



Town Council Meeting
March 17, 2022



A quorum being duly present, President Matthew Levesque called the March 17, 2022, Town Council meeting to order at 7:02 PM.

An announcement was made by President Levesque regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 18.

PRESENT: (On Zoom) Nikolas Atsalis, David Bogan, Kristine Clark, Jennifer Cullum, Jessica Rapp Grasseti, Paul Hebert, Matthew Levesque, Jeffrey Mendes, Paul Neary, Paula Schnepf, Tracy Shaughnessy, Gordon Starr, Eric Steinhilber

The Pledge of Allegiance was led by Councilor Mendes. President Levesque followed with a moment of silence to pray for peace throughout the world, and be thankful for where we live.

PUBLIC COMMENT:

Roberta Mauch would like the Town Council to meet at Barnstable High School to allow discussion about the property at 35 Scudder Avenue; we need to hear from everyone that would like to be heard. Close public comment

Response to Public Comment:

(Bogan) appreciate that this is an issue and it is in the best interest of the town to have a special meeting (Levesque) there is a plan to have a meeting for all to attend however, right now we are continuing the meetings via zoom; (Rapp Grasseti) there is a zoom meeting with the Cape Cod Commission regarding the property at 5:30 on the 22nd.

Town Manager's Report (Exhibit A)

Budget Actions for Fiscal Year 2023;
National settlement agreements with the largest distributors of opioids;
American Rescue Plan Act (ARPA) Funds use;
Vineyard Wind (Phase I ongoing) Park City Wind (Phase 2 in permitting) and Commonwealth Wind (Phase 3 preliminary stages);
Friends of the Centerville Bog Preservation, Inc. letter;
Hazard Mitigation Plan (HMP) update;
Cape Cod Commission public meeting regarding the Route 28 East Hyannis corridor;
Fifth Annual Attorney General's Award for Distinguished Service in Community Policing

Councilor Questions and Comments:

(Mendes) about the opioid settlement, are the programs instituted by the state or on a local level (Nober) don't know all the details as yet, believe there will be separate funds for cities and towns and some for the state, will look into that further (Clark) regarding the opioid funds in relation to the existing nonprofits, specifically "Ride for Opioid Addiction Recovery" does the town interface with the existing non-profits (Ells) Will have to think about your question, we work with many groups, don't know specifically which non-profits, I will have to get back to you (Hebert) thank you for the work on the cranberry bog; and for the future regulations. (Starr) Assume there will be a process for setting priorities with the opioid money. What are the town's priorities in the HMP where would we start (Ells) have you had a chance to see the report? In adopting the report, then we would develop an implementation plan; on when and how we approach the plan, built into the work that Planning and DPW are doing. (Rapp Grasseti) thank you for following through on the corridor study regarding Santuit-Newtown intersection, urge the residents to let their thoughts and concerns be known to the Commission on the Yarmouth Road-Hyannis Corridor; (Starr) Rate hearing that is upcoming, is there anything we should know about

that (Ells) FY rates are solid waste, water pollution control and our Hyannis water rates; reviewed annually, bring those forward from the rate study projects them to be, to be a full cost study; make sure the rates have full cost recovery. Each individual rate has significance; solid waste will probably require a workshop meeting. There is always a thirty day waiting period for review and/or make comments. (Starr) What is the status of the green burial regulations at Mosswood? (Ells) still on the books and under review. (Cullum) Congratulations for Danielle St Peter for her well deserved award. (Schnepp) Thank you to Councilor Rapp Grassetti for your work on the intersection at Santuit-Newtown Road known to all who travel that route. Regarding the HMP will there be any funding to do any of the implementation (Jenkins) Correct like many planning efforts they are to help prioritize issues that need attention; this helps position us to apply and be successful in getting these grants (Schnepp) The County American Rescue Plan Act (ARPA) funds, the report was accurate and timely, very political, between the Commissioner and the Assembly of Delegates; likely that this first money will be going out to the towns.

Update on the Water Resource Management including the Comprehensive Wastewater Management Plan: Daniel W. Santos, P.E., Director, of the Department of Public Works shared a Power Point program with the Council.

Councilor Questions and Comments:

(Clark) Thank you for the presentation for the West Barnstable Water Commissioners, the evaluation was tasked to look only at town owned property, which is conservation land; just need to update correct a misunderstanding, the report used Bridge Street, however, it is the Bridge Creek Conservation area. (Neary) Water quality is so important, Barnstable has an unusual situation with the five fire districts, any negotiations that you have with the local fire districts is important to the water quality/supply for the whole town. (Starr) Hyannis water is some of the best water on Cape Cod, when the construction crews leave Covell's Beach will they come back to do more work (Santos) they will have to come back to tie in the wires and the final connection (Starr) will the parking lot be repaved soon (Santos) there will be a first coat but will save the final pavement until all is done. (Starr) Concerned about where Mary Dunn Road meets Route 6A, could we have a blinking light to slow traffic down; we all have to work together for the towns water supply (Levesque) Phase one timeline will be coming up soon (Ells) Director Santos is right on the target with the water issues; we are attentive to the interruptions to life regarding the businesses out there; we have embarked on a massive infrastructure project, this is year one of a thirty year project. (Levesque) congratulations to Danielle St Peter.

(Councilor Bogan recused and left the meeting)

Update on Park City Wind and Commonwealth Wind by Avangrid Renewables:

Bill White (Offshore Wind CEO, Avangrid Renewables); Ken Kimmell (VP of Development Offshore Wind, Avangrid Renewables); Hans van Lingen (Massachusetts Permitting Wind Manager for Offshore Wind, Avangrid Renewables); Megan Higgins (Senior Director Offshore Business Development, Avangrid Renewables); Patrick Johnson (Manager of External Affairs for Offshore Wind, Avangrid Renewables) shared a Power Point presentation with the Council.

Phase One – Vineyard Wind

Phase Two – Park City Wind

Phase three – Commonwealth Wind

Councilor Questions and Comments:

(Atsalis) 750,000 homes will receive wind energy how many would be Cape Cod homes (Kimmell) aggregate number we can do the math and get back to you (Atsalis) public engagement, two nights ago there was a Centerville Civic Association meeting, a question was asked by one of the members, this was brought to Manager Ells, and the answer was via telephone by Pat Johnson who responded within two hours. (Cullum) Thank you for the presentation; of the three projects, Park City is the only one dedicated to Connecticut, the other two are for Mass (Kimmell) Yes (Rapp Grassetti) looking at the possible routes for phase three it appears to go along Route 28, it would be great if you could partner with the town, that would be quite an infrastructure, partnering would be beneficial (Mendes) Out of the jobs created how many are permanent, or temporary and are local businesses a part of this? (White) will have to get back to you, do know that Lawrence Lynch is part of this project (Neary) Seeing construction delays currently, much of this ties with the current Vineyard Wind project, multiple entities, co-ordination is paramount, whatever can be done in terms of project management. We are a seasonal community; there will be push back when people cannot get to where they want to go. (Kimmell) This is

a moment in time, we have commitments we have to make and keep to those timelines, we have an obligation to the town (van Lingen) working with the Town Engineer to make sure we address any hiccups and to make this work. (Hebert) Is most of the energy going to Eversource? (Kimmell) Yes initially it will be going to Eversource. (Hebert) This is all about our future, the town has an inspector on duty every day, it is an inconvenience, but we are thrilled it is taking place for our environment, the crews are great (Schnepp) Very exciting news, interested in the proposed plans will they be available to the public (Johnson) we have shared what we could this evening (van Lingen) what we want to avoid is stating we have a route set, nothing is set yet, it may change overtime. (Schnepp) did you share the possible location of the substation (van Lingen) we don't have that as yet, in general we are looking at properties that are currently existing commercial/industrial uses or away from residential areas (Schnepp) This appears to be Commonwealth Wind is larger does the substation have to be larger (van Lingen) yes that is a good observation, yes it would have to be larger (Kimmell) when we have a substation location we will come back with more information (Higgins) another resource is our federal filing we will be happy to share with the Council (Atsalis) The experience of Vineyard Wind, we will learn from this as it is in a densely populated area, we may need to correct some of the challenges; you will be hearing from the residents that are in this area. (Kimmell) we will be happy to hear that feedback (Mendes) Would you send us a copy of your diversity and inclusion policy (Levesque) send the information you have presented today to Cynthia Lovell to share with Communications and the website. Familiar with Brant Point area that community would have been devastated if you hadn't come in to that area; I am very optimistic, coinciding with our sewer project, a great opportunity, and great outreach to the community.

(Councilor Bogan returned to the meeting)

ACT ON MINUTES:

Upon a motion duly made and seconded it was to accept the minutes of March 3, 2022 as presented.

VOTE: PASSES 13 YES

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

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

(Cullum) Tomorrow's is the Youth Summit at the Barnstable Adult Community Center (BACC), all day event, will have great speakers, vendor fairs, helps seventh grade kids to figure out where they are going; a huge project good work from the Youth Commission. (Levesque) Lots of good work from the Youth Commission, and thanks to Councilor Cullum for getting this going; Marstons Mills Village Association will have a fund raiser with Papa Gino's.

Break 9:20 to 9:26

2022-073 AMENDING CHAPTER 240 ZONING, ARTICLE III, § 240-34 TO COMPLY WITH NATIONAL FLOOD INSURANCE PROGRAM (NFIP) REQUIREMENTS INTRO: 03/03/2022, 03/17/2022

Elizabeth Jenkins, Director of Planning and Development turned the meeting over to Kate Maldonado, Assistant Director of Planning and Development. Kate introduced Shannon Hulst, Barnstable County Floodplain Specialist with Cape Cod Cooperative Extension and Woods Hole Sea Grant, who helped insure the zoning amendment captured all revisions applicable to the Floodplain District. Open public hearing seeing no one close public hearing

(Starr) What would the Building Commissioner's role be? (Maldonado) The Building Commissioner is now the official Floodplain administrator, one point of contact, who will have an understanding of the rules and regulations of the Floodplain enables (Starr) is this more of an update to the current zoning (Maldonado) This is an update to the zoning ordinance and aligns with the state (Starr) We have residents in the Floodplain now can you explain the difference between that and the Community Rating System (CRS)? (Hulst) CRS program is separate, what you are doing now is updating and becoming compliant with the Floodplain ordinance. What you are referring to is the CRS; all towns did not have an ordinance that was compliant with the National Flood Insurance Program (NFIP); the CRS is higher standards program to document what you are doing as a community, which will help everyone to get a discount on the insurance premiums. (Jenkins) The effort is to bring our zoning bylaw in to compliance, with the state model; updating our HMP this is a second priority; we have to have all the administrative

and technical resources in place to continue to meet the requirements of CRS status (Starr) If it will help a lot of residents have lower insurance costs, it is worth it; (Jenkins) yes, we have a significant advantage with ownership of Sandy Neck, meeting the requirements with Planning, Conservation, Building and others have supported this effort; (Schnepp) this is a tax amendment to an existing ordinance, do you envision any impact to development in town (Hulst) For the most part this does not have an impact on development, most of development regulations are already in the building code; recreational vehicle must be road ready or treated like a building; it is really about drainage and safe from flooding. (Hebert) so many zones that we have, I have flood insurance, and each year it goes up; how often are we changing the maps for the he flooding zone areas (Hulst) Not very often, the last maps we have is from 2014, no pending maps for the Cape right now. (Ells) Asked Brian Florence, Building Commissioner to speak to the additional responsibility and training, and asked Elizabeth to emphasis the investment in additional staff to coordinate this effort. (Florence) As the Floodplain Manager it is important to be certified; along with Deputy Director Carter we will take the training and become certified representing the Town of Barnstable professionally.

ORDERED: That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article III, § 240-34 Floodplain District be amended by deleting § 240-34 in its entirety and inserting the following new § 240-34 in its place:

“§ 240-34. Floodplain District.

A Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Barnstable designated as Zone A, AE, AO, AH, or VE on the Barnstable County Flood Insurance Rate Map (FIRM) dated July 16, 2014 issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations (one-hundred-year flood) shown on the FIRM and further defined by the Barnstable County Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Building Commissioner, and Conservation Commission.

The purpose of the Floodplain Overlay District is to:

1. Ensure public safety through reducing the threats to life and personal injury
2. Eliminate new hazards to emergency response officials
3. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding
4. Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding
5. Eliminate costs associated with the response and cleanup of flooding conditions
6. Reduce damage to public and private property resulting from flooding waters

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

The degree of flood protection required by this ordinance is considered reasonable but does not imply total flood protection.

If any section, provision or portion of this ordinance is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

The Town of Barnstable hereby designates the position of the Building Commissioner to be the official floodplain administrator for the Town.

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief
99 High St., 6th floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator

MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114

Permits are required for all proposed construction or other development in the floodplain overlay district, including new construction, alteration of existing structures, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities, drilling or other development that might increase flooding or adversely impact flood risks to other properties (any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations).

- A. Any new construction or substantial improvement to be under taken within the floodplain overlay district shall be in accordance with Massachusetts State Building Code 780 CMR and 310 CMR- Department of Environmental Protection. The Building Commissioner shall review all proposed development within the floodplain overlay district upon confirmation from the property owner or his/her representative that all necessary permits have been received and certified from those governmental agencies from which approval is required by local, federal and state law, in order to carry out the proposed development in the floodplain overlay district including but not limited to Sec. 404 of the Federal Water Pollution Control Act Amendments of 1972, U.S.C. § 1334. The Building Commissioner shall obtain and maintain records of elevation and flood proofing levels for new construction or substantial improvement within the floodplain overlay district.
- B. All subdivision proposals and other proposed new developments greater than 50 lots or five acres, whichever is lesser, shall include within such proposals technical data, provided by the proponent, to determine base flood elevation data for each developable parcel shown on the design plans.
- C. All subdivision and development proposals, including utility and drainage systems, in the floodplain overlay district, shall be reviewed to assure that they are located and designed to be consistent with the following:
 - a) Such proposals minimize flood damage.
 - b) Public utilities and facilities are located and constructed so as to minimize flood damage.
 - c) Adequate drainage is provided.
- D. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- E. Regulations pertaining to mapped floodways as defined in US Code of Federal Regulations, Title 44, Part 59.1 have been removed from this ordinance because the Town of Barnstable does not have any mapped floodways and is a coastal community where floodways do not apply.
- F. In a riverine situation, the Conservation Administrator or designee shall notify the following of any alteration or relocation of a watercourse: (a) Adjacent Communities, especially upstream and downstream, (b) bordering States, if affected, (c) the NFIP State Coordinator, Massachusetts Department of Conservation and Recreation, 251 Causeway Street, 8th floor, Boston, MA 02114-2104, and (d) the NFIP Program Specialist, Federal Emergency Management Agency, Region I at 99 High Street, 6th Floor, Boston, MA 02110.
- G. Within Zones AO and AH on the FEMA Flood Insurance Rate Maps, adequate drainage paths must be provided around structures on slopes to guide floodwaters around and away from proposed structures.
- H. No land within areas designated as V (Velocity) Zones on the FEMA Flood Insurance Rate Maps shall be developed unless such development is demonstrated by the applicant to be located landward of the reach of the mean high tide. All new construction and substantial improvement within the V Zones shall be in full compliance with the State Building Code and shall be certified by a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.

- I. The following shall be prohibited within flood areas designated as V Zones:
 - 1. Use of fill.
 - 2. Mobile homes.

- J. If the State issues variances to the flood-resistant standards as found in the state building code, Barnstable will use the following text for local adoption:

Barnstable will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files. Barnstable shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

- K. A variance from this floodplain ordinance, related to community compliance with the National Flood Insurance Program (NFIP), must meet the requirements set out by State law and may only be granted if:
 - 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief. This does not apply to the building code.

- L. In A, AO, AH, AE Zones, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

- M. In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for flood proofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

The following definitions apply to the interpretation of this chapter:

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY

The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE

Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior or
 2. Directly by the Secretary of the Interior in states without approved programs.
- [US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE

A vehicle which is:

- a) Built on a single chassis;
- b) 400 square feet or less when measured at the largest horizontal projection;
- c) Designed to be self-propelled or permanently towable by a light duty truck; and
- d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

SPECIAL FLOOD HAZARD AREA

The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION

The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE

For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION

When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the

foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE

A grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION

The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b) (5), (c) (4), (c) (10), (d) (3), (e) (2), (e) (4), or (e) (5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

ZONE A

Area of special flood hazard without water surface elevations determined.

ZONE AE

Area of special flood hazard with water surface elevations determined.

ZONE AH

Areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined.

ZONE AO

Area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.)

ZONE A99

Area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)

ZONE X

Areas of minimal or moderate flood hazards or areas of future-conditions flood hazard. (Zone X replaces Zones B and C on new and revised maps.)

ZONE V

Area of special flood hazards without water surface elevations determined, and with velocity, that is inundated by tidal floods (coastal high hazard area).

ZONE VE

(For new and revised maps) means area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high hazard area)."

VOTE: PASSES 13 YES

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

2022-138 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION: INTRO: 03/03/2022, 03/17/2022

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Board of Health:** Dan Luczkow M.D., from an alternate position to a regular member to a term expiring 6/30/2024; Paul Canniff, D.M.D, as a regular member to a term expiring 6/30/2023; Steve Waller, M.D., as an alternate member to a term expiring 6/30/2022; **Human Services Committee:** Cheryl Powell, as a regular member to a term expiring 6/30/2023; **Hyannis Main**

Street Waterfront Historic District Commission: Tom Doherty, from alternate member to regular member to a term expiring 6/30/2024.

VOTE: PASSES 13 YES

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

2022-139 APPROPRIATION ORDER IN THE AMOUNT OF \$300,000 FOR THE PURPOSE OF FUNDING EMERGENCY REPAIRS AT THE OLD COLONY ROAD PUMP STATION AND WATER POLLUTION CONTROL FACILITY RENEWABLE ENERGY SYSTEM
INTRO: 03/03/2022

Dan Santos, Director of the Public Works Department gave the rationale
Open public hearing seeing no one close public hearing

Councilor questions and comments:

(Cullum) When the pump station was down and the traffic that was diverted, as the Councilor of that area I received 5 or 6 phone calls expressing the resident's dismay.

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$300,000** be appropriated for the purpose of funding emergency repair work at the Old Colony Road Pump Station and emergency repairs at the Water Pollution Control Facility renewable energy system, and that to fund this appropriation that \$300,000 be provided from the Water Pollution Control Division Enterprise Fund reserves, and that the Town Manager is authorized to contract for and expend this appropriation for the purposes stated.

VOTE: PASSES 13 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Rapp Grasseti, Hebert, Levesque, Mendes, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2022-140 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$295,000 FOR THE PURPOSE OF FUNDING BLISH POINT DUNE STORM DAMAGE REPAIR AND DESIGN OF FUTURE IMPROVEMENTS
INTRO: 03/03/2022

Dan Santos, Director of the Public Works Department gave the rationale
Open public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$295,000** be appropriated for the purpose of funding repairs to the dune at Blish Point and the design and permitting of a permanent, or semi-permanent, solution for the dune at Blish Point, and that to fund this appropriation that \$295,000 be transferred from the remaining available funds under Town Council Order 2020-108, and that the Town Manager is authorized to contract for and expend this appropriation for the purposes stated.

VOTE: PASSES 13 YES

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

(Councilor Rapp Grasseti recused from 2022-143, 2022-144, 2022-145, and 2022-146, and will return)

2022-143 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$87,500 IN COMMUNITY PRESERVATION HISTORIC PRESERVATION FUNDS FOR THE PRESERVATION AND RESTORATION OF DOTTRIDGE HOMESTEAD, ROTHWELL ICEHOUSE AND MUSEUM, MAP 034, PARCEL 051, 1148 MAIN STREET, COTUIT, MA
INTRO: 03/03/2022

Lindsey Counsell, Community Preservation Committee gave the rationale

Open public hearing:

Beth Johnson President of the Cotuit Historical Society gave a brief presentation of why this is so important. Past year and a half we have raised over 300,000 dollars this grant will help us to safely store and display our collections.

Carol Zais due to technical difficulties continued the presentation stating the Cotuit Historical Society has run out of space for our archives; this will allow us to expand the exhibit floor and offices; Heating Ventilation and Air Conditioning (HVAC) and fire alarm systems to protect the archives and a breakdown of the costs.

Close public hearing

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the amount of Eighty-Seven Thousand, Five Hundred and No/100 (**\$87,500**) Dollars, representing a portion of the total project cost of \$500,000, with \$290,000 in private donations raised to date, be appropriated and transferred from the amount set aside for Historic Preservation within the Community Preservation Fund to be used for preservation and restoration work on the historic resources consisting of the Dottridge Homestead, Rothwell Icehouse and Museum located at 1148 Main Street, Cotuit MA. The property has an existing Preservation Restriction held by the Town of Barnstable. It is further ordered that the Town Manager is authorized to expend the appropriation subject to oversight by the Community Preservation Committee and to receive, execute, deliver, and record any written instruments for the purposes set forth herein.

VOTE: PASSES 11 YES, 1 Recuse (Rapp Grasseti), 1 Off Camera (Clark)

Roll Call: Atsalis, Bogan, Cullum, Hebert, Levesque, Mendes, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

2 minute break

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

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

To amend the Downtown Hyannis zoning in support of housing utilizing:

2018 Downtown Hyannis Growth Incentive Zone Strategic Plan

2016 Housing Production Plan

Councilor questions and comments:

(Bogan) Why would we undertake a zoning initiative before the consideration of the Local Comprehensive Plan (LCP) (Jenkins) This is supported by the implementation from 2018 and 2016 to amend zoning to add housing in Hyannis (Bogan) This is an initiative for downtown Hyannis is this going to remain in Hyannis and not the other villages (Jenkins) Yes it is supported by the land use framework in downtown Hyannis. (Levesque) We will have more of a presentation once the item is back before us (Starr) Where do we stand with recreational and marijuana facilities are you allowing them now (Jenkins) We are making no changes to the recreation marijuana provisions, we do not allow retail facilities for marijuana sales, we do allow laboratories, research and testing the boundary is unchanged. (Starr) So this is to streamline the permitting process, does this change regulatory agreements? (Jenkins) No it does not change the process of regulatory agreements, to do the types of development appropriate to downtown Hyannis such as converting offices to residences; hopefully we will be able to provide development with form and style appropriate to blend in (Starr) 35 Scudder is not included (Jenkins) it is currently not within the boundaries.

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

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

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

SECTION 2

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

“Hyannis Village Zoning Districts”

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

and inserting in its place:

“Downtown Hyannis Zoning Districts”

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

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

section 3

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

“§240-24.1.1 Downtown Hyannis Zoning Districts”

Title

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

General Provisions

Applicability

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

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

Development Review

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

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

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

Compliance

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

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

Definitions

General

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

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

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

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

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

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

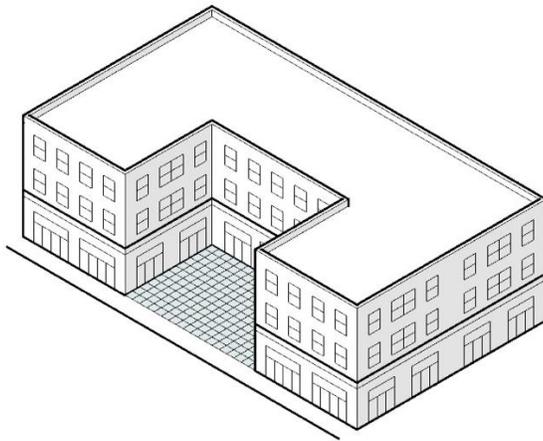
Development The platting of any lot, construction of any structure, or establishment of any parking lot that did not exist prior to the adoption of the Downtown Hyannis Zoning Districts.

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

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

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

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



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

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

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

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

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

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

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

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

Principal Building The primary building on a lot.

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

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

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

Residential The provision of living accommodations.

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

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

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

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

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

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

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

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

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

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

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

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

Standards for all Districts

Building Standards

Frontage types.

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

Frontage types are permitted as specified by Table 11.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Building components are permitted as specified by Table 12.

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

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

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

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

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

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

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

Use Provisions

General

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

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

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

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

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

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

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

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

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

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

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

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

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

Parking Standards

Applicability

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

General

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

Commercial Parking uses are exempt from Table 2.

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

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

Elimination or reduction of existing curb cuts and driveway aprons

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

Location

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

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

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

Table 2. Minimum Required Accessory Parking Spaces

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

¹ Rounded up to the nearest whole number

Site Standards

Forecourts

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

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

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

Landscaping

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

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

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

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

Vegetation must be low water use and low maintenance plant species that are indigenous to Cape Cod.

Plant species should be capable of withstanding seasonably wet conditions and provide habitat value for wildlife.

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

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

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

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

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

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

Stormwater Management

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

Signs

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

Outdoor Lighting

All outdoor lighting must be directed only on site.

The trespass of light at any lot line may not exceed 0.1 of a footcandle, except that the trespass of light at any lot line abutting a lot in Downtown Neighborhood (DN) district may not exceed 0.05 footcandle.

At driveways, lighting may be up to 0.5 of a footcandle at the front lot line.

Outdoor lighting may not cause glare that impacts motorists, pedestrians, or neighboring premises.

Light fixtures must have a total cutoff of all light at less than ninety degrees (90°) and a beam cutoff of less than seventy-five degrees (75°). Attached building or wall pack lighting should be screened by the building's architectural features or contain a forty-five-degree cutoff shield.

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

Fences

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

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

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

Vehicular Access

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

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

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

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

All new curb cuts require a Special Permit.

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

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

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

Utilities

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

Surface Parking Lot Design Standards

Applicability

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

General

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

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

Surface Parking Lot Landscaping

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

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

One (1) canopy tree

One (1) understory or evergreen tree

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

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

Two (2) understory or evergreen trees

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

Two (2) understory or evergreen trees

Four (4) medium shrubs

Six (6) small shrubs

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

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

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

Downtown Main Street District (DMS)

Intent

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

Lot Standards

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

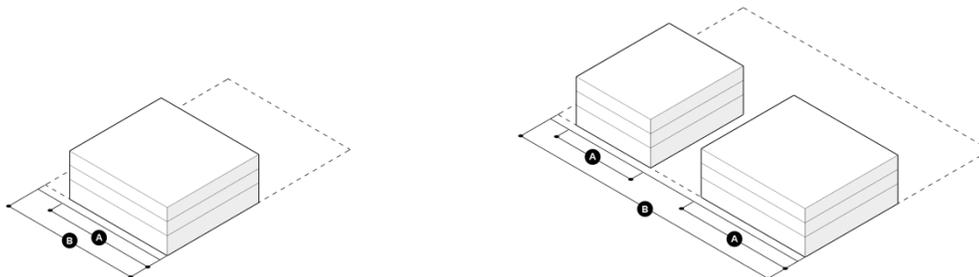
Building facades must have a minimum width that is equal to a percentage of a lot's width and is specified as the façade build out by Table 3.

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

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

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

Façade Build Out



Single Building per Lot = $A \div B$

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

Building Standards

Multiple principal buildings are permitted per lot.

Principal buildings are permitted as specified by Table 3.

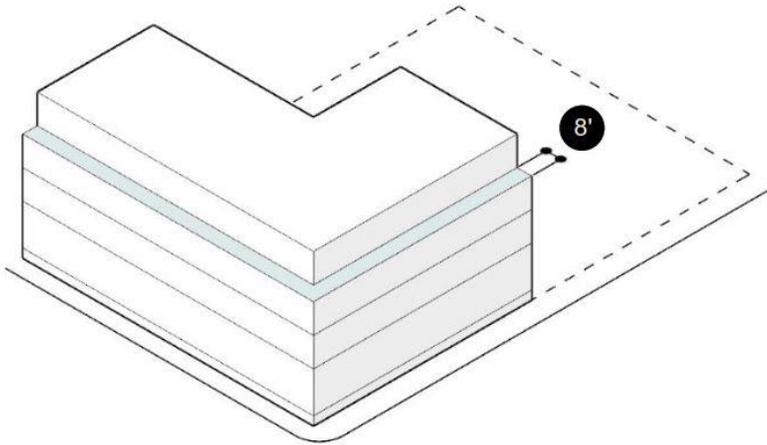
Additional principal buildings are exempt from the required maximum front setback.

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

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

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

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



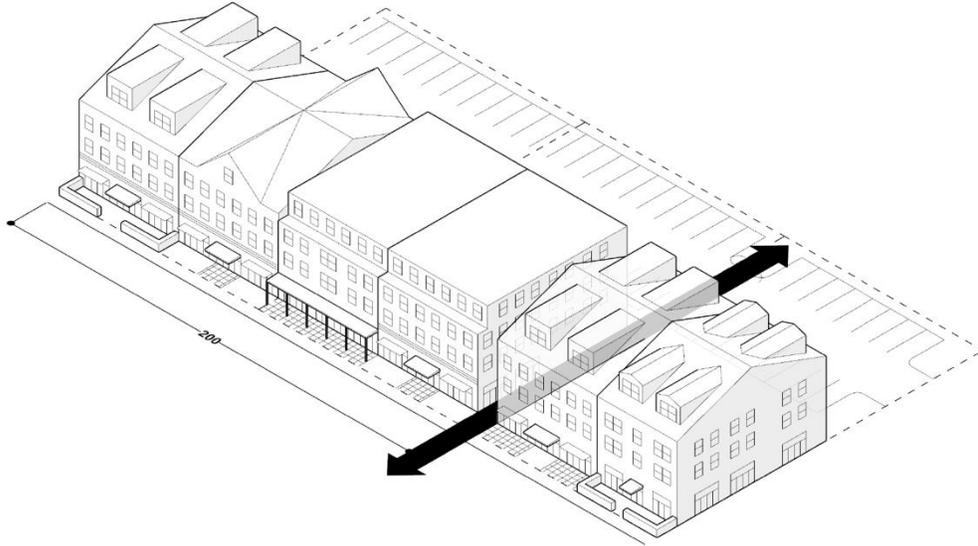
Mechanical & stairwell penthouses and building systems equipment must be setback from any exterior wall a distance that is equal to their height.

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

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

Design Guidelines

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



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

Use Provisions

Limitations

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

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

Site Standards

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

Landscape Standards

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

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

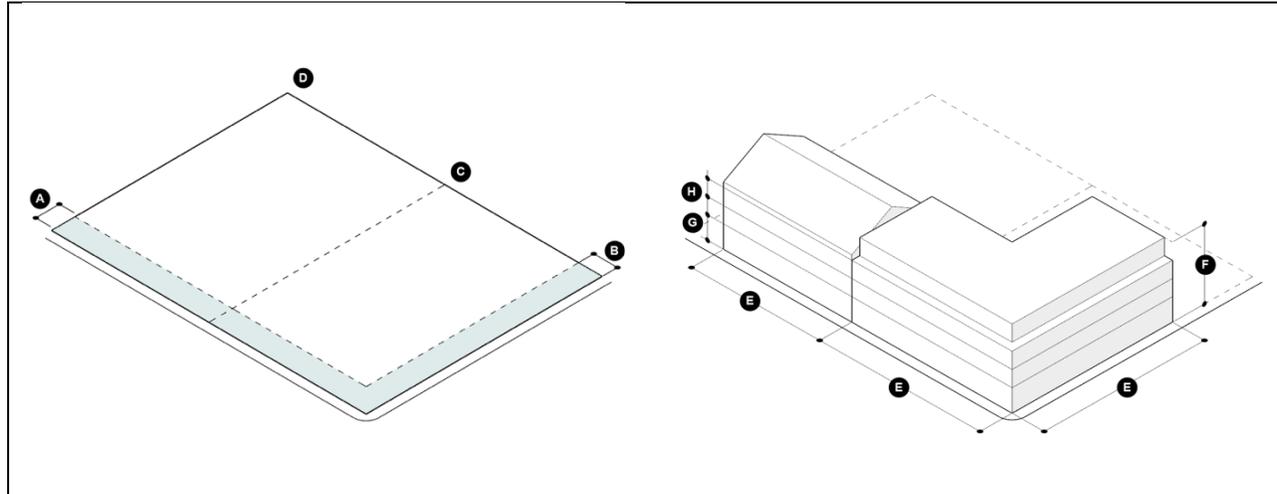
Two (2) understory or evergreen trees

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

Parking Standards

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

Table 3. DMS Dimensional Standards



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

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

Downtown Village District (DV)

Intent

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

Lot Standards

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

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

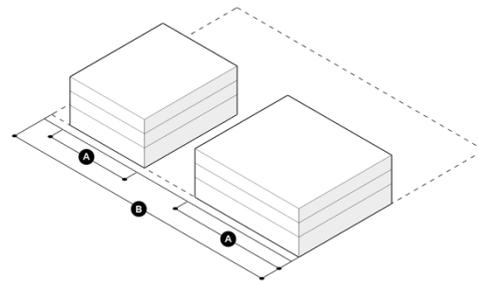
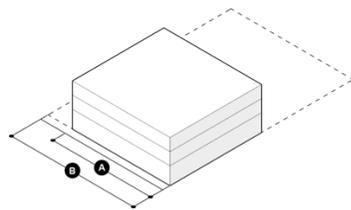
Building facades must have a minimum width that is equal to a percentage of a lot's width and is specified as the façade build out on Table 4.

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

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

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

Façade Build Out



Single Building per Lot = $A \div B$

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

Building Standards

Multiple principal buildings are permitted per lot.

Principal buildings are permitted as specified by Table 4.

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

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

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

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

Use Provisions

Limitations

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

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

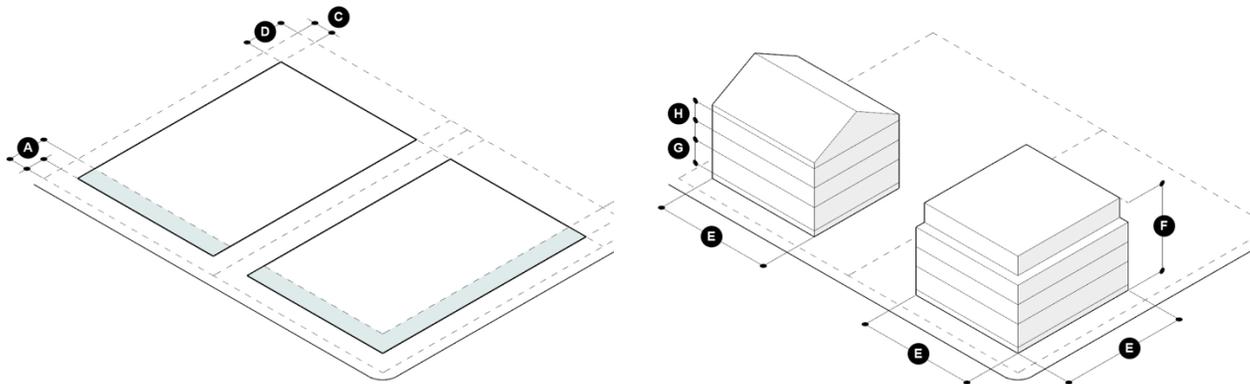
Site Standards

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

Landscape Standards

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

Table 4. DV Dimensional Standards



LOT		BUILDING FORM	
Lot Width	30' min	E - Building Width	120' max
Lot Coverage	80% max	F - Number of Stories	3.5 or 4 max ³
Façade Build Out (min)	--	G - Ground Story Height	--
Primary Frontage	80% min	Commercial	14' min
		Residential	10' min
SETBACKS – PRINCIPAL BUILDINGS		H - Upper Story Height	10' min
A - Primary Front Setback	0' min 15' max	BUILDING FEATURES	
B - Secondary Front Setback	0' min 15' max	Ground Story Fenestration	--
C - Side Setback	0' min	Primary Frontage	15% min
D - Rear Setback	0' min	Secondary Frontage	15% min
		Upper Story Fenestration	15% min
		Blank Wall	20' max
		Commercial Space Depth	20' min

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

Downtown Neighborhood District (DN)

Intent

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

Lot Standards

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

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

Building Standards

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

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

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

Use Provisions

Limitations

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

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

Site Development

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

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

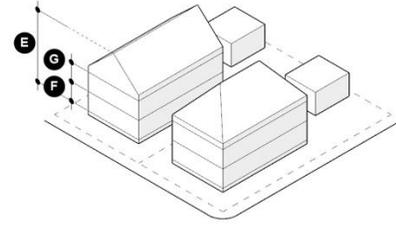
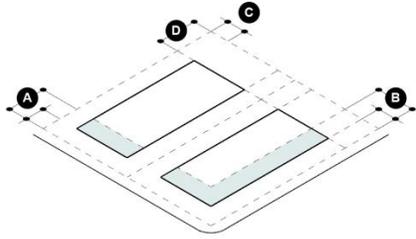
Outdoor lighting must be shielded and provide total cut off of all light at the boundaries of the lot under development.

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

Landscape Standards

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

Table 5. DN Dimensional Standards



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

Downtown Hospital District (DH)

Intent

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

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

Lot Standards

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

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

Building Standards

Multiple principal buildings are permitted per lot.

Principal buildings are permitted as specified by Table 6.

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

Site Standards

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

Landscape Standards

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

One (1) canopy tree

One (1) understory or evergreen tree

Four (4) medium shrubs

Six (6) small shrubs

Table 6. DH Dimensional Standards

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

Hyannis Harbor District (HH)

Intent

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

Lot Standards

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

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

Building Standards

Multiple principal buildings are permitted per lot.

Principal buildings are permitted as specified by Table 7.

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

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

Use Provisions

Limitations

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

Site Standards

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

Landscape Standards

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

One (1) canopy tree

One (1) understory or evergreen tree

Four (4) medium shrubs

Six (6) small shrubs

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

Two (2) understory or evergreen trees

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

Table 7. HH Dimensional Standards

LOT		BUILDING FORM	
-----	--	---------------	--

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

SETBACKS – PRINCIPAL BUILDINGS	
--------------------------------	--

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

⁵ See 240-24.1.10.C.2(a)

Transportation Center District (TC)

Intent

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

Lot Standards

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

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

Building Standards

Multiple principal buildings are permitted per lot.

Principal buildings are permitted as specified by Table 8.

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

Use Provisions

Limitations

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

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

Site Standards

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

Landscape Standards

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

One (1) canopy tree

One (1) understory or evergreen tree

Four (4) medium shrubs

Six (6) small shrubs

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

Two (2) understory or evergreen trees

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

Table 8. TC Dimensional Standards

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

Highway Commercial District (HC)

Intent

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

Lot Standards

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

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

Building Standards

Multiple principal buildings are permitted per lot.

Principal buildings are permitted as specified by Table 9.

The third story can only occur within habitable attic space.

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

Site Standards

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

Landscape Standards

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

One (1) canopy tree

One (1) understory or evergreen tree

Four (4) large shrubs

Two (2) small shrubs

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

Two (2) canopy trees

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

Parking Standards

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

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

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

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

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

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

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

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

Table 9. HC Dimensional Standards

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

⁶ See 240-24.1.12.C.2(a)

Tables

Table 10. Dimensional Standards Summary Table

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

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

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

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

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

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

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

Table 11. Frontage Types

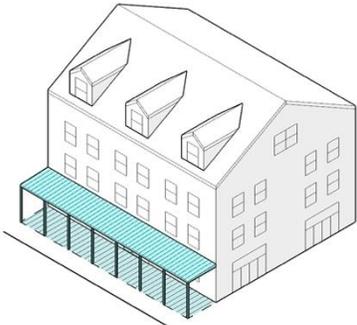
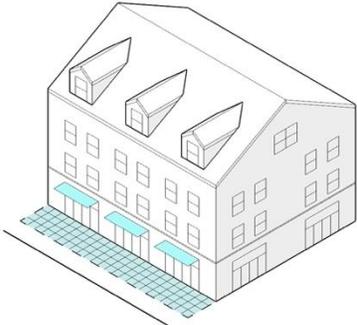
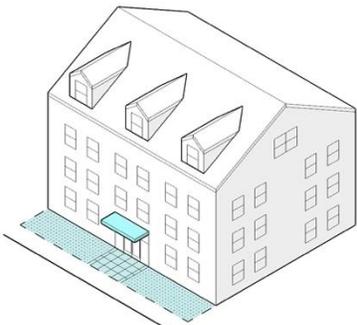
P – Permitted N – Not Permitted	DMS	DV	DN	DH	HH	TC	HC
<p>Gallery</p>  <p>A frontage type consisting of a storefront(s) and an attached colonnade with a roof, open pergola, or balcony overhanging a paved sidewalk. A gallery may wrap around the corner of a building to create a veranda-like gallery.</p>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

Table 11. Frontage Types

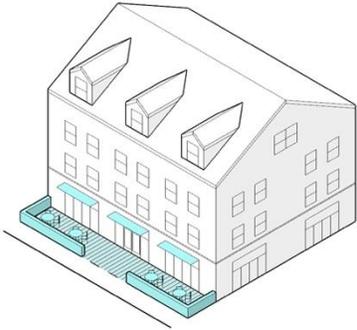
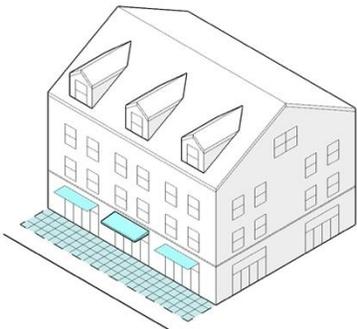
P – Permitted N – Not Permitted	DMS	DV	DN	DH	HH	TC	HC
<p>providing access and light to the lobby of a building. A common lobby may be combined with an entry plaza or front garden frontage type.</p>							
<p>Dining Patio</p>  <p>A frontage type consisting of a storefront(s) and outdoor café seating in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

Table 11. Frontage Types

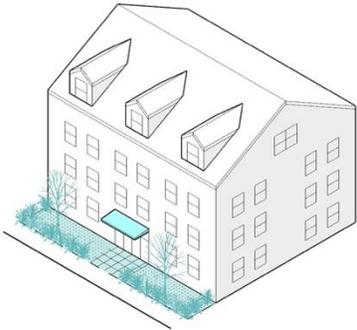
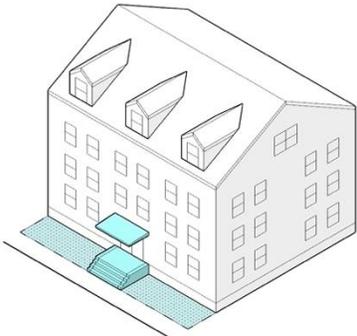
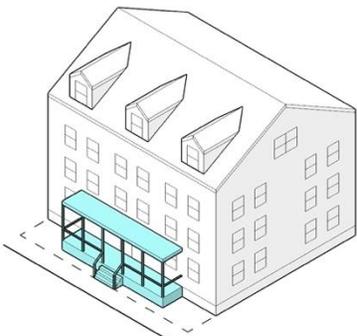
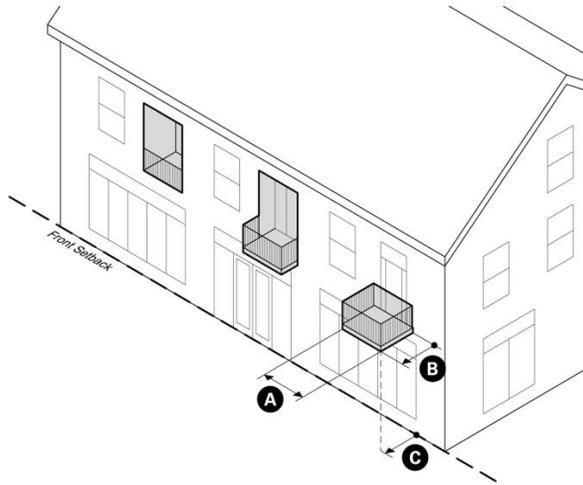
P – Permitted N – Not Permitted	DMS	DV	DN	DH	HH	TC	HC
<p>Front Garden</p>  <p>A frontage type consisting of a highly landscaped frontage area. A front garden may be combined with a common lobby, dooryard or stoop, or porch frontage type.</p>	N	P	P	N/A	N	N	N
<p>Dooryard or Stoop</p>  <p>A frontage type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

Table 11. Frontage Types

P – Permitted N – Not Permitted	DMS	DV	DN	DH	HH	TC	HC
<p>stairs with a landing that provides access to the entrance of a building. A porch may be combined with a front garden frontage type</p>							

Table 12. Building Components

A. Balcony



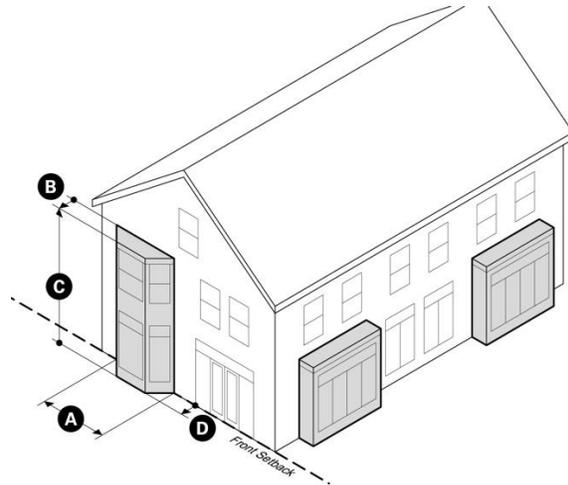
A	Width (min)	5 ft
B	Depth (min)	4 ft
	Area (min)	20 sf
C	Front Setback Encroachment (max)	5 ft

Design Standards:

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

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

B. Bay or Oriel Window



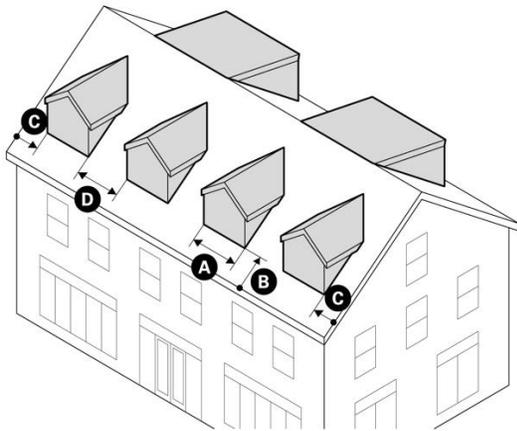
A	Single Bay Width (max)	16 ft
	Cumulative Bay Width (max)	50% of the width of the exterior wall from which the bays project
B	Projection (max)	3 ft
C	Stories (max)	Same as the principal building
D	Front Setback Encroachment (max)	3 ft

Design Standards:

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

A bay window may have a flat roof.

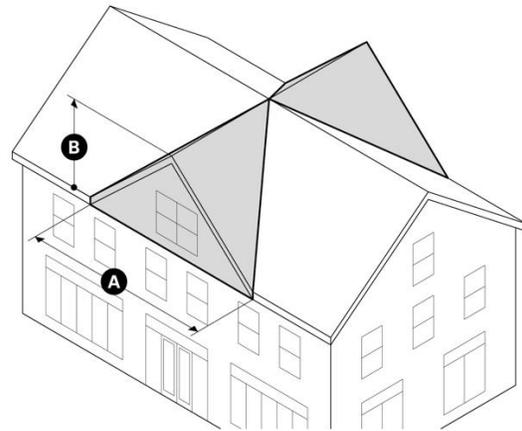
C. Dormer



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

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

D. Cross Gable



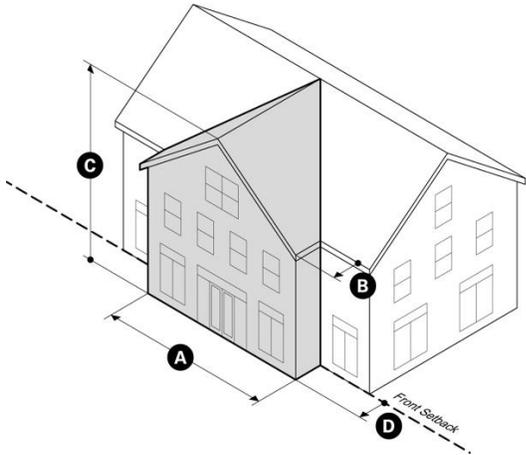
A	Width (max)	50% of the roof eave below
B	Height (min)	Equal to the height of the roof of the attached primary massing

Design Standards:

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

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

E. Projecting Gable



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

Design Standards:

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

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

VOTE: TO THE PLANNING BOARD Passes 9 Yes

Recused: Atsalis, Rapp Grasseti, Neary, Shaughnessy

Roll Call: Atsalis, Bogan, Clark, Cullum, Hebert, Levesque, Mendes, Schnepf, Starr, Steinhilber.

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

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

SECTION 1

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

- A. By striking the words “Signs in Medical Services District” from the section heading and inserting “**Signs in Downtown Hospital District**” in their place.
- B. In subsection A, by striking the words “in a professional residential zone”, so that the revised Section shall read:
 - “§ 240-64 **Signs in Downtown Hospital District.**
 - A. One sign giving the name of the occupant or other identification of a permitted use may be permitted. Such signs shall be no more than 12 square feet in area and shall not extend more than eight feet above the ground.
- C. Any illuminated sign must comply with the provisions of § **240-63** herein.”

SECTION 2

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

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

SECTION 3

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

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

SECTION 4

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

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

SECTION 5

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

“§ 240-71 **Signs DMS District.**”

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

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

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

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

SECTION 6

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

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

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

VOTE: TO THE PLANNING BOARD-Passes 9 Yes

Recused: Atsalis, Rapp Grassetto, Neary, Shaughnessy

Roll Call: Atsalis, Bogan, Clark, Cullum, Hebert, Levesque, Mendes, Schnepf, Starr, Steinhilber.

2022-146

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

Director of Planning and Development, Elizabeth Jenkins gave the rationale

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

SECTION 1

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

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

SECTION 2

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

SECTION 3

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

SECTION 4

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

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

revised Section 240-31 A(1) shall read:

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

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

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

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

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

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

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

SECTION 4

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

SECTION 5

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

VOTE: TO THE PLANNING BOARD –Passes 9 Yes

Recused: Atsalis, Rapp Grassetto, Neary, Shaughnessy

Roll Call: Atsalis, Bogan, Clark, Cullum, Hebert, Levesque, Mendes, Schnepf, Starr, Steinhilber.

2022-147 APPROPRIATION ORDER IN THE AMOUNT OF \$275,000 TO FUND DISPOSAL COSTS AT THE SOLID WASTE DIVISION OF THE DEPARTMENT OF PUBLIC WORKS INTRO: 03/17/2022

Councilors Rapp Grassetto, Atsalis, Neary and Shaughnessy returned to meeting

ORDERED: That the amount of **\$275,000** be appropriated for the purpose of funding disposal costs at the Barnstable Transfer Station, and to fund this appropriation, that the amount of \$275,000 be provided from the Solid Waste Enterprise Fund Reserves.

VOTE: TO A PUBLIC HEARING ON 4/7/2022-Passes 13 Yes

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

2022-148 APPROPRIATION ORDER IN THE AMOUNT OF \$75,000 FOR THE PURPOSE OF FUNDING SURVEY, DESIGN AND PERMITTING FOR SIDEWALKS ON COMMERCE ROAD IN BARNSTABLE VILLAGE INTRO: 03/17/2022

ORDERED: That the amount of **\$75,000** be appropriated for the purposes of funding survey, design and permitting for sidewalks on Commerce Road in Barnstable Village, including the payment of costs incidental or related thereto; and that to fund this appropriation \$75,000 be provided from the General Fund Reserves, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

VOTE: TO A PUBLIC HEARING ON 4/7/2022-Passes 13 Yes

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

2022-149 SUPPLEMENTAL APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$695,000 FOR THE PURPOSE OF FUNDING THE WATER POLLUTION CONTROL DIVISION PUMP STATION REHABILITATION PROJECT AS OUTLINED IN THE FISCAL YEAR 2022 TO FISCAL YEAR 2027 CAPITAL IMPROVEMENT PLAN INTRO: 03/17/2022

ORDERED: That the amount of **\$695,000** be appropriated and added to the \$2,100,000 appropriated under Town Council order 2021-124 for a total revised appropriation amount of \$2,795,000 for the purpose of funding the Pump Station Rehabilitation Project as outlined in the Fiscal Year 2022 – Fiscal Year 2027 Capital Improvement Plan, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$2,795,000 under and pursuant to M.G.L. c. 44, §7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Town Manager is authorized to contract for and expend the

appropriation made available for these purposes.

VOTE: TO A PUBLIC HEARING ON 4/7/2022-Passes 13 Yes

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

2022-150 AUTHORIZATION TO EXPEND A FISCAL YEAR 2022 GRANT IN THE AMOUNT OF \$30,000 FROM THE COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF PUBLIC HEALTH TO FUND A CLINICIAN AT THE POLICE DEPARTMENT INTRO: 03/17/2022

Barnstable Police Chief Sonnabend gave the rationale

Councilor questions and comments:

(Rapp Grassetto) is this going to be a recurring position and are you going to figure it into the budget; (Sonnabend) we have a part time clinician, we are expanding to a full time position utilizing this grant money available (Cullum) Please mention to Danielle St Peter we are proud of her and thank her for her service (Sonnabend) We are very proud of her, and we are expecting a press release from Washington, DC (Clark) Thank you to Anne Spillane for writing these grants (Shaughnessy) Loving women's history month featuring all the female police officers in the department it is very inspiring.

RESOLVED: That the Barnstable Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2022 Grant from the Commonwealth of Massachusetts, Department of Public Health in the amount of **\$30,000** for the purpose of funding a clinician at the Barnstable Police Department.

VOTE: PASSES 13 YES

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

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

VOTE: PASSES 13 YES

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

Adjourned at 10:45 PM

Respectfully submitted,

Ann Quirk

Town Clerk/Town of Barnstable

NEXT MEETING: April 7, 2022

Exhibits:

A Town Manager update