



Town Council Meeting
February 2, 2023



A quorum being duly present, President Matthew Levesque called the February 2, 2023, Town Council meeting to order at 7:04 PM.

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

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

The Pledge of Allegiance was led by President Levesque followed with a moment of silence. He asked to keep the Ukraine people in our thought and prayers. He added hopefully the country will have peace.

President Levesque made a presentation to Wendy Northcross, in recognition of her work and leadership in the Barnstable community. Councilors added their thanks for her years of service to the town.

**PUBLIC COMMENT:
(In-person)**

Laura Cronin spoke about the need to return all town meetings to in-person as opposed to the zoom format. She felt the zoom format limits the discussion and it feels impersonal.

Wendy Northcross spoke about the zoning change and the need to pass this change. She added we need Barnstable to work well and this will help.

Irene Aylmer said she agreed with Laura Cronin and felt all town meetings should go back to in-person format. She noted the new zoning helped the need for housing in Barnstable. She added we are one town and we all need to help each other.

Teresa Prete discussed the zoning change and hoped the town would keep as much open space as possible. She noted the town needed to keep downtown Main Street one-way and that there should be no buildings taller than 3 stories.

Lori Crawley felt that the density and height of building needed to be controlled and that every village should have affordable housing. She hoped there would be more affordable housing for all. She noted downtown Main Street should remain one-way.

Elizabeth Wurfbain supported the zoning change and thought it was well thought out. In order to facilitate a year round economy we need places to live and jobs.

Bruce Prescott supported the zoning change and felt there needed to be more housing in the downtown Hyannis area. He was also supportive of the two-way traffic on Main Street in downtown Hyannis.

Conrad Watson who has done numerous rehab projects in the Boston area felt the Hyannis could benefit from the zoning change.

(On Zoom)

Scott Diaz had concerns regarding losing the neighborhoods to commercial uses.. He mentioned Rosary Lane as an example of the lost neighborhood.

Hilda was supportive of the zoning change. She said there was a need for housing. She hoped the neighborhoods would stay with homes and not turn to commercial uses.

Alisa Magnotta, Chief Executive Officer of Housing Assistance Corporation (HAC) is supportive the downtown zoning and felt the changes were a great idea for Main Street.

Response to Public Comment:

(Ludtke) Understood the comments regarding the zoom meetings put people off and in-person meetings were better. She noted the data was very good on the two-way traffic on downtown Main Street. (Schnepp) Thanked all who commented. She explained the state may decide the issue of virtual and live meeting but hoped for a hybrid meeting option to be inclusive for all of those who want to attend a town meeting. (Levesque) explained the decision for town meetings, virtual or in-person was left up to the chair of each board or committee. The hybrid meeting where we have in- person and zoom is only utilized for the Town Council meetings. (Cullum) Thanked Lauren Cronin and Irene Aylmer for their comments. She noted there can be frustration with the virtual meeting especially when there are big projects. Vice-President Cullum asked Town Manager Mark Ells to speak about the water rates. (Ells) Explained the Town of Barnstable is no longer utilizing Town of Yarmouth water. The water rates fall under the Department of Public Works and the department is an Enterprise Fund, which receives its revenues from fees and charges. The department is trying to mitigate the rates. (Cullum) The town is against erasing neighborhoods. (Levesque) Explained the five fire districts tax on their own quasi-government. He noted we will reach out to the chairs of the boards and committee and encourage them to go in-person.

Close public comment

TOWN MANAGER’S COMMUNICATIONS: (Exhibit A)

Town Manager Ells is forgoing his Town Managers communications. The Town Manager update for period January 20th – February 2nd, 2023 is available on the Town Manger’s web page under Town Manager Communications to Town Council.

ACT ON PUBLIC SESSION MINUTES:

Upon a motion duly made and seconded it was to accept the minutes of January 19, 2023 as presented.

VOTE: PASSES 12 YES 1 ABSTAIN (Neary)

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

(Schnepp) discussed the vacancies on the Boards and Committees and directed applicants to the Town Council page to view all current vacancies. She added please look on the upper right hand corner of the web page, under Committee Vacancies.

Break: 5 minute break

President Levesque took agenda item 2023-072 out of order

2023-072 AUTHORIZATION TO EXPEND A FISCAL YEAR 2023 GRANT FROM THE MASSACHUSETTS DEPARTMENT OF FISH & GAME, DIVISION OF MARINE FISHERIES, IN THE AMOUNT OF \$25,000 FOR REPAIRS TO THE BLISH POINT BOAT RAMP IN THE TOWN OF BARNSTABLE INTRO: 02/02/2023

Dan Santos, Public Works Director gave the rationale. He explained this grant was awarded to the town for the repair of the Blish Point boat ramp. He explained the state owned the boat ramp but the town maintained it. He noted reconstruction of the boat ramp by the state will begin in 5 years.

Councilor questions and comments:

(Starr) When will this work begin? Wintertime? (Santos) It will be in the springtime as it is more conducive to repairs.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2023 grant in the amount of **\$25,000** from the Massachusetts Department of Fish & Game, Division of Marine Fisheries, for the purpose of repairing the Blish Point Boat Ramp in the Town of Barnstable.

VOTE: PASSES UNANIMOUS

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, 11/03/2022, 12/01/2022, 01/05/2023, 02/02/2023

Councilor Paul Neary recused himself and noted he will leave the dais for the three agenda items: 2022-144, 2022-145, and 2022-146. Councilor Jessica Rapp Grasseti recused herself and noted she will leave the dais for the two agenda items: 2022-144, and 2022-145. Councilor Nickolas Atsalis recused himself and noted he will leave the dais for the two agenda items: 2022-144, and 2022-145. Councilor Tracey Shaughnessy explained after consulting with the state ethics board regarding agenda items 2022-144, 2022-145, and 2022-146 she can stay and vote as she has no conflict with these agenda items.

Elizabeth Jenkins, Planning and Development Director have the rationale. She handed the Planning Board minutes, (EXHIBIT B) dated April 12, 2022 were given to the Assistant Town Clerk for the record. She gave an overview utilizing a PowerPoint presentation. She discussed the zoning text amendments, redevelopment of underutilized properties the smart growth town wide strategy, and top of the shop housing. James Kupfer, Senior Planner spoke about the seven new zoning districts, which were comprised of two form based districts and five hybrid zoning districts, Kate Maldonado, Planning and Development Assistant Director, talked about what the new zoning accomplishes in the Hyannis Districts.

Open Public Hearing

(In-person)

Felicia Penn spoke about keeping a healthy balance between green and building. She felt the eight feet push back on a four story building was not enough. Architecturally the new buildings should echo what is already there. She noted the zoning process changes would now avoid cumbersome issues but will not have public input. She felt all abutters who would be impacted in future projects in the proposed zoning areas should be notified.

(Zoom)

Natalia Fuertes supported the redevelopment to change zoning for housing. The town really needs to think of the next generations on the cape and address this housing issue.

Stephen Robichaud, Chair Planning Board, complemented the Planning and Development team for a great job on the presentation. This new language will allow more housing which he supports.

Carolyn Farrell supported the two way downtown Main Street. She had concerns regarding how will the historic preservation of downtown be protected or enhanced.

Close Public Hearing

Councilor questions and comments:

(Ludtke) We are missing middle housing, we need public involvement and we should notify the abutters during this process. (Schnepp) Will current properties be grandfathered? (Jenkins) We will not take away rights for uses. (Clark) Scaling back on required parking lots for new developments then we need

to make sure the parking lots are rightsized. (Mendes) Change is hard but without this change Downtown Main Street will die. (Cullum) This is a challenging conversation as we are losing 1000 families a year due to housing issues. Great work. (Cusack) can other villages do this as well? (Jenkins) This is tailored to Downtown Hyannis.

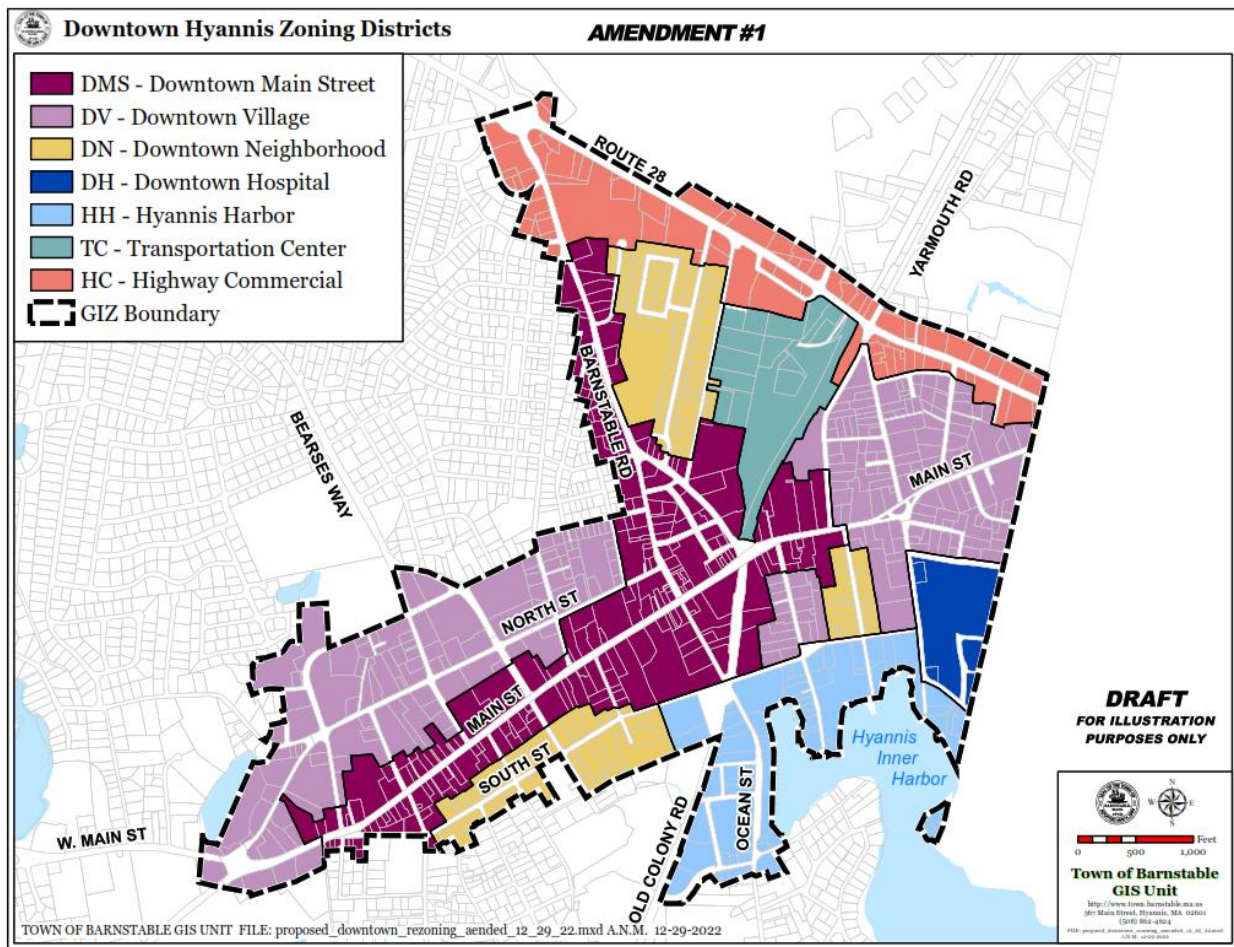
AMENDMENT #1 (LUDTKE)

(Jenkins) This is map amendment for 23 properties on School Street.

Amend Item No. 2022-144, Section 1, by amending the “Downtown Hyannis Zoning Districts” as shown on maps dated January 4, 2023, 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

Exhibit Map:



Upon a motion duly made and seconded it was accept Amendment #1
VOTE: PASSES UNANIMOUS

AMENDMENT #2 (LUDTKE)

(Jenkins) explained this was a companion to the map change.

To amend Item No. 2022-144, Section 3, by amending Section 240-24.1.12(D)(1) to:

(1) renumber subsections (b) and (c) to subsections (a) and (b), respectively; and

(2) amend the renumbered subsection (a) by inserting the words “, School Street,” after the words “South Street” so the subsection reads “Office and Health Care Clinic uses are permitted only for lots fronting South Street, School Street, or High School Road.”

Upon a motion duly made and seconded it was accept Amendment #2

VOTE: PASSES UNANIMOUS

AMENDMENT #3 (CLARK)

(Jenkins) This is for large projects in Downtown Hyannis

To amend Item No. 2022-144, Section 3, by amending §240-24.1.3(B)(2) by inserting the following new subsection (b):

“ (b) In conjunction with the Formal Site Plan Review required by Article IX Site Plan Review, Development and Modification that meets or exceeds the thresholds established in Subsection (i) below in the Downtown Hyannis Zoning Districts shall be reviewed by the Building Commissioner or his designee at a public meeting at which public comment shall be allowed, with notice of such meeting to be provided in accordance with the notice requirements of sections 18-25 of G.L. c. 30A,, the Massachusetts Open Meeting Law; provided that the requirements of the Open Meeting Law shall not otherwise apply to such meeting.

- (i) Development of a principal building(s) or new parking lot, Modifications of existing structures that result in an increase of 5,000 or more square feet, or 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.”

Upon a motion duly made and seconded it was accept Amendment #3

VOTE: PASSES UNANIMOUS

AMENDMENT #4 (CLARK)

To Amend Item No. 2022-144, Section 3, by amending Section 240-24.1.3(B)(2) by inserting the following new subsection (b)(ii):

At least ten (10) days prior to the Formal Site Plan Review meeting, notice of the meeting shall be mailed to abutters within 300 feet of the subject property.”

(Steinhilber) Is this postmarked 10 days?

Break: 2 minute break

President Leveque asked that Councilor Steinhilber’s amendment language to Amendment #4 be read out loud. Karen Nober, Town Attorney read the amended language

To Amend Item No. 2022-144, Section 3, by amending Section 240-24.1.3(B)(2) by inserting the following new subsection (b)(ii):

“Prior to the Formal Site Plan Review meeting, notice of the meeting shall be mailed to property owners whose properties are within 300 feet of the subject property with such notice postmarked at least ten (10) days in advance of the meeting.”

Upon a motion duly made and seconded it was amend Amendment #4

VOTE: PASSES UNANIMOUS

Upon a motion duly made and seconded it was accept Amendment #4 as amended

VOTE: PASSES UNANIMOUS

AMENDMENT #5 (CLARK)

(Jenkins) This would allow veterinary services by special permit in Downtown Main Street District and in the Downtown Village District.

Amend Item No. 2022-144, Section 3, by:

(a) amending Section 240-24.1.9, Section C, to label the table at the end of such section as “Table 1”; and

(b) amending said Table 1 by amending the Specific Use “Veterinary Services” as follows:

In the DMS District: Change N to SP

In the DV District: Change N to SP

Upon a motion duly made and seconded it was accept Amendment #5

VOTE: PASSES UNANIMOUS

AMENDMENT #6 (CLARK)

(Jenkins) This would allow for structures in the Downtown District (older larger homes) to have up to four units plus an ADU in the Downtown Neighborhood District.

To amend Item No. 2022-144, Section 3, by amending:

(1) Table 1, Specific Use ‘Multi-Unit Dwelling’ in the DN District to change N to L; and

(2) §240-24.1.12(D)(1) to insert the following new subsection (c):

(c) Multi-Unit dwellings are permitted in the DN District with a maximum of four dwelling units permitted in any one building per lot. In addition, one Accessory Dwelling Unit may be permitted per lot. Multi-unit dwellings shall be prohibited for lots fronting on only Brookshire Road or King’s Way

Upon a motion duly made and seconded it was accept Amendment #6

VOTE: PASSES UNANIMOUS

AMENDMENT #7 (CLARK)

(Jenkins) This amendment would allow these uses to be reviewed at a public hearing by the Planning Board. This would be an additional level of review.

To amend Item No. 2022-144, Section 3, by:

1) amending Table 1, Use Category ‘Retail Sales’ as follows:

In the TC District: Change P to L

In the HC District: Change P to SP

In the DH District: Change P to SP; and

2) amending Table 1, Use Category ‘Food & Beverage Services’ as follows:

In the TC District: Change P to L

In the HC District: Change P to SP

In the DH District: Change P to SP

Upon a motion duly made and seconded it was accept Amendment #7

VOTE: PASSES 8 YES (CLARK, CUSACK, LEVESQUE, LUDTKE, MENDES, SCHNEPP, SHAUGHNESSY, STARR), 2 NO (CULLUM AND STEINHILBER)

AMENDMENT #8 (CLARK)

(Jenkins) This provides guidance to Planning Board only in the Highway Commercial District (Route28) area.

To amend Item No. 2022-144, Section 3, by:

(a) amending §240-24.1.16 Highway Commercial District (HC) by inserting the following new subsection (D) after subsection (C) Building Standards:

“(D) Use Provisions

1. Special permit criteria. In granting a special permit in accordance with Table 1 herein, in addition to the criteria set forth in §240-125, the SPGA shall find that the issuance of a special permit in the HC District shall not create a substantial adverse impact on the roadway network; and shall comply with subsection (G) herein to the greatest extent possible.”; and

(b) renumbering the subsequent sections from (D), (E) and

Upon a motion duly made and seconded it was accept Amendment #8

VOTE: FAILS 2 (CLARK, LUDTKE) YES 7 NO (CULLUM, CUSACK, LEVESQUE, MENDES, SCHNEPP, SHAUGHNESSY, STEINHILBER) 1 ABSTAIN (STARR)

AMENDMENT #9 (CLARK)

(Jenkins) Clean up Main Street and obtain a Special Permit for the area which does not require new building forecourts with driveways or passenger drop offs.

To amend Item No. 2022-144, Section 3, by amending Section 240-24.1.9(E)(1)(a)(ii) by striking the words “fronting Main Street or” so it reads “Real property in the Downtown Hospital (DH) district is exempt.”

Upon a motion duly made and seconded it was accept Amendment #9

VOTE: PASSES UNANIMOUS

AMENDMENT #10 (CLARK)

(Jenkins) This amendment works with amendment #4.

To amend Item No. 2022-144, Section 3 by amending §240-24.1.9(E)(2)(i) by inserting the phrase “for Development or Modifications that meet or exceed the thresholds established in §240-24.1.3(B)(2)(b)(i)” after the word “applications” and striking the phrase “unless waived/exempt by the Building Commissioner” so it reads:

All Site Plan and Special Permit applications for Development or Modifications that meet or exceed the thresholds established in §240-24.1.3(B)(2)(b)(i) must submit a Landscape Plan(s) signed and stamped by a MA registered Landscape Architect.

Upon a motion duly made and seconded it was accept Amendment #10

VOTE: PASSES 9 YES (CLARK, CULLUM, CUSACK, LEVESQUE, LUDTKE, MENDES, SCHNEPP, SHAUGHNESSY, STARR) 1 (STEINHILBER)

AMENDMENT #11 (CLARK)

(Jenkins) This is for major projects in the Downtown Hyannis Zoning District; it works with amendment # 4. (Cullum) There is no landscape requirement for 5,000 square foot projects this could be a problem.

To amend Item No. 2022-144, Section 3, by amending §240-24.1.9(E)(2) by:

(a) inserting the following new subsection (k) after subsection (j):

(k) All Development and/or Modifications that meet or exceed the thresholds established in §240-24.1.3(B)(2)(b)(i) shall provide financial security for one hundred and fifty percent (150%) of the estimated cost of plant installation for the duration of three (3) years after planting has been installed and must be provided prior to issuance of any Certificate of Occupancy in a form acceptable to the Town Attorney’s Office. The cost estimate shall be prepared by a qualified professional and submitted to the Director of Planning & Development for approval. Upon completion of planting, the applicant must request an inspection. The three year maintenance period commences upon approved inspection. Partial release of the security may be authorized after approved inspection, not to exceed 50 percent. The full security shall be returned to the applicant or their successors after three years upon final inspection by the Director of Planning & Development. The Town reserves the right upon noncompliance with this section to pursue all available legal and equitable remedies to compel compliance.

and (b) by renumbering the existing subsection (k) to (l).

Upon a motion duly made and seconded it was accept Amendment #11

VOTE: PASSES UNANIMOUS

AMENDMENT #12 (CLARK)

(Jenkins) This amendment adds descriptive language to three districts.

To amend Item No. 2022-144, Section 3, by amending:

(1) the second sentence of §240-24.1.10(A)(1) by inserting the phrase “(two to four story)” after the words “mid-rise” so the sentence reads: “Development is characterized by mid-rise (two to four story) mixed-use buildings, continuous street walls and variety of materials with parking visually minimized.”; and

(2) the second sentence of §240-24.1.11(A)(1) by inserting the phrase “(two to four story)” after the words “mid-rise” so the sentence reads: “Development is characterized by mid-rise (two to four story) single-use buildings and detached and semi-detached residential buildings.”; and

(3) the second sentence of §240-24.1.11(A)(1) by inserting the phrase “(two (2) to two and a half (2 ½) story)” after the words “mid-rise” so the sentence reads: “The area is characterized by detached low- and mid-rise “(two (2) to two and a half (2 ½) story) commercial structures.”

Upon a motion duly made and seconded it was accept Amendment #12

VOTE: PASSES 8 YES (CLARK, CUSACK, LEVESQUE, MENDES, SCHNEPP, SHAUGHNESSY, STARR, STEINHILBER), 2 NO (CULLUM AND LUDTKE)

AMENDMENT #13 (CULLUM)

(Jenkins) This clarifies accessory uses are permitted and regulated on the Downtown Hyannis Zoning District.

To amend Item No. 2022-144, Section 3, by amending §240-24.1.9(C)(1) by adding a new subsection (c) as follows:

“(c) Accessory Uses are permitted as set forth in Article V of the Barnstable Zoning Ordinance.”

Upon a motion duly made and seconded it was accept Amendment #13

VOTE: PASSES UNANIMOUS

AMENDMENT #14 (CULLUM)

(Jenkins) This amendment would reestablish the use permissions for a working waterfront.

To amend Item No. 2022-144, Section 3, by amending:

(1) Table 1, Specific Use “Boat Storage” to add the words “and Repair” so that it reads “Boat Storage and Repair”; and

(2) the Specific Use under the “HH” Hyannis Harbor District as follows:

Change Boat Storage and Repair from “N” to “P”

Upon a motion duly made and seconded it was accept Amendment #14

VOTE: PASSES UNANIMOUS

AMENDMENT #15 (CULLUM)

(Jenkins) Clarify the marina uses permitted in the Hyannis Harbor District.

To amend Item No. 2022-144, Section 3, by:

(1) amending Table 1, Specific Use “Marina” in the “HH” Hyannis Harbor District to change “SP” to “P”; and

(2) inserting in §240-24.1.14 Hyannis Harbor District the following new subsection D(2):

“Accessory uses permitted to a marina include, but are not limited to the sale, rental, storage, and repair of boats, marine fueling, and marine contracting.”

Upon a motion duly made and seconded it was accept Amendment #15

VOTE: PASSES UNANIMOUS

AMENDMENT #16 (CULLUM)

(Jenkins) This amendment corrects the omission (in the associated Use Limitation) in the Hyannis Harbor District.

To amend Item No. 2022-144, Section 3, by amending §240-24.1.14 Hyannis Harbor District by inserting the following new subsection D(1)(b):

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

Upon a motion duly made and seconded it was accept Amendment #16

VOTE: PASSES UNANIMOUS

AMENDMENT #17 (CULLUM)

(Jenkins) This amendment clarifies on-site shared use parking adjustments. Make sure shared parking is right sized not too generous.

To amend Item No. 2022-144, Section 3, by amending §240-24.1.9, Section D, Table 2, by striking the existing language under the heading “On Site Shared Parking Adjustment” and inserting the following:

For the Commercial Services Use Category: “Reduce by 50% the required spaces for Commercial Services where mixed with residential uses on the same lot.”

For the Cultural Services Use Category: “Reduce by 20% the required spaces for Cultural Services where mixed with residential uses on the same lot.”

For the Office Use Category: “Reduce by 50% the required spaces for Office where mixed with residential uses on the same lot.”

For the Retail Sales Use Category: “Reduce by 20% the required spaces for Retail Sales where mixed with residential uses on the same lot.”

Upon a motion duly made and seconded it was accept Amendment #17

VOTE: PASSES 9 YES (CLARK, CULLUM, CUSACK, LEVESQUE, LUDTKE, MENDES, SCHNEPP, SHAUGHNESSY, STEINHILBER) , 1 ABSTAIN (STARR)

Upon a motion duly made and seconded it was

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

SECTION 1: By amending the Zoning Map of Barnstable, Mass. Dated September 1, 1998, as previously amended, as referenced in Article II, Section 240-6, to repeal the districts collectively known as the “Hyannis Village Zoning Districts” and replace them with seven (7) new districts collectively known as the “Downtown Hyannis Zoning Districts”, as shown on maps dated January 4, 2023, 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

A. 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 District

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

B. 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

§240-24.1.2 Title

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

§240-24.1.3 General Provisions

A. Applicability

1. 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.
2. The provisions of the Barnstable Zoning Ordinance § 240-6.C (3) shall not apply within the Downtown Hyannis Zoning Districts.

B. Development Review

1. The Planning Board is the Special Permit Granting Authority (SPGA) for all development within the Downtown Hyannis Zoning Districts.
2. 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.

- (a) The Planning Board shall establish a Design and Infrastructure Plan (DIP) which shall be adopted after a public hearing.
 - (b) In conjunction with the Formal Site Plan Review required by Article IX Site Plan Review, Development and Modification that meets or exceeds the thresholds established in Subsection (i) below in the Downtown Hyannis Zoning Districts shall be reviewed by the Building Commissioner or his designee at a public meeting at which public comment shall be allowed, with notice of such meeting to be provided in accordance with the notice requirements of sections 18-25 of M.G.L. c. 30A, the Massachusetts Open Meeting Law; provided that the requirements of the Open Meeting Law shall not otherwise apply to such meeting.
 - (i) Development of a principal building(s) or new parking lot, Modifications of existing structures that result in an increase of 5,000 or more square feet, or 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.
 - (ii) Prior to the Formal Site Plan Review meeting, notice of the meeting shall be mailed to property owners whose properties are within 300 feet of the subject property, with such notice postmarked at least ten days in advance of the meeting.
3. The use of land or occupancy of floor space is permitted as specified by §240-24.1.5.B Use Provisions.

C. Compliance

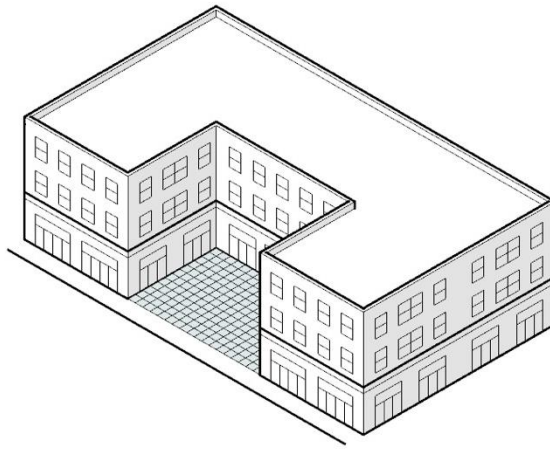
- 1. Any modification to an existing structure that results in greater conformance to this Ordinance is permitted.
- 2. Any modification to an existing structure that increases an existing nonconformity or creates a new nonconformity is prohibited.

§240-24.1.4 Definitions

A. General

- 1. 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 and entertainment, banking and financial services, building and home repair, business support, day care and education, maintenance and repair of consumer goods, personal services, gyms and 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.
Facade	Any exterior wall of a principal building oriented toward a front lot line.
Fenestration	The openings in the facade of a building, including windows and doors.
Food and 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 facade of a principal building and any front lot line(s), projected to the side lines of the lot.
Frontage Type Health Care Clinic	A distinct combination of facade and frontage area design features. 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 M.G.L. 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 and 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.

§240-24.1.5 Standards for all Districts

A. Building Standards

1. Frontage types.
 - (a) 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.
 - (b) Frontage types are permitted as specified by Table 11.
 - (c) Multiple frontage types may exist for buildings that have more than one (1) principal entrance.
2. Buildings must have at least one (1) principal entrance located on the facade.
 - (a) 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.
3. Buildings may not exceed the maximum number of stories as specified for each district.
 - (a) Each individual story of a building must comply with the minimum and maximum story height specified for each district.
 - (b) Story height is measured vertically from the surface of the finished floor to the surface of the finished floor above. When there is no floor above, story height is measured from the surface of the finished floor to the top of the structural beam or joists above or the top of the wall plate, whichever is more.
 - (c) The ground story is always counted as one (1) story, except that a single ground story over eighteen (18) feet in height is counted as two (2) stories.
 - (d) 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.
 - (e) 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.
 - (f) Habitable space located directly under a pitched roof is counted as a half (0.5) story.
 - (i) The roof rafters of a half story must intersect the wall plate or top of wall frame of the exterior walls at a height no more than (2) feet above the finished floor of the half story.
 - (g) Non-habitable attic space located under a pitched roof is not counted a half story.
 - (h) Pitched roofs with a slope greater than 12:12 require a Special Permit.
4. Buildings may not exceed the maximum building height specified for each district, as applicable.
 - (a) Building height is measured as the vertical distance from the average finished ground level to the top of the structural beam or joists of the upper most story.
5. Non-habitable architectural features including, but not limited to, mechanical and stairwell penthouses; vents or exhausts; solar panels or skylights; belfries, chimneys, cupolas, parapets, spires, and steeples are not included in any building height or story calculations and are permitted on roofs.
6. Building components are permitted as specified by Table 12.
7. Facades must have fenestration as specified for each district, as applicable.
 - (a) Fenestration is calculated as a percentage of the area of a façade.
 - (b) 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.
 - (c) For all other buildings and all other building stories, fenestration is measured independently for each story, corresponding with the top of a finished floor to the top of the finished floor above.
8. Fenestration enclosed with glass may be included in the calculation if it meets the following criteria:
 - (a) For ground story fenestration, glazing must have a minimum sixty percent (60%) Visible Light Transmittance (VLT) and no more than fifteen percent (15%) Visible Light Reflectance (VLR) as indicated by the manufacturer.
 - (b) 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.

B. Use Provisions

1. General

- (a) The use of real property is permitted as specified by Table 1.
 - (i) Table 1 is organized by broad use categories and specific uses that may be regulated differently than other uses from the same category.
 - (ii) Use categories are intended to include uses with similar functional, product, or physical characteristics; the type and amount of activity; the manner of tenancy; the conduct of customers; how goods or services are sold or delivered; and the likely impacts on surrounding properties.
 - (iii) Where Table 1 identifies a category followed by “except as follows” any use that meets the definition of that use category is permitted by right, while the specific uses identified in the list under that category are either not permitted, are permitted with limitations, or require a special permit despite belonging to the same use category.
 - (iv) Where Table 1 identifies a category followed by “as specified below” the specific uses listed under the category are the only land uses permitted from that use category.
- (b) The Building Commissioner shall classify the actual use of land or structures using the defined use categories specified on Table 1. Also see §240-24.1.4 Definitions.
 - (i) Real property may have one (1) or more principal use(s).
 - (ii) Once classified into a use category, the use of land or structures in the same manner cannot also be classified into another use category.
 - (iii) The use of land or structures in a manner that is inconsistent with a permitted use category or specific use type specified on Table 1 is prohibited.
 - (iv) Unless classified as a specific use that is not permitted in a zoning district, an existing nonconforming use may be changed to another nonconforming use that is from the same use category as the existing nonconforming use by Special Permit.
 - (v) A nonconforming use may not change to a different nonconforming use that is from a different use category than the existing nonconforming use.
- (c) Accessory Uses are permitted as set forth in Article V of the Barnstable Zoning Ordinance.

Table 1.

Use Category Specific Use	DMS	DV	DN	DH	HH	TC	HC
Commercial Services (except as follows)	P	P	N	P	P	P	P
Automobile Maintenance and Repair	N	N	N	N	N	N	N
Boat Storage and Repair	N	N	N	N	P	N	N
Contractor Services	N	N	N	N	N	N	N
Funeral Services	N	N	N	N	N	N	N
Marina	N	N	N	N	P	N	N
Commercial Parking	N	N	N	N	N	P	SP
Public Transportation Maintenance	N	N	N	N	N	SP	N
Recreational Facility	SP	SP	N	SP	SP	SP	SP
Self-Storage Facility	N	N	N	N	N	N	SP
Veterinary Services	SP	SP	N	N	N	N	P
Cultural Services (as specified below)	--	--	--	--	--	--	--
Arts and Culture Establishments	P	P	N	N	P	P	P
Fraternal and Social Organizations	P	P	N	N	P	P	P
Performing Arts and Theaters	P	P	N	N	P	P	P
Artist Live/Work	P	P	P	N	P	P	N
Food and Beverage Services (except as follows)	L	L	N	SP	L	L	SP
Brewery/Distillery	L	N	N	N	N	N	N
Hospital	N	N	N	P	N	N	N

Table 1.

Use Category Specific Use	DMS	DV	DN	DH	HH	TC	HC
Office (except as follows)	P	P	L	P	P	P	P
Health Care Clinic	P	P	L	P	P	N	P
Research and Development	P	P	N	P	P	N	P
Residential (as specified below)	--	--	--	--	--	--	--
Multi-Unit Dwelling	L	L	L	N	L	L	N
Two-Unit Dwelling	P	P	L	N	N	N	N
Single Unit Dwelling	N	P	P	N	N	N	N
Retail Sales (except as follows)	L	L	N	SP	L	L	SP
Boat Sales	N	N	N	N	SP	N	N
Gasoline Sales	N	N	N	N	N	N	N
Motor Vehicle Sales	N	N	N	N	N	N	N
Visitor Accommodations (as specified below)	--	--	--	--	--	--	--
Hotel/Motel	P	N	N	N	P	N	P
Bed & Breakfast	N	P	P	N	P	N	N

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

C. Parking Standards

2. Applicability

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

3. General

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

- (i) Commercial Parking uses are exempt from Table 2.

- (b) Relief from the parking requirements of Table 2 requires a Special Permit.

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

- (i) Elimination or reduction of existing curb cuts and driveway aprons

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

4. Location

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

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

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

Table 2. Minimum Required Accessory Parking Spaces

Use Category	DMS	DV	DN	DH	HH	TC	HC	On Site Shared Parking Adjustment ¹
Commercial Services (per 1,000 sf)	0	4	N/A	4	4	4	4	Reduce by 50% the required spaces for Commercial Services where mixed with residential uses on the same lot.
Cultural Services (per 1,000 sf)	0	4	4	4	N/A	4	4	Reduce by 20% the required spaces for Cultural Services where mixed with residential uses on the same lot.
Food & 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	Reduce by 50% the required spaces for Office where mixed with residential uses on the same lot.
Residential or Artist Live/Work (per DU)	1	1	1	N/A	1	1	N/A	--
Retail Sales (per 1,000 sf)	0	4	N/A	4	4	4	4	Reduce by 20% the required spaces for Retail Sales where mixed with residential uses on the same lot.
Visitor Accommodations (per room)	1.25	1.25	1.25	N/A	1.25	N/A	1.25	--

¹ Rounded up to the nearest whole number

D. Site Standards

1. Forecourts

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

2. Landscaping

- (a) Lot area uncovered by structures or impermeable surfaces must be landscaped.
- (b) New canopy trees must be at least fourteen (14) feet in height or three (3) inches in caliper when planted.
- (c) New understory trees must be at least ten (10) feet in height or one and a half (1.5) inches in caliper when planted.
- (d) New evergreen trees must be at least six (6) feet in height when planted.
- (e) Vegetation must be low water use and low maintenance plant species that are indigenous to Cape Cod. Plant species should be capable of withstanding seasonably wet conditions and provide habitat value for wildlife.
- (f) Landscaped areas must be maintained, irrigated, and fertilized. Vegetation should be organically maintained to every extent practicable.
- (g) Vegetation may not obscure any driveways, vehicular entrances, or roadway intersections.
- (h) Mulch may not be placed in a manner that will wash into catch basins or drainage pipes.
- (i) All Site Plan and Special Permit applications for Development or Modifications that meet or exceed the thresholds established in §240-24.1.3(B)(2)(b)(i) must submit a Landscape Plan(s) signed and stamped by a MA registered Landscape Architect.
- (j) The Building Commissioner shall not issue a Certificate of Occupancy until the landscaping has been installed in accordance with the approved plans unless the property owner posts security to the Town of Barnstable for one hundred and fifty percent (150%) of the estimated cost of installation of the landscaping.
- (k) All Development and/or Modifications that meet or exceed the thresholds established in §240-24.1.3(B)(2)(b)(i) shall provide financial security for one hundred and fifty percent (150%) of the estimated cost of plant installation for the duration of three (3) years after planting has been installed and must be provided prior to issuance of any Certificate of Occupancy in a form acceptable to the Town Attorney's Office. The cost estimate shall be prepared by a qualified professional and submitted to the Director of Planning & Development for approval. Upon completion of planting, the applicant must request an inspection. The three year maintenance period commences upon approved inspection. Partial release of the security may be authorized after approved inspection, not to exceed 50 percent (50%). The full security shall be returned to the applicant or their successors after three years upon final inspection by the Director of Planning & Development. The Town reserves the right upon noncompliance with this section to pursue all available legal and equitable remedies to compel compliance.
- (l) Any fractional value required for plant materials is rounded up to the next whole number.

3. Stormwater Management

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

4. Signs

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

5. Outdoor Lighting

- (a) All outdoor lighting must be directed only on site.

- (i) The trespass of light at any lot line may not exceed 0.1 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.
- (ii) At driveways, lighting may be up to 0.5 of a footcandle at the front lot line.
- (iii) Outdoor lighting may not cause glare that impacts motorists, pedestrians, or neighboring premises.
- (b) Light fixtures must have a total cutoff of all light at less than 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.
- (c) Electrical service for lighting on posts or poles must be located underground.

6. Fences

- (a) 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.
- (b) Fences may be no more than fifty percent (50%) open.
- (c) Fence posts and supporting rails must face inward toward the property being fenced and the finished face must be oriented towards the abutting lot.

7. Vehicular Access

- (a) Driveways, vehicular entrances to parking lots or structures, and curb cuts must comply with the minimum or maximum width specified for each district.
- (b) Drive-throughs require a Special Permit and are only permitted for the following uses:
 - (i) Banks (a specific use of the Commercial Service use category)
 - (ii) Pharmacies (a specific use of the Retail Sales use category)
- (c) All new curb cuts require a Special Permit.
- (d) The interior width of a curb cut (between the curb stones or flares) may be no wider than the driveway, vehicular entrance, or loading facility it serves, unless a greater width is determined to be appropriate by the Building Commissioner during the Site Plan Review process based upon unique operational requirements of the proposed use.
- (e) A driveway apron may be installed within a sidewalk of an improved way, but the grade, cross slope, and clear width of the pedestrian walkway must be maintained between the driveway apron and the abutting driveway.
- (f) The appearance of the pedestrian walkway (ie. scoring pattern or paving material) must indicate that, although a vehicle may cross to enter a property, the area traversed by a vehicle remains part of the sidewalk.

8. Utilities

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

E. Surface Parking Lot Design Standards

5. Applicability

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

6. General

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

7. Surface Parking Lot Landscaping

- (a) 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.
- (b) 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:
 - (i) One (1) canopy tree
 - (ii) One (1) understory or evergreen tree
 - (iii) Five (5) medium shrubs and five (5) small shrubs or a fence or wall a maximum of four (4) feet in height.
- (c) 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:
 - (i) Two (2) understory or evergreen trees
 - (ii) Three (3) large shrubs and five (5) small shrubs or a fence or wall at least six (6) feet in height.
- (d) 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:
 - (i) Two (2) understory or evergreen trees
 - (ii) Four (4) medium shrubs
 - (iii) Six (6) small shrubs
- (e) 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.
- (f) 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.
- (g) 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.

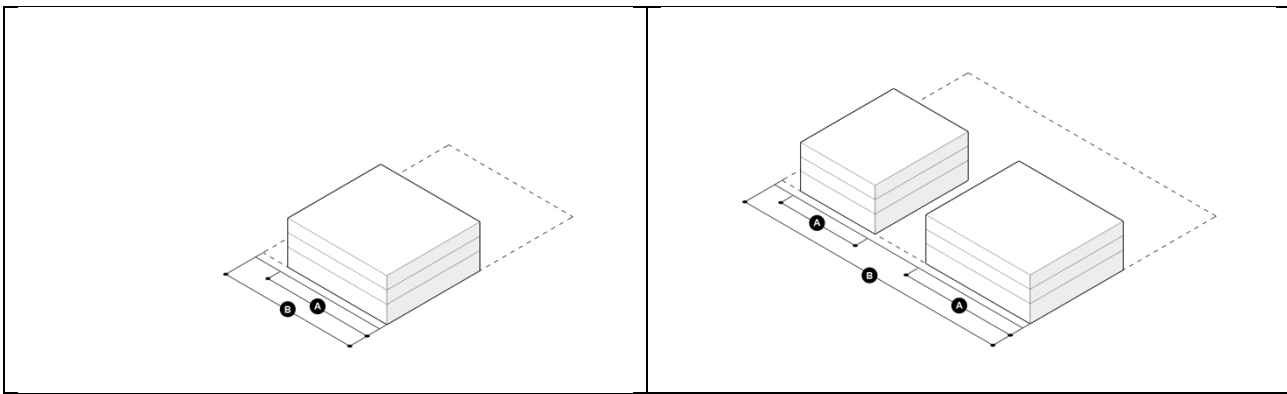
§240-24.1.6 Downtown Main Street District (DMS)

A. Intent

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

B. Lot Standards

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

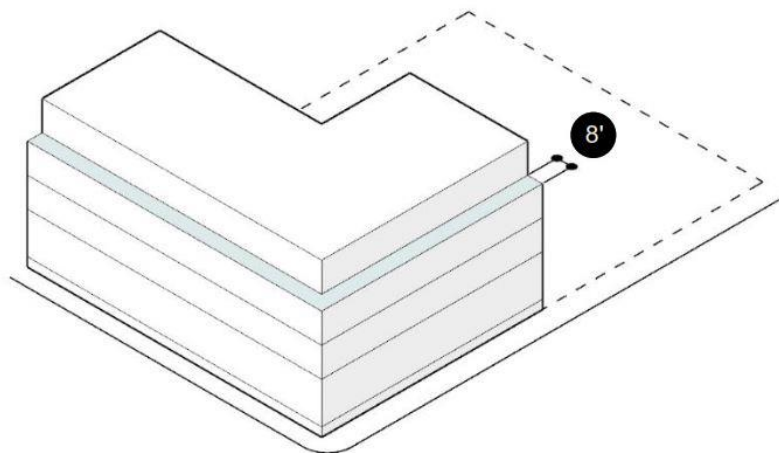


Single Building per Lot = $A \div B$

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

C. Building Standards

1. Multiple principal buildings are permitted per lot.
2. Principal buildings are permitted as specified by Table 3.
 - (a) Additional principal buildings are exempt from the required maximum front setback.
3. Principal building facade(s) must be built parallel to any primary front lot line, at or between the minimum and maximum front setbacks.
4. Any building contributing toward the frontage buildout for any lot fronting Main Street between 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.
5. Awnings, canopies, signs, balconies, and non-habitable architectural features of a building may project over the public sidewalk but must provide at least eight (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.
6. The fourth (4th) story of any building must be recessed (“stepped back”) from the facade of the stories below at least eight (8) feet.

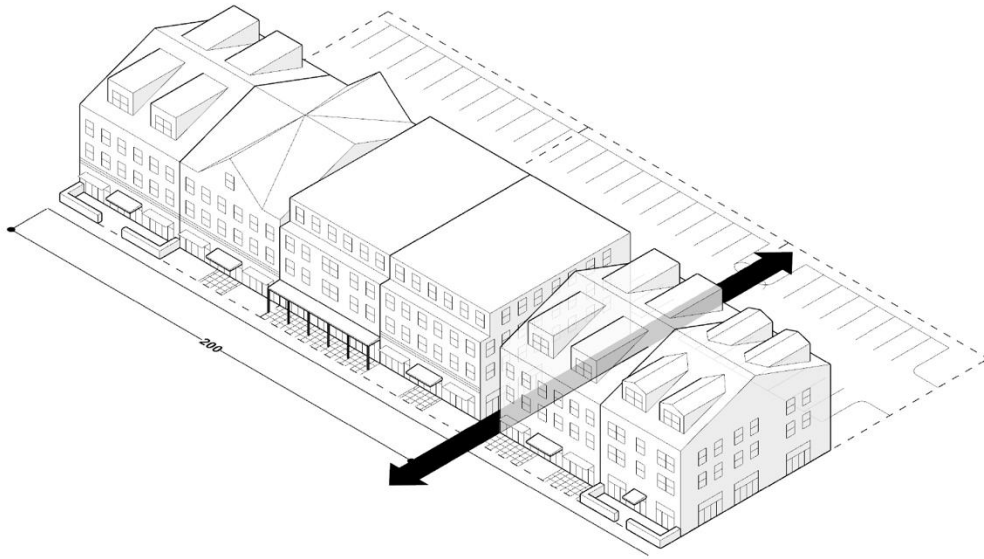


7. Mechanical and stairwell penthouses and building systems equipment must be setback from any exterior wall a distance that is equal to their height.
8. Facades may not have any blank wall areas without fenestration or architectural surface relief greater than twenty (20) feet measured both vertically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

D. Design Guidelines

1. The development of any new principal building should include a pedestrian passage connecting the sidewalk at the front of the property to any parking areas to the rear of the building, to every

extent practicable, where no such pedestrian passage exists within two hundred (200) linear feet of the building's principal entrance.



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

E. Use Provisions

1. Limitations

- (a) Occupation of a single commercial space greater than five thousand (5,000) square feet by any Food and Beverage Service or Retail Sales use requires a Special Permit.
- (b) The maximum number of dwelling units permitted for any 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.

F. Site Standards

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

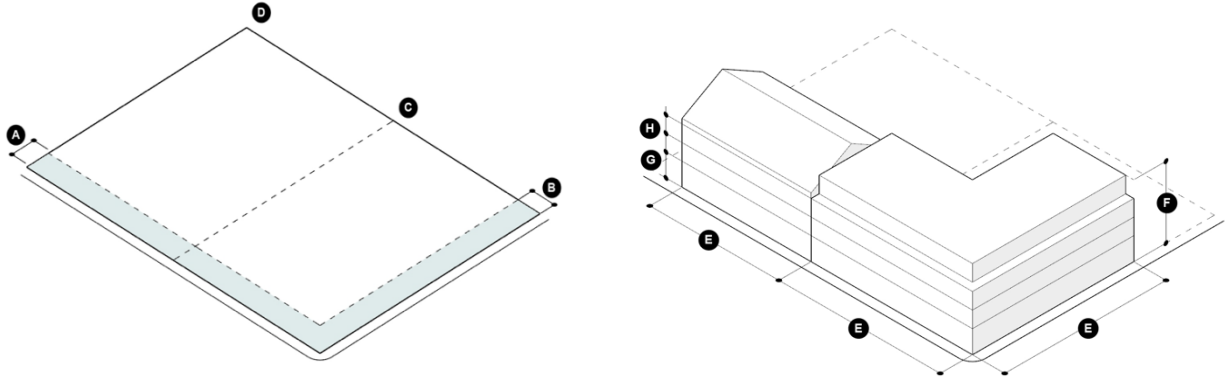
G. Landscape Standards

1. A front landscape area is not required if the front setback is zero. When a setback is greater than zero, those portions of the setback not occupied by pedestrian amenities and public spaces shall be landscaped including one (1) canopy tree to be planted every thirty (30) feet of frontage of the property.
2. 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:
 - (a) Two (2) understory or evergreen trees
 - (b) Three (5) medium shrubs and three (3) small shrubs or a fence or wall at least six (6) feet in height.

H. Parking Standards

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

Table 3. DMS Dimensional Standards



LOT		BUILDING FORM	
Lot Width	30' min	E - Building Width	180' max
Lot Coverage	100% max	F - Number of Stories	3.5 or 4 max ¹
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

¹ See 240-24.1.6.C.6 (4th Story Step-back)

§240-24.1.7 Downtown Village District (DV)

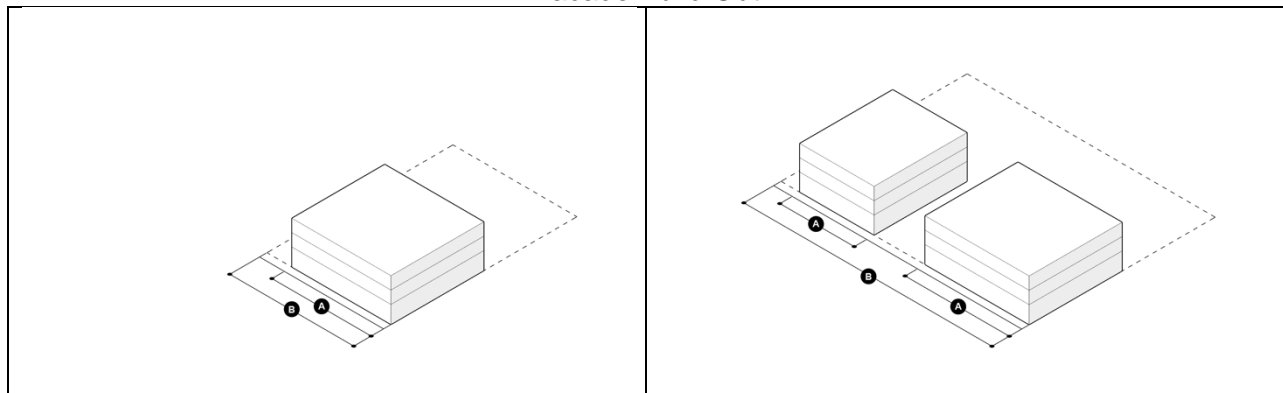
A. Intent

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

B. Lot Standards

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

Facade Build Out



Single Building per Lot = $A \div B$

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

C. Building Standards

1. Multiple principal buildings are permitted per lot.
2. Principal buildings are permitted as specified by Table 4.
 - (a) Additional principal buildings are exempt from the required maximum front setback.
3. Principal building facade(s) must be built parallel to any primary front lot line, at or between the minimum and maximum front setbacks.
4. The fourth (4th) story of any building must be recessed ("stepped back") from the facade of the stories below at least eight (8) feet.
5. Mechanical and stairwell penthouses and building systems equipment must be setback from any exterior wall a distance that is equal to their height.

D. Use Provisions

1. Limitations

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

(b) The maximum number of dwelling units permitted for any 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.

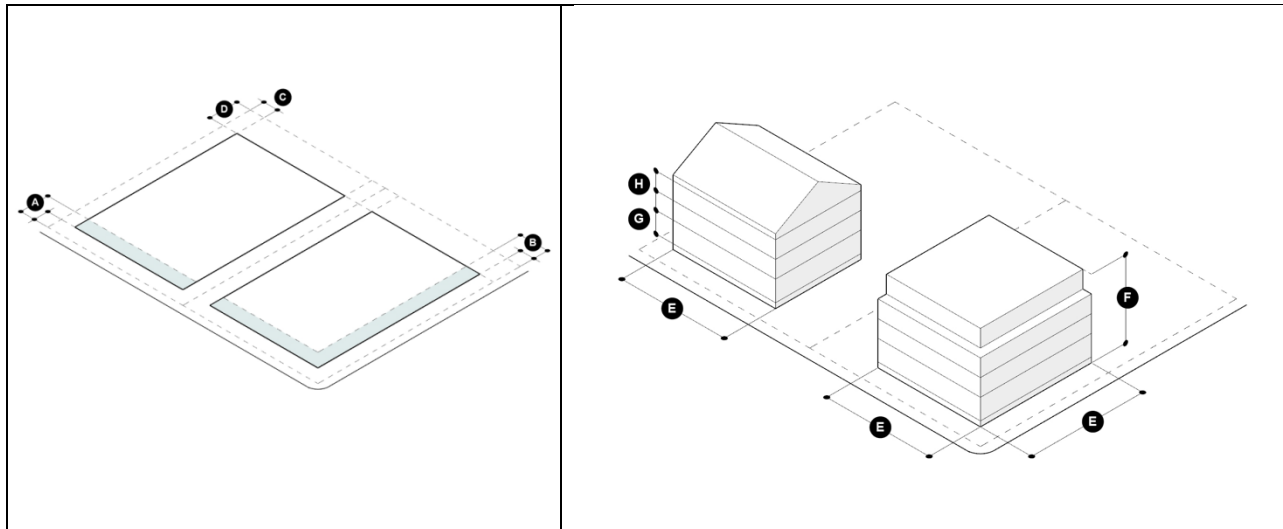
E. Site Standards

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

F. Landscape Standards

1. A front landscape area is not required if the front setback is zero. When a setback is greater than zero, those portions of the setback not occupied by pedestrian amenities and public spaces shall be landscaped including one (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 ¹
Facade 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

¹ See 240-24.1.7.C.4 (4th Story Step-back)

§240-24.1.8 Downtown Neighborhood District (DN)

- A. Intent
 - 1. 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.
- B. Lot Standards
 - 1. Newly platted lots must be dimensioned as specified by Table 5.
 - 2. Lot coverage may not exceed the maximum specified by Table 5.
- C. Building Standards
 - 1. One (1) principal building and multiple outbuildings are permitted per lot.
 - 2. Principal buildings and outbuildings are permitted as specified by Table 5.
 - (a) The third story in a single-family or two-family dwelling can only occur within habitable attic space.
- D. Use Provisions
 - 1. Limitations
 - (a) Office and Health Care Clinic uses are permitted only for lots fronting South Street, School Street, or High School Road.
 - (b) Two-Unit dwellings are prohibited for lots fronting only Brookshire Road or King's Way.
 - (c) Multi-Unit dwellings are permitted in the DN District with a maximum of four dwelling units permitted in any one building per lot. In addition, one Accessory Dwelling Unit may be permitted per lot. Multi-unit dwellings shall be prohibited for lots fronting on only Brookshire Road or King's Way.
- E. Site Development
 - 1. Development on corner lots must comply with the provisions of § 240-41 of the Barnstable Zoning Ordinance.
 - 2. Curb cuts may be no wider than twelve (12) feet.
 - 3. Outdoor lighting must be shielded and provide total cut off of all light at the boundaries of the lot under development.
 - 4. 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.
- F. Landscape Standards
 - 1. 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 max ¹
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		

§240-24.1.9 Downtown Hospital District (DH)

A. Intent

1. 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.

B. Lot Standards

1. Newly platted lots must be dimensioned as specified by Table 6.
2. Lot coverage may not exceed the maximum specified by Table 6.

¹See 240-24.1.8.C.2(a)

C. Building Standards

1. Multiple principal buildings are permitted per lot.
2. Principal buildings are permitted as specified by Table 6.
3. 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.

D. Site Standards

1. 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.

E. Landscape Standards

1. 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:
 - (a) One (1) canopy tree
 - (b) One (1) understory or evergreen tree
 - (c) Four (4) medium shrubs
 - (d) 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		

§240-24.1.10 Hyannis Harbor District (HH)

- A. Intent
 - 1. 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.
- B. Lot Standards
 - 1. Newly platted lots must be dimensioned as specified by Table 7.
 - 2. Lot coverage may not exceed the maximum specified by Table 7.
- C. Building Standards
 - 1. Multiple principal buildings are permitted per lot.
 - 2. Principal buildings are permitted as specified by Table 7.
 - (a) 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.
 - 3. Mechanical and stairwell penthouses and building systems equipment must be setback from any exterior wall a distance that is equal to their height.
- D. Use Provisions
 - 1. Limitations
 - (a) 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.
 - (b) Occupation of a single indoor commercial space greater than five thousand (5,000) square feet by any Food and Beverage Service or Retail Sales use requires a Special Permit.
 - 2. Accessory uses permitted to a marina include, but are not limited to, the sale, rental, storage, and repair of boats, marine fueling, and marine contracting.
- E. Site Standards
 - 1. Driveways, vehicular entrances to parking lots or structures, and curb cuts may be no wider than twenty-four (24) feet.
- F. Landscape Standards
 - 1. 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:
 - (a) One (1) canopy tree
 - (b) One (1) understory or evergreen tree
 - (c) Four (4) medium shrubs
 - (d) Six (6) small shrubs
 - 2. 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:
 - (a) Two (2) understory or evergreen trees
 - (b) 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 ¹
SETBACKS – PRINCIPAL BUILDINGS			
Primary Front Setback	20' min		
Secondary Front Setback	20' min		
Side Setback	10' min		
Rear Setback	10' min		

¹ See 240-24.1.10.C.2(a)

§240-24.1.11 Transportation Center District (TC)

- A. Intent
 - 1. 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.
- B. Lot Standards
 - 1. Newly platted lots must be dimensioned as specified by Table 8.
 - 2. Lot coverage may not exceed the maximum specified by Table 8.
- C. Building Standards
 - 1. Multiple principal buildings are permitted per lot.
 - 2. Principal buildings are permitted as specified by Table 8.
 - 3. Mechanical and stairwell penthouses and building systems equipment must be setback from any exterior wall a distance that is equal to their height.
- D. Use Provisions
 - 1. Limitations
 - (a) Occupation of a single commercial space greater than five thousand (5,000) square feet by any Food and Beverage Service or Retail Sales use requires a Special Permit.
 - (b) The maximum number of dwelling units permitted for any 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.
- E. Site Standards
 - 1. Driveways, vehicular entrances to parking lots or structures, and curb cuts may be no wider than twenty-four (24) feet.
- F. Landscape Standards
 - 1. 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:
 - (a) One (1) canopy tree
 - (b) One (1) understory or evergreen tree
 - (c) Four (4) medium shrubs
 - (d) Six (6) small shrubs
 - 2. 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:
 - (a) Two (2) understory or evergreen trees
 - (b) 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		

§240-24.1.12 Highway Commercial District (HC)

A. Intent

1. 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 (two (2) to two and a half (2 ½) story) commercial structures.

B. Lot Standards

1. Newly platted lots must be dimensioned as specified by Table 9.
2. Lot coverage may not exceed the maximum specified by Table 9.

C. Building Standards

1. Multiple principal buildings are permitted per lot.
2. Principal buildings are permitted as specified by Table 9.
 - (a) The third story can only occur within habitable attic space.
3. Mechanical and stairwell penthouses and building systems equipment must be setback from any exterior wall a distance that is equal to their height.

D. Site Standards

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

E. Landscape Standards

1. 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:
 - (a) One (1) canopy tree
 - (b) One (1) understory or evergreen tree
 - (c) Four (4) large shrubs
 - (d) Two (2) small shrubs
2. 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:
 - (a) Two (2) canopy trees
 - (b) Three (3) large shrubs and three (3) medium shrubs or a fence or wall at least six (6) feet in height.

F. Parking Standards

1. 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.
2. To increase walkability and reduce conflicts between pedestrians and motor vehicles, development is encouraged to:
 - (a) Provide only the minimum number of driveways or vehicular entrances to parking lots necessary to accommodate the number of parking spaces provided
 - (b) Share driveways between abutting properties or multiple properties fronting the same street
 - (c) Relocate any existing frontage area parking spaces to the side or rear of buildings.
3. 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.
4. 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.

5. 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 ¹
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		

¹ See 240-24.1.12.C.2(a)

§240-24.1.13 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 max ¹	3.5 or 4 max ²	3 max ³	6 max	2.5 max	3 max	3 max ⁴
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' max ⁵	40' max	40' max
E. Building Features							
Ground Story Fenestration	--	--	--	--	--	--	--
Primary Frontage	60% min	15% min	--	--	--	--	--
Secondary Frontage	15% min	15% min	--	--	--	--	--

¹ See 240-24.1.6.C.6 (4th Story Step-back)

² See 240-24.1.7.C.4 (4th Story Step-back)

³ See 240-24.1.8.C.2(a)

⁴ See 240-24.1.12.C.2(a)

⁵ See 240-24.1.10.C.2(a)

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

Table 11. Frontage Types

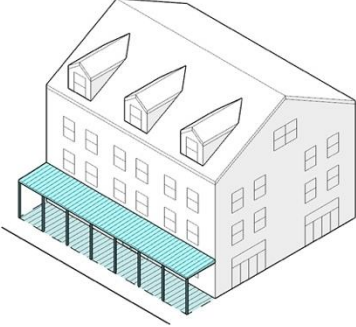
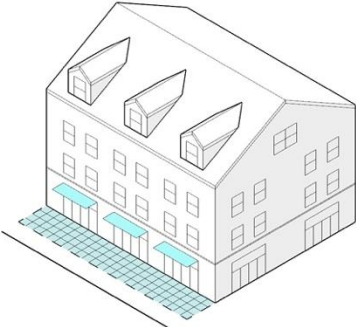
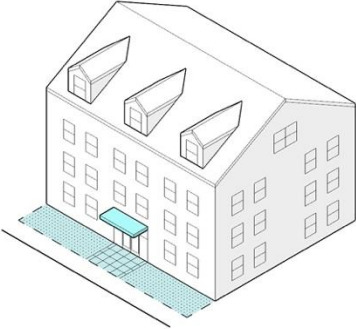
P – Permitted N – Not Permitted	DMS	DV	DN	DH	HH	TC	HC
<p>Gallery</p>  <p>A frontage type consisting of a storefront(s) and an attached colonnade with a roof, open pergola, or balcony overhanging a paved sidewalk. A gallery may wrap around the corner of a building to create a veranda-like gallery.</p>	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 providing access and light to the lobby of a building. A common lobby</p>	P	P	N	N/A	P	P	P

Table 11. Frontage Types

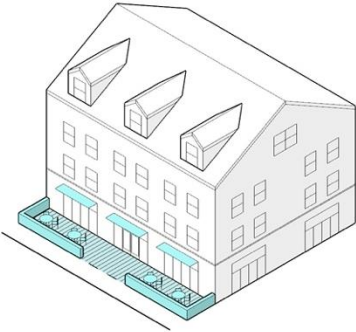
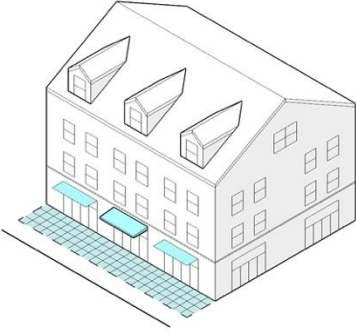
P – Permitted N – Not Permitted	DMS	DV	DN	DH	HH	TC	HC
<p>may be combined with an entry plaza or front garden frontage type.</p>							
<p>Dining Patio</p>  <p>A frontage type consisting of a storefront(s) and outdoor café seating in the frontage area.</p>	P	P	N	N/A	P	P	P
<p>Entry Plaza</p>  <p>A frontage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

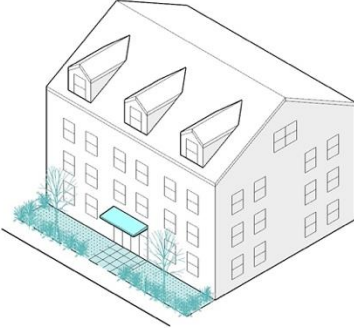
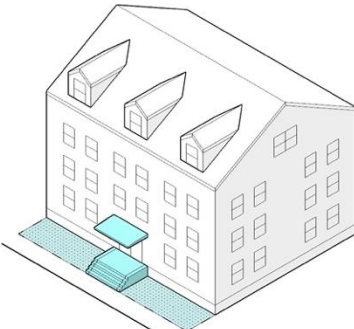
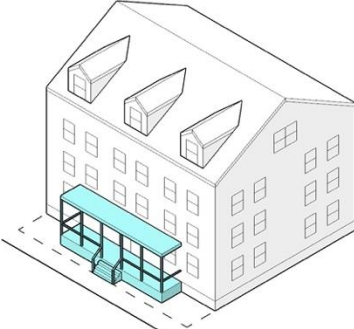
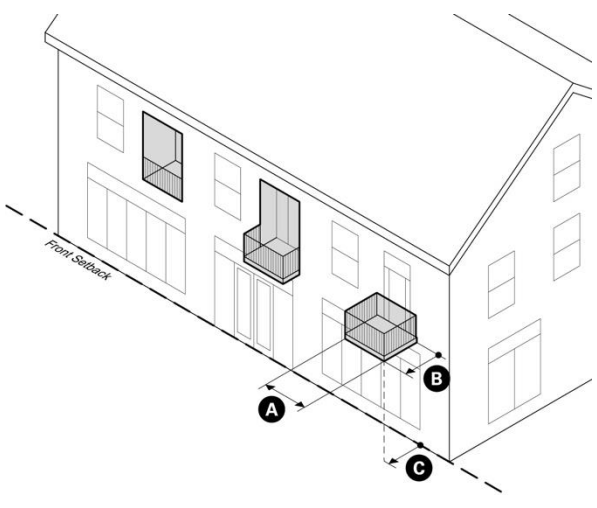
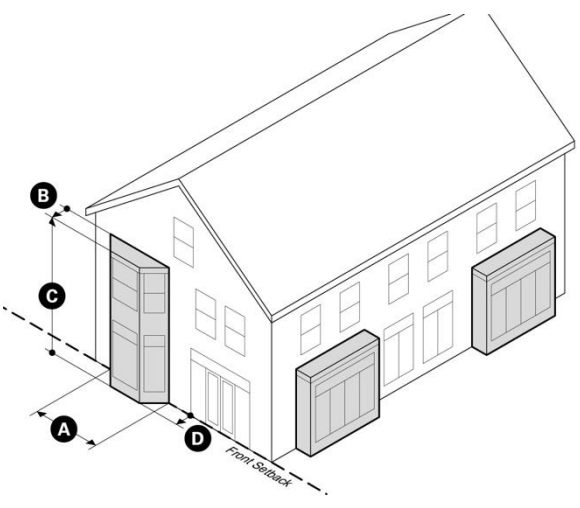
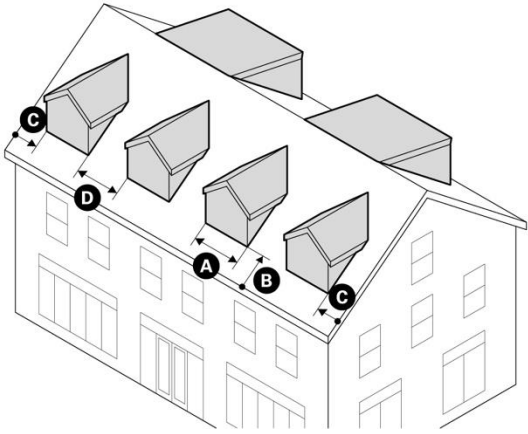
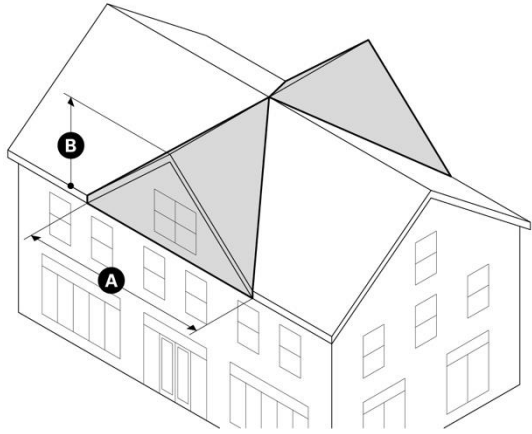
P – Permitted N – Not Permitted	DMS	DV	DN	DH	HH	TC	HC
<p>Front Garden</p>  <p>A frontage type consisting of a highly landscaped frontage area. A front garden may be combined with a common lobby, dooryard or stoop, or porch frontage type.</p>	N	P	P	N/A	N	N	N
<p>Dooryard or Stoop</p>  <p>A frontage type 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 stairs with a landing that provides access to the entrance of a building.</p>	N	P	P	N/A	N	N	N

Table 11. Frontage Types

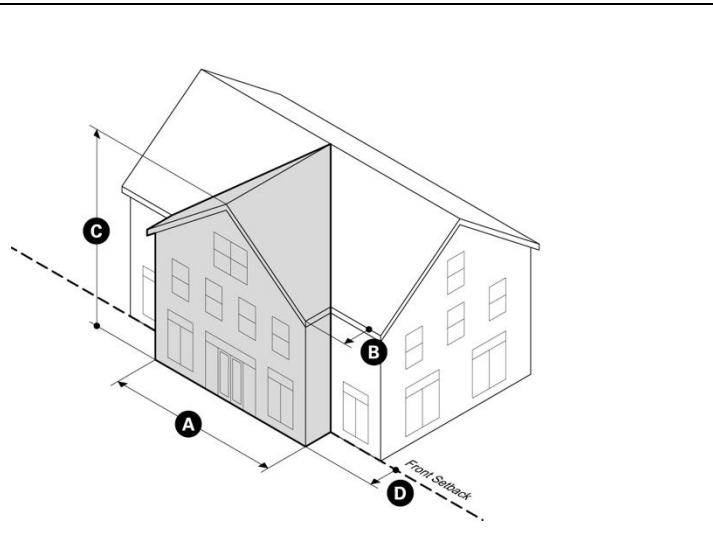
P – Permitted N – Not Permitted	DMS	DV	DN	DH	HH	TC	HC
A porch may be combined with a front garden frontage type							

Table 12. Building Components

A. Balcony			B. Bay or Oriel Window		
					
A	Width (min)	5 ft	A	Single Bay Width (max)	16 ft
B	Depth (min)	4 ft		Cumulative Bay Width (max)	50% of the width of the exterior wall from which the bays project
	Area (min)	20 sf	B	Projection (max)	3 ft
C	Front Setback Encroachment (max)	5 ft	C	Stories (max)	Same as the principal building
			D	Front Setback Encroachment (max)	3 ft
<p>Design Standards:</p> <p>Balconies may attach to any exterior wall of a principal building.</p> <p>Balconies may be recessed, projecting, a combination of the two, or terraced as part of the roof of a permitted building component.</p>			<p>Design Standards:</p> <p>Bays may attach to any exterior wall of a principal building.</p> <p>A bay window may have a flat roof.</p>		

C. Dormer			D. Cross Gable		
					
A	Cumulative Width of all Dormers (max)	50% of the roof eave	A	Width (max)	50% of the roof eave below
B	Exterior Wall Setback (min)	--	B	Height (min)	Equal to the height of the roof of the attached primary massing
	Roof with Eave	0 ft	Design Standards:		
	Roof without Eave	1 ft			
C	Setback from Gable (min)	3 ft	The roof ridge of a cross gable must be perpendicular to the main roof ridge of the principal building.		
D	Separation from another Dormer (min)	50% of dormer width			
	Design Standards: 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.		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
<p>Design Standards:</p> <p>A projecting gable may attach only the façade of a principal building.</p> <p>The roof ridge of a projecting gable must be perpendicular to the main roof ridge of the principal building.</p>		

**VOTE: PASSES 10 YES, 3 RECUSE (ATSALIS, RAPP GRASSETTI, NEARY)
 ROLL CALL: CLARK, CULLUM, CUSACK, LEVESQUE, LUDTKE, MENDES, SCHNEPP,
 SHAUGHNESSY, STARR, STEINHILBER.**

Upon a motion duly made and seconded it was accept that the Town Attorney’s office be authorized and directed to make corrective grammatical, clerical or editorial changes, which are non-substantive and as to form only, to Item No. 2022-144 as approved by the Town Council, and to submit a final version of such Item to the Town Clerk within 14 days of such approval by the Council.

VOTE: PASSES UNANIMOUS

2022-145 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING BY AMENDING ARTICLE VII SIGN REGULATIONS
INTRO: 03/03/2022, 03/17/2022, 11/03/2022, 12/01/2022, 01/05/2023, 02/02/2023

Kate Maldonado, Planning and Development Assistant Director gave the rationale,

Open public comment seeing no one (In-person or on Zoom) close public comment

Upon a motion duly made and seconded it was

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

SECTION 1

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

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

B. 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: PASSES 10 YES, 3 RECUSE (ATSALIS, RAPP GRASSETTI, NEARY)
ROLL CALL: CLARK, CULLUM, CUSACK, LEVESQUE, LUDTKE, MENDES, SCHNEPP,
SHAUGHNESSY, STARR, STEINHILBER.**

Councilor Nickolas Atsalis and Councilor Jessica Rapp Grassetto returned to the dais.

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 MORATORIAM FOR MARIJUANA USES INTRO: 03/03/2022, 03/17/2022, 11/03/2022, 12/01/2022, 01/05/2023, 02/02/2023

Elizabeth Jenkins, Planning and Development Director gave the rationale. She discussed the overlay district, medical services zoning district and the map and text amendment.

Open Public Comment:

Laura Cronin asked for clarification regarding the overlay district and the retail adult use district.

No public comment on Zoom close public comment.

Upon a motion duly made and seconded it was

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

SECTION 1

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

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

SECTION 2

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

section 3

- A. By striking the words "Article XII. Registered Recreational Marijuana Cultivators, Research Facilities and Testing Laboratories" and inserting "Article XII. (Reserved)" in their place.
- B. 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: PASSES 12 YES, 1 RECUSE (NEARY)

ROLL CALL: ATSALIS, CLARK, CULLUM, CUSACK, RAPP GRASSETTI, LEVESQUE, LUDTKE, MENDES, SCHNEPP, SHAUGHNESSY, STARR, STEINHILBER.

Councilor Paul Neary returned to the dais.

2023-068 AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF CHILDREN AND FAMILIES TO PROVIDE POLICE DETAIL SERVICES INTRO: 01/19/2023, 02/02/2023

Police Chief Matthew Sonnabend gave the rationale. He explained the police detail provided (4) four hours a week to the Department of Children and Families. This contract would be for (11) eleven years with a renewal of up to (25) twenty-five years. This is an off-shift detail.

Upon a motion duly made and seconded it was

ORDERED: That the Town Council authorizes the execution and delivery by the Town Manager of an Intergovernmental Agreement between the Town of Barnstable and the Commonwealth of Massachusetts Department of Children and Families (DCF), under which the Town of Barnstable will provide police detail services to DCF on an as needed basis and subject to availability of Barnstable Police Department staff, and will be reimbursed for same by DCF. The initial term of this Agreement shall be for eleven (11) years, subject to renewal by mutual agreement, for a maximum term not to exceed twenty-five (25) years.

VOTE: PASSES UNANIMOUS

Upon a motion duly made and seconded it was go past 11o'clock.

VOTE: PASSES UNANIMOUS

2023-069 APPROPRIATION ORDER IN THE AMOUNT OF \$125,000 IN COMMUNITY PRESERVATION HISTORIC PRESERVATION FUNDS FOR PHASE III EXTERIOR ACCESS RESTORATION WORK TO THE OLDE COLONIAL COURTHOUSE, 3046 MAIN STREET, BARNSTABLE, MA INTRO: 01/19/2023, 02/02/2023

Lindsey Counsel, Community Preservation Committee Chair gave the rationale. This work will bring the building into compliance with the Americans with Disability Act (ADA).

Open public comment seeing no one (In-person or on Zoom) close public comment

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G.L. c. 44B, the amount of One Hundred and Twenty-Five Thousand Dollars (**\$125,000**), representing a portion of the estimated total project cost of \$372,497, be appropriated and transferred from the amount set aside for Historic Preservation within the Community Preservation Fund for the purpose of funding Phase III exterior access restoration and rehabilitation work on the Olde Colonial Courthouse located at 3046 Main Street, Barnstable, and shown on Town of Barnstable Assessor's Map 279 as Parcel 071. It is further ordered that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose, subject to oversight by the Community Preservation Committee, and to receive, execute, deliver, and record any written instruments for the purposes set forth herein.

VOTE: PASSES UNANIMOUS

2023-128 APPROPRIATION ORDER IN THE AMOUNT OF \$300,000 TO FUND DISPOSAL COSTS AT THE SOLID WASTE DIVISION OF THE DEPARTMENT OF PUBLIC WORKS INTRO: 02/02/2023

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$300,000** be appropriated and provided from the Solid Waste Enterprise Fund surplus for the purpose of funding disposal costs at the Solid Waste Division of the Department of Public Works.

VOTE: Refer to Public Hearing on 02/16/2023 - PASSES UNANIMOUS

2023-129 APPROPRIATION ORDER IN THE AMOUNT OF \$206,391 TO FUND INFORMATION TECHNOLOGY SECURITY IMPROVEMENTS INTRO: 02/02/2023

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$206,391** be appropriated and provided from the General Fund reserves for the purpose of funding information technology security improvements.

VOTE: Refer to Public Hearing on 02/16/2023 - PASSES UNANIMOUS

2023-130 APPROPRIATION ORDER FOR THE SCHOOL DEPARTMENT IN THE AMOUNT OF \$1,444,398 FOR THE PURPOSE OF FUNDING THE BARNSTABLE PUBLIC SCHOOLS DISTRICT WIDE LIGHT REPLACEMENT PROJECT INTRO: 02/02/23

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$1,444,398** be appropriated for the purpose of funding the replacement of light fixtures in the Barnstable Public Schools, including the payment of costs incidental or related thereto; and that to meet this appropriation, that \$1,444,398 be provided from the General Fund Reserves and any grant received by the School District for this project be applied to project costs, thereby reducing the amount authorized by this order by a like amount; and that the Barnstable School Committee is authorized to contract for and expend the appropriation made available for these purposes.

VOTE: Refer to Public Hearing on 02/16/2023 - PASSES UNANIMOUS

2023-131 ORDER AUTHORIZING THE TAKING OF ROAD EASEMENTS BY EMINENT DOMAIN FOR SEWER AND WATER PURPOSES OVER CERTAIN PRIVATE ROADS IN CENTERVILLE KNOWN AS EARLES COURT, NOBADEER ROAD, QUISSET ROAD, CHRISTINAS PATH, CAPT. ELLIS LANE, JENNIE'S PATH, NANCYS LANE, AND A PRIVATE WAY ADJACENT TO LOT 11 AS SHOWN ON A PLAN FILED IN PLAN BOOK 288, PAGE 18 AT THE BARNSTABLE COUNTY REGISTRY OF DEEDS INTRO: 02/02/2023

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby authorizes the Town Manager to purchase, take by eminent domain under chapter 79 of the General Laws of Massachusetts, or otherwise acquire for sewer and water purposes a perpetual easement through, under, across, and on the following described roads for the installation, operation, maintenance, repair, relocation, and replacement of sewer and water lines and infrastructure for the same and for all purposes for which such easements are commonly used in the Town of Barnstable:

EARLES COURT, NOBADEER ROAD, QUISSET ROAD, CHRISTINAS PATH, all as shown on Land Court Plan No. 40592-C, Sheets 1 and 2; and

CAPT. ELLIS LANE, JENNIE'S PATH, NANCYS LANE, AND A PRIVATE WAY ADJACENT TO LOT 11, all as shown on a plan filed in the Barnstable County Registry of Deeds in Plan Book 288, Page 18.

Any trees, buildings, and other structures located within said roads are not included in this Order and the owners of the same may have a period of up to sixty (60) days after the recording of this Order of Taking to remove the same.

Betterments will be assessed for the associated sewer and water improvements made by the Town of Barnstable.

The names and addresses of the owners of said interests taken and their mortgagees as far as can be ascertained by the Town are as set forth on Exhibit A attached hereto, along with any awards, if any, for damages sustained by said owners.

VOTE: To a Second Reading on 02/16/2023 – PASSES UNANIMOUS

2023-132 ORDER TO DISCONTINUE AND ABANDON MOTHER’S PARK ROAD, CENTERVILLE, MA INTRO: 02/02/2023

Upon a motion duly made and seconded it was

ORDERED: To discontinue and abandon the public way known currently as Mother’s Park Road in Centerville, MA; provided that this Order shall be effective thirty (30) days after the date on which it is approved by the Town Council.

VOTE: Refer to Planning Board – PASSES UNANIMOUS

2023-133 APPROPRIATION ORDER IN THE AMOUNT OF \$22,700 FOR THE PURPOSE OF ACQUIRING THE FEE IN MOTHER’S PARK ROAD BY EMINENT DOMAIN FOR SEWER AND WATER AND GENERAL MUNICIPAL PURPOSES INTRO: 02/02/2023

Upon a motion duly made and seconded it was

ORDERED: Provided that the Town Council has first voted to abandon Mother’s Park Road as a public way, the Town Council hereby authorizes the Town Manager to purchase, take by eminent domain under Chapter 79 of the General Laws of Massachusetts, or otherwise acquire for sewer and water and general municipal purposes the fee through, under, across, and on Mother’s Park Road, Centerville, as more fully shown on a plan to be filed in the office of the Town Council, for the installation, operation, maintenance, repair, relocation, and replacement of sewer and water lines and infrastructure for the same and for all purposes for which such infrastructure is commonly used in the Town of Barnstable, and that to fund the same, that **\$22,700** be provided from the reserves in the Sewer Construction and Private Way Improvement Special Revenue Fund, and that the Town Manager is authorized to contract for and expend said appropriation for such purposes and accept any gifts or grants in relation thereto.

Any trees, buildings, and other structures located within said roads are not included in this Order and the owners of the same may have a period of up to sixty (60) days after the recording of the Order of Taking to remove the same.

The names and addresses of the owners of said interests taken and their mortgagees as far as can be ascertained by the Town are as set forth on Exhibit A attached hereto, along with any awards, if any, for damages sustained by said owners.

Betterments will be assessed for the associated sewer and water improvements made by the Town of Barnstable.

VOTE: Refer to Public Hearing on 03/16/2023 –PASSES UNANIMOUS

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

VOTE: PASSES UNANIMOUS

Adjourned at 11:10 PM

Respectfully submitted,

Janet Murphy
Assistant Barnstable Town Clerk

NEXT MEETING: FEBRUARY 19, 2023

Exhibits

- A. Town Manager Update
- B. Exhibit A