with the joint efforts with the Planning Board, so if any of the boundaries made sense, then it could be introduced in the November Town Council meeting; we will continue discussions with Attorney Ruth Weil regarding a zoning measure to free up non-conforming lots for development, we had a chance to look At the map so if we look at the Centerville map we had looked at west Main street from the Melody Tent to the Hospital, sewer is at the corner of CVS so someone may come in and pay for sewer expansion on their own, instead of on the Town dollar, so when Elizabeth takes us through the little slivers on West Main Street and there are a few places that are non-conforming lots so to our knowledge nothing seems to be out of line, but again we are trying to find new growth dollars, and possibly increase the zoning in this area. In full disclosure, President Crocker is going to step aside and let Councilor Grasseti take over because I have two lots in these maps of discussion. Elizabeth will tell us tonight what lots were removed. President Crocker and I engaged in a conversation regarding some of the smaller scaled areas in town that are zoned Highway Business (HB), so the Planning and development looked at the 4 zones identified in the maps in front of you. Planning and development staff did an analysis of these 4 areas and don't have a land use that conforms, or they are commercial lots that do not conform. The Planning and Development staff looked at West of Old Stage Road identifying the areas that are 40B lots down to the Masons Lodge that is vacant that proposed a HB zoning. The parcels are in the red boundaries on the map. Councilor Schnepf asked if we having this conversation to expand the Highway Business zone in this area, Elizabeth stated yes. Councilor Rapp Grasseti asked everyone if there are any questions on Map 1, move on to Map 2 is the HB and the Highway Office (HO) zones; the proposal that was put forward was to look at the HO and consider rezoning to an HB zone. The HO is the most restrictive uses, only medical offices and offices are allowed in this area so the zoning was written to accommodate the office use in this area. When the HB was designed in the 80's it was a flat 300 feet setback from 28. Councilor Rapp Grasseti asked if anyone had any questions on Map 2. Attorney Weil explained the in order to change the HO to HB the HO zoning would have to be dissolved and it would become HB.

Marcel Poyant mentioned that everything in the back 5 acres from the Bell Tower was supposed to be kept natural, and it was not kept that way, all the vegetation has been cut down. Councilor Rapp Grassetti thanked Mr. Poyant for that mention.

Map 3 explains the intersection of West Main and RT 28 and Falmouth Road and the west of the High school with a checkerboard of parcels that are HB with office buildings and Lamberts Fruit, then continuing to the 28 side that had the former Cape Maid Farms by the school, so the idea was to square off these lots and make them HB zones. Some of these zones were cut up and split to accommodate the non-conforming uses. The final map was the eastern most HB by the West End Rotary; this proposal would incorporate the restaurant as well as the entire Melody tent lot, and the Sturgis property that would bring them into the HB zones.

Councilor Rapp Grassetti asked the Committee members what they would like to do with the maps, and also if we are changing it do we have time for the advertising, Elizabeth said yes. Councilor Neary looking at these for the first time he is looking at taking some of the residences (homes) in two to three years where are the homes going to go, or what happens to them, Councilor Levesque said it would promote new growth dollars, Honda Dealership has a small house on the lot that they can't do anything with currently because of the way the zoning is, it only makes sense to do this in this area.

Councilor Neary stated in reality the HO zones should just go away. Councilor Rapp Grassetti said we need to keep in mind the estuary's so if we allow these proposed changes, that we need to be cognitive that a large build up would possibly jeopardize the estuary if these maps were adopted or allowed, so keep that in mind as well.

Councilor Rapp Grassetti asked the members of the Committee if anyone had any concerns or questions regarding the maps and the proposed zone changes. Jeffrey Swartz mentioned that where he lives on Bumps River Road, to be able if the zones gets changed it would be beneficial for some of those neighbors in my neighborhood to be able to enjoy shopping or restaurants if they were allowed to be built in that area near the fire station and down RT28 towards Marstons Mills. Councilor Levesque mentioned that these changes will increase the value of the properties as well as the increase in tax dollars and introduce new tax dollars. Councilor Rapp Grassetti allowed Mr. Poyant to ask a question Mr. Poyant said that the point of all this is permitting uses, developers coming in to take maximum advantage of the new zoning, but I am here for the existing business, the problem is the Highway business does not currently allow for banks with drive thru's, there is a certain type of business that can only go in this area, Mr. Poyant stated that the reason he has been coming to these since last November was because the business wanted to make a presentation to this Committee regarding the uses of these business that are already established to be increased and not have to go through special permitting to have the business established, we need retail business in this area without having to do special permits and variances to get them in this area, this takes about 3 months to happen, he is begging this Committee to please take this up and encourage more growth, but to also look at the business's that are already there. Mr. Poyant thanked the Committee for listening

Councilor Levesque made the motion to accept the maps put forth tonight at this meeting Maps 1-4, this was seconded by Mr. Farnham. The Committee voted as follows:

Hank Farnham Yes  
Councilor Matthew Levesque Yes  
Councilor Jessica Rapp Grassetti Yes  
Councilor Paul Neary Yes  
Abstention Councilor Schnepf  
Councilor Dagwan No

Vice President Crocker came back in the room and discussed the next item of business which was the building on non-conforming lots and to change the zoning of these non-conforming lots to allow building. A lot of these lots go to Barnstable Land Trust to become open space which in the end comes

of the towns tax roll. Attorney Weil began the discussion by introducing the Comprehensive Plan and the discussion involved paragraph 5.2.3 of the Plan which was the Dennis plan, to use these non-conforming lots in this status (Attorney Weil passed out Dennis's plan) other communities have looked at this as well, and it is for discussion and merits more discussion. Vice President Crocker asked the members if there were any questions regarding the documents. When the 2 acre zoning happened these little lots that were less than 2 acres were left behind and became vacant, we need to look at these now and see if there is anything we can do with these non-conforming lots. Mr. Helman said he likes the idea of doing this, but want to make sure that all the other rules apply regarding set back and perk testing, Vice President Crocker stated yes all other apply. These lots cause a hardship for the Zoning Board under variances. Due to time constraints, the Committee members took the information provided and will look at and take up at a different meeting.

Vice President Crocker asked for a motion to adjourn, Councilor Neary made the motion, Councilor Dagwan seconded, all members present voted in favor of adjournment.

**ADJOURN:** 6:55pm