

Town of Barnstable
Town Council
James H. Crocker Jr. Hearing Room
367 Main Street, 2nd floor,
Hyannis, MA 02601
Office 508.862.4738 • Fax 508.862.4770
E-mail : council@town.barnstable.ma.us

TOWN COUNCIL MEETING

August 21, 2025

6:00 pm

Councillors:

Craig Tamash
President
Precinct 4

Kris Clark
Vice President
Precinct 11

Gordon Starr
Precinct 1

Dr. Kristin Terkelsen
Precinct 2

Betty Ludtke
Precinct 3

John Crow
Precinct 5

Paul C. Neary
Precinct 6

Seth Burdick
Precinct 7

Jeffrey Mendes
Precinct 8

Charles Bloom
Precinct 9

Matthew P. Levesque
Precinct 10

Paula Schnepf
Precinct 12

Felicia Penn
Precinct 13

Administrator:
Cynthia A. Lovell
Cynthia.lovell@town.barnstable.ma.us

The August 21, 2025 Meeting of the Barnstable Town Council shall be conducted in person at 367 Main Street 2nd Floor James H. Crocker Jr. Hearing Room, Hyannis, MA. The public may attend in person or participate remotely in Public Comment or during a Public Hearing via the Zoom link listed below.

1. The meeting will be televised live via Xfinity Channel 8 or 1070 or High-Definition Channel 1072 or may be accessed via the Government Access Channel live stream on the Town of Barnstable's website:

<http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Written Comments may be submitted to:

<https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/Town Council/Agenda-Comment.asp>

3. Remote Participation: The public may participate in Public Comment or Public Hearings by utilizing the Zoom video link or telephone number and access meeting code:

Join Zoom Meeting <https://townofbarnstable-us.zoom.us/j/86946294243> Meeting ID: 869 4629 4243
US Toll-free • 888 475 4499

PUBLIC SESSION

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. TOWN MANAGER COMMUNICATIONS (Pre-Recorded and available on Video on Demand on the Town website)

7. MINUTES

• ACT ON PUBLIC SESSION MINUTES: July 17, 2025

8. DELEGATION OF OPEN MEETING LAW COMPLAINT

Proposed Vote: To delegate to the Town Attorney responsibility for responding to the Open Meeting Law Complaint submitted to the Town Council President and Town Clerk on August 14, 2025

9. COMMUNICATIONS - from elected officials, boards, committees, and staff, commission reports, correspondence and announcements (will be taken up after the Orders of the Day)

EXECUTIVE SESSIONS

(total estimated time: 90 minutes, actual time may differ)

The Town Council will enter Executive Session pursuant to G.L. c. 30A, sec. 21(a)(3) to discuss strategy with respect to potential litigation related to federal grant conditions since a discussion in open session may have a detrimental effect on the litigating position of the Town and Town Council; and

The Town Council will enter Executive Session pursuant to G.L. c. 30A, sec. 21(a)(2) to conduct a strategy session in preparation for negotiations with non-union personnel, specifically, Mark Ells, the Town Manager, and/or to conduct contract negotiations with Mr. Ells.

PUBLIC SESSION

The Town Council may vote to approve an employment contract between the Town and Mark Ells as the Town Manager and to authorize the Town Council President to execute such contract on behalf of the Town.

10. ORDERS OF THE DAY

- A. Old Business**
- B. New Business**

11. ADJOURNMENT

NEXT REGULAR MEETING: September 04, 2025

ITEM NO.	INDEX TITLE	PAGE
A.	OLD BUSINESS	
2025-195	Authorizing the Town Manager to execute a Development Agreement by and among the Town of Barnstable, Shoestring Properties, LLC, located at 110 and 115 School Street, Main Street Times, LLC, located at 319 and 331 Main Street, and 259 North Street LLC, located at 310 Barnstable Road, Hyannis (Public Hearing) (Majority Vote)	6-15
2025-196	Appointments to a Board/Committee/Commission: Council on Aging: Christine Beer from an associate position to a full member position to a term expiring 06/30/2028; Stephanie Parish, as a regular member to a term expiring 06/30/2028; Comprehensive Financial Advisory Committee: Frank Ward, as a regular member to a term expiring 06/30/2027; Historical Commission: Barbara Cuggino DeBiase as the Historical Commission Representative member to the Community Preservation Committee to a term expiring 06/30/2028 (May be acted upon) (Majority Vote)	16
2025-197	Reappointments to a Board/Committee/Commission: Airport Commission: Bradley Bailey, as a regular member term expiring 06/30/2028; Mark Guidod, as a regular member, to a term expiring 06/30/2028; Board of Health: Donald Guadagnoli, MD, as a regular member to a term expiring 06/30/2028; Steven Waller, MD, as a regular member to a term expiring 06/30/2028; Community Preservation Committee: Steven Robichaud, as a Planning Board representative member, to a term expiring 06/30/2028; Farley Lewis, as a regular member to a term expiring 06/30/2028; Comprehensive Financial Advisory Board: Lillian Woo, as a regular member to a term expiring 06/30/2028; Christopher Lauzon, as a regular member to a term expiring 06/30/2028; Disability Commission: Patricia Ericson-Taylor, as a regular member to a term expiring 06/30/2028; Golf Committee: Mark Bushway, as a regular member to a term expiring 06/30/2028; Susanne Conley, as a regular member to a term expiring 06/30/2028; Geoffrey Converse, as a regular member to a term expiring 06/30/2028; William Sylva, as a regular member to a term expiring 06/30/2028; Historical Commission: Jack Kay, as a regular member to a term expiring 06/30/2028; Housing Committee: Eileen Elias, as an alternate member to a term expiring 06/30/2028; Chris Beach, as a regular member to a term expiring 06/30/2028; Infrastructure and Energy Committee: Jane Ward, as a regular member to a term expiring 06/30/2028; Barry Sheingold, as a regular member to a term expiring 06/30/2028; John F. Kennedy Memorial Trust Fund Committee: William Murphy, as a Recreation Commission representative member to a term expiring 06/30/2028; Wendy Northcross, as a regular member to a term expiring 06/30/2028; Licensing Authority: John Flores, as a regular member to a term expiring 06/30/2028; Jessica Sylver, as an associate member to a term expiring 06/30/2028; Sandy Neck Board: William Monroe, as a member at large, to a term expiring 06/30/2028; William Carey, as a member at large to a term expiring 06/30/2028; Shellfish Committee: William Cherepon, as a member at large to a term expiring 06/30/2028; Gloriann Hurwitz, as a member holding a family permit to a term expiring 06/30/2028; Waterways Committee: Jacob Angelo, as a regular member to a term expiring 06/30/2028; Todd Walantis, as a regular member to a term expiring 06/30/2028; Zoning Board of Appeals: Larry Hurwitz, as an associate member to a term expiring 06/30/2028; Paul Pinard, as a regular member to a term expiring 06/30/2028 (May be acted upon) (Majority Vote)	17

B. NEW BUSINESS

CONSENT AGENDA:

Proposed Vote: To refer Items 2025-198; 2025-202; 2026-004; 2026-013; 2026-019, as written, to individual Public Hearings to be held on each item at the Town Council meeting on September 04, 2025.

AND **2026-021** as written, to an individual Public Hearing to be held at the Town Council meeting on September 18, 2025

Proposed Vote: To refer Items **2026-002; 2026-015; 2026-016; 2026-020**, as written, to individual Second Readings at the Town Council meeting on September 04, 2025.

Proposed Vote: To refer Items **2026-003; 2026-005; 2026-006; 2026-007; 2026-008; 2026-012**, as written, to the Planning Board.

2025-198	Appropriation and Transfer Order in the amount of \$2,500,000 in Community Preservation Act Funds to increase the number and availability of community housing units in the Town of Barnstable (Refer to Public Hearing 09/04/2025)	18-19
2025-202	Resolve approving and adopting the Town of Barnstable 2025 Local Comprehensive Plan dated June 9, 2025 (Refer to Public Hearing 09/04/2025)	20-22
2026-001	Authorization to expend a Fiscal Year 2026 grant in the amount of \$7,500 from the Massachusetts Department of Environmental Protection to be used towards the purchase of one electric Chevy Equinox (May be acted upon) (Majority Vote)	23-24
2026-002	Order authorizing the grant of an easement for electric facilities on town-owned land at 382 Falmouth Road in Hyannis (First Reading) (Refer to Second Reading 09/04/2025)	26-27
2026-003	Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article III Section 24.1.5(c) Table 2, to modify the required parking for residential or artist live/work (per du), modify the calculation for minimum parking spaces, and establish minimum dimensional standards for parking spaces (First Reading) (Refer to Planning Board)	28-39
2026-004	Order waiving fees for construction work by the Cotuit Fire District for the expansion and renovation of the Fire Station at 64 and 56 High Street, Cotuit (Refer to Public Hearing 09/04/2025)	40-43
2026-005	Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article III District Regulations, to modify building height requirements in the Downtown Main Street District and Downtown Village District (First Reading) (Refer to Planning Board)	44-53
2026-006	Amending the code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning to repeal the Downtown Village District and amend the zoning map to replace the Downtown Village District with the downtown neighborhood zoning district (First Reading) (Refer to Planning Board)	54-77
2026-007	Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning to amend the area in the Downtown Main Street District where ground floor commercial space is required (First Reading) (Refer to Planning Board)	78-83
2026-008	Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article V Accessory Uses, by repealing and replacing Section 240-46, Home Occupation with a new Section 240-46 Home Occupation that adds definitions, licensing requirements and makes certain other revisions (First Reading) (Refer to Planning Board)	84-89
2026-009	Authorization to contract for and expend a Fiscal Year 2026 Jail/Arrest Diversion Program Component Grant in the amount of \$20,000 from the Commonwealth of Massachusetts, Department of Mental Health (May be acted upon) (Majority Vote)	90-92

2026-010	Authorization to contract for and expend a grant in the amount of \$5,000 from the Cape Cod Five Bank to support the Schools Out Afterschool Recreation (SOAR) Program offered at the Hyannis Youth and Community Center (May be acted upon) (Majority Vote) 93-94
2026-011	Authorization to contract for and expend a Federal Fiscal Year 2025 Byrne Justice Assistance grant in the amount of \$20,000 from the U.S. Department of Justice through the Massachusetts State Police Department for costs incurred in State Fiscal Year 2025 (May be acted upon) (Majority Vote) 95-96
2026-012	Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning Article V Accessory Uses, by repealing Section 240-45 Off-street storage of trailers and replacing with a new section 240-45 Off-street parking and storage of commercial vehicles, trailers and mobile homes (First Reading) (Refer to Planning Board) 97-100
2026-013	Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 1 General Provisions, Article I Noncriminal Enforcement of Violations, to increase fines for zoning violations (Refer to Public Hearing 09/04/ 2025) 101-103
2026-015	Appointments to a Board/Committee/Commission: Licensing Authority: Nancy Karlson-Lidman from an associate position to a full member position to a term expiring 06/30/2028; Mike Trovato, as an associate member to a term expiring 06/30/2026; Shellfish Committee: James Weiler, as a member holding a family permit to a term expiring 06/30/2028 (First Reading) (Refer to Second Reading 09/04/2025) 104
2026-016	Reappointments to a Board/Committee/Commission: Council on Aging: Charles Coyle, as a regular member to a term expiring 06/30/2028 (First Reading) (Refer to Second Reading 09/04/2025) 105
2026-017	Resolve approving two fish weir applications from Cape Cod Artisanal Fisheries, LLC (May be acted upon) (Majority Vote) 106-107
2026-018	Resolve affirming the Town’s commitment to freedom, justice and equality for all Barnstable residents and visitors (May be acted upon) (Majority Vote) 108
2026-019	Appropriation and Loan Order in the amount of \$1,716,000 for the purpose of funding the design and construction of aircraft hardstands on the terminal apron at the Cape Cod Gateway Airport (Refer to Public Hearing 09/04/2025) 112-114
2026-020	Authorization for the Town Manager to execute a Host Community Agreement (HCA) with Holistic Health Group, Inc., a Medical Marijuana Treatment Center (First Reading) (Refer to Second Reading 09/04/2025) 115-125
2026-021	Appropriation Order in the amount of \$520,434 to design and construct improvements to Cotuit Memorial Park located at 889 Main Street in Cotuit (Refer to Public Hearing 09/18/2025) 126-127

Please Note: The lists of matters are those reasonably anticipated by the Council President which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the extent permitted by law. It is possible that if it votes, the Council may go into executive session. The Council may also act on items in an order other than as they appear on this agenda. Persons interested are advised that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, it may be continued to a future meeting, and with proper notice.

A. OLD BUSINESS (Public Hearing) (Majority Vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2025-195

INTRO: 06/26/2025, 07/17/2025, 08/21/2025

2025-195 AUTHORIZING THE TOWN MANAGER TO EXECUTE A DEVELOPMENT AGREEMENT BY AND AMONG THE TOWN OF BARNSTABLE, SHOESTRING PROPERTIES, LLC, LOCATED AT 110 AND 115 SCHOOL STREET, MAIN STREET TIMES, LLC, LOCATED AT 319 AND 331 MAIN STREET, AND 259 NORTH STREET LLC, LOCATED AT 310 BARNSTABLE ROAD, HYANNIS

ORDERED: That the Town Council hereby authorizes the Town Manager pursuant to Section 9-6 of Chapter 9 and Chapter 168 of the Town Code of the Town of Barnstable (the “Code”), to enter into and execute a Development Agreement by and among the Town of Barnstable and three Applicants:

1. Shoestring Properties, LLC for the properties located at 110 & 115 School Street, Hyannis, MA 02601 (“Dockside”), as shown on Town of Barnstable Assessors Map 326, Parcels 121 and 125, and more particularly described in Book 10473, Page 204, and Book 642, Page 74.
2. Main Street Times LLC for properties located at 319 and 331 Main Street, Hyannis, MA 02601 (“Cape Cod Times”), as shown on the Town of Barnstable Assessors Map 327, Parcels 102 and 106 and more particularly described in Book 32746, Page 290.
3. 259 North Street LLC for property located at 310 Barnstable Road, Hyannis, MA 02601 (“310 Barnstable”), as shown on the Town of Barnstable Assessors Map 310, Parcel 143 and more particularly described in Barnstable County Land Registration Office of the Land Court Registry Certificate #137681, as shown on Land Court Plan 16462-A Lot C, 16462-E Lot 2.

Collectively the three properties are referred to as the “Applicants’ Properties.”

This Development Agreement grants the requested relief concerning the Applicants’ requirements to dedicate a total of ten (10) residential housing units, in perpetuity, to the Town of Barnstable’s Inclusionary Affordable Housing Inventory, as required for the development of the Applicants’ Properties under Chapter 9, Article 1, of the Code and as part of their project permitting. The Town Council further authorizes the Town Manager, on behalf of the Town, to acquire, for no monetary consideration, from 259 North Street LLC a perpetual Affordable Housing Restriction, pursuant to G.L. c. 184, sections 31-32 and meeting the requirements for the Deed Restriction, as defined in the Development Agreement. It is hereby further ordered that the Town Manager is authorized to accept, negotiate, execute, receive, deliver and record any written instruments necessary to effectuate this Order.

DEVELOPMENT AGREEMENT
BY AND AMONG
THE TOWN OF BARNSTABLE

AND

SHOESTRING PROPERTIES, LLC
MAIN STREET TIMES, LLC
259 NORTH STREET, LLC

This Development Agreement ("Agreement") is entered into by and among the applicants, **Shoestring Properties, LLC, Main Street Times LLC**, and **259 North Street LLC** (collectively the "Developers" or "Applicants") and the **Town of Barnstable** (the "Town"), a Massachusetts municipal corporation with a mailing address of 367 Main Street, Hyannis, MA 02601, on this ____ day of _____, 2025, pursuant to Chapter 9, "Affordable Housing," of the Code of the Town of Barnstable ("Chapter 9") and Chapter 168 of the Code of the Town of Barnstable ("Chapter 168"). The Applicants are Massachusetts limited liability companies and share the mailing address of 297 North Street, Hyannis, MA 02601.

WITNESSETH:

WHEREAS, pursuant to Section 9-6 of Chapter 9 and Chapter 168 of the Town Code, the Town of Barnstable is authorized to enter this Agreement with the Developers.

WHEREAS, pursuant to Section 9-6 of Chapter 9 and Chapter 168 of the Town Code, the Town of Barnstable may enter into Development Agreements with qualified applicants in areas shown on the Regulatory Agreements District Map. Chapter 9 authorizes the Town to enter into Development Agreements "in accordance with Section 14 of the Cape Cod Commission Act ... which provides for the development of affordable housing in the Town and establishes the permitted uses, densities, location and other characteristics of the development." The subject properties are located within the area delineated for regulatory agreements.

WHEREAS, the Town of Barnstable has issued and approved building permits for the Developers' Properties at Shoestring Properties, LLC Project at 110 and 115 School Street, Hyannis, MA 02601 ("Dockside"); Main Street Times LLC Project at 319 and 331 Main Street, Hyannis, MA 02601 ("Cape Cod Times"); and 259 North Street LLC Project at 310 Barnstable Road, Hyannis, MA 02601 ("Barnstable Road") as described herein. Each Developer's project is referred to herein, as applicable, a "Property"; and the Developers' projects collectively referred to as the "Properties." The Properties are defined more specifically in "Exhibit A" attached hereto and incorporated herein.

WHEREAS, each such approval and building permit was subject to the Developers each designating a number of one-bedroom and two-bedroom units to the Town of Barnstable Inclusionary Affordable ("Inclusionary Affordable") rental or ownership inventory with Deed Restrictions in perpetuity as required by Chapter 9.

WHEREAS, there are ten (10) total units required to be so designated as Inclusionary Affordable Units by the Developers broken down as follows:

- Dockside at 110 and 115 School Street(5): (3) 1BR Units; (2) 2BR Units
- Cape Cod Times at 319 and 331 Main Street2 (2): (1) 1BR Unit; (1) 2BR Unit
- Barnstable Road at 310 Barnstable Road(3):(2) 1BR Units; (1) 2BR Unit

WHEREAS, the Dockside is currently at the early stages of development with expected occupancy in 2026.

WHEREAS, the Cape Cod Times currently has designated two (2) as Inclusionary Affordable Units;

WHEREAS, 310 Barnstable Road has been fully renovated and repurposed to residential housing and is ready for

occupancy with three (3) Inclusionary Affordable Units to be designated.

WHEREAS, the Developers propose to redirect and dedicate the Inclusionary Affordable Units from Cape Cod Times and Dockside (a total of 7 units) to 310 Barnstable Road.

WHEREAS, the designation of the Inclusionary Affordable Units comply with Chapter 9 of the Town Code and by redirecting and dedicating seven (7) of the Inclusionary Affordable Units to 310 Barnstable Road, the Developers will fulfill their obligations to the Town under the Developers' project permitting and Chapter 9.

WHEREAS, the Town and Developers desire to enter into a Development Agreement and this Agreement reflects their respective understandings and agreements with regard to the proposed redirection and designation of seven of the Inclusionary Affordable units to 310 Barnstable Road.

WHEREAS, the Developers commit to designation of ten (10) Inclusionary Affordable units in accordance with this Agreement and shall provide that 70% of the units be designated for town residents.

WHEREAS, the Developers have agreed that of the two two-bedroom units to be relocated from Dockside to 310 Barnstable, the Developers will upgrade the units to three-bedroom units, which are in very high demand;

WHEREAS, the Developers have represented that the Developers' projects, individually or collectively, will not require regulatory review under the Massachusetts Environmental Policy Act (MEPA);

WHEREAS, the Agreement is not subject to review by the Cape Cod Commission as a Development of Regional Impact due to its location in the Growth Improvement Zone (GIZ) and due to the adoption of Barnstable County Ordinance 2006-06 establishing a cumulative development threshold within the GIZ, under which this Redevelopment may proceed.

WHEREAS, the redirecting and designation of seven of the Inclusionary Affordable Units to 310 Barnstable Road and the Town's release of the Inclusionary Affordable Units at Dockside and Cape Cod Times was reviewed and approved by the Barnstable Housing Committee on January 23, 2025, at which time the Committee voted 3:0 to recommend favorable action.

WHEREAS, the Agreement has undergone a public hearing, which was opened and closed on February 24, 2025, and received an affirmative 4:0 majority vote from the Planning Board on February 24, 2025; and,

WHEREAS, the Agreement has undergone a public hearing which opened on _____ and closed on _____ before the Barnstable Town Council and received a _____ vote on _____, 2025;

NOW, THEREFORE, for and in consideration of the rights and privileges set forth in this Agreement and in accordance with its terms, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Developers, for themselves and their successors and assigns, hereby grant and jointly and severally agree that the Properties shall be subject to the following rights and restrictions which are hereby imposed for the benefit of, and enforceable by the Town.

1. Definitions.

In this "Agreement", in addition to the terms defined above, the following words and phrases shall have the following meanings:

Area means the Metropolitan Statistical Area which includes the Town.

Deed Restriction shall have the meaning set forth in Section 2(e) below.

Eligible Tenant means an individual or household earning no more than 100% of the Barnstable area median

income (AMI), as most recently published by HUD. If HUD discontinues publication of median income statistics, then the Monitoring Agent shall designate another measure of eligible income.

HUD means the United States Department of Housing and Urban Development.

Monitoring Agent means the Town or any successor or designee appointed by the Town.

Inclusionary Affordable Unit means a dwelling unit that by deed restriction is and will remain(a) available for sale and sold at a selling price that will result in an annual shelter cost of not more than 30% of the annual household income of a qualified affordable housing unit purchaser or (b) available for rental and rented at an annual rent that will result in an annual shelter cost of not more than 30% of the annual household income of a qualified affordable housing unit tenant, not including any unit rented to a tenant receiving rental assistance under 42 U.S.C. section 1437f or any similar rental assistance program

Term means in perpetuity.

2. Affordability

The Developers agree to construct the project in accordance with plans and specifications approved by the Town and shall comply with the following requirements:

- a. On or within ninety (90) days from the effective date of this Agreement, the Developers will redirect and designate the two inclusionary units (1-BR Unit and 2-BR unit) at Cape Cod Times to 310 Barnstable Road and will encumber the two units with a Deed Restriction as Inclusionary Affordable units in lieu of the two current units at Cape Cod Times.
- b. On or within ninety (90) days from the effective date of this Agreement, the Developers will redirect and designate the five (5) Affordable Inclusionary units (3-1BR units and 2-2 BR) at the Dockside project to 310 Barnstable Road and will upgrade the two two-bedroom units to two three-bedroom units, all of which will be encumbered with a Deed Restriction as Inclusionary Affordable units.
- c. The Developers will then have a total of ten (10) Inclusionary Affordable Units at 310 Barnstable Road immediately available for use and occupancy, rather than waiting several years for the Dockside at 110 and 115 School Street five (5) units to be built and occupied. The seven inclusionary units at 310 Barnstable Road will be immediately available for rent in lieu of the five units at the Dockside and the two units at Cape Cod Times at 319 and 331 Main Street. Of the 10 Units, 70% will be dedicated to Town residents.
- d. The Developers will be responsible for all costs associated with redesignation of the seven (7) Inclusionary Affordable units from Cape Cod Times and Dockside to 310 Barnstable Road, including the payment of all recording fees to record the Deed Restrictions and discharging the current deed restrictions on the Cape Cod Times and Dockside.
- e. "Deed Restriction" in this Agreement shall mean a perpetual Affordable Housing Restriction, which shall run with the land comprising the applicable 259 North Street LLC's property at 310 Barnstable Road, as described in Exhibit A, to be granted by the property owner, 259 North Street LLC, and accepted in writing by the Town pursuant to G.L. c. 184, §§ 31-32, and addressing, at a minimum, the requirements for the (10) Inclusionary Affordable Units and Sections 9-7 and 9-8 of Chapter 9 and Chapter 168 of the Town Code. The Parties understand and acknowledge that the Deed Restriction will require approval by the state Executive Office of Housing and Living Communities (EOHLC). If EOHLC withholds approval or fails to act on the Deed Restriction required under this Agreement, then the Town may rescind the Agreement and the Developers' obligations for Inclusionary Housing Units, including the location of the units, will be as existing prior to execution of the Agreement.

Prior to finalizing and executing the Deed Restriction, the Developers, at their sole cost, shall cause a

licensed attorney in good standing in the Commonwealth to undertake a title examination and certify title to the 310 Barnstable Road properties, as described in Exhibit A, in writing to the Town of Barnstable. The title examination and certification shall be performed to specifications acceptable to the Town and shall include a detailed narrative of title.

Prior to recording the executed Deed Restriction, the Developers shall cause any lien, mortgage, easement, or other encumbrance or interest of record affecting the 310 Barnstable Road property, as described in Exhibit A, to be fully subordinated, with no conditions and subject to the consent of the Town, to the Deed Restriction. The Developers shall cause said subordination instruments to be recorded prior to recording the Deed Restriction. The Deed Restriction, subordination instruments and any other necessary documents shall be recorded at the expense of the Developers.

- f. The Developers agree not to apply for Certificates of Occupancy for the Properties until all conditions of this Agreement have been met, including finalizing and recording the Deed Restriction.
- g. This Agreement is transferable to a person or entity other than the Developers (hereafter, the "Transferees") with prior written notice to the Town Manager and contingent upon the Developers demonstrating in writing their compliance with all the requirements of this Agreement and subject to the written consent of the Town Manager. However, no such notice to the Town shall be effective unless it includes a written acknowledgment by the Transferees that they have read this Agreement, and any amendments thereto, and they agree to be bound by the terms and conditions set forth herein, in which event after such assignment the transferor shall be relieved of liability from and after the date of transfer. Upon receipt of such written notice of transfer, and subject to a determination by the Town Manager that that the Developers are in compliance with all the then-applicable requirements of the Agreement, the Transferees and the Town Manager shall execute a minor amendment to this Agreement acknowledging: the Transferees are a signatory to this Agreement, the Transferees agree to be bound by the terms and conditions set forth herein and any subsequent amendments hereto, and that the Transferees assume all obligations under the Agreement. No Planning Board or Town Council approval is required for such a minor amendment acknowledging such a transfer in ownership.
- h. This Agreement may not be used to prevent the Town of Barnstable or other governmental agency from requiring qualified applicants to comply with the laws, rules and regulations and policies enacted after the date of this Agreement, if the Town of Barnstable or governmental agency determines that the imposition of and compliance with the newly effective laws and regulations are essential to ensure the public health, safety or welfare of the residents of all or part of the Town.

3. Non-discrimination.

The Developers shall not discriminate on the basis of race, creed, religion, color, sex, age, handicap, marital status, national origin, sexual orientation, familial status, genetic information, ancestry, children, receipt of public assistance, or any other basis prohibited by law in the selection of tenants; and the Developers shall not so discriminate in connection with the employment or application for employment of persons for the construction, operation or management of the Properties.

4. Inspection.

The Developers agree to comply and to cause the Properties to comply with the Agreement application as approved by the Barnstable Housing Committee at its meeting of January 23, 2025 and by the Planning Board at its meeting of February 24, 2025, and all other applicable laws, rules and regulations. The Town shall have access during normal business hours to all books and records of the Developers and the Properties upon reasonable prior written notice to the Developer in order to monitor the Developers' compliance with the terms of this Agreement but without any unreasonable interference with the operations at the Properties.

5. Recording.

Upon execution, the Developers shall immediately cause this Agreement and any amendments hereto to be recorded with the Barnstable County Registry of Deeds, or, if the Properties consist in whole or in part of registered land, file this Agreement and any amendments hereto with the Registry District of the Land Court for the County where the Properties are located (collectively hereinafter the "Registry of Deeds"), and the Developers shall pay all fees and charges incurred in connection therewith. Upon recording or filing, as applicable, the Developers shall as soon as possible transmit to the Town evidence of such recording or filing including the date and instrument, book and page or registration number of the Agreement.

6. Representations.

The Developers hereby represent and warrant as follows:

(a) The Developers (i) have the power and authority to own their properties and assets and to carry on its business as now being conducted, and (ii) have the full legal right, power and authority to execute, deliver and fully perform their obligations under this Agreement.

(b) The execution and performance of their obligations under this Agreement by the Developers

(i) will not violate or, as applicable, has not violated any provision of law, rule or regulation, or any order of any court or other agency or governmental body to which the Project or Properties are subject, and

(ii) will not violate or, as applicable, has not violated any provision of any indenture, agreement, mortgage, mortgage note, or other instrument to which the Developers are parties or by which they or the Project or Properties are bound, and (iii) will not result in the creation or imposition of any prohibited encumbrance of any nature.

(c) The Developers will, at the time of execution and delivery of this Agreement, have good and marketable title to the Properties free and clear of any lien or encumbrance (subject to encumbrances created pursuant to this Agreement, any loan documents relating to the Project or Properties, or other permitted encumbrances, including mortgages referred to in paragraph 12, below).

(d) There is no action, suit or proceeding at law or in equity or by or before any governmental instrumentality or other agency now pending, or, to the knowledge of the Developers, threatened against or affecting it, or any of its properties or rights, which, if adversely determined, would materially impair its right to carry on business substantially as now conducted (and as now contemplated by this Agreement) or would materially adversely affect their financial condition.

7. Transfer Restrictions.

Subject to demonstrating compliance in writing and the consent of the Town Manager as set forth in Section 2(g) above and prior to any approved transfer of ownership of the Project or Properties, the Developers agree to secure from the Transferee a written agreement stating that Transferee will assume in full the Developers' obligations and duties under this Agreement and provide a copy of said executed written agreement to the Town thirty (30) days prior to any such transfer.

8. Amendment.

Any Developer that is party to this Agreement may petition the Town of Barnstable to amend or rescind this Agreement pursuant to the terms of Chapter 168-10 of the Town Code.

9. Notices.

All notices to be given pursuant to this Agreement shall be in writing and shall be deemed given when delivered by hand or when mailed by certified or registered mail, postage prepaid, return receipt requested, to

the parties hereto at the addresses set forth below, or to such other place as a party may from time to time designate by written notice.

IN WITNESS WHEREOF, the Parties, each duly authorized, have hereunto caused this Agreement to be executed as a sealed instrument on the day and year first above written.

Applicants:

Town of Barnstable

Shoestring Properties, LLC

By:

By its sole manager:

Holly Management and Supply Corporation

Stuart A. Bornstein,
President and Treasurer

Mark S. Ells, Town Manager

Date: _____

Date: _____

Main Street Times LLC

By:

Aaron B. Bornstein, Manager

Date: _____

259 North Street LLC

By its sole manager:

Holly Management and Supply Corporation

Stuart A. Bornstein

Date: _____

EXHIBIT A
PROPERTY DESCRIPTION

Property address: 110 and 115 School Street, Hyannis, MA 02601(Dockside); Assessors Map 326, Parcels 121 and 125

The land together with the buildings thereon situated in the Town of Barnstable (Hyannis), Barnstable County Massachusetts described as follows:

Parcel I – being the same premises shown on a plan of land entitled “Plan of Land in Hyannis – Barnstable, Mass. belonging to Lewis Bay Lodge, Inc., Scale: 1” = 50’ dated December 20, 1961, John C. O’Toole, Surveyor” and recorded with said Deeds in Plan Book 167, Page 41 to which reference may be made for a more detailed description.

Together with all littoral rights appurtenant thereto and together with all rights over the streets and ways as shown on said plan in common with all others lawfully entitled to use the same for all purposed for which streets or ways are commonly used in the Town of Barnstable, Massachusetts.

Parcel II – being the land located in Barnstable (Hyannis) containing by calculation 24,819 square feet of land, more or less and being delineated as PARCEL A on a plan entitled “Land in Hyannis, Massachusetts owned by Lewis Bay Motel, Restaurant & Marine, Inc.” dated January 24, 1992 by Bouley Brother, Inc., Registered Land Surveyors, Worcester, MA” and recorded in Plan Book 485, Page 93.

Subject to and together with all rights, reservations, easement and restrictions of record insofar as the same are in force and applicable.

For title see Deed recorded in Book 10473, Page 204.

Property address: 331 Main Street, Hyannis, MA 02601 (Cape Cod Times); Assessors Map 327, Parcels 102 and 106

Parcel One – That certain parcel of land situated in the Town of Barnstable (Hyannis), Barnstable County, Massachusetts described as follows:

Beginning at the Northeast corner of the granted premises at a concrete bound in the Southerly line of Main Street and at the Northwest corner of a right of way hereinafter mentioned; and thence running South 15°09’East in the Westerly sideline of said hereinafter mentioned right of way through a concrete bound two hundred eight (280) feet, more or less to land of Claretta M. Stuart; and thence running South 60°52’10”West eight-four and 90/100 (84.90) feet, more or less by land of said Stuart to a stone bound and land of Hyannis Women’s Club; and thence running North 16°24’20”West by land of Hyannis Women’s Club, Georgie A. Kenney and Inter Cities Realty Corporation, two hundred sixty-nine and 40/100 (269.40) feet, more or less to a drill hole in a concrete bound at Main Street; and thence running North 73°44’East by said Main Street ninety and 36/100 (90.36) feet, more or less to a concrete bound at the point of beginning.

Together with a right of way in common with others entitled thereto over a twenty-five (25) foot right of way extending Southerly from Main Street to the Northerly line of land of said Claretta M. Stuart adjoining the Easterly line of the above-described premises. Said right of way is to be used only in any manner reasonably required for travel to and from Main Street in connection with the use of the premises.

Parcel Two - That certain parcel of land situated in the Town of Barnstable (Hyannis), Barnstable County, Massachusetts containing an area of 35,400 square feet, more or less and being shown on plan entitled “Plan of Land – Hyannis – Barnstable, Mass. as surveyed for Claretta Stuart, Scale: 1” = 40’ dated December 1956, Whitney & Bassetts, Architects & Engineers, Hyannis, Mass.,” which plan is recorded in Plan Book 132, Page 35.

Excepting from the above land is that certain parcel of land being shown as Parcel A on plan recorded in Plan

Book 215, Page 147 and more particularly described in a Deed from Ottaway Newspapers-Radio, Inc. to the Town of Barnstable dated October 26, 1967, and recorded in Book 1385, Page 439.

Together with rights of access as reserved in Deed recorded in Book 1385, Page 439.

Parcel Three - That certain parcel of land situated in the Town of Barnstable (Hyannis), Barnstable County, Massachusetts bounded and described as follows:

On the West about eighty-eight and 5/10 (88.5) feet by Ocean Street; and On the North about ninety-five and 13/100 (95.13) feet by land now or formerly of the Investor's Security Trust; and On the East about eight-four and 38/100 (84.38) feet by land formerly of Hugh R. Ferguson; and on the South about ninety-nine and 5/10 (99.5) feet by land of the Hyannis Women's Club.

Parcel Four - That certain parcel of land situated in the Town of Barnstable (Hyannis), Barnstable County, Massachusetts shown on a land of "Hyannis Women's Club" on a plan entitled "Plan of Land in Hyannis, Barnstable, Mass. for E. Anthony & Sons, Inc." Scale: 1' = 40' and dated December 1962, David H. Greene, Surveyor, Hyannis, Mass. and recorded in Plan Book 242, Page 157.

For title see Deed recorded in Book 32746, Page 290.

Property address: 319 Main Street, Hyannis, MA 02601 (Cape Cod Times)

The land together with any buildings thereon located at 331 Main Street Hyannis, Barnstable County, Massachusetts situated at the corner of Main Street and Ocean Street in Hyannis, Barnstable County, Massachusetts being shown as LOTS A and B1 on a plan entitled "Subdivision of Land of Inter Cities Realty Corporation in Hyannis, Barnstable, Mass.," dated March 1935, prepared by Sumner Shein, CE and recorded in Plan Book 50, Page 111, to which reference may be made for a more detailed description. See also plan recorded in Plan Book 597, Page 70.

Excepting from the above-referenced parcel the Southwesterly corner thereof shown on plan recorded in Plan Book 53, Page 47 and bounded and described on Exhibit B of deed recorded in Book 32746, Page 290.

Subject to and with the benefit of all rights, reservations, easements and restrictions of record insofar as the same are in force and applicable.

For title see Deed recorded at Book 32746, Page 290.

Property address: 310 Barnstable Road, Hyannis, MA 02601 (Barnstable Road); Assessors Map 310, Parcel 143

The land situated in the Town of Barnstable (Hyannis), Barnstable County, Massachusetts being shown as **LOT C** on Land Court Plan No. 16462-A; and **LOT 1** on Land Court Plan No. 16462-E.

Subject to and with the benefit of all rights, reservations, easements and restrictions of record insofar as the same are in force and applicable.

For title see Deed registered as Document No. 643,051 filed with Certificate of Title No. 137681.

BARNSTABLE TOWN COUNCIL

ITEM# 2025-195

INTRO: 06/26/2025, 07/17/2025, 08/21/2025

SUMMARY

TO: Town Council
FROM: Jim Kupfer, AICP, Planning & Development Director
THROUGH: Mark Ells, Town Manager
DATE: July 17, 2025
SUBJECT: Authorizing the Town Manager to execute a Development Agreement by and among the Town of Barnstable, Shoestring Properties, LLC, located at 110 and 115 School Street, Main Street Times, LLC, located at 319 and 331 Main Street, and 259 North Street LLC, located at 310 Barnstable Road, Hyannis

BACKGROUND: Pursuant to Section 9-6 of Chapter 9 of the Town Code, the Town may enter into Development Agreements for Inclusionary Affordable Housing Requirements under Chapter 9, Article 1, of the Town Code in areas delineated on the Regulatory Agreements District Map. Applicants may apply to enter into a Development Agreement pursuant to and following the process for Regulatory Agreements under Chapter 168 of the Town Code. The subject properties are located within the area delineated for such agreements. Pursuant to Section 168-5 of Chapter 168, no such agreement may be executed by the Town Manager without there first being an affirmative, majority vote by the Planning Board and the Town Council recommending the execution of the regulatory agreement.

Shoestring Properties LLC, Main Street Times LLC, and 259 North Street LLC seek to enter into a Regulatory Agreement with the Town of Barnstable to deed-restrict seven affordable units located at 310 Barnstable Road, in lieu of the five affordable units required at the Dockside development (110 & 115 School Street) and two affordable units required at the Cape Cod Times building (319 & 331 Main Street).

On December 2, 2024, Shoestring Properties, LLC, Main Street Times LLC, and 259 North Street LLC submitted an application to the Planning Board for a Development Agreement pursuant to Chapters 9 and 168 of the Town Code.

The Planning Board held a duly-posted and noticed public hearing on the proposal on February 24, 2025. At the conclusion of the hearing, the Planning Board unanimously voted to recommend Town Council to execute the Development Agreement consistent with the final agreement reviewed by the Board.

FINANCIAL IMPACT: Approval of the proposed Development Agreement will have no significant fiscal impact.

STAFF ASSISTANCE: Jim Kupfer, AICP, Planning & Development Director

A. OLD BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2025-196

INTRO: 06/26/2025, 07/17/2025, 08/21/2025

2025-196 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Council on Aging:** Christine Beer from an associate position to a full member position to a term expiring 06/30/2028, Stephanie Parish, as a regular member to a term expiring 06/30/2028; **Comprehensive Financial Advisory Committee:** Frank Ward, as a regular member to a term expiring 06/30/2027; **Historical Commission:** Barbara Cuggino DeBiase as the Historical Commission Representative member to the Community Preservation Committee to a term expiring 06/30/2028.

SPONSOR: Appointments Committee Members: Councilor Kristin Terkelsen, (Chair); Councilor Jeffrey Mendes; Councilor John Crow; Councilor Charles Bloom; and Councilor Seth Burdick

DATE	ACTION TAKEN
<u>06/26/2025</u>	<u>Referred to Second Reading 07/17/2025</u>

____ Read Item
____ Rationale
____ Council Discussion
____ Vote

A. OLD BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2025-197

INTRO: 06/26/2025, 07/17/2025, 08/21/2025

2025-197 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council reappoints the following individuals to a multiple-member Board/Committee/Commission: **Airport Commission:** Bradley Bailey, as a regular member term expiring 06/30/2028; Mark Guidod, as a regular member, to a term expiring 06/30/2028; **Board of Health:** Donald Guadagnoli, MD, as a regular member to a term expiring 06/30/2028; Steven Waller, MD, as a regular member to a term expiring 06/30/2028; **Community Preservation Committee:** Steven Robichaud, as a Planning Board representative member, to a term expiring 06/30/2028; Farley Lewis, as a regular member to a term expiring 06/30/2028; **Comprehensive Financial Advisory Board:** Lillian Woo, as a regular member to a term expiring 06/30/2028; Christopher Lauzon, as a regular member to a term expiring 06/30/2028; **Disability Commission:** Patricia Ericson-Taylor, as a regular member to a term expiring 06/30/2028; **Golf Committee:** Mark Bushway, as a regular member to a term expiring 06/30/2028; Susanne Conley, as a regular member to a term expiring 06/30/2028; Geoffrey Converse, as a regular member to a term expiring 06/30/2028; William Sylva, as a regular member to a term expiring 06/30/2028; **Historical Commission:** Jack Kay, as a regular member to a term expiring 06/30/2028; **Housing Committee:** Eileen Elias, as an alternate member to a term expiring 06/30/2028; Chris Beach, as a regular member to a term expiring 06/30/2028; **Infrastructure and Energy Committee:** Jane Ward, as a regular member to a term expiring 06/30/2028; Barry Sheingold, as a regular member to a term expiring 06/30/2028; **John F. Kennedy Memorial Trust Fund Committee:** William Murphy, as a Recreation Commission Representative member to a term expiring 06/30/2028; Wendy Northcross, as a regular member to a term expiring 06/30/2028; **Licensing Authority:** John Flores, as a regular member to a term expiring 06/30/2028; Jessica Sylver, as an associate member to a term expiring 06/30/2028; **Recreation Commission:** James O'Leary, as a regular member to a term expiring 06/30/2028; **Sandy Neck Board:** William Monroe, as a member at large, to a term expiring 06/30/2028; William Carey, as a member at large to a term expiring 06/30/2028; **Shellfish Committee:** William Cherepon, as a member at large to a term expiring 06/30/2028; Gloriann Hurwitz, as a member holding a family permit to a term expiring 06/30/2028; **Waterways Committee:** Jacob Angelo, as a regular member to a term expiring 06/30/2028; Todd Walantis, as a regular member to a term expiring 06/30/2028; **Zoning Board of Appeals:** Larry Hurwitz, as an associate member to a term expiring 06/30/2028; Paul Pinard, as a regular member to a term expiring 06/30/2028.

SPONSOR: Appointments Committee Members: Councilor Kristin Terkelsen, (Chair); Councilor Jeffrey Mendes; Councilor John Crow; Councilor Charles Bloom; and Councilor Seth Burdick

DATE ACTION TAKEN

06/26/2025 Referred to Second Reading 07/17/2025

____ Read Item
____ Rationale
____ Council Discussion
____ Vote

A. OLD BUSINESS (Refer to Public Hearing 09/04/2025)

BARNSTABLE TOWN COUNCIL

ITEM# 2025-198

INTRO: 06/26/2025, 07/17/2025, 08/21/2025

**2025-198 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$2,500,000
IN COMMUNITY PRESERVATION ACT FUNDS FOR THE PURPOSE OF
INCREASING THE NUMBER AND AVAILABILITY OF COMMUNITY
HOUSING UNITS IN THE TOWN OF BARNSTABLE**

ORDERED: That pursuant to the provisions of the Community Preservation Act, G.L. c. 44B, the amount of **\$2,500,000** be appropriated and transferred from the funds set aside for Community Housing Funds within the Community Preservation Fund and secondly from the Community Preservation Undesignated Fund for the purpose of the Affordable Housing/Growth & Development Trust Fund, and that the Affordable Housing/Growth & Development Trust Fund Board is authorized to contract for and expend the total appropriation of Two Million Five Hundred Thousand Dollars (**\$2,500,000**) to increase the number and availability of community housing units within the Town of Barnstable by both funding and initiating projects and programs for that purpose, subject to the oversight by the Community Preservation Committee.

SPONSOR: Mark S. Ells, Town Manager, upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
<u>06/26/2025</u>	<u>Refer to Public Hearing 07/17/2025</u>

_____	Read Item
_____	Motion to Open Public Hearing
_____	Rationale
_____	Public Hearing
_____	Close Public Hearing
_____	Council Discussion
_____	Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2025-198

INTRO: 06/26/2025, 07/17/2025, 08/21/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lindsey Counsell, Chair, Community Preservation Committee
DATE: June 26, 2025
SUBJECT: Appropriation and Transfer Order in the amount of **\$2,500,000** in Community Preservation Act Funds to increase the number and availability of community housing units in the Town of Barnstable

BACKGROUND: At the June 2, 2025, Community Preservation Committee (CPC) meeting, the seven Committee members present voted unanimously to recommend to the Town Council, through the Town Manager, the Affordable Housing Growth & Development Trust Board's (Trust) request for \$795,821 in Community Preservation Community Housing and \$1,704,179 in Community Preservation Undesignated Funds. This amount represents an additional \$2.5 million in Community Preservation Act (CPA) Funds to be transferred to and administered by the Trust to continue to utilize the Trust's unique statutory flexibility to create, acquire, preserve, and support community housing.

Following positive recommendations from the CPC in 2020, 2021, and October 2023, the Town Council voted unanimously to appropriate a total of \$2.5 million each year for the purpose of increasing the number and availability of affordable community housing units within the Town of Barnstable. Since the CPA funds became available, the Trust has expended \$1,402,266 and committed \$5,145,000 to address the Town's community housing needs with additional projects under consideration. There currently remains an uncommitted balance of \$952,734 in CPA sourced funds and \$53,977 in other Trust funds. In response to the heightened and ongoing housing affordability crisis, the Trust is seeking additional funds to continue incentives for construction, preservation, and production of community housing, as well as expanding efforts to support and supplement aid to prevent homelessness and bring stability to households facing housing insecurity.

FISCAL IMPACT: This appropriation has no impact on the General Fund since the entire amount is appropriated and transferred from the Community Preservation Fund. \$795,821 of this request will be provided from the set-aside in the Community Preservation Fund for Community Housing, and \$1,704,179 will be provided from the Community Preservation Fund's undesignated reserve, which has a current available balance of \$10,488,734.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this appropriation.

STAFF ASSISTANCE: Mark A. Milne, Director of Finance

VOLUNTEER STAFF ASSISTANCE: Lindsey Counsell, Chair, Community Preservation

B. NEW BUSINESS (Refer to Public Hearing 09/04/2025)

BARNSTABLE TOWN COUNCIL

ITEM# 2025-202

INTRO: 06/26/2025, 07/17/2025, 08/21/2025

**2025-202 RESOLVE APPROVING AND ADOPTING THE TOWN OF BARNSTABLE
2025 LOCAL COMPREHENSIVE PLAN DATED JUNE 9, 2025**

WHEREAS, in accordance with the Cape Cod Commission Act (Chapter 716 of the Acts of 1989, as amended) and the Local Comprehensive Plan Regulations promulgated thereunder, the Town of Barnstable 2025 Local Comprehensive Plan contains a comprehensive existing conditions report, community vision statement, topic and location specific goals and actions and implementation strategies to achieve the Plan's goals over the next 10 or so years in the Town of Barnstable; and

WHEREAS, the Town of Barnstable 2025 Local Comprehensive Plan was presented in draft form to the Town Planning Board at a duly noticed public meeting held on June 9, 2025; and

WHEREAS, at its June 9, 2025 meeting, the Planning Board unanimously voted to recommend approval of the Local Comprehensive Plan to the Town Council;

NOW, THEREFORE, BE IT RESOLVED: That the Town Council hereby approves and adopts the Town of Barnstable 2025 Local Comprehensive Plan dated June 9, 2025, in the form as provided to the Town Council and presented at this meeting, and directs and authorizes the Town Clerk to submit the Local Comprehensive Plan to the Cape Cod Commission for certification that it is in compliance with the regional policy plan prepared by the Cape Cod Commission.

SPONSOR: Mark S. Ells, Town Manager, upon recommendation of the Local Comprehensive Planning Committee

DATE	ACTION TAKEN
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<u>06/26/2025</u>	<u>Refer to Public Hearing 07/17/2025</u>
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_____	_____
_____	Read Item
_____	Rationale
_____	Public Hearing
_____	Close Public Hearing
_____	Council Discussion
_____	Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2025-202

INTRO: 06/26/2025, 07/17/2025, 08/21/2025

SUMMARY

TO: Town Council
FROM: Jim Kupfer, Director of Planning and Development
THROUGH: Mark S. Ells, Town Manager
DATE: June 26, 2025
SUBJECT: Resolve approving and adopting the Town of Barnstable 2025 Local Comprehensive Plan dated June 9, 2025

BACKGROUND: A Local Comprehensive Plan (LCP) defines a long-term vision and growth policy that guides the future of a Town, for an established duration, generally over the course of 10 to 20 years, that anticipates and guides development, land use, infrastructure, and resource protection ultimately defining a targeted action plan for future work and resource allocation with respect to the community's vision, values and expectations. The 2025 Barnstable Local Comprehensive Plan (LCP) serves as a guide and resource for elected officials, board members, and residents when considering future decisions including policies related to development, infrastructure, the economy, and resource protection.

The Local Comprehensive Plan process was steered by the Local Comprehensive Planning Committee (LCPC). The LCPC was made up of volunteer residents of the community that were appointed by the Town Manager and ratified by Town Council to better facilitate and communicate the planning process, to assure the long-term land use plan reflected the community's needs and to support a robust inclusive engagement of the greater community for this important planning effort. This three-year effort involved a collaborative public process to identify a vision, define key issues, and develop actionable steps to guide decision making over the next 10 years.

The Local Comprehensive Plan was completed in two phases. Phase I commenced with coordination and amassing Existing Conditions with narrative and data for the current status of the Town through detailed data analysis and interviews with stakeholders and town departments. The community Vision Statement was developed through community engagement and in reflection of existing conditions. Phase II built upon the foundation of information coordinated under the initial phase to focus on specific topic issues and needs for Land Use, Housing, Natural Resources, Infrastructure, Facilities, Economic Development and Culture, Heritage and Design. Building upon the Town's Current Land Use Map, Future Land Use Maps were developed. The Regulatory Areas Map identifies future land use types geographically across Town and the Study Areas Map identifies four areas for further land use study. Ultimately, the Targeted Action Plan was developed with topic and location specific land use goal and actions to be achieved over the next 10 years. The Plan Implementation defines a process for which the goals and actions defined within the Plan can be coordinated by the Town Council in collaboration with Town Boards, Committees, Commissions, Town Departments, and other Town organizations.

The Local Comprehensive Plan was presented to the Town of Barnstable Planning Board at a duly noticed public meeting held on June 9, 2025, at which the Planning Board unanimously voted to recommend approval of the Local Comprehensive Plan to the Barnstable Town Council.

Although this item is a resolve that could be approved with one reading, we are providing more process than what is required by adding a second reading and a public hearing to provide additional notice to the public as well as to give the public an opportunity to provide comments to the Council.

If approved by the Barnstable Town Council, the plan will be forwarded to the Cape Cod Commission by the Town Clerk for review and certification that it is consistent with the Commission's regional policy plan. The Cape Cod Commission will review the Town's plan for approval to confirm that it satisfies the requirements detailed in the Cape Cod Commission's Local Comprehensive Plan Regulations as authorized under Sections 4 and 9 of the Cape Cod Commission Act (Act), Chapter 716 of the Acts of 1989, as amended.

FINANCIAL IMPACT: There is no fiscal impact of this resolution.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this item.

STAFF SUPPORT: Jim Kupfer, Director of Planning and Development; Kyle Pedicini, Assistant Director of Planning & Development; Kate Maldonado, Senior Planner of Planning & Development

B. NEW BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2026-001

INTRO: 07/17/2025, 08/21/2025

2026-001 AUTHORIZATION TO EXPEND A FISCAL YEAR 2026 GRANT IN THE AMOUNT OF \$7,500 FROM THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION TO BE USED TOWARDS THE PURCHASE OF ONE ELECTRIC CHEVY EQUINOX

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2026 Massachusetts Department of Environmental Protection grant in the amount of **\$7,500** to be used towards the purchase of one electric Chevy Equinox for the use of Barnstable Government Access Television.

SPONSOR: Councilor Gordon Starr, Precinct 1

DATE	ACTION TAKEN
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_____	_____
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_____	_____
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_____	Read Item
_____	Rationale
_____	Council Discussion
_____	Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2026-001

INTRO: 07/17/2025, 08/21/2025

SUMMARY

TO: Town Council
FROM: Mark Ells, Town Manager
THROUGH: David Anthony, Director of Asset Management
DATE: July 17, 2025
SUBJECT: Authorization to expend a Fiscal Year 2026 grant in the amount of \$7,500 from the Massachusetts Department of Environmental Protection to be used towards the purchase of one electric Chevy Equinox

BACKGROUND: Through the work of Sean Hogan, Environmental and Sustainability Manager for the Town of Barnstable, the Massachusetts Department of Environmental Protection (MassDEP) is pleased to announce that the Town of Barnstable (Grantee) has been awarded a grant of \$7,500 towards the purchase of one Chevy Equinox.

RATIONALE: The Massachusetts Electric Vehicle Incentive Program (MassEVIP) Fleets program is funded through the Climate Protection and Mitigation Expendable Trust (CMT). The CMT was established in 2018 in concert with MassDEP regulation 310 CMR 7.74 (Reducing CO₂ Emissions from Electricity Generating Facilities) and 310 CMR 7.75 (Clean Energy Standard). Funds are generated for the CMT through the auction of CO₂ allowances under 310 CMR 7.74 and the submittal of alternative compliance payments (ACP) under 310 CMR 7.75. MassDEP administers the auction and collects the ACP payments. CMT funds support programs or projects that reduce greenhouse gas emissions to mitigate the impacts of climate change, to support adaptation to the impacts of climate change, and for the administration of the program. This Agreement is for the purpose of reducing NO_x and greenhouse gas emissions in Massachusetts, and to electrify the Massachusetts transportation network.

Meeting state climate goals will require aggressive electrification of the transport sector with a goal of 900,000 EVs on the road by 2030 in the state of MA. To meet this goal municipalities must begin transitioning their fleets to electric vehicles. The purchase of this EV will act as a first step in the conversion of our light duty vehicles.

FISCAL IMPACT: EVs are lauded for their lower maintenance costs but often have a higher initial acquisition cost. This grant offsets that higher initial cost and allows the Town to potentially replace a combustion vehicle of similar sedan type. Funding for the balance of the vehicle is provided from the PEG Enterprise Fund Operating Budget.

This is a reimbursement grant, so the money would be received once we can document the acquisition of the vehicle.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends acceptance of this grant.

STAFF ASSISTANCE: David Anthony, Director of Asset Management; Sean Hogan Environmental and Sustainability Manager; Sarah Beal-Fletcher, Barnstable Government Access Station Manager

**B. NEW BUSINESS (First Reading) (Refer to Second Reading
09/04/2025)**

BARNSTABLE TOWN COUNCIL

ITEM# 2026-002
INTRO: 07/17/2025, 08/21/2025

**2026-002 ORDER AUTHORIZING THE GRANT OF AN EASEMENT FOR ELECTRIC
FACILITIES ON TOWN-OWNED LAND AT 382 FALMOUTH ROAD IN
HYANNIS**

ORDERED: That the Town Council hereby authorizes the Town Manager, on behalf of the Town, as part of a negotiated transaction and for nominal monetary consideration, to grant a perpetual easement to NSTAR Electric Company, doing business as Eversource Energy, or one of its related entities for the installation and operation of an underground line for the distribution of electricity, related lines for control, relay and communication purposes, and associated at-grade appurtenances, including manholes, to serve the Town-owned land located at 382 Falmouth Road in Hyannis, shown as Assessor Parcel 293-001, and described in an order of taking recorded at the Barnstable County Registry of Deeds in Book 511, Page 242. The easement area consists of 5,700± square feet located on the Town-owned land and is shown as “15’ Wide Utility Easement” on a plan captioned “Electric Easement Exhibit Plan” “382 Falmouth Road - Hyannis Village – Barnstable, MA”, prepared by the Town of Barnstable, Department of Public Works, dated July 1, 2025, and attached hereto. The Town Manager is authorized to negotiate, accept, sign, deliver and record any documents, and may make minor modifications to the easement area and the plan as necessary to effectuate this Order and complete this transaction.

SPONSOR: Mark S. Ells, Town Manager

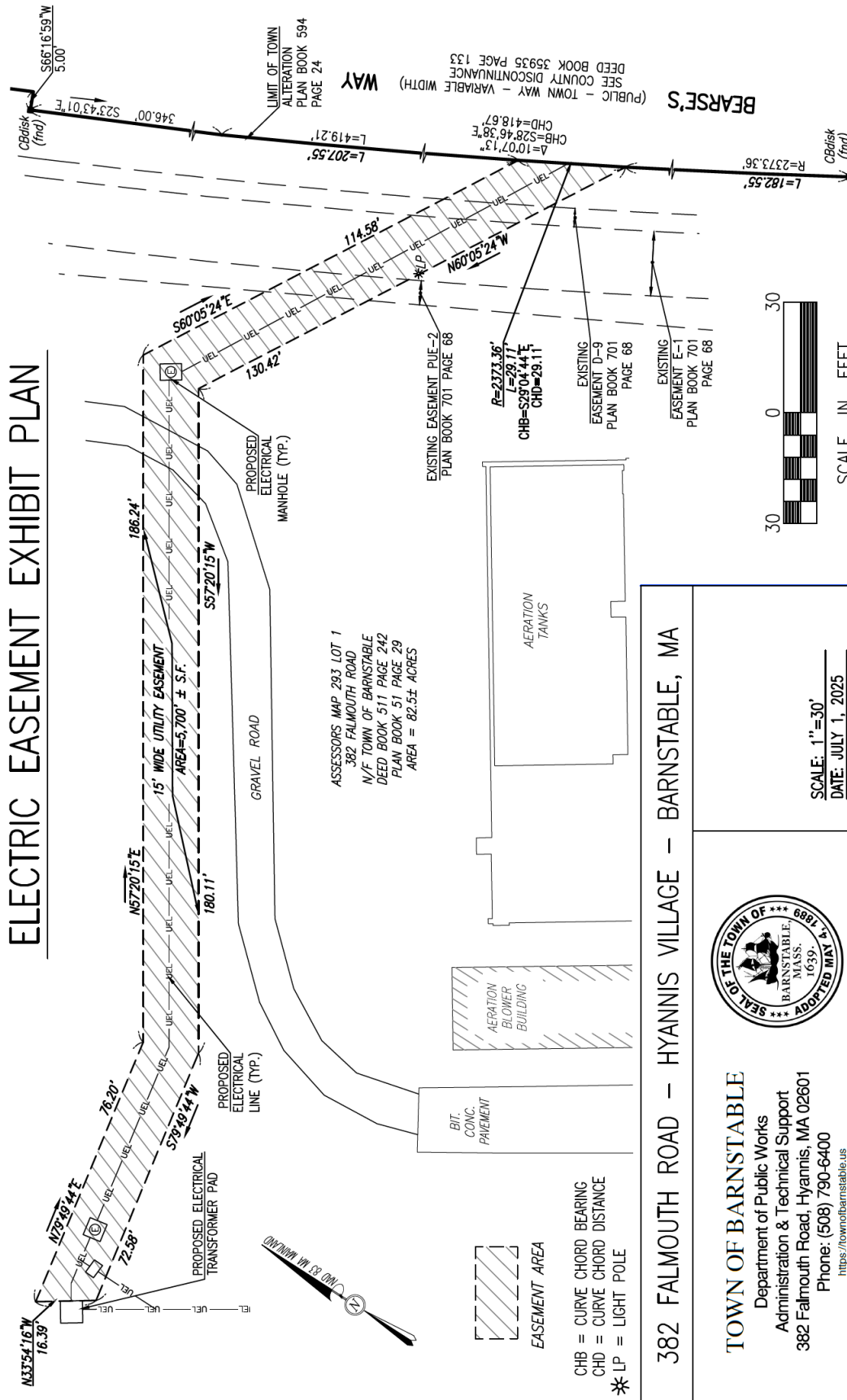
DATE	ACTION TAKEN
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_____	_____
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_____	_____
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_____	Read Item
_____	Rationale
_____	Council Discussion
_____	Vote

ELECTRIC EASEMENT EXHIBIT PLAN



382 FALMOUTH ROAD — HYANNIS VILLAGE — BARNSTABLE, MA



TOWN OF BARNSTABLE
 Department of Public Works
 Administration & Technical Support
 382 Falmouth Road, Hyannis, MA 02601
 Phone: (508) 790-6400
<https://townofbarnstable.us>

SCALE: 1"=30'
 DATE: JULY 1, 2025

BARNSTABLE TOWN COUNCIL

ITEM# 2026-002

INTRO: 07/17/2025, 08/21/2025

SUMMARY

TO: Town Council
FROM: Thomas J. LaRosa, First Assistant Town Attorney
THROUGH: Mark S. Ells, Town Manager
DATE: July 17, 2025
SUBJECT: Order authorizing the grant of an easement for electric facilities on town-owned land at 382 Falmouth Road in Hyannis

BACKGROUND: As part of the improvements planned at the Water Pollution Control Facility, the Town's Department of Public Works ("DPW") requires the installation of a new underground electric service. Prior to installing an electric service, NSTAR Electric Company, doing business as Eversource Energy, requires that their customer grant an easement to NSTAR Electric Company, which would provide them with the right to install and maintain their electric service on the customer's property. The authorization requested from the Town Council would allow the Town to grant such an easement to NSTAR Electric Company or one of their related entities.

The easement area consists of 5,700± square feet and is shown as "15' Wide Utility Easement" on the attached plan captioned "Electric Easement Exhibit Plan" "382 Falmouth Road - Hyannis Village – Barnstable, MA", prepared by the Town of Barnstable, Department of Public Works, and dated July 1, 2025. The Council's vote would authorize the Town Manager to make minor changes to the plan and easement area, which could be needed based on the final requirements of Eversource.

After the easement is finalized, the DPW would coordinate with Eversource on the installation of the underground electric service.

ANALYSIS: The grant of the easement to NSTAR Electric Company or one its related entities will allow for the installation of a new electric service at the Water Pollution Control Facility located at 382 Falmouth Road in Hyannis. The electric service is required as part of the DPW's planned improvements at the facility.

FINANCIAL IMPACT: The Town would receive nominal monetary consideration (\$1.00) for granting the easement.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval.

STAFF ASSISTANCE: Thomas J. LaRosa, First Assistant Town Attorney; Griffin Beaudoin, P.E., Town Engineer; Shane Brenner, Town Surveyor

B. NEW BUSINESS (First Reading) (Refer to Planning Board)

BARNSTABLE TOWN COUNCIL

ITEM# 2026-003

INTRO: 07/17/2025, 08/21/2025

**2026-003 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I
GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE III DISTRICT
REGULATIONS, SECTION 240-24.1.5 STANDARDS FOR ALL DISTRICTS TO
MODIFY THE REQUIRED PARKING FOR RESIDENTIAL OR ARTIST LIVE/WORK
AND ESTABLISH A PARKING SPACE DIMENSIONAL STANDARD**

ORDERED: That the Code of the Town of Barnstable, Part I, General Ordinances, Chapter 240 Zoning, Article III District Regulations, Section 240-24.1.5, Standards for all Districts, Subsection (C) Parking Standards, be amended as follows:

SECTION 1

By amending subsection (2)(a) by inserting after the words “on-site shared parking” the following: “, but excluding accessible parking spaces required by the Massachusetts Architectural Access Board regulations at 521 CMR 23.00”

SECTION 2

By further amending said subsection (2)(a) by adding the following new subsection (ii):

(ii) Parking space dimensions shall be a minimum of 9 feet by 18 feet and the drive aisle between spaces shall be a minimum of 20 feet.

SECTION 3

By amending subsection (2)(b) by inserting after the words “Table 2” the following: “and the parking standards found in subsection (C)(2)(a)(ii)”.

SECTION 4

By amending Table 2 Minimum Required Accessory Parking Spaces by striking from the Use Category of “Residential or artist live/work (per DU)” the number “1” where it appears each time under the headings: DMS, DV, DN, HH and TC, and inserting the number “1.5” in place thereof.

SPONSOR: Craig A. Tamash, Town Council President, Precinct 4

DATE

ACTION TAKEN

____ Read Item
____ Motion to Open Public Hearing
____ Rationale
____ Public Hearing
____ Close Public Hearing
____ Council Discussion
____ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2026-003

INTRO: 07/17/2025, 08/21/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: James Kupfer, Director, Planning & Development Department
DATE: June 30, 2025
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article III Section 24.1.5(c) Table 2, to modify the required parking for residential or artist live/work (per du), modify the calculation for minimum parking spaces, and establish minimum dimensional standards for parking spaces.

BACKGROUND: The proposed zoning amendments follow discussions by the Town Council Ad-Hoc Subcommittee regarding necessary updates to Chapter 240 Zoning Ordinance. The Committee has recommended that Town Council consider the proposed amendment to Chapter 240 §24.1.5.C Table 2 Minimum Required Accessory Parking Spaces to increase the minimum required parking for “Residential or artist live/work (per DU)” from one space per unit in all districts to a parking ratio of a minimum of 1.5 space per dwelling unit up to no more than two spaces per dwelling unit.

The Committee further recommended that when calculating required parking spaces that the mandated handicap parking spaces not be included in this count (which would make those spaces additional requirements). And finally the committee recommended establishing minimum parking dimension standards of 9’ x 18’ per space and a minimum of a 20’ drive aisle between spaces.

Zoning amendments are processed in accordance with Massachusetts General Law (MGL) Chapter 40A, Section 5. Adoption or change of zoning ordinances may be initiated by the submission to the Town Council of a proposed zoning ordinance by different parties, including the Town Council itself.

ANALYSIS: The proposed changes will increase the total parking required per residential dwelling unit as well as provide specific parking dimensional requirements.

FISCAL IMPACT: There is no significant fiscal impact associated with this item.

STAFF SUPPORT: James Kupfer, Director, Planning & Development Department

§ 240-24.1.5. Standards for all Districts.

A. Building standards.

1. Frontage types.
 - (a) Buildings must have at least one frontage type except if otherwise specified. Buildings on corner lots must have two frontage types, one for each frontage.
 - (b) Frontage types are permitted as specified by Table 11.¹
 - (c) Multiple frontage types may exist for buildings that have more than one principal entrance.
2. Buildings must have at least one principal entrance located on the facade.
 - (a) Multistory buildings with ground floor commercial space(s) must have one principal entrance for each commercial space in addition to any principal entrance(s) necessary for any upper stories.
3. Buildings may not exceed the maximum number of stories as specified for each district.
 - (a) Each individual story of a building must comply with the minimum and maximum story height specified for each district.
 - (b) 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.
 - (c) The ground story is always counted as one story, except that a single ground story over 18 feet in height is counted as two stories.
 - (d) Each upper story is counted as one additional story, except that any upper story over 16 feet is counted as two stories.
 - (e) Basements are not counted as one story unless the finished floor of the ground story is five feet or more above the average ground level of the lot.
 - (f) Habitable space located directly under a pitched roof is counted as a 0.5 story.
 - (i) 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 two feet above the finished floor of the half story.
 - (g) Non-habitable attic space located under a pitched roof is not counted a half story. (h) Pitched roofs with a slope greater than 12:12 require a special permit.
4. Buildings may not exceed the maximum building height specified for each district, as applicable.

1. Editor's Note: See § 240-24.1.13, Tables.

- (a) 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 uppermost story.
 - 5. Non-habitable architectural features including, but not limited to, mechanical and 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.
 - 6. Building components are permitted as specified by Table 12.²
 - 7. Facades must have fenestration as specified for each district, as applicable.
 - (a) Fenestration is calculated as a percentage of the area of a facade.
 - (b) For buildings with ground story commercial spaces, ground story fenestration is measured between two feet and 12 feet above the finished floor of the ground story.
 - (c) 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.
 - 8. Fenestration enclosed with glass may be included in the calculation if it meets the following criteria:
 - (a) For ground story fenestration, glazing must have a minimum 60% Visible Light Transmittance (VLT) and no more than 15% Visible Light Reflectance (VLR) as indicated by the manufacturer.
 - (b) For upper story fenestration, glazing must have a minimum of 40% VLT and no more than 15% VLR as indicated by the manufacturer.
- B. Use provisions.
- 1. General.
 - (a) The use of real property is permitted as specified by Table 1.
 - (i) Table 1 is organized by broad use categories and specific uses that may be regulated differently than other uses from the same category.
 - (ii) 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.
 - (iii) 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.

2. Editor's Note: See § 240-24.1.13, Tables.

- (iv) 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.
- (b) 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.
 - (i) Real property may have one or more principal use(s).
 - (ii) Once classified into a use category, the use of land or structures in the same manner cannot also be classified into another use category.
 - (iii) 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.
 - (iv) 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.
 - (v) A nonconforming use may not change to a different nonconforming use that is from a different use category than the existing nonconforming use.
- (c) Accessory uses are permitted as set forth in Article V of the Barnstable Zoning Ordinance.

Table 1.							
Use Category Specific Use	DMS	DV	DN	DH	HH	TC	HC
Commercial services (except as follows)	P	P	N	P	P	P	P
Automobile maintenance and repair	N	N	N	N	N	N	N
Boat storage and repair	N	N	N	N	P	N	N
Contractor services	N	N	N	N	N	N	N
Funeral services	N	N	N	N	N	N	N
Marina	N	N	N	N	P	N	N
Commercial parking	N	N	N	N	N	P	SP
Public transportation maintenance	N	N	N	N	N	SP	N
Recreational facility	SP	SP	N	SP	SP	SP	SP
Self-storage facility	N	N	N	N	N	N	SP
Veterinary services	SP	SP	N	N	N	N	P
Cultural services (as specified below)	—	—	—	—	—	—	—
Arts and culture establishments	P	P	N	N	P	P	P
Fraternal and social organizations	P	P	N	N	P	P	P
Performing arts and theaters	P	P	N	N	P	P	P
Artist live/work	P	P	P	N	P	P	N

Table 1.							
Use Category Specific Use	DMS	DV	DN	DH	HH	TC	HC
Food and beverage services (except as follows)	L	L	N	SP	L	L	SP
Brewery/distillery	L	N	N	N	N	N	N
Hospital	N	N	N	P	N	N	N
Office (except as follows)	P	P	L	P	P	P	P
Health care clinic	P	P	L	P	P	N	P
Research and development	P	P	N	P	P	N	P
Residential (as specified below)	—	—	—	—	—	—	—
Multiunit dwelling	L	L	L	N	L	L	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	SP	L	L	SP
Boat sales	N	N	N	N	SP	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	N	P	N	P
Bed-and-breakfast	N	P	P	N	P	N	N

P Permitted by right

SP Special permit

N Not permitted

L Permitted with limitations (see district)

C. Parking standards.

1. Applicability.

- (a) 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.

2. General.

- (a) 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, [but excluding accessible parking spaces required by the Massachusetts Architectural Access Board regulations at 521 CMR 23.00.](#)

- (i) Commercial parking uses are exempt from Table 2.
 - (ii) Parking space dimensions shall be a minimum of 9 feet by 18 feet and the drive aisle between spaces shall be a minimum of 20 feet.
- (b) Relief from the parking requirements of Table 2 and the parking standards found in subsection (C)(2)(a)(ii) requires a special permit.
- (c) 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:
- (i) Elimination or reduction of existing curb cuts and driveway aprons.
 - (ii) 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.
3. Location.
- (a) 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.
 - (b) Motor vehicle parking of any type is prohibited within the frontage area of a lot and any required landscape buffer.
 - (i) 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 square feet)	0	4	N/A	4	4	4	4	Reduce by 50% the required spaces for commercial services where mixed with residential uses on the same lot
Cultural services (per 1,000 square feet)	0	4	4	4	N/A	4	4	Reduce by 20% the required spaces for cultural services where mixed with residential uses on the same lot
Food and beverage services (per 1,000 square feet)	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 square feet)	3	3	3	3	3	3	3	Reduce by 50% the required spaces for office where mixed with residential uses on the same lot
Residential or artist live/work (per DU)	1.5	1.5	1.5	N/A	1.5	1.5	N/A	—

Table 2. Minimum Required Accessory Parking Spaces								
Use Category	DMS	DV	DN	DH	HH	TC	HC	On Site Shared Parking Adjustment¹
Retail sales (per 1,000 square feet)	0	4	N/A	4	4	4	4	Reduce by 20% the required spaces for retail sales where mixed with residential uses on the same lot
Visitor accommodations (per room)	1.25	1.25	1.25	N/A	1.25	N/A	1.25	—

D. Site standards.

1. Forecourts.

- (a) Driveways and passenger drop-offs are permitted in forecourts by special permit.
 - (i) Real property in the Downtown Hospital (DH) district is exempt.
- (b) Garage entrances, parking spaces, loading and service areas, exhaust vents, mechanical equipment, and refuse or recycling storage are not permitted in forecourts.

2. Landscaping.

- (a) Lot area uncovered by structures or impermeable surfaces must be landscaped.
- (b) New canopy trees must be at least 14 feet in height or three inches in caliper when planted.
- (c) New understory trees must be at least 10 feet in height or 1.5 inches in caliper when planted.
- (d) New evergreen trees must be at least six feet in height when planted.
- (e) 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.
- (f) Landscaped areas must be maintained, irrigated, and fertilized. Vegetation should be organically maintained to every extent practicable.
- (g) Vegetation may not obscure any driveways, vehicular entrances, or roadway intersections.
- (h) Mulch may not be placed in a manner that will wash into catch basins or drainage pipes.
- (i) All site plan and special permit applications for development or modifications that meet or exceed the thresholds established in § 240-24.1.3B2(b)(i) must submit a landscape plan(s) signed and stamped by a MA registered landscape architect.
- (j) 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 150% of the estimated cost of installation of the landscaping.

- (k) All development and/or modifications that meet or exceed the thresholds established in § 240-24.1.3B2(b)(i) shall provide financial security for 150% of the estimated cost of plant installation for the duration of three years after planting has been installed and must be provided prior to issuance of any certificate of occupancy in a form acceptable to the Town Attorney's Office. The cost estimate shall be prepared by a qualified professional and submitted to the Director of Planning and Development for approval. Upon completion of planting, the applicant must request an inspection. The three-year maintenance period commences upon approved inspection. Partial release of the security may be authorized after approved inspection, not to exceed 50%. The full security shall be returned to the applicant or their successors after three years upon final inspection by the Director of Planning & Development. The Town reserves the right upon noncompliance with this section to pursue all available legal and equitable remedies to compel compliance.
 - (l) Any fractional value required for plant materials is rounded up to the next whole number.
3. Stormwater management.
- (a) 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.
4. Signs.
- (a) 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.
5. Outdoor lighting.
- (a) All outdoor lighting must be directed only on site.
 - (i) The trespass of light at any lot line may not exceed 0.1 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.
 - (ii) At driveways, lighting may be up to 0.5 footcandle at the front lot line.
 - (iii) Outdoor lighting may not cause glare that impacts motorists, pedestrians, or neighboring premises.
 - (b) Light fixtures must have a total cutoff of all light at less than 90° and a beam cutoff of less than 75°. Attached building or wall pack lighting should be screened by the building's architectural features or contain a 45° cutoff shield.

- (c) Electrical service for lighting on posts or poles must be located underground.

6. Fences.

- (a) Fences greater than four feet in height in the frontage area and seven 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 feet is needed to screen mechanical equipment, the Building Commissioner may allow a greater height as determined through the site plan review process.
- (b) Fences may be no more than 50% open.
- (c) Fence posts and supporting rails must face inward toward the property being fenced and the finished face must be oriented towards the abutting lot.

7. Vehicular access.

- (a) Driveways, vehicular entrances to parking lots or structures and curb cuts must comply with the minimum or maximum width specified for each district.
- (b) Drive-throughs require a special permit and are only permitted for the following uses:
 - (i) Banks (a specific use of the commercial service use category).
 - (ii) Pharmacies (a specific use of the retail sales use category).
- (c) All new curb cuts require a special permit.
- (d) 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.
- (e) 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.
- (f) 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.

8. Utilities.

- (a) 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.

E. Surface parking lot design standards.

1. Applicability.

- (a) 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 21 or more parking spaces that increases the number of parking spaces by five or more.

2. General.

- (a) 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.
- (b) 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.

3. Surface parking lot landscaping.

- (a) One three-inch minimum caliper low-water-use, low-maintenance tree must be provided for every five parking spaces and must be located within 10 feet of the parking lot. Trees shall be maintained and irrigated as necessary and planted within at least 50 square feet of permeable area. Existing trees located in the interior of parking lots are credited toward this requirement.
- (b) A front landscaped buffer at least 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 50 linear feet:
 - (i) One canopy tree.
 - (ii) One understory or evergreen tree.
 - (iii) Five medium shrubs and five small shrubs or a fence or wall a maximum of four feet in height.
- (c) A side/rear landscaped buffer at least six feet wide must be provided between any side or rear lot line and any parking lot with five or more parking spaces, excluding any vehicular connections to abutting parking lots and must include the following features over the span of 50 linear feet:
 - (i) Two understory or evergreen trees.
 - (ii) Three large shrubs and five small shrubs or a fence or wall at least six feet in height.
- (d) A landscaped buffer at least 10 feet wide must be provided between any building and any parking lot with 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 50 linear feet:
 - (i) Two understory or evergreen trees.

(ii) Four medium
shrubs. (iii) Six small
shrubs.

- (e) At least 10% of any parking lot with 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.
- (f) Landscape islands abutting a single row of parking spaces must be at least six feet in width and the same length as the parking spaces. Each island must include one three-inch minimum caliper, low-water-use, low-maintenance tree.
- (g) Landscape islands abutting a double row of parking spaces must be at least eight feet in width and the same length as the parking spaces. Each island must include two three-inch minimum caliper, low-water-use, low-maintenance trees.

B. NEW BUSINESS (Refer to Public Hearing 09/04/2025)

BARNSTABLE TOWN COUNCIL

ITEM# 2026-004

INTRO: 07/17/2025, 08/21/2025

**2026-004 ORDER WAIVING FEES FOR CONSTRUCTION WORK BY THE COTUIT
FIRE DISTRICT FOR THE EXPANSION AND RENOVATION OF THE
FIRE STATION AT 64 AND 56 HIGH STREET, COTUIT**

ORDERED: Notwithstanding the provisions of any ordinance of the Town regarding schedules of fees, the construction project for the expansion and renovation of the Fire Station at 64 and 56 High Street in Cotuit by the Cotuit Fire District (the “Project”) shall hereby be exempt from payment of such fees; provided that if the Town is required to hire outside inspectors with special expertise to inspect any aspect of the Project, the Cotuit Fire District will pay those costs; and provided further, that this Order shall not become effective until a Memorandum of Agreement between the Town of Barnstable and the Cotuit Fire District substantially in the form attached hereto is executed and filed with the Barnstable Town Clerk in which the Cotuit Fire District agrees to pay any such costs for outside inspectors.

SPONSOR: Councilor Seth Burdick, Precinct 7

DATE	ACTION TAKEN
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_____	_____
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_____	_____
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_____	Read Item
_____	Rationale
_____	Public Hearing
_____	Close Public Hearing
_____	Council Discussion
_____	Vote

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (“Agreement”) is entered into as of the ____ day of _____, 2025, by and between the Town of Barnstable (“Town”) and the Cotuit Fire District (“District”). This Agreement relates to Town Council Item 2026-XXX, a copy of which is attached hereto and incorporated by reference herein.

WHEREAS, the Town Council, in approving Town Council Item 2026-XXX, voted to waive, *inter alia*, any building inspectional services fees for inspections conducted in-house and which did not require any special expertise not available within the Town’s Inspectional Services Department; and

WHEREAS, the Town Council, in approving Item 2026-XXX, required the execution of a Memorandum of Agreement between the Town and the District in which the District agrees to pay any costs incurred by the Town for the hiring of outside inspectors with special expertise;

NOW, THEREFORE, in consideration of the mutual agreements herein contained and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Town and the District agree as follows:

1. Upon the determination of the Building Commissioner that an outside inspector with special expertise is required to be hired for the Project at the District’s expense, s/he shall serve a notice upon the District by hand delivery or by certified mail, return receipt requested, stating that s/he intends to hire an outside inspector with special expertise at the District’s expense, the reason that said outside inspector needs to be hired and the estimated fee for the services of that outside inspector. The notice shall state that the District has seven (7) business days of receipt to file any objection to the hiring of the outside inspector at its expense. A copy of said notice shall be sent to the Town Manager by the Building Commissioner.
2. In the event that the District objects to the hiring of an outside inspector and/or the estimated costs, the District shall file its objection with the Director of Inspectional Services within the time specified in paragraph 1 above. A representative from the District and the Director of Inspectional Services or his or her designee shall meet to try to resolve the objections. A written determination of the results of that meeting shall be served in hand to the District or sent by the Director of Inspectional Services to the District by certified mail, return receipt requested, with a copy to the Town Manager.
3. The District may appeal in writing the determination by the Director of Inspectional Services to the Barnstable Town Manager within seven (7) business days of its receipt of the determination. Said appeal may be delivered in hand or sent by certified mail, return receipt requested. The decision of the Town Manager regarding the District’s appeal shall be final with no further rights of appeal.
4. If no objection is filed by the District within seven business days after receiving notice of the Town’s intention to hire an outside inspector at its expense, or if an objection is withdrawn and/or resolved, or if the Town Manager approves the hiring of an outside inspector following an appeal filed by the District, the Building Commissioner shall be authorized to hire the outside inspector at the District’s expense and the District shall be invoiced for the services of said outside inspector and shall pay for the services of said outside inspector within thirty (30) days of receipt of said invoice.

5. All notices to be given pursuant to this Agreement shall be in writing and shall be deemed given when either hand delivered or delivered by certified mail, return receipt to the parties hereto to the addresses set forth below:

Cotuit Fire District
[address]
Cotuit, MA 02630

Town Manager
Town of Barnstable
367 Main Street
Hyannis, MA 02601

Director of Inspectional Services
200 Main Street
Hyannis, MA 02601

This Memorandum of Agreement is entered into by the duly authorized signatories set forth below of the District and the Town, respectively, as of the date first set forth above:

COTUIT FIRE DISTRICTTOWN OF BARNSTABLE

By its Board of Fire Commissioners: By its Town Manager:

BY: _____ BY: _____
[name], Chair Mark S. Ells, Town Manager

BY: _____
[name], Vice Chair

BY: _____
[name], Commissioner

BY: _____
[name], Commissioner

BY: _____
[name], Commissioner

BARNSTABLE TOWN COUNCIL

ITEM# 2026-004

INTRO: 07/17/2025, 08/21/2025

SUMMARY

TO: Town Council
FROM: Councilor Seth Burdick
DATE: July 17, 2025
SUBJECT: Order waiving fees for construction work by the Cotuit Fire District for the expansion and renovation of the Fire Station located at 64 and 56 High Street, Cotuit

BACKGROUND: The Cotuit Fire District has requested that the Town of Barnstable waive any fees associated with the expansion and renovation of the Fire Station located at 64 and 56 High Street in Cotuit, which the Fire District estimates will be \$122,000. According to the Fire District, this project is a critical piece of public safety infrastructure that will significantly enhance emergency response capabilities by enabling personnel to respond more quickly and effectively to emergencies, ultimately saving lives and protecting property.

The Town Council has previously voted to waive such fees. In October 2016, the Town Council voted to approve Item # 2017-014 for a waiver of fees for construction work on the new Hyannis Fire District Fire Station located at 95 High School Road in Hyannis, and in December 2022, the Town Council voted to approve Item # 2023-066 for a waiver of fees for construction work on the Barnstable Fire District's new Water Treatment Plant off Breeds Hill Road. In addition, Item # 2025-201, which proposes a waiver of fees for construction work by the Barnstable Fire District for a new Fire Station located at 1841 Phinney's Lane, Barnstable, is on the July 17, 2025 agenda.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this fee waiver.

STAFF ASSISTANCE: Karen L. Nober, Town Attorney

B. NEW BUSINESS (First Reading) (Refer to Planning Board)

BARNSTABLE TOWN COUNCIL

ITEM# 2026-005
INTRO: 07/17/2025, 08/21/2025

**2026-005 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I
GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE III
DISTRICT REGULATIONS, TO MODIFY BUILDING HEIGHT
REQUIREMENTS IN THE DOWNTOWN MAIN STREET DISTRICT AND
DOWNTOWN VILLAGE DISTRICT**

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

SECTION 1

By amending Section 240-24-1.6 Downtown Main Street District (DMS) by deleting in subsection A.1 the word “four” and inserting the words “three and one half” in its place.

SECTION 2

By further amending Section 240-24.1.6 by deleting in subsection C.6 the word “fourth” and inserting the words “third and one half” in its place.

SECTION 3

By further amending Section 240-24.1.6 by deleting in Table 3, under the heading “Building Form” the words “or 4” where they appear after “F - Number of Stories”.

SECTION 4

By further amending said Table 3 by deleting in footnote 1 the word “fourth” and inserting the words “third and one half” in its place.

SECTION 5

By amending Section 240-24.1.7 Downtown Village District (DV) by deleting in subsection A.1 the word “four” and inserting the words “three and one half” in its place.

SECTION 6

By further amending Section 240-24.1.7 by deleting in subsection C.4 the word “fourth” and inserting the words “third and one half” in its place.

SECTION 7

By further amending Section 240-24.1.7 by deleting in Table 4, under the heading “Building Form” the words “or 4” where they appear after “F – Number of Stories”.

SECTION 8

By further amending said Table 4 by deleting in footnote 1 the word “fourth” and inserting the words “third and one half” in its place.

SPONSOR: Craig A. Tamash, Town Council President, Precinct 4

DATE

ACTION TAKEN

- ☐ Read Item
- ☐ Motion to Open Public Hearing
- ☐ Rationale
- ☐ Public Hearing
- ☐ Close Public Hearing
- ☐ Council Discussion
- ☐ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2026-005

INTRO: 07/17/2025, 08/21/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: James Kupfer, Director, Planning & Development Department
DATE: June 30, 2025
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article III District Regulations, to modify building height requirements in the Downtown Main Street District and Downtown Village District

BACKGROUND: These proposed zoning amendments follow discussions by the Town Council Ad-Hoc Subcommittee regarding necessary updates to Chapter 240 Zoning Ordinance. The Committee has recommended revising height restrictions in the Downtown Main Street District and Downtown Village District to better align with surrounding neighborhoods and prevent a "canyon effect" along Main Street. The amendments eliminate the fourth-story step-back requirement while lowering the overall maximum building height.

Zoning amendments are processed in accordance with Massachusetts General Law (MGL) Chapter 40A, Section 5. Adoption or change of zoning ordinances may be initiated by the submission to the Town Council of a proposed zoning ordinance by different parties, including the Town Council itself.

ANALYSIS: The proposed changes will reduce maximum allowable building heights within the Downtown Main Street District and Downtown Village District to ensure development remains compatible with existing structures and neighborhood character. The amendment may encourage a more varied and nuanced approach to building height regulations based on location and surrounding properties.

FISCAL IMPACT: There is no significant fiscal impact associated with this item.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, supports this item.

STAFF SUPPORT: James Kupfer, Director, Planning & Development Department

§ 240-24.1.6. Downtown Main Street District (DMS).

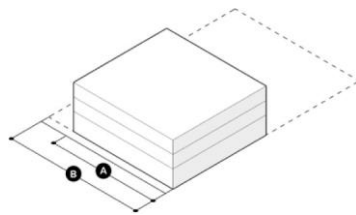
A. Intent.

1. 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 (two- to ~~three~~ **three and one half-story** ~~four~~) 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.

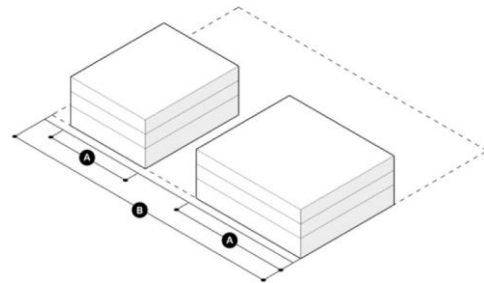
B. Lot standards.

1. Newly platted lots must be dimensioned as specified by Table 3.
2. Building facades must have a minimum width that is equal to a percentage of a lot's width and is specified as the facade buildout by Table 3.
 - (a) Facade buildout is calculated by dividing the total width of all facades by the lot width and may be cumulatively calculated by multiple buildings.
 - (b) The open space of a forecourt is considered part of the building for the purpose of measuring building width and facade buildout.
 - (c) The SPGA may provide relief from the facade buildout requirements; the Board must find the issuance of the special permit is consistent with the design and infrastructure plan.

Facade Build Out



$$\text{Single Building per Lot} = A \div B$$



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

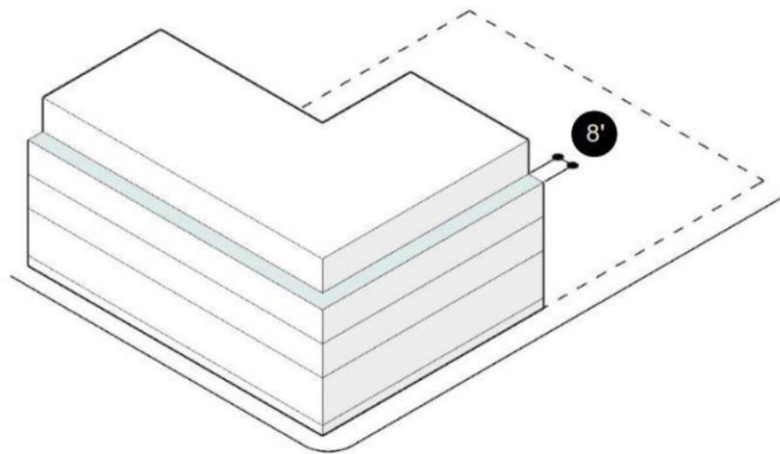
C. Building standards.

1. Multiple principal buildings are permitted per lot.
2. Principal buildings are permitted as specified by Table 3.
 - (a) Additional principal buildings are exempt from the required maximum front setback.
3. Principal building facade(s) must be built parallel to any primary front lot line, at or

§ 240-24.1.6

between the minimum and maximum front setbacks.

4. 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 20 feet in depth for 100% of the total width of the building, excluding lobby entrances and other means of egress associated with the use of upper stories.
5. Awnings, canopies, signs, balconies, and non-habitable architectural features of a building may project over the public sidewalk but must provide at least eight feet of clearance and a license from the Town Manager in accordance with Barnstable General Ordinances, Part 1, Chapter 121, § 121-6J is required.
6. The ~~fourth~~ third and one half story of any building must be recessed ("stepped back") from the facade of the stories below at least eight feet.

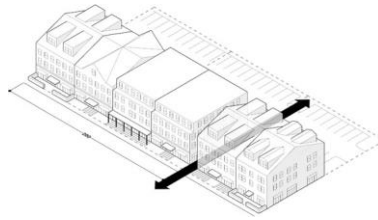


7. Mechanical and stairwell penthouses and building systems equipment must be setback from any exterior wall a distance that is equal to their height.
8. Facades may not have any blank wall areas without fenestration or architectural surface relief greater than 20 feet measured both vertically and horizontally for all stories of a building for any facade.
9. Loading and service areas may not be visible from any public sidewalk of Main Street.

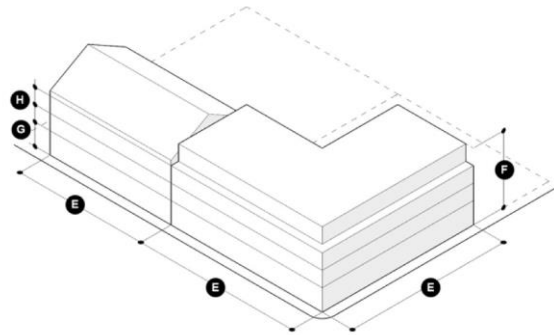
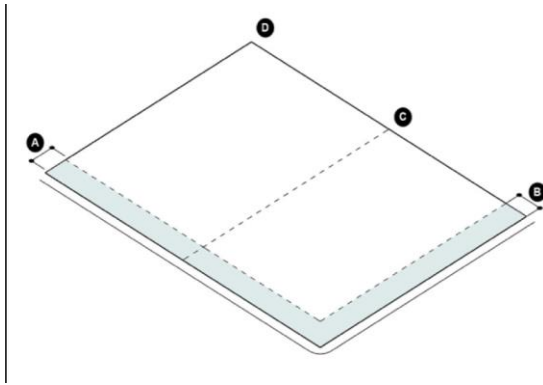
D. Design guidelines.

1. 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 200 linear feet of the building's principal entrance.

§ 240-24.1.6



2. 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-story passage through a building.
- E. Use provisions.
1. Limitations.
 - (a) Occupation of a single commercial space greater than 5,000 square feet by any food and beverage service or retail sales use requires a special permit.
 - (b) The maximum number of dwelling units permitted for any multiunit 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.
- F. Site standards.
1. Driveways, vehicular entrances to parking lots or structures, and curb cuts may be no wider than 24 feet.
- G. Landscape standards.
1. 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 canopy tree to be planted every 30 feet of frontage of the property.
 2. A side or rear landscaped area at least six 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 50 linear feet:
 - (a) Two understory or evergreen trees.
 - (b) Three medium shrubs and three small shrubs or a fence or wall at least six feet in height.
- H. Parking standards.
1. 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**

Lot width	30 feet minimum
Lot coverage	100% maximum
Facade buildout (minimum)	—
Primary frontage	80% minimum
Secondary frontage	40% minimum

Setbacks - Principal Buildings

A - Primary front setback	0 foot minimum 15 feet maximum
B - Secondary front setback	0 foot minimum 15 feet maximum
C - Side setback	0 foot minimum
D - Rear setback	0 foot minimum

Building Form

E - Building width	180 feet maximum
F - Number of stories	3.5 or 4 maximum ¹
G - Ground story height	—
Commercial	14 feet minimum
Residential	10 feet minimum
H - Upper story height	10 feet minimum

Building Features

Ground story fenestration	—
Primary frontage	60% minimum
Secondary frontage	15% minimum
Upper story fenestration	15% minimum
Blank wall	20 feet maximum
Commercial space depth	20 feet minimum

¹ See § 240-24.1.6C6 (~~fourth~~ third and one half story step-back).

§ 240-24.1.7. Downtown Village District (DV).

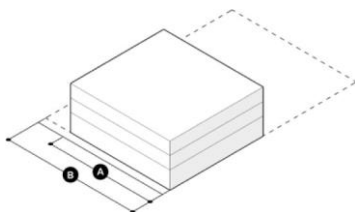
A. Intent.

1. 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 (two- to ~~three and one half~~^{four}-story) single-use buildings and detached and semi-detached residential buildings.

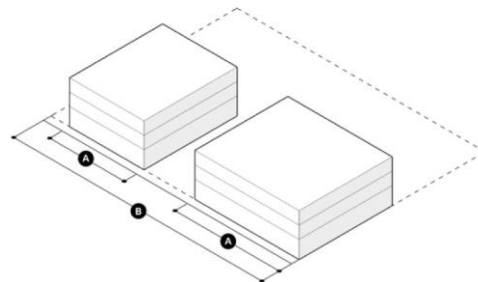
B. Lot standards.

1. Newly platted lots must be dimensioned as specified by Table 4.
2. Lot coverage may not exceed the maximum specified by Table 4.
3. Building facades must have a minimum width that is equal to a percentage of a lot's width and is specified as the facade buildout on Table 4.
 - (a) Facade buildout 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.
 - (b) The open space of a forecourt is considered part of the building for the purpose of measuring building width and facade buildout.
 - (c) The SPGA may provide relief from the facade buildout requirements; the Board must find the issuance of the special permit is consistent with the design and infrastructure plan.

Facade Build Out



$$\text{Single Building per Lot} = A \div B$$



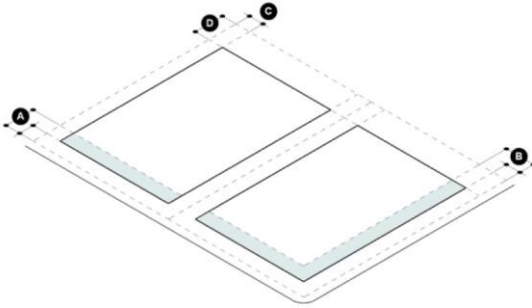
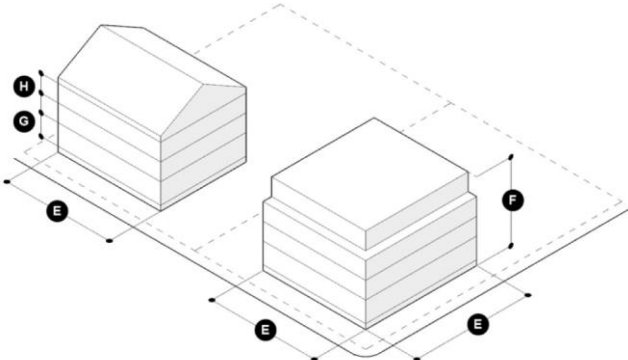
$$\text{Multiple Buildings per Lot} = (A + A) \div B$$

C. Building standards.

1. Multiple principal buildings are permitted per lot.
2. Principal buildings are permitted as specified by Table 4.
 - (a) Additional principal buildings are exempt from the required maximum front setback.

§ 240-24.1.7

3. Principal building facade(s) must be built parallel to any primary front lot line, at or between the minimum and maximum front setbacks.
 4. The ~~fourth~~ third and one half story of any building must be recessed ("stepped back") from the facade of the stories below at least eight feet.
 5. Mechanical and stairwell penthouses and building systems equipment must be set back from any exterior wall a distance that is equal to their height.
- D. Use provisions.
1. Limitations.
 - (a) Occupation of a single commercial space greater than 5,000 square feet by any food and beverage service or retail sales use requires a special permit.
 - (b) The maximum number of dwelling units permitted for any multiunit 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 2.¹
- E. Site standards.
1. Driveways, vehicular entrances to parking lots or structures, and curb cuts may be no wider than 24 feet.
- F. Landscape standards.
1. 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 canopy tree to be planted every 30 feet of frontage of the property.

Table 4. DV Dimensional Standards			
			
Lot		Building Form	

1. Editor's Note: See § 240-24.1.5, Standards for all Districts.

Lot width	30 feet minimum	E - Building width	120 feet maximum
Lot coverage	80% maximum	F - Number of stories	3.5 or 4 maximum ¹
Facade buildout (minimum)	—	G - Ground story height	—
Primary frontage	80% minimum	Commercial	14 feet minimum
		Residential	10 feet minimum
Setbacks - Principal Buildings		Upper story height	10 feet minimum
A - Primary front setback	0 foot minimum 15 feet maximum	Building Features	
B - Secondary front setback	0 foot minimum 15 feet maximum	Ground story fenestration	—
C - Side setback	0 foot minimum	Primary frontage	15% minimum
D - Rear setback	0 foot minimum	Secondary frontage	15% minimum
		Upper story fenestration	15% minimum
		Blank wall	20 feet maximum
		Commercial space depth	20 feet minimum

¹ See § 240-24.1.7C4 (~~fourth~~ third and one half story step-back).

B NEW BUSINESS (First Reading) (Refer to Planning Board)

BARNSTABLE TOWN COUNCIL

ITEM# 2026-006

INTRO: 07/17/2025, 08/21/2025

**2026-006 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I
GENERAL ORDINANCES, CHAPTER 240 ZONING TO REPEAL THE
DOWNTOWN VILLAGE DISTRICT AND AMEND THE ZONING MAP TO
REPLACE THE DOWNTOWN VILLAGE DISTRICT WITH THE
DOWNTOWN NEIGHBORHOOD ZONING DISTRICT**

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 “Downtown Village District” and replace it with the “Downtown Neighborhood District”, as shown on the draft map dated 4-1-25, prepared by the Town of Barnstable Geographical Information System Unit, and entitled “Downtown Hyannis Zoning Districts”.

SECTION 2

By amending Article II, Section 240-5, Establishment of districts, by deleting the “DV Downtown Village” district where it appears under the heading “Downtown Hyannis Zoning District”.

SECTION 3

By amending Article III, Section 240-24.1.5 by deleting in subsection B, Table 1, the “DV” column in its entirety.

SECTION 4

By further amending Section 240-24.1.5. by deleting in subsection C, Table 2, the “DV” column in its entirety.

SECTION 5

By amending Article III by deleting Section 240-24.1.7 Downtown Village District (DV) in its entirety and inserting “Section 240-24.1.7 Reserved” in its place.

SECTION 6

By amending Article III, Section 240-24.1.13 Tables by deleting the “DV” column in its entirety.

SPONSOR: Craig A. Tamash, Town Council President, Precinct 4

DATE

ACTION TAKEN

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2026-006

INTRO: 07/17/2025, 08/21/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: James Kupfer, Director, Planning & Development Department
DATE: June 30, 2025
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning to delete the Downtown Village District and to amend the zoning map to expand the Downtown Neighborhood Zoning District in all locations Downtown Village District exists and to delete the Downtown Village District

BACKGROUND: These proposed zoning amendments follow discussions by the Town Council Ad-Hoc Subcommittee regarding necessary updates to Chapter 240 Zoning Ordinance. The Committee has recommended revising the outer extents of the Downtown Hyannis Zoning Districts to limit density, heights, lot coverage and increase setbacks. The subcommittee determined that Downtown Neighborhood District better aligns with surrounding neighborhoods. The amendments eliminate the Downtown Village District and expand the Downtown Neighborhood District.

Zoning amendments are processed in accordance with Massachusetts General Law (MGL) Chapter 40A, Section 5. Adoption or change of zoning ordinances may be initiated by the submission to the Town Council of a proposed zoning ordinance by different parties, including the Town Council itself.

ANALYSIS: The proposed changes will reduce maximum allowable building heights, limit overall density, limit lot coverage and increase setbacks to seek more compatible development with existing structures and neighborhood character. The proposed amended zoning district boundaries may be necessary to reflect appropriate height and density transitions.

FISCAL IMPACT: There is no significant fiscal impact associated with this item.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, supports this item.

STAFF SUPPORT: James Kupfer, Director, Planning & Development Department

§ 240-5. Establishment of districts. [Amended 7-15-1999; 10-26-2000; 2-1-2001;11-18-2004 by Order No. 2004-113; 1-20-2005 by Order No. 2005-038; 1-20-2005 by Order No. 2005-039; 7-14-2005 by Order No. 2005-100; 5-10-2007 by Order No. 2007-101; 2-28-2008 by Order No. 2008-077; 2-28-2008 by Order No. 2008-090; 4-3-2008 by Order No. 2008-091; 6-17-2010 by Order No. 2010-122; 10-7-2010 by Order No. 2010-159; 9-8-2011 by Order No. 2011-138; 2-6-2014 by Order No. 2014-050; 4-27-2017 by Order No. 2017-100; 10-21-2021 by Order No. 2022-007; 2-2-2023 by Order No. 2022-1442-2-2023 by Order No. 2022-146]

In order to carry out the purpose of this chapter, the following districts are hereby established:

Residential Districts

RB	Residence B District
RC	Residence C District
RC-1	Residence C-1 District
RC-2	Residence C-2 District
RC-2C	Residence 2-C (Pond Village District)
RD	Residence D District
RD-1	Residence D-1 District
RF	Residence F District
RF-1	Residence F-1 District
RF-2	Residence F-2 District
RG	Residence G District
RAH	Residence AH District
MAH	Multi-Family Affordable Housing MAH District

Office Districts

HO	Highway Office District
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Commercial Districts

B	Business District
BA	Business A District
MB-A1	Marine Business A1 District
MB-A2	Marine Business A2 District
MB-B	Marine Business B District
VB-A	Village Business A District
HB	Highway Business District

Commercial Districts

UB	Urban Business District
S&D	Service and Distribution District SD-1
Service and Distribution District MMV	Marston
Mills Village District	
WBVBD	West Barnstable Village Business District

Downtown Hyannis Zoning District DMS

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

Industrial Districts

IND LIMITED	Industrial Limited District
IND	Industrial District

Overlay Districts

GP	Groundwater Protection Overlay District
AP	Aquifer Protection Overlay District
WP	Well Protection Overlay District
	Shopping Center Redevelopment Overlay District
	Adult Use Overlay District
RPOD	Resource Protection Overlay District
DOD	Dock and Pier Overlay District
	Medical Services Overlay District
	Mixed-Use Subzone of the Medical Services Overlay District
FG-5	Former Grade 5 School Planned Unit Development Overlay District
SCCRC	Senior Continuing Care Overlay District
	Recreational Shellfish Area and Shellfish Relay Area Dock and Pier Overlay District

Town of Barnstable, MA
§ 240-5

Overlay Districts

Medical Marijuana Overlay District
Registered Recreational Marijuana Cultivators, Research Facilities, and
Testing Laboratories Overlay District

§ 240-24.1.5. Standards for all Districts.

A. Building standards.

1. Frontage types.
 - (a) Buildings must have at least one frontage type except if otherwise specified. Buildings on corner lots must have two frontage types, one for each frontage.
 - (b) Frontage types are permitted as specified by Table 11.¹
 - (c) Multiple frontage types may exist for buildings that have more than one principal entrance.
2. Buildings must have at least one principal entrance located on the facade.
 - (a) Multistory buildings with ground floor commercial space(s) must have one principal entrance for each commercial space in addition to any principal entrance(s) necessary for any upper stories.
3. Buildings may not exceed the maximum number of stories as specified for each district.
 - (a) Each individual story of a building must comply with the minimum and maximum story height specified for each district.
 - (b) 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.
 - (c) The ground story is always counted as one story, except that a single ground story over 18 feet in height is counted as two stories.
 - (d) Each upper story is counted as one additional story, except that any upper story over 16 feet is counted as two stories.
 - (e) Basements are not counted as one story unless the finished floor of the ground story is five feet or more above the average ground level of the lot.
 - (f) Habitable space located directly under a pitched roof is counted as a 0.5 story.
 - (i) 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 two feet above the finished floor of the half story.
 - (g) Nonhabitable attic space located under a pitched roof is not counted a half story.
 - (h) Pitched roofs with a slope greater than 12:12 require a special permit.
4. Buildings may not exceed the maximum building height specified for each district, as applicable.

1. Editor's Note: See § 240-24.1.13, Tables.

- (a) 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 uppermost story.
- 5. Non-habitable architectural features including, but not limited to, mechanical and 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.
- 6. Building components are permitted as specified by Table 12.²
- 7. Facades must have fenestration as specified for each district, as applicable.
 - (a) Fenestration is calculated as a percentage of the area of a facade.
 - (b) For buildings with ground story commercial spaces, ground story fenestration is measured between two feet and 12 feet above the finished floor of the ground story.
 - (c) 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.
- 8. Fenestration enclosed with glass may be included in the calculation if it meets the following criteria:
 - (a) For ground story fenestration, glazing must have a minimum 60% Visible Light Transmittance (VLT) and no more than 15% Visible Light Reflectance (VLR) as indicated by the manufacturer.
 - (b) For upper story fenestration, glazing must have a minimum of 40% VLT and no more than 15% VLR as indicated by the manufacturer.

B. Use provisions.

1. General.

- (a) The use of real property is permitted as specified by Table 1.
 - (i) Table 1 is organized by broad use categories and specific uses that may be regulated differently than other uses from the same category.
 - (ii) 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.
 - (iii) 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.

2. Editor's Note: See § 240-24.1.13, Tables.

- (iv) 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.
- (b) 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.
 - (i) Real property may have one or more principal use(s).
 - (ii) Once classified into a use category, the use of land or structures in the same manner cannot also be classified into another use category.
 - (iii) 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.
 - (iv) 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.
 - (v) A nonconforming use may not change to a different nonconforming use that is from a different use category than the existing nonconforming use.
- (c) Accessory uses are permitted as set forth in Article V of the Barnstable Zoning Ordinance.

Table 1.							
Use Category Specific Use	DMS	DP	DN	DH	HH	TC	HC
Commercial services (except as follows)	P	P	N	P	P	P	P
Automobile maintenance and repair	N	N	N	N	N	N	N
Boat storage and repair	N	N	N	N	P	N	N
Contractor services	N	N	N	N	N	N	N
Funeral services	N	N	N	N	N	N	N
Marina	N	N	N	N	P	N	N
Commercial parking	N	N	N	N	N	P	SP
Public transportation maintenance	N	N	N	N	N	SP	N
Recreational facility	SP	SP	N	SP	SP	SP	SP
Self-storage facility	N	N	N	N	N	N	SP
Veterinary services	SP	SP	N	N	N	N	P
Cultural services (as specified below)	—	—	—	—	—	—	—
Arts and culture establishments	P	P	N	N	P	P	P
Fraternal and social organizations	P	P	N	N	P	P	P
Performing arts and theaters	P	P	N	N	P	P	P
Artist live/work	P	P	P	N	P	P	N

Table 1.

Use Category Specific Use	DMS	DV	DN	DH	HH	TC	HC
Food and beverage services (except as follows)	L	L	N	SP	L	L	SP
Brewery/distillery	L	N	N	N	N	N	N
Hospital	N	N	N	P	N	N	N
Office (except as follows)	P	P	L	P	P	P	P
Health care clinic	P	P	L	P	P	N	P
Research and development	P	P	N	P	P	N	P
Residential (as specified below)	—	—	—	—	—	—	—
Multiunit dwelling	L	L	L	N	L	L	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	SP	L	L	SP
Boat sales	N	N	N	N	SP	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	N	P	N	P
Bed-and-breakfast	N	P	P	N	P	N	N

P Permitted by right

SP Special permit

N Not permitted

L Permitted with limitations (see district)

C. Parking standards.

1. Applicability.

- (a) 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.

2. General.

- (a) 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.

- (i) Commercial parking uses are exempt from Table 2.
- (b) Relief from the parking requirements of Table 2 requires a special permit.
- (c) 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:
 - (i) Elimination or reduction of existing curb cuts and driveway aprons.
 - (ii) 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.

3. Location.

- (a) 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.
- (b) Motor vehicle parking of any type is prohibited within the frontage area of a lot and any required landscape buffer.
 - (i) 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	DA	DN	DH	HH	TC	HC	On Site Shared Parking Adjustment ¹
Commercial services (per 1,000 square feet)	0	4	N/A	4	4	4	4	Reduce by 50% the required spaces for commercial services where mixed with residential uses on the same lot
Cultural services (per 1,000 square feet)	0	4	4	4	N/A	4	4	Reduce by 20% the required spaces for cultural services where mixed with residential uses on the same lot
Food and beverage services (per 1,000 square feet)	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 square feet)	3	3	3	3	3	3	3	Reduce by 50% the required spaces for office where mixed with residential uses on the same lot
Residential or artist live/work (per DU)	1	1	1	N/A	1	1	N/A	—

<p>Table 2. Minimum Required Accessory Parking Spaces</p>								
Use Category	DMS	DA	DN	DH	HH	TC	HC	On Site Shared Parking Adjustment¹
Retail sales (per 1,000 square feet)	0	4	N/A	4	4	4	4	Reduce by 20% the required spaces for retail sales where mixed with residential uses on the same lot
Visitor accommodations (per room)	1.25	1.25	1.25	N/A	1.25	N/A	1.25	—

D. Site standards.

1. Forecourts.

- (a) Driveways and passenger drop-offs are permitted in forecourts by special permit.
 - (i) Real property in the Downtown Hospital (DH) district is exempt.
- (b) Garage entrances, parking spaces, loading and service areas, exhaust vents, mechanical equipment, and refuse or recycling storage are not permitted in forecourts.

2. Landscaping.

- (a) Lot area uncovered by structures or impermeable surfaces must be landscaped.
- (b) New canopy trees must be at least 14 feet in height or three inches in caliper when planted.
- (c) New understory trees must be at least 10 feet in height or 1.5 inches in caliper when planted.
- (d) New evergreen trees must be at least six feet in height when planted.
- (e) 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.
- (f) Landscaped areas must be maintained, irrigated, and fertilized. Vegetation should be organically maintained to every extent practicable.
- (g) Vegetation may not obscure any driveways, vehicular entrances, or roadway intersections.
- (h) Mulch may not be placed in a manner that will wash into catch basins or drainage pipes.
- (i) All site plan and special permit applications for development or modifications that meet or exceed the thresholds established in § 240-24.1.3B2(b)(i) must submit a landscape plan(s) signed and stamped by a MA registered landscape architect.
- (j) 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 150% of the estimated cost of installation of the landscaping.

- (k) All development and/or modifications that meet or exceed the thresholds established in § 240-24.1.3B2(b)(i) shall provide financial security for 150% of the estimated cost of plant installation for the duration of three years after planting has been installed and must be provided prior to issuance of any certificate of occupancy in a form acceptable to the Town Attorney's Office. The cost estimate shall be prepared by a qualified professional and submitted to the Director of Planning and Development for approval. Upon completion of planting, the applicant must request an inspection. The three-year maintenance period commences upon approved inspection. Partial release of the security may be authorized after approved inspection, not to exceed 50%. The full security shall be returned to the applicant or their successors after three years upon final inspection by the Director of Planning & Development. The Town reserves the right upon noncompliance with this section to pursue all available legal and equitable remedies to compel compliance.(l)Any fractional value required for plant materials is rounded up to the next whole number.

3. Stormwater management.

- (a) 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.

4. Signs.

- (a) 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.

5. Outdoor lighting.

- (a) All outdoor lighting must be directed only on site.
 - (i) The trespass of light at any lot line may not exceed 0.1 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.
 - (ii) At driveways, lighting may be up to 0.5 footcandle at the front lot line.
 - (iii) Outdoor lighting may not cause glare that impacts motorists, pedestrians, or neighboring premises.
- (b) Light fixtures must have a total cutoff of all light at less than 90° and a beam cutoff of less than 75°. Attached building or wall pack lighting should be screened by the building's architectural features or contain a 45° cutoff shield.

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

6. Fences.

(a) Fences greater than four feet in height in the frontage area and seven 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 feet is needed to screen mechanical equipment, the Building Commissioner may allow a greater height as determined through the site plan review process.

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

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

7. Vehicular access.

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

(b) Drive-throughs require a special permit and are only permitted for the following uses:

(i) Banks (a specific use of the commercial service use category).

(ii) Pharmacies (a specific use of the retail sales use category).

(c) All new curb cuts require a special permit.

(d) 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.

(e) 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.

(f) 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.

8. Utilities.

(a) 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.

E. Surface parking lot design standards.

1. Applicability.

- (a) 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 21 or more parking spaces that increases the number of parking spaces by five or more.
2. General.
- (a) 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.
 - (b) 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.
3. Surface parking lot landscaping.
- (a) One three-inch minimum caliper low-water-use, low-maintenance tree must be provided for every five parking spaces and must be located within 10 feet of the parking lot. Trees shall be maintained and irrigated as necessary and planted within at least 50 square feet of permeable area. Existing trees located in the interior of parking lots are credited toward this requirement.
 - (b) A front landscaped buffer at least 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 50 linear feet:
 - (i) One canopy tree.
 - (ii) One understory or evergreen tree.
 - (iii) Five medium shrubs and five small shrubs or a fence or wall a maximum of four feet in height.
 - (c) A side/rear landscaped buffer at least six feet wide must be provided between any side or rear lot line and any parking lot with five or more parking spaces, excluding any vehicular connections to abutting parking lots and must include the following features over the span of 50 linear feet:
 - (i) Two understory or evergreen trees.
 - (ii) Three large shrubs and five small shrubs or a fence or wall at least six feet in height.
 - (d) A landscaped buffer at least 10 feet wide must be provided between any building and any parking lot with 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 50 linear feet:
 - (i) Two understory or evergreen trees.

- (ii) Four medium shrubs.
- (iii) Six small shrubs.
- (e) At least 10% of any parking lot with 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.
- (f) Landscape islands abutting a single row of parking spaces must be at least six feet in width and the same length as the parking spaces. Each island must include one three-inch minimum caliper, low-water-use, low-maintenance tree.
- (g) Landscape islands abutting a double row of parking spaces must be at least eight feet in width and the same length as the parking spaces. Each island must include two three-inch minimum caliper, low-water-use, low-maintenance trees.

~~§ 240-24.1.7. Downtown Village District (DV)~~

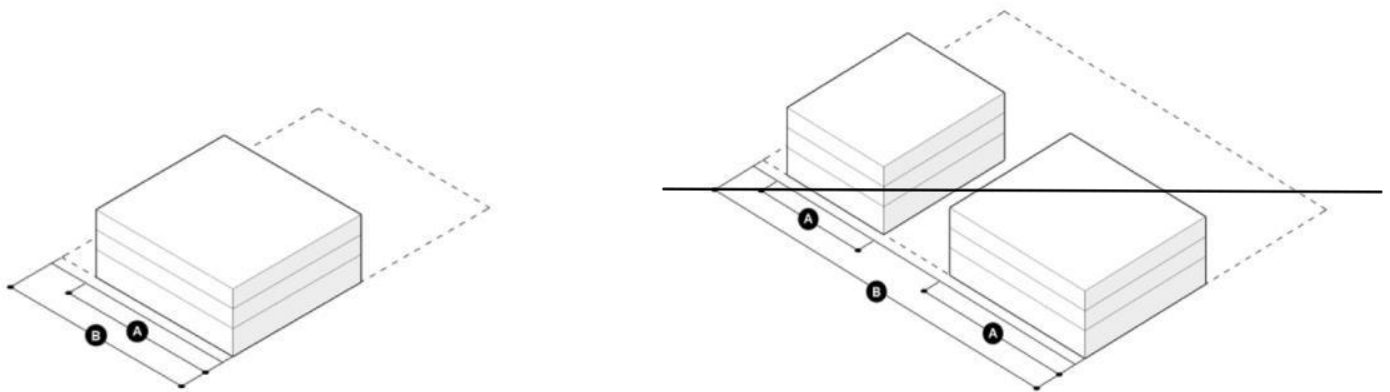
~~A. Intent.~~

- ~~1. 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 (two to four story) single-use buildings and detached and semi-detached residential buildings.~~

~~B. Lot standards.~~

- ~~1. Newly platted lots must be dimensioned as specified by Table 4.~~
- ~~2. Lot coverage may not exceed the maximum specified by Table 4.~~
- ~~3. Building facades must have a minimum width that is equal to a percentage of a lot's width and is specified as the facade buildout on Table 4.~~
 - ~~(a) Facade buildout 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.~~
 - ~~(b) The open space of a forecourt is considered part of the building for the purpose of measuring building width and facade buildout.~~
 - ~~(c) The SPGA may provide relief from the facade buildout requirements; the Board must find the issuance of the special permit is consistent with the design and infrastructure plan.~~

Facade Build Out



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

~~C. Building standards.~~

- ~~1. Multiple principal buildings are permitted per lot.~~
- ~~2. Principal buildings are permitted as specified by Table 4.~~

Town of Barnstable, MA

§ 240-24.1.7

~~(a) Additional principal buildings are exempt from the required maximum front setback.~~

~~3. Principal building facade(s) must be built parallel to any primary front lot line, at or between the minimum and maximum front setbacks.~~

~~4. The fourth story of any building must be recessed ("stepped back") from the facade of the stories below at least eight feet.~~

~~5. Mechanical and stairwell penthouses and building systems equipment must be set back from any exterior wall a distance that is equal to their height.~~

~~D. Use provisions.~~

~~1. Limitations.~~

~~(b) Occupation of a single commercial space greater than 5,000 square feet by any food and beverage service or retail sales use requires a special permit.~~

~~(c) The maximum number of dwelling units permitted for any multiunit 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 2.4~~

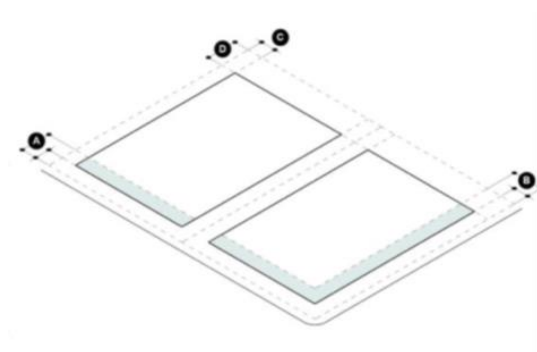
~~E. Site standards.~~

~~1. Driveways, vehicular entrances to parking lots or structures, and curb cuts may be no wider than 24 feet.~~

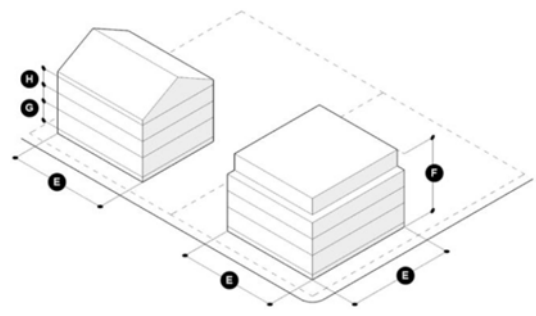
~~F. Landscape standards.~~

~~1. 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 canopy tree to be planted every 30 feet of frontage of the property.~~

Table 4. DV Dimensional Standards



Lot



Building Form

~~1. Editor's Note: See § 240-24.1.5, Standards for all Districts.~~

Table 4. DV Dimensional Standards

Lot width	30 feet minimum	E—Building width	120 feet maximum
Lot coverage	80% maximum	F—Number of stories	3.5 or 4 maximum¹
Facade buildout (minimum)	—	G—Ground story height	—
Primary frontage	80% minimum	Commercial	14 feet minimum
Setbacks—Principal Buildings		Residential— Upper story height	10 feet minimum 10 feet minimum
		A—Primary front setback	0 foot minimum 15 feet maximum
B—Secondary front setback	0 foot minimum 15 feet maximum	Ground story fenestration	—
C—Side setback	0 foot minimum	Primary frontage	15% minimum
D—Rear setback	0 foot minimum	Secondary frontage	15% minimum
		Upper story fenestration	15% minimum
		Blank wall	20 feet maximum
		Commercial space depth	20 feet minimum
¹ See § 240-24.1.7C4 (fourth story step back).			
Building Features			

Chapter 240. Zoning
Article III. District Regulations
§ 240-24.1.13. Tables.

Table 10. Dimensional Standards Summary Table

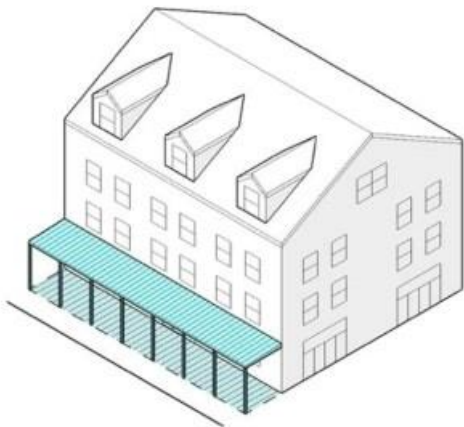
	DMS	DV	DN	DH	HH	TC	HC
A. Lot							
Lot width	30 feet minimum	30 feet minimum	20 feet minimum	50 feet minimum	20 feet minimum	50 feet minimum	50 feet minimum
Lot coverage	100% maximum	80% maximum	50% maximum	100% maximum	90% maximum	65% maximum	80% maximum
Facade buildout	—	—	—	—	—	—	—
Primary frontage	80% minimum	80% minimum	—	—	—	—	—
Secondary frontage	40% minimum	—	—	—	—	—	—
B. Setbacks - Principal Building							
Primary front setback	0 foot minimum 15 feet maximum	0 foot minimum 15 feet maximum	10 feet minimum 20 feet maximum	20 feet minimum	20 feet minimum	20 feet minimum	60 feet maximum
Lots fronting Route 28	—	—	—	—	—	50 feet minimum	20 feet minimum
Secondary front setback	0 foot minimum 15 feet maximum	0 foot minimum 15 feet maximum	10 feet minimum 20 feet maximum	20 feet minimum	20 feet minimum	20 feet minimum	20 feet minimum
Side setback	0 foot minimum	0 foot minimum	10 feet minimum	10 feet minimum	10 feet minimum	10 feet minimum	10 feet minimum
Rear setback	0 foot minimum	0 foot minimum	20 feet minimum	10 feet minimum	10 feet minimum	10 feet minimum	10 feet minimum
C. Setbacks - Outbuilding							
Primary front setback	—	—	60 feet minimum	—	—	—	—
Secondary front setback	—	—	—	—	—	—	—
Side setback	—	—	3 feet minimum	—	—	—	—
Rear setback	—	—	3 feet minimum	—	—	—	—
D. Building Form							
Building width	180 feet maximum	120 feet maximum	—	—	—	—	—
Number of stories	—	—	—	—	—	—	—
Principal building	3.5 or 4 maximum ¹	3.5 or 4 maximum ²	3 maximum ³	6 maximum	2.5 maximum	3 maximum	3 maximum ⁴
Outbuilding	—	—	—	—	—	—	—
Ground story height	—	—	10 feet minimum	—	—	—	—
Commercial	14 feet minimum	14 feet minimum	—	—	—	—	—

Table 10. Dimensional Standards Summary Table

	DMS	DV	DN	DH	HH	TC	HC
Residential	10 feet minimum	10 feet minimum	—	—	—	—	—
Upper story height	10 feet minimum	10 feet minimum	10 feet minimum	—	—	—	—
Building height	—	—	—	85 feet maximum	35 feet maximum ⁵	40 feet maximum	40 feet maximum
E. Building Features							
Ground story fenestration	—	—	—	—	—	—	—
Primary frontage	60% minimum	15% minimum	—	—	—	—	—
Secondary frontage	15% minimum	15% minimum	—	—	—	—	—
Upper story fenestration	15% minimum	15% minimum	—	—	—	—	—
Blank wall	20 feet maximum	20 feet maximum	—	—	—	—	—
Commercial space depth	20 feet minimum	20 feet minimum					

- 1 See § 240-24.1.6C6 (fourth Story Step-back).
- 2 See § 240-24.1.7C4 (fourth Story Step-back).
- 3 See § 240-24.18C2(a).
- 4 See § 240-24.1.12C2(a).
- 5 See § 240-24.1.10C2(a).

Table 11. Frontage Types								
P - Permitted	N - Not Permitted	DMS	DS	DN	DH	HH	TC	HC
		P	P	N	N/A	P	P	P

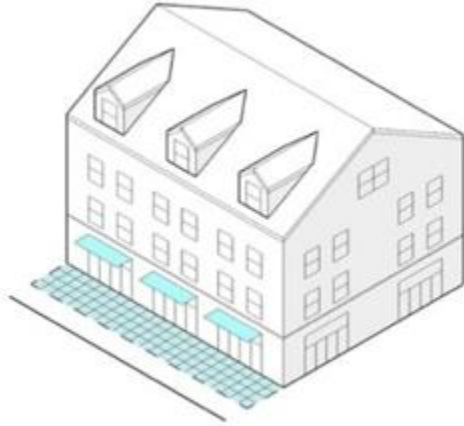


A frontage type consisting of a storefront(s) and an at- tached colonnade with a roof, open pergola, or balcony overhanging a paved sidewalk. A gallery may wrap around the corner of a building to create a veranda-like gallery.

Storefront	P	P	N	N/A	P	P	P
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Table 11. Frontage Types

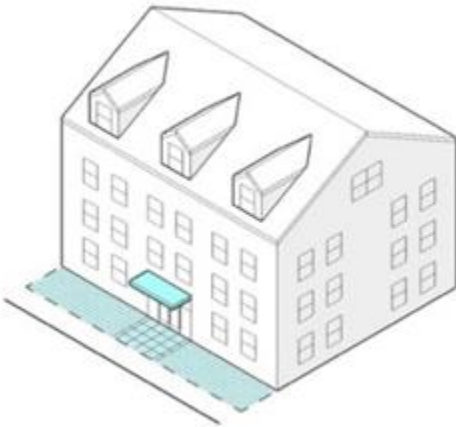
P - Permitted	N - Not Permitted	DMS	DV	DN	DH	HH	TC	HC
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A frontage type consisting of an assembly of commercial entry doors and display windows providing access and light to a commercial space and a place to display goods, services, and signs.

Common Lobby

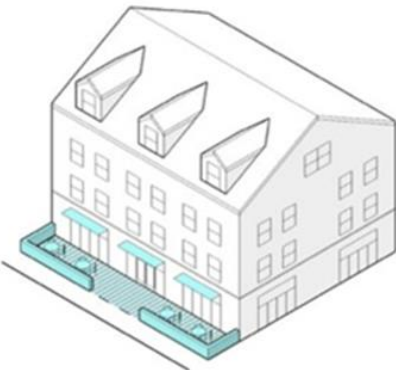
P	P	N	N/A	P	P	P
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A frontage type consisting of an assembly of entry doors and windows providing access and light to the lobby of a building. A common lobby may be combined with an entry plaza or front garden frontage type.

Dining Patio

P	P	N	N/A	P	P	P
---	---	---	-----	---	---	---



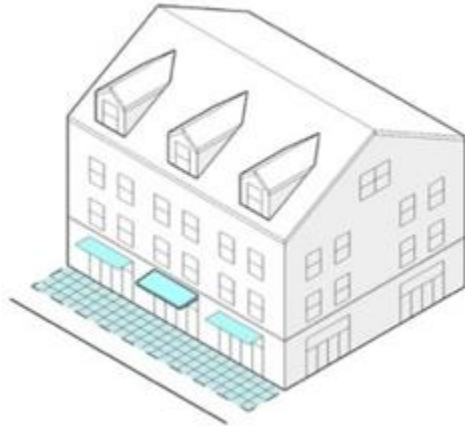
A frontage type consisting of a storefront(s) and outdoor cafe seating in the frontage area.

Entry Plaza

P	P	N	N/A	P	P	P
---	--------------	---	-----	---	---	---

Table 11. Frontage Types

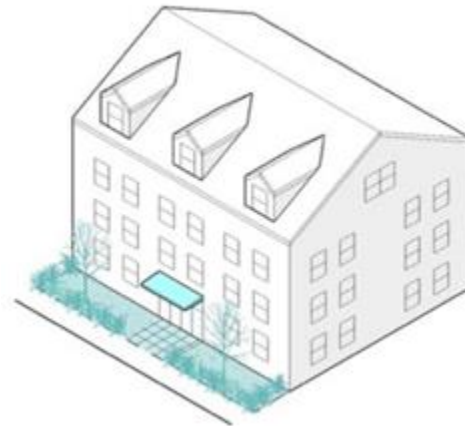
P - Permitted	N - Not Permitted	DMS	DV	DN	DH	HH	TC	HC
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A frontage type consisting of a storefront(s) and a highly paved frontage area. An entry plaza may be combined with a common lobby frontage type.

Front Garden

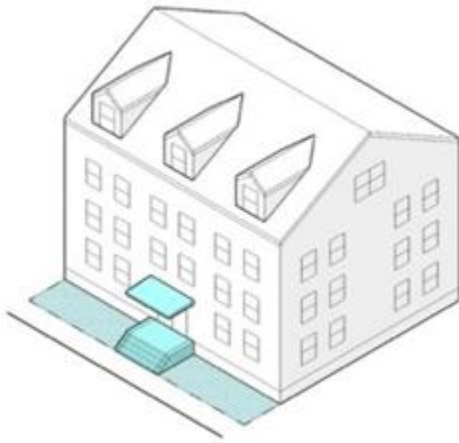
N	N	P	N/A	N	N	N
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A frontage type consisting of a highly landscaped frontage area. A front garden may be combined with a common lobby, dooryard or stoop, or porch frontage type.

Dooryard or Stoop

N	N	P	N/A	N	N	N
---	--------------	---	-----	---	---	---



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.

Table 11. Frontage Types

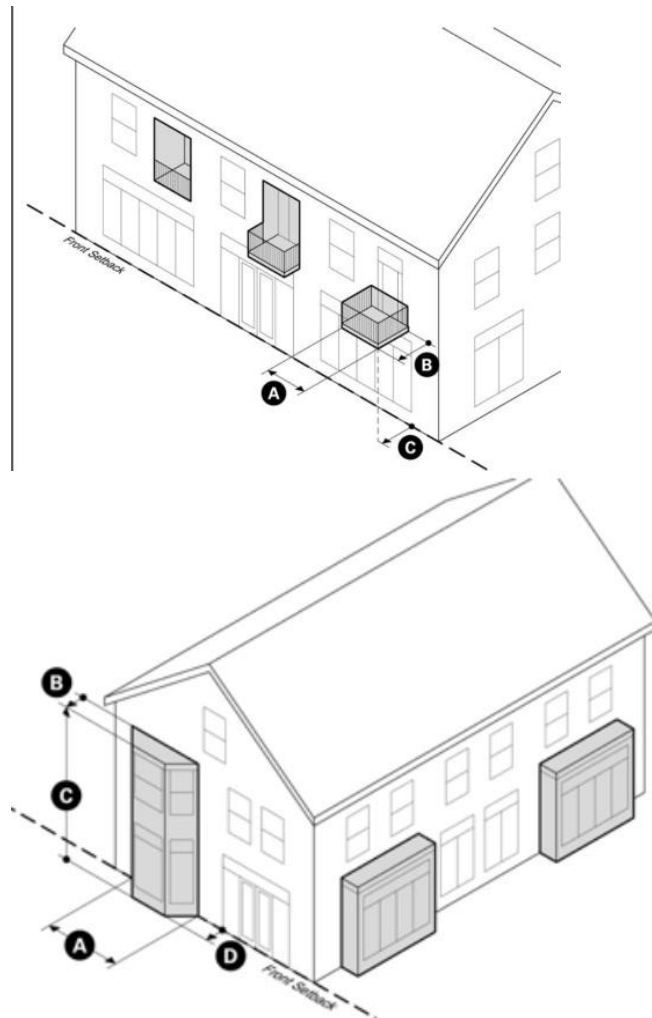
P - Permitted	N - Not Permitted	DMS		DN	DH	HH	TC	HC
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A frontage type consisting of a raised platform with a roof supported by columns, piers, or posts; an area for seating; and an optional set of stairs with a landing that provides access to the entrance of a building. A porch may be combined with a front garden frontage type

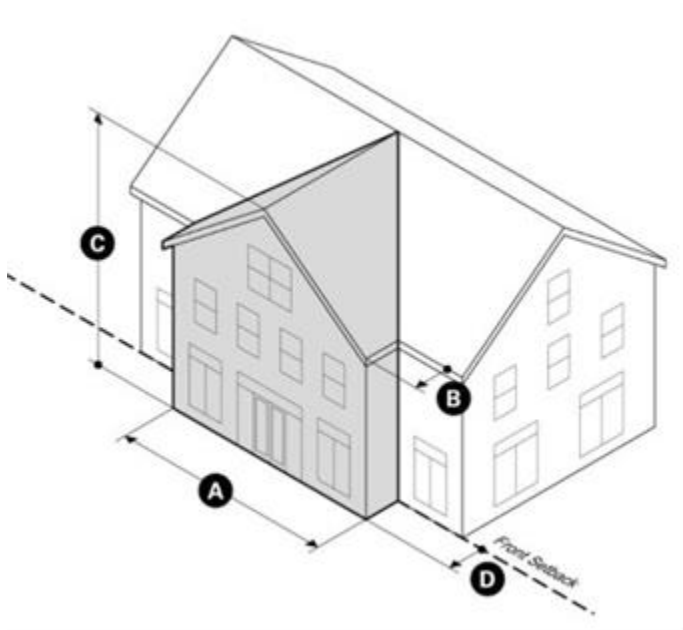
Table 12. Building

A. Balcony
Window

B. Bay or Oriel



A	Width (minimum)	5 feet	A	Single bay width (maximum)	16 feet
B	Depth (minimum)	4 feet		Cumulative bay width (maximum)	50% of the width of the exterior wall from which the bays project
	Area (minimum)	20 square feet	B	Projection (maximum)	3 feet
C	Front setback encroachment (maximum)	5 feet	C	Stories (maximum)	Same as the principal building
			D	Front setback encroach- ment	3 feet
	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 permit- ted building component.			Design standards: Bays may attach to any exterior wall of a principal building. A bay window may have a flat roof.	
C.	Dormer		D.	Cross Gable	
E.	Projecting Gable				



A	Width (maximum)	Equal to the shortest side of the attached primary massing
B	Projection (maximum)	6 feet
C	Height (minimum)	Height of building in stories
D	Front setback encroachment (maximum)	6 feet
	Design standards: A projecting gable may attach only the facade of a principal building. The roof ridge of a projecting gable must be perpendicular to the main roof ridge of the principal building.	

B. NEW BUSINESS (First Reading) (Refer to Planning Board)

BARNSTABLE TOWN COUNCIL

ITEM# 2026-007
INTRO: 07/17/2025,
08/21/2025

**2026-007 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I
GENERAL ORDINANCES, CHAPTER 240 ZONING TO AMEND THE
AREA IN THE DOWNTOWN MAIN STREET DISTRICT WHERE
GROUND FLOOR COMMERCIAL SPACE IS REQUIRED**

ORDERED: That the Code of the Town of Barnstable, Part I, General Ordinances, Chapter 240 Zoning, Article III District Regulations, Section 240-24.1.6 Downtown Main Street District (DMS) be amended by deleting in subsection C.4. the words "Ocean Street" and inserting the words "Pleasant Street" in their place.

SPONSOR: Craig A. Tamash, Town Council President, Precinct 4

DATE

ACTION TAKEN

___ Read Item
___ Motion to Open Public Hearing
___ Rationale
___ Public Hearing
___ Close Public Hearing
___ Council Discussion
___ Vote

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2026-007

INTRO: 07/17/2025, 08/21/2025

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: James Kupfer, Director, Planning & Development Department
DATE: June 30, 2025
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning to revise the Downtown Main Street District by amending the area where ground-floor commercial space is required

BACKGROUND: These proposed zoning amendments follow discussions by the Town Council Ad-Hoc Subcommittee regarding necessary updates to Chapter 240 Zoning Ordinance. The Committee has recommended revising the area where ground-floor commercial space is required along Hyannis Main Street.

Zoning amendments are processed in accordance with Massachusetts General Law (MGL) Chapter 40A, Section 5. Adoption or change of zoning ordinances may be initiated by the submission to the Town Council of a proposed zoning ordinance by different parties, including the Town Council itself.

ANALYSIS: The proposed changes will change the area within the Downtown Main Street (DMS) District where ground-floor commercial space is required from lots fronting Main Street between Ocean Street and Sea Street, to lots fronting on Main Street between Pleasant Street and Sea Street.

FISCAL IMPACT: There is no significant fiscal impact associated with this item.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, supports this item.

STAFF SUPPORT: James Kupfer, Director, Planning & Development Department

§ 240-24.1.6. Downtown Main Street District (DMS).

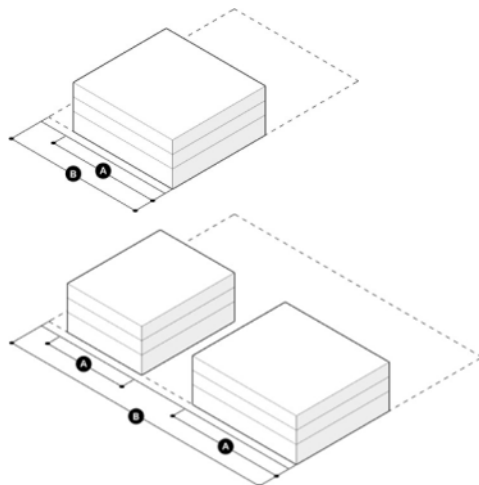
A. Intent.

1. 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 (two- to four-story) 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.

B. Lot standards.

1. Newly platted lots must be dimensioned as specified by Table 3.
2. Building facades must have a minimum width that is equal to a percentage of a lot's width and is specified as the facade buildout by Table 3.
 - (a) Facade buildout is calculated by dividing the total width of all facades by the lot width and may be cumulatively calculated by multiple buildings.
 - (b) The open space of a forecourt is considered part of the building for the purpose of measuring building width and facade buildout.
 - (c) The SPGA may provide relief from the facade buildout requirements; the Board must find the issuance of the special permit is consistent with the design and infrastructure plan.

Facade Build Out



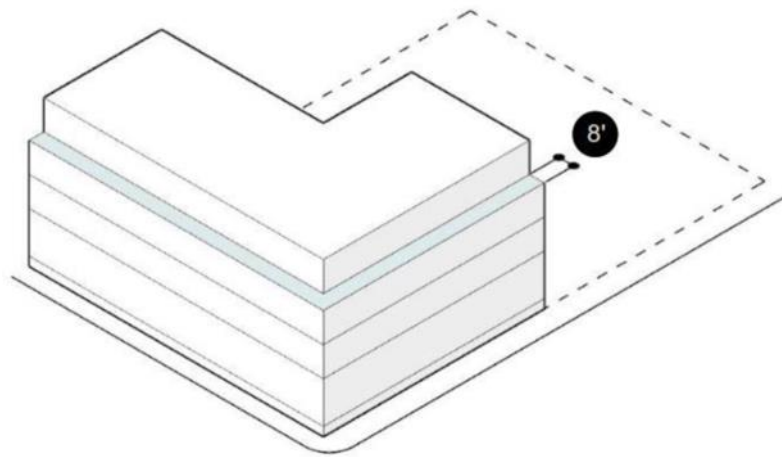
Single Building per Lot = $A \div B$

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

C. Building Standards

1. Multiple principal buildings are permitted per lot.
2. Principal buildings are permitted as specified by Table 3.
 - (a) Additional principal buildings are exempt from the required maximum front setback.

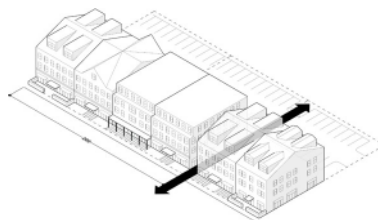
3. Principal building facade(s) must be built parallel to any primary front lot line, at or between the minimum and maximum front setbacks.
4. Any building contributing toward the frontage buildout for any lot fronting Main Street between Pleasant Street and Sea Street must provide ground story commercial space that is at least 20 feet in depth for 100% of the total width of the building, excluding lobby entrances and other means of egress associated with the use of upper stories.
5. Awnings, canopies, signs, balconies, and nonhabitable architectural features of a building may project over the public sidewalk but must provide at least eight feet of clearance and a license from the Town Manager in accordance with Barnstable General Ordinances, Part 1, Chapter 121, § 121-6J is required.
6. The fourth story of any building must be recessed ("stepped back") from the facade of the stories below at least eight feet.



7. Mechanical and stairwell penthouses and building systems equipment must be setback from any exterior wall a distance that is equal to their height.
8. Facades may not have any blank wall areas without fenestration or architectural surface relief greater than 20 feet measured both vertically and horizontally for all stories of a building for any facade.
9. Loading and service areas may not be visible from any public sidewalk of Main Street.

D. Design guidelines.

1. 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 200 linear feet of the building's principal entrance.



2. 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-story passage through a building.

E. Use provisions.

1. Limitations.

- (a) Occupation of a single commercial space greater than 5,000 square feet by any food and beverage service or retail sales use requires a special permit.
- (b) The maximum number of dwelling units permitted for any multiunit 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.

F. Site standards.

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

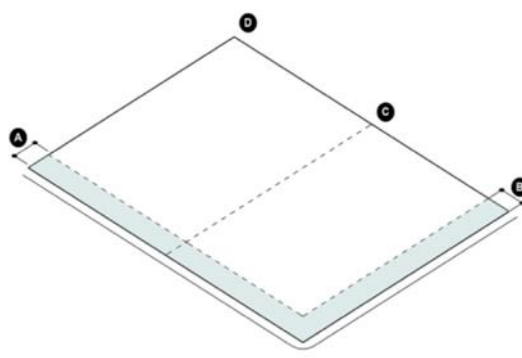
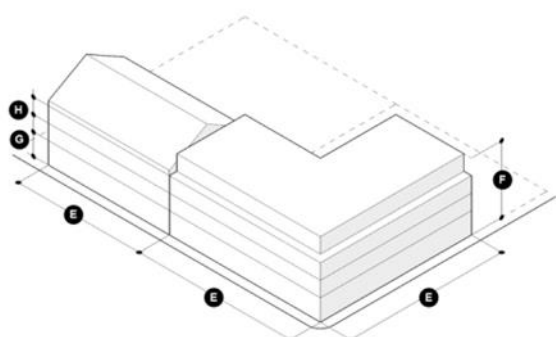
G. Landscape standards.

- 1. 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 canopy tree to be planted every 30 feet of frontage of the property.
- 2. A side or rear landscaped area at least six 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 50 linear feet:
 - (a) Two understory or evergreen trees.
 - (b) Three medium shrubs and three small shrubs or a fence or wall at least six feet in height.

H. Parking standards.

- 3. 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 Lot width	Building Form E - Building width
30 feet minimum	180 feet maximum

Lot coverage	100% maximum	F - Number of stories	3.5 or 4 maximum ¹
Facade buildout (minimum)	—	G - Ground story height	—
Primary frontage	80% minimum	Commercial	14 feet minimum
Secondary frontage	40% minimum	Residential	10 feet minimum
Setbacks - Principal Buildings		H - Upper story height	10 feet minimum
A - Primary front setback	0 foot minimum 15 feet maximum	Building Features	
B - Secondary front setback	0 foot minimum 15 feet maximum	Ground story fenestration	—
C - Side setback	0 foot minimum	Primary frontage	60% minimum
D - Rear setback	0 foot minimum	Secondary frontage	15% minimum
		Upper story fenestration	15% minimum
		Blank wall	20 feet maximum
		Commercial space depth	20 feet minimum

¹ See § 240-24.1.6C6 (fourth story step-back).

B. NEW BUSINESS (First Reading) (Refer to Planning Board)

BARNSTABLE TOWN COUNCIL

ITEM# 2026-008
INTRO: 07/17/2025, 08/21/2025

2026-008 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE V ACCESSORY USES, BY REPEALING AND REPLACING SECTION 240-46, HOME OCCUPATION WITH A NEW SECTION 240-46 HOME OCCUPATION THAT ADDS DEFINITIONS, LICENSING REQUIREMENTS AND MAKES CERTAIN OTHER REVISIONS

It is hereby **ORDERED** as follows:

SECTION 1

That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article V Accessory Uses, is hereby amended by deleting Section 240-46, Home Occupation in its entirety and inserting the following new Section 240-46, Home Occupation in its place:

“§ 240-46 Home Occupation

A. Intent. It is the intent of this section to allow the residents of the Town of Barnstable to operate a Home Occupation within a dwelling, subject to the requirements and licensing provisions of this section, provided that: the Home Occupation shall not be discernible from outside the dwelling except as provided herein; the Home Occupation shall not create any noise or odor; there shall be no visible alteration to the premises which would suggest anything other than a residential use; there shall be no increase in traffic above normal residential volumes; and there shall be no increase in air or groundwater pollution.

B. Definitions.

Building Commissioner – Duly appointed building commissioner or his designee acting as the zoning enforcement officer.

Commercial Vehicle – Any vehicle that meets the definition of “Commercial Plates Required Vehicle” as set forth in 540 CMR 2.05(3).

Contractor’s Storage Yard – Keeping of materials in trade outdoors, such as: lumber, granite, windows and other such bulk materials, including, but not limited to, stone, gravel, mulch and firewood beyond the limits of personal use.

Home Occupation – A business with a primary business address located within a residence or on a residential property.

Home Occupation License – A license issued to a Responsible Party permitting that individual to have a Home Occupation within their residence or on their residential property.

Kennel – Premises used for the harboring and/or care of more than six dogs or other domestic non-farm animals six months old or over.

Park-and-Ride – a location at which drivers leave their vehicles to get into another vehicle to go to another location.

Responsible Party – Any individual in possession of a Home Occupation License issued by the Town of Barnstable.

Trailer – any vehicle or object on wheels and having no motive power of its own, but which is drawn by, or used in combination with, a motor vehicle.

C. A Home Occupation shall be permitted in all zoning districts as of right, subject to the following conditions:

- (1) The Home Occupation activity is conducted by a permanent resident of a dwelling unit, and such activity is located within that dwelling unit or within an accessory structure located on the same lot, subject to the limitations herein.
- (2) Such use is clearly incidental to and subordinate to the principal use of the premises for residential purposes.
- (3) A Home Occupation shall require a Home Occupation License issued by the Building Commissioner or his designee.
- (4) Any vehicle associated with the Home Occupation and which meets the definition of Commercial Vehicle shall display a commercial registration number plate as required by 540 CMR 2.05.
- (5) Such use occupies no more than 20% of the gross square footage of the dwelling unit, including office and storage areas combined, unless relief is granted by special permit as provided by Subsection (E)(1)(a) below. Such use within an accessory structure shall occupy no more than 200 square feet unless relief is granted by special permit as provided by Subsection (E)(1)(e) below.
- (6) There are no external alterations to the dwelling which are not customary in residential buildings, and there is no outside evidence of such use except as provided herein.
- (7) The use is not detrimental to the neighborhood and its residential character.
- (8) Traffic generated shall not be more disruptive to the neighborhood than traffic normally resulting from a residential use, considering volume, hours, vehicle types and other traffic characteristics, including, but not limited to, an increase of traffic and/or presence of vehicles due to frequent pick-up or drop-off of equipment, materials or supplies.
- (9) The use shall not create or produce excessive noise, vibration, smoke, dust or other particulate matter, odors, electrical disturbance, heat, glare, humidity or other objectionable effects.
- (10) There is no storage or use of toxic or hazardous materials, oil, or flammable or explosive materials in excess of normal household quantities.
- (11) Any need for parking generated by such use shall be met on the premises containing the Home Occupation, but not on grass, lawn or landscaping. Parking associated with the Home Occupation shall not displace resident vehicles into the roadway.
- (12) All supplies, materials and equipment associated with the Home Occupation shall be kept in a garage, shed or other enclosed structure or in or on a Commercial Vehicle or trailer allowed on the premises under this Section.

(13) There are no vehicles associated with the Home Occupation, other than one Commercial Vehicle not to exceed one-ton capacity, and one trailer not to exceed 20 feet in length and not to exceed four tires, parked on the premises containing the Home Occupation.

(14) If more than one Home Occupation is licensed, any additional Commercial Vehicle and/or trailer associated with the second Home Occupation may be parked on the premises only by special permit as set forth in Subsection E(1). Except as authorized under Subsections C(13) and E(1), any Commercial Vehicles or trailers associated with the Home Occupation(s) must be located off-premises at a storage facility or other private property.

(15) No sign shall be displayed indicating the Home Occupation.

(16) If the Home Occupation is listed or advertised as a business, the street address shall not be included.

(17) No more than one non-resident employee may be employed on the premises of a Home Occupation, except pursuant to a special permit in accordance with Subsection (E)(1)(c) below.

(18) The property on which the Home Occupation is located shall not serve as a Park and Ride.

(19) There shall be no more than two (2) Home Occupations licensed on the premises.

(20) Home occupations shall not include such uses similar to and/or including the following:

(a) Barber and beauty shops.

(b) Commercial stables or kennels.

(c) Offices which provide public access, provided that offices that are used only for administrative purposes shall be permitted.

(d) The sale of retail or wholesale merchandise from the premises, with the exception of online or mail order sales. The storage of merchandise is included in the total area limits of the home occupation subject to Subsection (C)(5) above.

(e) The sale of antique or secondhand goods, with the exception of online or mail order sales. The storage of merchandise is included in the total area limits of the home occupation subject to Subsection C(5) above.

(f) Service or repair of vehicles, and gasoline- or diesel-powered machinery.

(g) Contractor's storage yards.

(h) Veterinary services.

(i) The manufacture of goods using heavy machinery.

(j) Medical or dental practice.

(k) Fortune-telling or palm reading.

D. Home Occupation License. Applicants shall be required to receive a Home Occupation License from the Building Commissioner or his designee for each Home Occupation located within a residence or on a residential property.

(a) All Responsible Parties shall make application to renew their Home Occupation Licenses annually. Renewals are subject to approval and may be withheld for violations of the Barnstable Town Code, including, but not limited to, the requirements set forth in this Section.

(b) A Home Occupation License shall be for a term of one (1) calendar year, beginning on January 1. License fees shall not be pro-rated when obtained after January 1.

(c) Home Occupation Licenses shall include, at a minimum, the following information: A license number, name and photo of the Responsible Party; the location of the Home Occupation; license plate numbers of all commercial vehicles associated with the Home Occupation; telephone number of the Responsible Party; email address of the Responsible Party; and location of off-premises parking associated with the Home Occupation.

(d) A Home Occupation License may be revoked by the Building Commissioner or his designee for cause, including, but not limited to:

- i. Violation of any of the provisions of this Section.
- ii. Providing false information in any application associated with the Home Occupation.
- iii. Parking business-associated vehicles in violation of what is allowed by this Section.
- iv. Failing to register vehicles associated with the Home Occupation as required by Subsection (C)(4).
- v. Failure to timely communicate with the Building Commissioner or his or her designee during any enforcement action.

(e.) A Responsible Party aggrieved by a decision by the Building Commissioner pursuant to this Subsection D may appeal to the Zoning Board of Appeals within thirty (30) days of the decision. Appeals to the Zoning Board of Appeals shall be delivered in accordance with Massachusetts General Laws c. 40A § 15.

E. Home Occupation by special permit. The Zoning Board of Appeals may allow by special permit, subject to the provisions of § 240-125C herein, a Home Occupation subject to the specific standards for such conditional uses as required in this Section:

(1) Home Occupations shall comply with all of the requirements of Subsection C(1) through C(20) above, except the Zoning Board of Appeals may allow by special permit the following waivers from the requirements of Subsection C above:

(a) The Zoning Board of Appeals may allow an activity to exceed 20% of a dwelling's gross square footage but at no time shall allow a Home Occupation to occupy more than 40% of a dwelling's gross square footage.

(b) The Zoning Board of Appeals may allow one nonilluminated wall sign not exceeding two square feet in area.

(c) The Zoning Board of Appeals may allow more than one nonresident employee to be employed on the premises of a Home Occupation but at no time shall a Home Occupation allow for more than two nonresidents of the household to be employed on the premises at the same time.

(d) Home Occupations shall not include the uses listed in Subsection C(20) above. However, the Zoning Board of Appeals may allow activities that may not be customary within a dwelling, provided that the activity meets the intent as specified herein.

(e) The Zoning Board of Appeals may allow a Home Occupation to be located within an accessory structure which may occupy greater than 200 square feet of the accessory structure, on the same lot as the principal residential dwelling unit occupied by the applicant; provided that at no time shall the use within the accessory structure occupy an area within an accessory structure

that is greater than 25% of the gross square footage of the principal residential dwelling unit occupied by the applicant.

(f) An additional commercial vehicle and/or trailer associated with a second Home Occupation.

(2) Home Occupations requiring a special permit shall require Article IX, Site Plan Review.

(3) Any special permit granted by the Zoning Board of Appeals shall be issued solely to the applicant at his or her residence with the Home Occupation and shall not be transferable to another person or to another location.”

SECTION 2

This Order shall take effect ninety (90) days after passage.

SPONSOR: Mark S. Ells, Town Manager

DATE

ACTION TAKEN

_____	_____
_____	_____

_____	Read Item
_____	Motion to Open Public Hearing
_____	Rationale
_____	Public Hearing
_____	Close Public Hearing
_____	Council Discussion
_____	Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2026-008
INTRO: 07/17/2025, 08/21/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: James Kupfer, Director, Planning & Development Department
DATE: July 17, 2025
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article V Accessory Uses, by repealing and replacing Section 240-46, Home Occupation with a new Section 240-46 Home Occupation that adds definitions, licensing requirements and makes certain other revisions

RATIONALE: The Town Manager's office has established a Town of Barnstable Quality of Life working group. This working group has been established to discuss and improve enforcement matters as it relates to policies, procedures, and communication to the community. The working group meets monthly and is made up of various applicable departments. The working group has begun to refine recommendations and next steps to improve enforcement matters in the Town of Barnstable.

One priority identified by the working group is the desire to limit commercial activity in residential neighborhoods. The recommended approach to improve this concern is an amendment to Chapter 240 Zoning Article V Section 240-46, Home Occupation.

This amendment seeks to improve enforcement policy and procedures by establishing a required home occupation license for all home occupations and refine certain conditions to limit home occupations that may create a nuisance in a residential neighborhood.

The intent of the proposed zoning amendment is to improve compliance of all home occupations and limit impacts of a home occupation in residential zones in order to prevent the disruption of traffic and to maintain the character and appearance of residential neighborhoods.

FISCAL IMPACT: The enforcement of this proposed ordinance will require additional staffing for the Inspectional Services Department along with funding for equipment and operating expenses. The estimated budget is approximately \$175,000 annually (excluding benefits), which includes two full-time staff: one administrative position and one field Inspector. A new annual licensing fee will be proposed to cover the cost of enforcing this ordinance. Not including existing home occupation businesses, which are estimated to be in the thousands, Barnstable receives between 500 and 1,000 new home occupation applications each year. An annual license fee of \$200 could provide funding for the direct operating costs of enforcing this proposed ordinance. These funding requests will be brought forward as separate agenda items.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, supports this item.

STAFF SUPPORT: Andy Clyburn, Assistant Town Manager, James Kupfer, Director of Planning and Development; Brian Florence, Building Commissioner; Karen L. Nober, Town Attorney; Allison Cogliano, Assistant Town Attorney

B. NEW BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2026-009
INTRO: 08/21/2025

2026-009 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2026 JAIL/ARREST DIVERSION PROGRAM COMPONENT GRANT IN THE AMOUNT OF \$20,000 FROM THE COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF MENTAL HEALTH OF MENTAL HEALTH

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2026 Jail/Arrest Diversion Program Component Grant from the Commonwealth of Massachusetts, Department of Mental Health in the amount of **\$20,000** for the purpose of funding costs to support police jail diversion programs, trainings, outreach, and stakeholder engagement, as well as funding a portion of the costs of the Community Service Officer Program.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

___ Read item
___ Rationale
___ Council Discussion
___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2026-009
INTRO: 08/21/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Jean Challies, Chief of Police
DATE: August 21, 2025
SUBJECT: Authorization to contract for and expend a Fiscal Year 2026 Jail/Arrest Diversion Program Component Grant in the amount of **\$20,000** from the Commonwealth of Massachusetts, Department of Mental Health

BACKGROUND: Since initially awarded a Department of Mental Health (DMH) grant in 2014, the Community Impact Unit (CIU) has successfully established an Innovative Jail Diversion Program and Community Crisis Intervention Team designed to divert persons in mental health and/or substance abuse crisis away from the Criminal Justice System and towards appropriate services and support by using a collaborative inter-agency approach. Additionally, our summer Community Service Officer Program has been very successful in assisting the CIU in serving persons in mental health and/or substance abuse crisis, while at the same time improving quality-of-life issues for the residents, businesses, and the overall community of the Town of Barnstable.

ANALYSIS: This grant allotment for Fiscal Year 2026 represents an initial award of \$20,000. DMH does not expect to have final appropriation amounts determined until the Fall of 2025 and this initial award of \$20,000 is classified as a short-term award to enable a portion the program initiatives to commence.

FISCAL IMPACT: This DMH grant has historically paid for valuable programming in the following areas and is a reimbursement grant:

- Overtime costs to provide training for up to 10 Patrol Officers of the Barnstable Police Department in Crisis Intervention Team (CIT) training in collaboration with the Southshore CIT in Braintree, MA
- Overtime costs to conduct MHFA training for up to 6 officers
- Overtime and travel costs to send up to 8 officers to Struggle Well Training, which is a National program that trains police officers in practices to regulate negative thoughts, feeling, and actions rather than suffer Post Traumatic Stress Syndrome
- Overtime costs for valuable consultation and weekly stakeholder meetings with area social service agencies and medical/behavioral health liaisons
- Outreach to the intended population served by this grant
- Funding for Community Service Officers including supportive training for a week including in Mental Health First Aid, when they begin their summer season in June, 2025

- CCIT Management/Coordination; and Grant Management/Reporting
- Overtime for sworn staff attending and presenting at the annual Substance Abuse Forum
- Travel overtime to attend the Mental Health Law Enforcement Conference

The police department provides In-Kind Contributions as follows:

- 1 Lieutenant assigned to the Community Services Division, which includes oversight of the CIU, SROs, and the Hyannis Youth and Community Center;
- 1 Sergeant assigned to the CIU;
- 1 full-time officers assigned to the CIU;
- 1 Financial Administrator

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends acceptance of this grant.

STAFF ASSISTANCE: Jean Challies, Chief of Police; Lieutenant Michael L. Riley; Anne E. Spillane, Finance & Support Services Director

B. NEW BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

**ITEM# 2026-010
INTRO: 08/21/2025**

2026-010 AUTHORIZATION TO CONTRACT FOR AND EXPEND A GRANT IN THE AMOUNT OF \$5,000 FROM THE CAPE COD FIVE BANK TO SUPPORT THE SCHOOLS OUT AFTERSCHOOL RECREATION (SOAR) PROGRAM OFFERED AT THE HYANNIS YOUTH AND COMMUNITY CENTER

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Cape Cod Five Bank grant in the amount of **\$5,000** to the Community Services Department to support the Schools Out Aftercare Resource (SOAR) program offered at the Hyannis Youth and Community Center.

SPONSOR: Mark S. Ells, Town Manager

DATE

ACTION TAKEN

___ Read Item
___ Rationale
___ Council Discussion
___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2026-010
INTRO: 08/21/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Chris Gonnella, Director of Community Services
DATE: August 21, 2025
SUBJECT: Authorization to contract for and expend a grant in the amount of \$5,000 from the Cape Cod Five Bank to support the Schools Out Afterschool Recreation (SOAR) Program offered at the Hyannis Youth and Community Center

BACKGROUND: The Cape Cod Five Bank has generously provided a grant to provide funds for the Schools Out Afterschool Recreation Program (SOAR) at the Hyannis Youth and Community Center (HYCC). This grant will provide funds to enrich the current program and will also support salaries of additional seasonal staff as we try to increase enrollment of the current program. These funds will also provide additional structured times where children and their parents can interact with HYCC staff and engage in family activities monthly throughout the school year.

The SOAR program serves children during the school year by providing transportation from the Barnstable Intermediate School to the Hyannis Youth and Community Center where they are provided with structured activities and a healthy snack. HYCC staff engage with them and offer gym activities, game room access and tournaments, homework assistance, and a safe place to go after school until they are picked up at 5:30pm.

The SOAR program was implemented in 2017 and historically we have had between forty and fifty participants each school year and is a staple of the HYCC program offerings. These positive experiences often lead to and have resulted in participants becoming employees of the HYCC and leaving positive impacts on future generations and the community.

We are grateful to Cape Cod Five Bank for their continued support.

FISCAL IMPACT: There is no immediate financial impact to the Town's operating budget as a result of accepting this grant.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends acceptance of this grant.

STAFF ASSISTANCE: Chris Gonnella, Director of Community Services, Mark Boardley, Manager, Hyannis Youth and Community Center

B. NEW BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2026-011
INTRO: 08/21/2025

2026-011 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FEDERAL FISCAL YEAR 2025 BYRNE JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$20,000 FROM THE U.S. DEPARTMENT OF JUSTICE THROUGH THE MASSACHUSETTS STATE POLICE DEPARTMENT FOR COSTS INCURRED IN STATE FISCAL YEAR 2025

RESOLVED: That the Town Council does hereby authorize and ratify the actions of the Town Manager in contracting for and expending a Federal Fiscal Year 2025 Massachusetts State Police Subrecipient grant in the amount of **\$20,000** from the Byrne Justice Assistance grant from the U.S. Department of Justice for the purpose of funding overtime costs of the Barnstable Police Department incurred in State Fiscal Year 2025 in connection with the Commonwealth Project Safe Neighborhood Initiative.

SPONSOR: Mark S. Ells, Town Manager

DATE

ACTION TAKEN

___ Read Item
___ Rationale
___ Council Discussion
___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2026-011
INTRO: 08/21/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Jean B. Challies, Provisional Chief of Police
DATE: August 21, 2025
SUBJECT: Authorization to contract for and expend a Federal Fiscal Year 2025 Byrne Justice Assistance grant in the amount of **\$20,000** from the U.S. Department of Justice through the Massachusetts State Police Department for costs incurred in State Fiscal Year 2025

BACKGROUND: The Massachusetts State Police has been awarded funds from the 2025 Byrne Justice Assistance Grant (JAG) program from the U.S. Department of Justice (DOJ). The awarded grant funds the SFY2025 Commonwealth Project Safe Neighborhood (PSN) Initiative and provides funding to municipalities as subrecipients. The Massachusetts State Police has created a partnership with the Barnstable Police Department as a subrecipient of this award and has awarded the department \$20,000 to expend on the costs associated with this partnership with the MSP. This is a prevention and reduction program of gun violence, targeting impact players deemed most violent, cool “hot spots”, with the intention of increasing community safety and reducing the fear and apprehension of citizens living in areas of high crime and violence.

JAG funding will enable the MSP Gang Unit, Violent Fugitive Apprehension Section (VFAS), High Risk Victims Unit (HRVU), State Police Detective Units (SPDU – Cape and Islands), Troopers from the Division of Field Services (Troop D - CAT), as well as municipal police officers from Barnstable to collaboratively address the many issues facing Barnstable. This funding enhances the ability for police to work proactively as a team to attack and reduce serious crime and the ill effects it imposes on communities.

This grant funded overtime costs incurred by the assignment of Barnstable Police officers to focus on serious crime in our community, specifically targeted at gangs, guns, and drugs, which frequently result in homicide, assaults, and violence. The Massachusetts State Police shall be solely responsible for the administration and distribution of the appropriated funds.

ANALYSIS: Acceptance of this grant will enable the department to work with the Massachusetts State Police Department to address community-based criminal activities dealing with gang violence, gun violence, and narcotics.

FISCAL IMPACT: This is a reimbursement grant for overtime work on the PSN for up to \$20,000. The town must expend the funds up front and subsequently submit for reimbursement to the Massachusetts State Police. All costs associated with this partnership grant contract must be completed by June 28, 2025. It should be noted that approval of this Item is being requested after the grant has already been expended and a drawdown already completed. Due to an administrative oversight, an agenda item approving the expenditure of these grant funds was not timely submitted for inclusion on a Town Council agenda. New internal procedures have been put in place to prevent such an occurrence in the future.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this Item.

STAFF ASSISTANCE: Jean B. Challies, Chief of Police, Meaghan Cunningham, Det. Lt.; Lena Bevilacqua, Police Grant Coordinator

B. NEW BUSINESS (First Reading) (Refer to Planning Board)

BARNSTABLE TOWN COUNCIL

**ITEM# 2026-012
INTRO: 08/21/2025**

2026-012 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING ARTICLE V ACCESSORY USES, BY REPEALING SECTION 240-45 OFF-STREET STORAGE OF TRAILERS AND REPLACING WITH A NEW SECTION 240-45 OFF-STREET PARKING AND STORAGE OF COMMERCIAL VEHICLES, TRAILERS AND MOBILE HOMES

ORDERED: That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article V Accessory Uses, is hereby amended by deleting Section 240-45, Off-street storage of trailers, in its entirety and inserting the following new Section 240-45, Off-street parking and storage of commercial vehicles, trailers and mobile homes, in its place:

“§ 240-45 Off-street parking and storage of commercial vehicles, trailers and mobile homes

A. Purpose and Intent

The purpose of this section is to limit the number of commercial vehicles, trailers and mobile homes, as defined herein, which are allowed to be parked and/or stored on residential properties to reduce safety hazards, prevent the disruption of traffic and maintain the character and appearance of residential neighborhoods.

B. Definitions

For purposes of this Section, the following terms shall have the following meanings:

a. Residential Lot

Any parcel or lot that contains a single-family dwelling unit as the primary use of the property.

b. Mobile Home or Recreational Vehicle

A self-propelled or towable vehicle regulated by the Massachusetts Department of Transportation with self-contained amenities for eating, sleeping, living, cooking and sanitation on a temporary basis, intended for travel, recreation, leisure and vacation purposes, excluding allowed uses under Section 240-9.

c. Trailer

Any vehicle or object on wheels and having no motive power of its own, but which is drawn by, or used in combination with, a motor vehicle, provided that Trailer shall not include Mobile or Recreational Vehicle.

d. **Commercial Vehicle**

- e. Solely for purposes of this ordinance, any vehicle that falls within subsections (a), (d), and (e) of the definition of Commercial Plates Required Vehicle as set forth in 540 CMR 2.05(3), regardless of whether the vehicle has commercial plates.

f. **Driveway**

A means of vehicular access to a parcel of land abutting a highway or street.

g. **Prohibited Vehicles**

Trailers that are more than twenty (20) feet in length or have more than four (4) tires; and Commercial Vehicles that exceed one-ton capacity.

C. Parking and storage of vehicles on a residential lot.

a. Permitted uses as of right in all zoning districts

- i. Mobile Homes – mobile homes may be stored in a driveway, garage or other accessory building or on the rear half of a lot owned or occupied by the owner of the mobile home; provided that if the mobile home is parked on the rear half of a lot, it shall not encroach upon the minimum yard setback requirements of the zoning district in which it is located.
- ii. Trailers - one trailer that does not exceed twenty (20) feet in length and does not have more than four (4) tires may be parked on a residential lot at any given time.
- iii. Commercial Vehicles – a maximum of two Commercial Vehicles may be parked at any given time on a residential property. If any Commercial Vehicles are authorized in connection with a duly licensed Home Occupation under Section 240-46, such Commercial Vehicles shall count towards the maximum of two allowed hereunder.
- iv. Unregistered Vehicles – a maximum of one unregistered motor vehicle may be parked or stored on a residential lot at any given time; provided that such vehicle is parked or stored in an enclosed structure or is otherwise screened so that it is not visible from the street.
- v. Notwithstanding any provisions herein to the contrary, vehicles temporarily on the premises due to ongoing permitted building or site work at the premises are allowed.

b. Permitted uses requiring a special permit

- i. Any Commercial Vehicle in excess of two shall require a special permit granted by the Zoning Board of Appeals. The Zoning Board of Appeals shall not authorize more than three commercial vehicles on one residential property.

c. Prohibited uses

- i. Trailers of twenty (20) feet or more in length or having more than four (4) tires and construction vehicles, including, but not limited to, backhoes, bulldozers and dump trucks, are prohibited from being parked or stored on a residential lot; provided that such vehicles temporarily on the premises due to ongoing permitted building or site work at the premises are allowed.
- ii. Commercial Vehicles and Trailers shall not be parked on grass, lawn or landscaping, except that a Mobile Home may be parked on grass on the rear half of a lot, subject to the provisions of subsection C(a)(i) above.
- iii. Prohibited Vehicles shall not be parked on a residential property.”

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

_____	Read Item
_____	Motion to Open Public Hearing
_____	Rationale
_____	Public Hearing
_____	Close Public Hearing
_____	Council Discussion
_____	Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2026-012
INTRO: 08/21/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: James Kupfer, Director, Planning & Development Department
DATE: August 21, 2025
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning Article V Accessory Uses, by repealing Section 240-45 Off-street storage of trailers and replacing with a new section 240-45 off-street parking and storage of commercial vehicles, trailers and mobile homes

RATIONALE: The Town Manager's office has established a Town of Barnstable Quality of Life working group. This working group has been established to discuss and improve enforcement matters as it relates to policies, procedures, and communication to the community. The working group meets monthly and is made up of various applicable departments. The working group has begun to refine recommendations and next steps to improve enforcement matters in the Town of Barnstable.

One priority identified by the working group is the desire to limit commercial activity in residential neighborhoods. The recommended approach to improve this concern is an amendment to Chapter 240 Zoning Article V Section 240-45.

This amendment seeks to improve enforcement policy and procedures by establishing definitions for a commercial vehicle, trailer and mobile home and by defining uses that are permitted as of right, uses that require a Special Permit and uses that are prohibited.

The intent of the proposed zoning amendment is to limit commercial vehicle, trailer and mobile home parking and storage in residential zones in order to reduce safety hazards, prevent the disruption of traffic and to maintain the character and appearance of residential neighborhoods. Specifically, this amendment limits the parking of certain types of commercial vehicles, i.e., those which detract from the residential character and appearance of the neighborhood, to a maximum of two at a residential property, with a provision for a special permit from the Zoning Board of Appeals for more than two. Such limits would include any commercial vehicles allowed pursuant to the Town's proposed Home Occupation Ordinance.

FISCAL IMPACT: There is no significant fiscal impact associated with this item.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, supports this item.

STAFF SUPPORT: Andy Clyburn, Assistant Town Manager, James Kupfer, Director of Planning and Development; Brian Florence, Building Commissioner; Karen L. Nober, Town Attorney; Allison Cogliano, Assistant Town Attorney

B. NEW BUSINESS (First Reading) (Refer to Public Hearing 09/04/2025)

BARNSTABLE TOWN COUNCIL

**ITEM# 2026-013
INTRO: 08/21/2025**

**2026-013 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I
GENERAL ORDINANCES, CHAPTER 1 GENERAL PROVISIONS,
ARTICLE I NONCRIMINAL ENFORCEMENT OF VIOLATIONS, TO
INCREASE FINES FOR ZONING VIOLATIONS**

ORDERED: That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 1 General Provisions, Article I Noncriminal Enforcement of Violations, Section 1-3, is hereby amended by deleting the fine of \$100 for a Zoning violation and inserting a graduated fine structure of a warning for a first offense, a \$100 fine for a second offense, a \$200 fine for a third offense and a \$300 fine for a fourth and subsequent offenses, so that, as amended, it reads as follows:

“Ch. 240Zoning

First Offense	Warning
Second Offense	\$100
Third Offense	\$200
Fourth and Each Subsequent Offense	\$300

SPONSOR: Mark S. Ells, Town Manager

DATE ACTION TAKEN

____ Read Item
____ Motion to Open Public Hearing
____ Rationale
____ Public Hearing
____ Close Public Hearing
____ Council Discussion
____ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2026-013
INTRO: 08/21/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Brian Florence, Director of Inspectional Services
DATE: August 21, 2025
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 1 General Provisions, Article I Noncriminal Enforcement of Violations, to increase fines for Zoning Violations

RATIONALE: The current fine structure under Chapter 1, Article 1 Noncriminal Enforcement of Violations, which sets zoning offense fines at a flat \$100 per offense, fails to create sufficient incentive for repeat offenders to comply with the ordinance. While the intent of the statute is to provide a civil, non-criminal enforcement mechanism, the uniform fine amount does not adequately differentiate between a first-time, possibly inadvertent violation and repeated, willful disregard of the law.

1. Limited Deterrent Effect of Current Fine

For many individuals and businesses, a \$100 fine represents a manageable cost of doing business rather than a meaningful deterrent. Repeat offenders may choose to ignore compliance requirements, calculating that the penalty is a minor and predictable expense compared to the effort or cost of corrective action.

2. Progressive Penalties Encourage Voluntary Compliance

A graduated penalty schedule—beginning with a warning for the first offense, escalating to \$100 for the second, \$200 for the third, and \$300 for each subsequent offense—aligns the financial consequence with the severity and persistence of the violation. This structure:

- Encourages voluntary compliance after the first warning, reducing the need for future enforcement.
- Maintains fairness for first-time violators who may not be aware of the regulation.
- Escalates consequences for chronic offenders, increasing the deterrent effect.

3. Alignment with Principles of Proportional Enforcement

Progressive fines reflect a proportional response: minor or unintentional violations are treated with leniency, while repeated noncompliance receives stronger enforcement. This approach is consistent with modern municipal code enforcement strategies, which emphasize education and cooperation first, followed by graduated penalties for continued violations.

4. Reduction in Enforcement Costs

By motivating compliance earlier in the process, a progressive fine schedule can reduce repeated enforcement actions, administrative workload, and related costs to the municipality. Chronic offenders are more likely to comply when the financial consequences grow significantly with each offense.

FISCAL IMPACT: There is no significant fiscal impact associated with this item.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, supports this item.

STAFF SUPPORT: Brian Florence, Building Commissioner

B. NEW BUSINESS (First Reading) (Refer to Second Reading 09/04/2025)

BARNSTABLE TOWN COUNCIL

ITEM# 2026-015
INTRO: 08/21/2025

2026-015 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Licensing Authority:** Nancy Karlson-Lidman from an associate position to a full member position to a term expiring 06/30/2028; Mike Trovato, as an associate member to a term expiring 06/30/2026; **Shellfish Committee:** James Weiler, as a member holding a family permit to a term expiring 06/30/2028

SPONSOR: Appointments Committee Members: Councilor Kristin Terkelsen, (Chair); Councilor Jeffrey Mendes; Councilor John Crow; Councilor Charles Bloom; and Councilor Seth Burdick

DATE	ACTION TAKEN
_____	_____
_____	_____

____ Read Item
____ Rationale
____ Council Discussion
____ Vote

B. NEW BUSINESS (First Reading) (Refer to Second Reading 09/04/2025)

BARNSTABLE TOWN COUNCIL

**ITEM# 2026-016
INTRO: 08/21/2025**

2026-016 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council reappoints the following individuals to a multiple-member Board/Committee/Commission: **Council on Aging:** Charles Coyle, as a regular member to a term expiring 06/30/2028

SPONSOR: Appointments Committee Members: Councilor Kristin Terkelsen, (Chair); Councilor Jeffrey Mendes; Councilor John Crow; Councilor Charles Bloom; and Councilor Seth Burdick

DATE	ACTION TAKEN
_____	_____
_____	_____

____ Read Item
____ Rationale
____ Council Discussion
____ Vote

B. NEW BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2026-017
INTRO: 08/21/2025

**2026-017 RESOLVE APPROVING TWO FISH WEIR APPLICATIONS
FROM CAPE COD ARTISANAL FISHERIES, LLC**

RESOLVED: Pursuant to M.G.L. c. 130, section 29, the Barnstable Town Council does hereby approve two applications of Cape Cod Artisanal Fisheries, LLC (Jacob Angelo, a resident of West Barnstable), for two (2) separate fish weirs sites (Hyannis Port and Wianno) in the coastal waters of the Town of Barnstable in Nantucket Sound, each for a period of five (5) years from September (after Labor Day) through November of each year, subject to the following conditions for each weir:

1. Notice to mariners (start and finish of installation each year);
2. Installation of four (4) radar reflectors;
3. One (1) United States Coast Guard permitted "Danger" buoy at each weir;
4. Three (3) United States Coast Guard permitted lights for each end and the middle of each weir.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
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_____	_____
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_____	Read Item
_____	Rationale
_____	Council Discussion
_____	Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2026-017
INTRO: 08/21/2025

SUMMARY

TO: Town Council
FROM: Mark Ells, Town Manager
THROUGH: Brian Taylor, Harbormaster
DATE: August 21, 2025
RE: Resolve approving two fish weir applications from Cape Cod Artisanal Fisheries, LLC

BACKGROUND: Cape Cod Artisanal Fisheries LLC (Mr. Jacob Angelo), 46 Meadow Lane, West Barnstable 02668 has requested two (2) State of Massachusetts “Application for Weirs, Pound Nets or fish Traps” in Nantucket Sound. The fish weir locations on the applications are the same locations as last year; Hyannis Port and Wianno. The requested dates for operation are September (after Labor Day) through November. As this was a new time of year for the weirs, the previous permit was issued for one (1) year as a trial run.

This request was presented to the Waterways Committee in June 2025 and July 2025. The Committee made a motion to accept the application and recommended it for Town Manger / Town Council for approval for a period of five (5) years.

ANALYSIS: The Marine and Environmental Affairs Department supports the request of the applicant to construct and maintain fish weirs for a period of five (5) years with the following conditions:

1. Notice to Mariners (start and finish of installation each year).
2. Installation of four (4) radar reflectors.
3. One (1) United States Coast Guard permitted “Danger” buoy at each weir.
4. Three (3) United State Coast Guard permitted lights for each end and the middle of the weir.

FISCAL IMPACT: There is a fifty dollar fee (\$50.00) per Fish Weir that goes toward the General Fund.

COMMITTEE RECOMMENDATION: The Waterways Committee recommends approval of this item.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of the permits for a term of five years.

STAFF ASSISTANCE: Derek Lawson, Marine & Environmental Affairs Director; Brian Taylor, Harbormaster; Jay Horn, Deputy Harbormaster

B. NEW BUSINESS (May be acted upon) (Majority Vote)
BARNSTABLE TOWN COUNCIL

ITEM# 2026-018
INTRO: 08/21/2025

2026-018 RESOLVE AFFIRMING THE TOWN'S COMMITMENT TO FREEDOM, JUSTICE AND EQUALITY FOR ALL BARNSTABLE RESIDENTS AND VISITORS

RESOLVED: That the Barnstable Town Council does hereby affirm the Town of Barnstable's commitment to the values of freedom, justice, and equality for all Barnstable residents and visitors and to supporting its residents and visitors in leading lives of peace and dignity free from fear, harassment, and violence, and to that end, further resolves that the Town of Barnstable and its officials and employees shall:

- Continue to comply with all applicable provisions of state and federal law, including the Massachusetts Constitution, which guarantees equal protection of the laws to all people, regardless of nationality, citizenship or immigration status; and
- Continue to protect the civil liberties, safety, and human rights of all Barnstable residents and visitors regardless of age, race, religion, ethnicity, ability, sexual and gender identity, marital or economic status, citizenship, and immigration status.

SPONSOR: Councilor Paula K. Schnepf, Precinct 12; Councilor Betty Ludtke, Precinct 3; Councilor Gordon Starr, Precinct 1; Councilor Matthew Levesque, Precinct 10

B. NEW BUSINESS (Refer to a Public Hearing on 09/04/2025)

BARNSTABLE TOWN COUNCIL

**INTRO: 08/21/2025
ITEM# 2026-019**

2026-019 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,716,000 FOR THE PURPOSE OF FUNDING THE DESIGN AND CONSTRUCTION OF AIRCRAFT HARDSTANDS ON THE TERMINAL APRON AT THE CAPE COD GATEWAY AIRPORT

ORDERED: That the amount of **\$1,716,000** be appropriated for the purpose of funding the design and construction of aircraft hardstands on the terminal apron, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,716,000** 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 the Cape Cod Gateway Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and to accept any gifts or grants in relation thereto.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
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_____	_____
_____	_____

_____	Read Item
_____	Motion to Open Public Hearing
_____	Rationale
_____	Public Hearing
_____	Close Public Hearing
_____	Council Discussion
_____	Vote

BARNSTABLE TOWN COUNCIL

INTRO: 08/21/2025
ITEM# 2026-019

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Michael Nelson, Manager, Cape Cod Gateway Airport
DATE: August 21, 2025
SUBJECT: Appropriation and Loan Order for the purpose of funding the design and construction of aircraft hardstands on the terminal apron at the Cape Cod Gateway Airport

BACKGROUND: As part of the increased operations by JetBlue and American Airlines, Cape Cod Gateway Airport's main terminal ramp. The airlines currently use and/or intend to use the following aircraft soon; Airbus A320 and A220, and the Embraer E190, and E175. The aircraft wheel loads are causing excessive rutting of the apron pavement, especially at their parking positions.

To eliminate the rutting caused by the heavy wheel loads at the parking positions, the airport desires to construct Cement Concrete Pavement (hardstands) at two parking positions. The terminal ramp is experiencing depressions on the pavement caused by these heavy aircraft. The pavement in this area is about 4" thick and should be 9" in depth for the size aircraft using the facility. This apron was installed in 2014. As an initial fix, the Airport proposes to place hardstands within the typical layout of the wheelbase for the parking areas that these aircraft use, rather than reconstruct the entire apron.

ANALYSIS: The pavement in this area will continue to deteriorate, especially with increased operation expected for the summers of 2025 and 2026 as American Airlines adds to their daily service (LaGuardia Airport and Ronald Reagan Washington National Airport started in the 2024 season and Philadelphia National Airport and Chicago O'Hare International Airport are planned to be added in the 2025 season). There are concerns that if left alone, the aircraft could further sink into the pavement on hot summer days and cause significant damage to the aircraft. The project needs to be done to ensure the integrity of the tarmac surface, which wasn't designed to handle larger aircraft that park and deplane there. Not completing this project by spring of 2026 will continue to damage the surface and increase potential liability and increase costs due to inflation. If the grant offer letter isn't acceptable, the airport will either borrow the money to complete the project or request to use airport reserves. Previous bids for this project greatly exceeded the original cost estimates due to the volatile market. The project was scaled down from three hardstands to two hardstands and the "Replace Snow Removal Equipment (SRE) 10-Wheeler – Airport #47" under Town Council order 2023-122 was never acted upon so that we could redirect grant funding to this project. The appropriation and borrowing authorization under 2023-122 will be rescinded. With approval, would move the \$383,000 from the SRE project to the hardstand project.

FINANCIAL IMPACT: Ninety-six percent (96%) of this project's cost is expected to be covered with grant funding from the Federal Aviation Administration (84%) and the Massachusetts Department of Transportation (12%). The town anticipates rescinding the

borrowing authorization under this agenda item if the new grant assurances are acceptable. The local share will be provided from the airport enterprise fund's reserves which are anticipated to be certified at over \$15 million. In addition, Town Council Order 2023-122 will be rescinded so that the federal and state funding originally intended for snow removal equipment will be redirected to this project which is a higher priority.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this appropriation and loan order.

STAFF ASSISTANCE: Michael Nelson, Manager, Cape Cod Gateway Airport; Mark A. Milne, Director of Finance

**B. NEW BUSINESS (Refer to a Second Reading
09/04/2025)**

BARNSTABLE TOWN COUNCIL

**ITEM#2026-020
INTRO: 08/21/2025**

**2026-020 AUTHORIZATION FOR THE TOWN MANAGER TO EXECUTE A
HOST COMMUNITY AGREEMENT WITH HOLISTIC HEALTH
GROUP, INC., A MEDICAL MARIJUANA TREATMENT CENTER**

ORDERED: That the Town Council does hereby authorize the Town Manager to execute the attached Host Community Agreement with Holistic Health Group, Inc., a medical marijuana treatment center, pursuant to Massachusetts General Laws c. 94G, s. 3(d)(1) and 935 CMR 501.180(2)(a).

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____
_____	Read Item
_____	Rationale
_____	Council Discussion
_____	Vote

BARNSTABLE TOWN COUNCIL

ITEM#2026-020
INTRO: 08/21/2025

SUMMARY

TO: Town Council
FROM: Mark Ells, Town Manager
DATE: August 21, 2025
SUBJECT: Authorization for the Town Manager to execute a Host Community Agreement (HCA) with Holistic Health Group, Inc., a Medical Marijuana Treatment Center

BACKGROUND: Section 240-30 of the Town Code, which establishes the Town of Barnstable's Medical Marijuana Overlay District, allows Medical Marijuana Treatment Centers (MTCs) by special permit within the Town of Barnstable. The Town has received a request from Holistic Health Group, Inc. to open a medical marijuana treatment center at 120 Airport Road in Hyannis. In order for Holistic Health Group and other MTCs to obtain state licensure through the Cannabis Control Commission (CCC), they must first either negotiate and execute a Host Community Agreement (HCA) with the municipality in which it plans to operate its MTC or obtain an HCA waiver pursuant to Massachusetts General Laws c. 94G sec. 3(d)(1) and 935 CMR 501.180(2)(a).

The attached HCA is substantially in the form of the CCC's standard form agreement, which has been adopted and utilized by many other municipalities to further simplify the licensing process and ensure acceptance by the CCC. It identifies the MTC's operations and location authorized by the municipality. The HCA requires the MTC operator to comply with all CCC regulations and state law related to MTCs as well as the Town's zoning and general ordinances. Under the HCA, the Town reserves the right to charge an MTC a Community Impact Fee (CIF) for costs incurred by the Town if those costs are documented and reasonably related to the MTC and its operations. The HCA, in accordance with the CCC regulations, specifies the steps required to collect such fees. If the Town waives the HCA, it also waives its right to collect CIFs. Once executed, the HCA must be sent to the CCC for its review and approval.

Neither M.G.L. c. 94G, sec. 3(d)(1) nor 935 CMR 501.180(2)(a) specifies which municipal body or official has the authority to execute HCAs with MTCs. Therefore, the Town Manager is seeking authorization from the Town Council to execute this HCA.

FISCAL IMPACT: There may be additional expenses and impacts including but not limited to impacts on the Town's infrastructure systems, law enforcement, and fire protection services, as well as unforeseen expenses and impacts on the Town that are reasonably related to the operation of the MTC. To mitigate reasonably related expenses and impacts, the Company shall pay a Community Impact Fee to the Town. A Community Impact Fee shall not exceed three percent (3%) of the gross sales of the Company.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this Item.

STAFF ASSISTANCE: Kyle Pedicini, Assistant Director of Planning; Karen L. Nober, Town Attorney; Allison Coglian, Assistant Town Attorney

HOST COMMUNITY AGREEMENT

By and Between
Town of Barnstable
and
Holistic Health Group, Inc.

This Host Community Agreement (the “Agreement”) is entered into this ____ day of _____ 2025 (the “Effective Date”), by and between the Town of Barnstable, a Massachusetts municipal corporation with a principal address of 367 Main Street, Hyannis, MA (the “Town” or “Host Community”), and Holistic Health Group, Inc., a business entity registered with the Office of the Secretary of the Commonwealth with a business address of 477 Wareham Street, Middleborough, MA 02346 (the “Company”). The Town and the Company are collectively referred to herein as the “Parties”.

WHEREAS, the Company is applying for a license and/or is currently licensed by the Cannabis Control Commission (the “Commission” or “CCC”) as a Medical Marijuana Treatment Center and is located within or plans to locate within the Town;

WHEREAS, in order for a Marijuana Treatment Center to be licensed by the Commission, the Marijuana Treatment Center must execute a Host Community Agreement (“HCA”) with the Town in which it intends to be located; and

WHEREAS, the Parties intend, by executing this Agreement, to comply with and satisfy the provisions of G.L. c. 94G, § 3(d), as applicable to the licensed operation of the Medical Marijuana Treatment Center, with such operations to be conducted in accordance with applicable zoning and other ordinances of the Town;

NOW THEREFORE, in consideration of the mutual promises and covenants set forth herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. TERMS

The following terms shall have the same meaning and definitions as defined by the Commission in 935 CMR 500.000 *et seq.* and 935 CMR 501.000 *et seq.*, as applicable:

- a. Medical Marijuana Treatment Center (“MTC”) means an entity licensed under 935 CMR 501.101 that acquires, cultivates, possesses, Processes (including development of related products such as Edibles, MIPs, Tinctures, aerosols, oils, or ointments), Repackages, transports, sells, distributes, delivers, dispenses, or administers Marijuana, products containing Marijuana, related supplies, or educational materials to Registered Qualifying Patients or their Personal Caregivers for medical use. Unless otherwise specified, MTC refers to the site(s) of dispensing, cultivation, and preparation of Marijuana for medical use.

- b. Final License means a certificate of final licensure issued by the Commission pursuant to its authority under G.L. c. 94G.
- c. Fiscal Year means the time period beginning July 1st, and ending the following June 30th.
- d. Community Impact Fee (“CIF”) means impact fee(s) claimed by the Town which have been certified by the Commission or ruled upon by a court of competent jurisdiction as being Reasonably Related to the actual costs imposed by the Company.
- e. Claimed Community Impact Fee (“Claimed CIF”) means impact fee(s) claimed by the Town which have not been certified by the Commission or ruled upon by a court of competent jurisdiction as being Reasonably Related to the actual costs imposed by the Company.
- f. Reasonably Related means a demonstrable nexus between the actual operations of an MTC and an enhanced need for a Town’s goods or services in order to offset the impact of operations. Fees customarily imposed on other non-marijuana businesses operating in a Town shall not be considered Reasonably Related.

Should there be a conflict between these definitions and those contained in 935 CMR 500.000 et seq. and/or 935 CMR 501.000 et seq., the Commission’s regulations shall control. Additionally, any term used in this Agreement but not identified and defined in this section shall hold the same meaning and definition as so defined in the Commission’s regulations.

2. AUTHORIZED OPERATIONS

The Parties stipulate that this Agreement provides permission for the Company to apply for, obtain, and operate the following license type within the Town:

Medical Marijuana Treatment Center

Commission License Number(s): RMD-1566 & TBD_____

3. LOCATION

The location for the licensed operations of the MTC is 120 Airport Road in Hyannis, MA 02601. The Parties acknowledge and agree that the location of the licensed operations is an essential element of the Agreement set forth herein. Any proposed change of location shall not be permitted without the express written approval by the Town, such approval to be granted by the Town at its sole discretion.

4. COMPLIANCE

The Parties shall comply with all laws and regulations governing the operation of the license type set forth in Section 2 above, as applicable, including, but not limited to:

- a. The Town's local zoning and other ordinances and regulations applicable to the operation of MTCs.
- b. The Company shall be responsible for obtaining from the Commission and the Town all licenses, permits, and approvals required for the operation of the license covered by the Agreement.
- c. The obligations of the Parties are contingent on the Company:
 - 1) Obtaining a Final License from the Commission for operation in the Town of the license type set forth above in Section 2 above and maintaining such license; and
 - 2) The Company's receipt of any and all necessary local permits and approvals to locate, occupy, and operate in the Town the license type set forth in Section 2 above, inclusive of zoning compliance and maintaining compliance with all conditions of said approvals.
- d. Unless the Company submits an annual update to the Town as to its progress to becoming operational, this Agreement shall become voidable under the following circumstances:
 - 1) If the Company is unable to obtain a Final License from the Commission; or
 - 2) If such local permits and approvals are not granted for any reason.
- e. This Agreement does not affect the authority of the Town to issue or deny permits, licenses, or other approvals under the statutes and regulations of the Commonwealth, or the local ordinances and regulations of the Town. Nor does this Agreement affect the Town's ability to enforce any applicable law.
- f. The Parties to this Agreement shall work in good faith to effectuate the purposes of this Agreement.

5. ANNUAL PAYMENT RESPONSIBILITIES

The Parties agree to the following provisions regarding annual payment responsibilities:

- a. CIF
 - 1) There may be additional expenses and impacts including but not limited to impacts on the Town's infrastructure systems, law enforcement, and fire protection services, as well as unforeseen expenses and impacts on the Town that are Reasonably Related to the operation of the MTC.
 - 2) To mitigate Reasonably Related expenses and impacts, the Company shall pay a CIF to the Town.
 - 3) The Town shall not explicitly or implicitly require the Company to make a promise of upfront or future monetary payments, in-kind contributions, or

charitable contributions to the Town, notwithstanding the CIF payment provision allowed under 935 CMR 501.180(4).

- 4) A Claimed CIF or CIF shall not exceed three percent (3%) of the gross sales of the Company, nor be calculated on a certain percentage of the Company's sales.
- 5) The Town shall not attempt to collect Claimed CIFs or CIFs relating to any operations occurring prior to the date the Company is granted a Final License by the Commission for any MTC license covered under this Agreement.
- 6) The Town shall not attempt to collect Claimed CIFs or CIFs from the Company that has held a Final License for more than nine (9) years for a particular MTC.
- 7) The Company shall notify the Town within five (5) business days of the issuance of a Final License to the Company by the Commission for any license covered under this Agreement. Additionally, the Company shall notify the Town within five (5) business days of the issuance of a renewal of a license to the Company by the Commission for any license covered under this Agreement.
- 8) The Town shall provide an annual itemized invoice of Claimed CIFs claimed by the Town that are Reasonably Related to the operations of the Company within one (1) month of the anniversary of the date the Company receives or received a Final License from the Commission for each license held by the Company located within the Town, if more than one. All subsequent, one-year invoice periods shall be consistent with the anniversary of the Company's Final License date(s). Failure to provide said invoice within the prescribed time shall result in the Town forfeiting any Claimed CIF or CIF it may have been entitled to for the applicable year of the Company's operation.
- 9) The Town's itemized invoice shall specifically describe how the Claimed CIFs were spent, including a line item for each good or service charged, and a statement of its cost, purpose, and relation to the Company's particular operations.
- 10) The Company shall annually pay any undisputed Claimed CIF or CIF no later than the end of the current Fiscal Year or within 90 days of the date of the Commission's certification of the CIF, whichever is later.
- 11) The Company shall not be required to pay a Claimed CIF or CIF while the Claimed CIF or CIF is the subject of a nonfrivolous legal dispute either through the Commission's administrative hearing process or before a court of competent jurisdiction.

b. Waivers of CIF

A Town may choose to not assess Claimed CIFs or CIFs or may choose to not collect either in a particular year. Any such election shall not operate as a waiver of the Town's rights under this Agreement to assess or collect a CIF in subsequent years.

c. Generally Occurring Fees

Generally occurring fees are those fees customarily imposed by the Town on non-cannabis businesses operating within its confines and shall not be considered a CIF.

d. Local Taxes

Property, both real and personal, owned or operated by the Company shall be treated as taxable, and all applicable taxes for that property shall be paid directly by the appropriate property owner.

e. Other Taxes

Notwithstanding any previously identified provisions, the Company acknowledges and affirms its obligation to pay any and all fees associated with sales tax, excise tax on Marijuana and Marijuana Products, or other taxes or fees otherwise provided for in G.L. c. 94G, G.L. c. 64H, and G.L. c. 64N.

6. SECURITY

- a. The Company shall maintain security at its MTC in accordance with the security plan presented to the Town. In addition, the Company shall at all times comply with all applicable laws and regulations regarding the operations of MTCs, as applicable, and the security thereof.
- b. The Company shall comply with all Commission and Town security requirements as promulgated by state law, regulation, and local ordinances and regulations.

7. AREAS OF DISPROPORTIONATE IMPACT AND LOCAL OPPORTUNITIES

- a. The Company shall, consistent with applicable laws and regulations, make good faith efforts to hire municipal residents for employment, supplier services, and/or vendor services.
- b. Subject to and to the extent permitted by applicable law, the Company shall have goals, programs, and metrics, and make progress towards those goals to hire individuals/businesses for employment, supplier services, and/or vendor services from areas defined as Areas of Disproportionate Impact by the Commission.

8. EFFECTIVE DATE, TERM, AND TERMINATION

- a. This Agreement shall be in full force and effect for a term of 1 year beginning on _____, 2025, and terminating on _____, 2026.
- b. At the conclusion of the term of this Agreement, if the MTC is in good standing with the CCC, the Parties may negotiate a new Agreement in accordance with the current regulations and laws then in effect, as such regulations and laws may be amended or replaced. Alternatively, the Parties may negotiate and execute an HCA Waiver.
- c. If the MTC violates any provision of this Agreement, the Town may terminate this Agreement with thirty (30) days' written notice and/or report such violations to the CCC or take such other action as the Town deems appropriate.
- d. This Agreement shall be void in the event that the Company ceases operations of its Marijuana Establishment in the Town for a period of greater than sixty (60) days without substantial action to reopen or relocate such operations outside of the Town. The Company shall provide notice to the Town no less than ninety (90) days prior to cessation or relocation of operations.

9. GOVERNING LAW AND SEVERABILITY

This Agreement shall be governed in accordance with the laws of the Commonwealth of Massachusetts without regard to its conflict of laws principles. If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal, or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby, unless one or both Parties would be substantially or materially prejudiced.

10. PUBLIC RECORDS

The Parties acknowledge and understand that all records in the possession of the Town are governed by G.L. c. 66, § 10, the Public Records Law.

11. AMENDMENTS/WAIVER

The Parties may make amendments to this Agreement or waive its terms only by a mutually executed written agreement in accordance with the current prevailing regulations and laws as such regulations and laws may be amended or replaced.

12. SUCCESSORS/ASSIGNEES

This Agreement is binding upon the Parties hereto, their successors, assignees and legal representatives. The Company shall not assign, sublet, or otherwise transfer its rights nor delegate its obligations under this Agreement, in whole or in part, without the prior written consent from the Town.

13. COUNTERPARTS

This Agreement may be signed in any number of counterparts all of which taken together, each of which is an original, and all of which shall constitute one and the same instrument, and any Party hereto may execute this Agreement by signing one or more counterparts.

14. SIGNATURES

Facsimile and electronic signatures affixed to this Agreement shall have the same weight and authority as an original signature. The individuals signing below have full authority to do so by the entity on whose behalf they have signed.

15. NOTICES

Except as otherwise provided herein, any notices, consents, demands, requests, approvals, or other communications required or permitted under this Agreement shall be made both electronically and by mail to the address(es) identified below for the respective Parties.

If to the Town: If to the Company:

Attn: Town Manager

Town Manager's OfficeAttn: Tim McNamara

367 Main StreetHolistic Health Group, Inc

Barnstable, MA 02601477 Wareham Street

Middleborough, MA 02346

With a copy to:tmcnamara@hhgma.com

Attn: Town Attorney

Town Attorney's Office
367 Main Street, 3rd floor
Barnstable, MA 02601

[Signatures on next page]

IN WITNESS WHEREOF, the Parties hereto have duly executed this Host Community Agreement on the day and year first written above.

Town of Barnstable Holistic Health Group, Inc.

Mark S. Ells, Town Manager

Dated:

Name: Tim McNamara, Esq.

Dated:

Title: President & General Counsel

Approved As to Form:

Karen L. Nober, Town Attorney

B. NEW BUSINESS (Refer to Public Hearing on 09/18/2025)

BARNSTABLE TOWN COUNCIL

ITEM# 2026-021
INTRO: 08/21/2025

2026-021 APPROPRIATION ORDER IN THE AMOUNT OF \$520,434 TO DESIGN AND CONSTRUCT IMPROVEMENTS TO COTUIT MEMORIAL PALK LOCATED AT 889 MAIN STREET IN COTUIT

ORDERED: That pursuant to the provisions of the Community Preservation Act, G.L. c. 44B, the amount of **\$520,434** shall be appropriated to design and construct improvements to revitalize and improve Cotuit Memorial Park located at 889 Main Street in Cotuit, and to fund this appropriation that **\$406,262** be provided first from the amount set-aside for Open Space and Recreation within the Community Preservation Fund and secondly from the Community Preservation Undesignated Fund, and that **\$114,152** be provided from the Capital Trust fund; and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose, subject to oversight by the Community Preservation Committee.

SPONSOR: Mark S. Ells, Town Manager, upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- _____ Read Item
- _____ Motion to Open Public Hearing
- _____ Rationale
- _____ Public Hearing
- _____ Close Public Hearing
- _____ Council Discussion
- _____ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2026-021
INTRO: 08/21/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lindsey Counsell, Chair, Community Preservation Committee, on behalf of the Community Preservation Committee
DATE: August 21, 2025
SUBJECT: Appropriation Order in the amount of **\$520,434** to design and construct improvements to Cotuit Memorial Park located at 889 Main Street in Cotuit

BACKGROUND: At the July 21, 2025, Community Preservation Committee (CPC) meeting, the seven committee members present voted unanimously to recommend to the Town Council, through the Town Manager, the Department of Public Work's (DPW) application for \$406,282 in Community Preservation Act (CPA) funds to design and construct improvements to Cotuit Memorial Park, which is owned by the Town. DPW plans on undertaking work to revitalize and improve the park, including, among other things, improving accessibility by bringing non-conforming walkways into compliance with the Americans with Disabilities Act, and replacing park benches, a deteriorated flagpole, decaying trees, and deteriorated asphalt walks with new brick paver walks, asphalt walks, trees and a flagpole. The Cotuit Civic Association has requested the rejuvenation of this park that is the focal point for Cotuit Village connecting the library, waterfront, playground and post office.

FISCAL IMPACT: The \$406,282 of Community Preservation Funding recommended by the CPC shall be funded first from the amount set aside for Open Space and Recreation within the Community Preservation Fund and any balance shall be funded secondly from the Community Preservation Undesignated Fund. The total estimated cost of the project is \$520,434, with \$114,152 in Capital Trust funds to be utilized in addition to the proposed CPA funds.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, upon recommendation of the Community Preservation Committee

STAFF ASSISTANCE: Mark A. Milne, Director of Finance;
Thomas J. LaRosa, First Assistant Town Attorney

VOLUNTEER ASSISTANCE: Lindsey Counsell, Chair, Community Preservation Committee