



# The Town of Barnstable Growth Management Department

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Jo Anne Miller Buntich, Interim Director



## Minutes of Planning Board - Approved Tuesday, June 2, 2009 Selectmen's Conference Room 367 Main Street Hyannis, MA

June 10, 2009

### Committee Members Present:

Ray Lang

Dave Munsell

Paul Curley

Also present: Ruth Weil, Town Attorney  
Jo Anne Miller Buntich, Interim Director, Growth Management Department  
Attorney Liza Cox and Andrew Kingman, Nutter McClennen & Fish  
Attorney Philip Boudreau  
Roy Richardson (arrived 5 pm)

Meeting called to order at 4:30 pm by Subcommittee Chair Ray Lang.

BID Proposed Outdoor Display, Flag and A-Frame Signs Ordinances –During the discussion at the last meeting there was a question posed by Felicia Penn regarding outdoor displays on town owned property in relation to the First Amendment.

Ruth explained that the First Amendment protects all sorts of speech. In public forums, the governmental entity cannot censor speech. Since the town does not allow signs on public property it is not considered a public forum. In the Town Attorney's opinion if signs were allowed on the town owned portions of the sidewalk, the town would open itself up to a public forum argument and this could make the town vulnerable. The recommendation, therefore, is to not allow signs on public property even through a permit process. Ruth stated that she appreciates Felicia Penn's insight on raising this issue.

Jo Anne offered to bring this information to the BID to see what they may be interested in pursuing based on this new information.

Ruth also commented that it would be difficult to enforce the proposed ordinance based on the public vs. private sidewalk situation.

The next step is for Jo Anne to discuss further with Scott Lajoie, Executive Director of the BID.

Centerville Village District DCPC Implementing Regulation – Centerville Village District DCPC Advisory Group – This proposed regulation is on the Town Council agenda for first read this week; the joint hearing with the Planning Board is scheduled for June 18<sup>th</sup>. Jo Anne said that the DCPC was nominated by Centerville residents in February 2008 and was officially designated in May 2008. An advisory group was created to work on the two DCPCs—Centerville Village District and Craigville Beach District. The advisory group for Centerville Village was composed of stakeholder representatives Attorney Philip Boudreau representing two property owners, Four Seas Ice Cream and the Centerville Four Corners Motor Lodge, Liza Cox of Nutter McClennen and Fish representing the library, Roy Richardson of the Centerville Civic Association, Ruth Weil and Jo Anne Miller Buntich. This ordinance will be adopted into the zoning ordinance, under Article 14 District of Critical Planning Concern Implementing Regulations; the map will be amended and the regulations will apply within the designated parcel boundaries. Jo Anne stated that the three councilors from Centerville have been involved in the process and sponsor the ordinance. The purpose at this meeting was to review and answer any questions from the Planning Board

A review and discussion of the definitions in the proposed ordinance and how they may or may not differ from the existing zoning ordinance followed.

Jo Anne informed the Planning Board that the deadline for completing both the village and Craigville Beach area DCPCs is September 10, 2009.

Subcommittee Chair Lang stated that the subcommittee will report to the full Planning Board that they have reviewed and approved the Centerville Village DCPC Implementing Regulations as presented.

Meeting adjourned at 5:30 pm.

Respectfully submitted,

Marjorie Watson  
Administrative Assistant