

TOWN COUNCIL
Committee to Review Zoning and Permitting Regulations
Selectmen's Conference Room
 Thursday April 5, 2018 – 6:00pm

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

MEETING MINUTES

PRESENT: Councilor Jessica Rapp-Grassetti; Councilor Paula Schnepf; Hank Farnham, Member at large; **TARDY:** Chair of Committee, Vice-President James Crocker Jr.; (6:03) Councilor Matthew Levesque (6:10); Councilor Debra Dagwan; (6:25) (Committee members notified Administrator they would be late arriving) **ALSO IN ATTENDANCE:** Elizabeth Jenkins, Planning and Development Director; Brian Florence, Building Commissioner; Town Manager, Mark S. Ells; Peter Meninos; Rose Mace

Councilor Rapp-Grassetti opened the meeting up at 6:00 pm. Chair of the Committee Vice President James Crocker Jr. was on his way to the meeting. Town Council Administrator, Cynthia A. Lovell took roll call, Committee has a quorum. Councilor Rapp Grassetti asked for Public Comment, seeing none, Councilor Rapp Grassetti welcomed Elizabeth Jenkins, Director of Planning and Development to speak to the Committee about the Growth Incentive Zone; Business Districts; Highway Business Zones. Ms. Jenkins handed out 2 documents, the first one being a Use Matrix, updated based on the round table discussion from the larger group discussion with this Committee. Chair Crocker had asked us to put together this Matrix based on those discussions. (See below)

Exhibit Elizabeth Jenkins 4/5/18

BARNSTABLE ZONING ORDINANCE USE MATRIX												
Key: P = Permitted // PA = Permitted Accessory // S = Special Use // Blank = Prohibited												
* Definition specific to Zoning District												
USE	B	BA	HB		HO	VB-A	MMV	WB/BD	SRD	SD-1	IND-LTD	IND
Art galleries	P	P	S P				S					
Artisans and craftspeople*	P	P	S P	ARTISAN OR CRAFTSPERSON USE — A small-scale use that typically employs one or two people who practice craft or artisan activities. A key feature of works produced by artisans or craftspeople is the high degree of manual expertise involved. The use must be compatible with abutting and nearby residential and nonresidential uses. The following is included in the definition of "artisan or craftspeople use:" (a) ARTISAN OR CRAFTSPERSON — A person using manual skills to produce, in limited quantities, ornamental or functional works in ceramic, glass, metal, paper, wood or textiles. Examples include, without limitation, the following: drawing, painting, sculpture, pottery, photography, graphic design, interior design, fashion design, jewelry making, wood turning, glass blowing, furniture making, small wooden boat building, upholstery and weaving.			S*					
Artist's lofts			P	ARTIST'S LOFT — A place designed to be used as both a dwelling and a place of work by an artist, artisan, or craftspeople, including persons engaged in the application, teaching, or performance of fine arts, such as drawing, vocal or instrumental music, painting, sculpture, photography, graphics, media arts, and writing. The work activities shall not adversely impact the public health, safety, and welfare, or the livability, functioning, and appearance of adjacent property.								
Auto service and repair shops	P	P	S			S						
Bank (w/ or w/out drive-thru)	P	P	P		P	P	P	P	P	P	P	P
Bed-and-breakfast		PA	P (?)	Subject to the provisions of § 240-11C(6)		PA	P/S	PA				

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USE	B	BA	HB		HO	VB-A	MMV	WVBVBD	S&D	SD-1	IND-LTD	IND
Fraternal or social organizations			P	FRATERNAL OR SOCIAL ORGANIZATION LODGE — A building or land used for the activities of an association of persons for the promotion of some nonprofit common objective, such as literature, science, politics, and good fellowship (not accessory to, or operated as, or in connection with a tavern, eating place, or other place open to the public), which meets periodically and may be limited to members.			S					
Gasoline and oil filling stations and garages.	P	P	S		S							P
Golf Course	S	SA	S X (Prohibited)						S		S	S
Health club			P	HEALTH CLUB — A building or portion of a building designed and equipped for the conduct of exercise and related activities utilizing weight control or muscle building equipment or other apparatus for the purpose of physical fitness, along with customary ancillary activities and facilities.			S					
Hotel & Motel	P	P	S	* subject to special provisions in 240-22(F)								P
Kennels			X (Prohibited)						S			S
Lumber, fuel and ice			X (Prohibited)									P
Manufacturing and industrial uses	S		S	*consider standards for screening of commercial vehicles & outside storage								P
Manufacturing, light	S		S	*consider standards for screening of commercial vehicles & outside storage	S						P	
Medical Office/Clinic	P	P	S P		P		P	P		P		
Mixed use development*			P				P/S					
Mortuary or funeral home	P	P	S							P		
Movie Theater	P	P	S									

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USE	B	BA	HB		HO	VB-A	MMV	WVBVBD	S&D	SD-1	IND-LTD	IND
Building, sale, rental, storage and repair of boats	P	P	S								P	
Business support services	P	P	S P	BUSINESS SUPPORT SERVICES — Establishments engaged in the sale, rental, or repair of office equipment, supplies, and materials, or the provision of services used by office, professional, and service establishments. Typical uses include office equipment and supply firms, small business machine or computer repair shops, convenience printing and copying establishments, or hotel equipment and supply firms.								
Car rental services	P	P	S									
Computer operation centers	P	P	S P	(Combine w/ R&D)							P	
Contractor service establishments	P	P	S	(a) Wholesale sales and distribution of building materials including plumbing, carpentry, lumber, electrical, heating and air conditioning, and other similar service or repair businesses; associated showrooms and sales/display space customarily accessory to such uses; and (b) Landscaping, construction and site preparation, and other similar service businesses, provided that all outdoor storage of building materials, trucks and landscaping equipment and materials, are screened from view from Route 28							P	
Contractors' yards	P	P	S									P
Dwelling - single-family residential		P	P			P	P	P				
Dwelling - two-family			P									
Dwellings - Multifamily	P	P	S P			PA						P
Educational Institutions			P				S					

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USE	B	BA	HB		HO	VB-A	MMV	WVRB/D	S&D	SD-1	IND-LTD	IND
Recreational Establishment	S		P	RECREATIONAL ESTABLISHMENT -- An establishment engaged in the provision of public recreational services, including bowling and billiards, but not including miniature golf and video arcades.							P	P/S
Research and development, technological and computer research, software development and data processing including computer operations services			P							P	P	
Restaurant and other food establishment.	P	P	S P	Needs discussion about drive-through establishments		S			S	S		P
Retail and wholesale store/salesroom	P	P	S P	Consider exclusions: This category excludes animal sales or service; bulk retail sales or rental of building and garden materials or equipment (for example, lumber, electrical and heating fixtures, plant nurseries); and motor vehicle retail or wholesale sales and related equipment sales, leasing, rental, or repair.								P
Servicing, storing and processing of goods in transit.			S						P			P
Storage yards for coal, oil, junk, lumber	S		S X (Prohibited)			S						S
Technological and computer research, data processing; computer operations			P	(Combine with R&D)	P							
Telephone exchange			P			S						
Warehouse and distribution facility			X (Prohibited)						P		P	P
Windmills	SA	SA	SA		SA		S	SA		SA	SA	SA

Ms. Jenkins explained the key to the Committee on the Chart handed out

- KEY: P= Permitted Use
PA= Permitted Accessory
S= Special Use
Blank or an X= Prohibited Use

There were some significant questions on how certain uses may be defined; Ms. Jenkins amended the table to include definitions where the definitions in the ordinance were already mentioned so she combined those together, however she did not use any outside reference material to obtain the definitions on the chart. If there are some that are still unclear we can go back and amend those if you would like, there were certain places in the Code that came with some performance standards, so those you may want to look at a little closer than others with a little more discretion.

Chair Crocker wanted to mention that he had had a discussion with the Building Commissioner regarding how to get these projects in front of site plan review. Crocker stated that just because a business has a permitted use for a certain business, doesn't mean that they can bypass in anyway any of the other processes in place such as site plan review; an example given was if a car dealership has permission to open up an auto shop, it doesn't mean that that business can have cars lined up on Main Street and work on them or repair them, there are still guidelines in place, this is going to hopefully get us to that process, and have it defined. Ms. Jenkins stated that that the ultimate goal is to streamline the process because we would have already done the upfront work, and the application submitted will already have all those steps taken away with a clear understanding from the staff what will be required from the business owner and there is only one or two trips needed rather than the several that they have to take now. It's all about streamlining the process and making it as easy as possible but not bypass any steps. Ms. Jenkins stated that there are some that do not have a defined definition and this Committee

may want to take a closer look. Ms. Jenkins does have some on the list that have asterisks that she would like input on. Chair Crocker will have the Committee members look at the redline version that was given out and come to the next meeting with any additions or questions they may have.

Chair of the Committee introduced the representatives from the Villaggio Ristorante on Route 28 in Cotuit, to have them explain to the Committee the process in which they had to follow to be able to open up. Rose Mace spoke on behalf of the Villaggio Ristorante owners; (letter introduced)

Exhibit A



April 5th, 2018

Additional Parking Lot

I am here tonight to ask that the zoning be changed on the property to the right of 4631 Falmouth Rd. in Cotuit, Ma. The said property is owned by the same people who own 4631 Falmouth Rd., P & P Cotuit, LLC As you can see, the two properties have already be joined as reflected on the Town of Barnstable website which is due to the properties being owned by the same entity.

By re-zoning this property it will make the yearly growing need for additional parking at 4631 Falmouth Rd. and eliminate the use of surrounding lots across the street from being used. We have had two instantiates where cars have been damaged when parking outside of our Parking lot. It has also been stated that crossing Route 28 is very dangerous for our Patrons.

During the colder months the parking lot at 4631 Falmouth Rd. is also a very slippery slope due to the elevation towards the rear of the Parking Lot to the point that vehicles slide down to the bottom and become stuck and need to be towed back up to a more even portion of the lot.

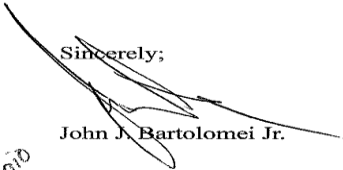
So by the re-zoning of this Property will provide both additional and safe Parking for our patrons.

When I first took over this property to operate my restaurant, while at Town Hall getting proper paperwork I was rudely scolded and told it does not matter who I know, how much money I have or what ever Lawyer I retain, that the property adjacent to 4631 Falmouth Rd. will never be re-zoned for Parking.

Unknowingly to me one weekend, someone parked on that property and I had to hire a Lawyer to stop my Liquor license from being revoked and tried to be fined as well, both were denied.

By re-zoning that property for the ability for additional Parking just makes sense for not only the growing need but for safety reasons for all to enjoy when visiting the Villaggio.

Sincerely;


John J. Bartolomei Jr.

*Villaggio
Rt 28*

when they first looked at the property and contacted the owner, the owner Jay Bartolome went to the Building / Zoning Department to try and see if he could get the property re-zoned in some way to include the parking area beside it. Mr. Bartolome went to 200 Main to speak to someone and whomever he spoke to in Zoning was extremely rude and told him that it will never be re zoned, and it didn't matter who he was or who he knew. Parking is a real problem for our customers and we have lost business because of it. Customers have been parking across the street which is unsafe because now they have to cross route 28 to get to the restaurant, It's a very dangerous situation for not only the employees but also the customers who have an issue with the poor current parking. Frequently the Barnstable Police use our parking lot and the one across the street to monitor the activity that goes on in the neighborhood across the street. They are aware of the issues in that neighborhood and they don't want customers to be subjected to, a constant police presence ,does not promote good business to us. Patrons have parked in the gravel area of the lot which is not a permitted lot to park ,but there isn't a fence to block any of it from parking because the owner of the property that the restaurant is on is the same owner of the other lot so there isn't a distinction for the customer, and if they are coming to a restaurant to eat people park anywhere. Ms. Mace explained they have had the Head of the Zoning Department, Robin Anderson, at

the restaurant twice; once was on a very busy Memorial Day weekend and there was a customer at 9pm that parked in the gravel area, Ms. Anderson took a picture of the car, fined us \$200.00 tried to take our liquor license away and then took us to court in front of a Magistrate to plead our case, in which the Magistrate pointed out that the operators of the restaurant are not even the owners of the land, so why were they summoned to Court? Ms. Mace stated the bottom line is we are a small restaurant, not a big chain, and this is our liveliness, there are very few young individuals staying here on the Cape, we are just asking for a little help here to help us out.

Chair Crocker stated that this Committee is designed to help individuals understand the Zoning and the process in which is taken to get the permits needed to get the business off and running and assured her that her complaint tonight has not fallen on deaf ears, and there are people in attendance tonight that I am sure will address what happened to you and the Court appearances. But was there anything in the permitting process before all this happened that made you question anything? Ms. Mace stated that they would like to re zone that area for parking, but unfortunately when we went into 200 Main to ask that question we received a very rude welcoming, and no one wanted to speak to us. Councilor Levesque mentioned a lot of times you can obtain a variance in certain situations that allow you to use an area like that as an overflow or not enough parking, you open that up, there are variances you can apply for as well and I hope that was at least explained to you when you went in. Ms. Mace stated no the interaction was very rude.

Ms. Jenkins stated that she is aware of these lots, and they are both residential zoned, the lot with the gravel came at a later time and is not grandfathered under the original operation of the restaurant that has been there forever, however with that being said she did not see a reason as to why that could not be given a use variance, but that particular area does not qualify for a use variance; but would have to meet separately to consider the request, it is not a decision she could make at tonight's meeting. The owner of the property is not interested in re-zoning because in the future if the restaurant does not make it, there was a more value at a residential zone.

Town Manager Mark S. Ells asked when they had the experience at 200 Main. Ms. Mace stated that it happened in June of 2012.

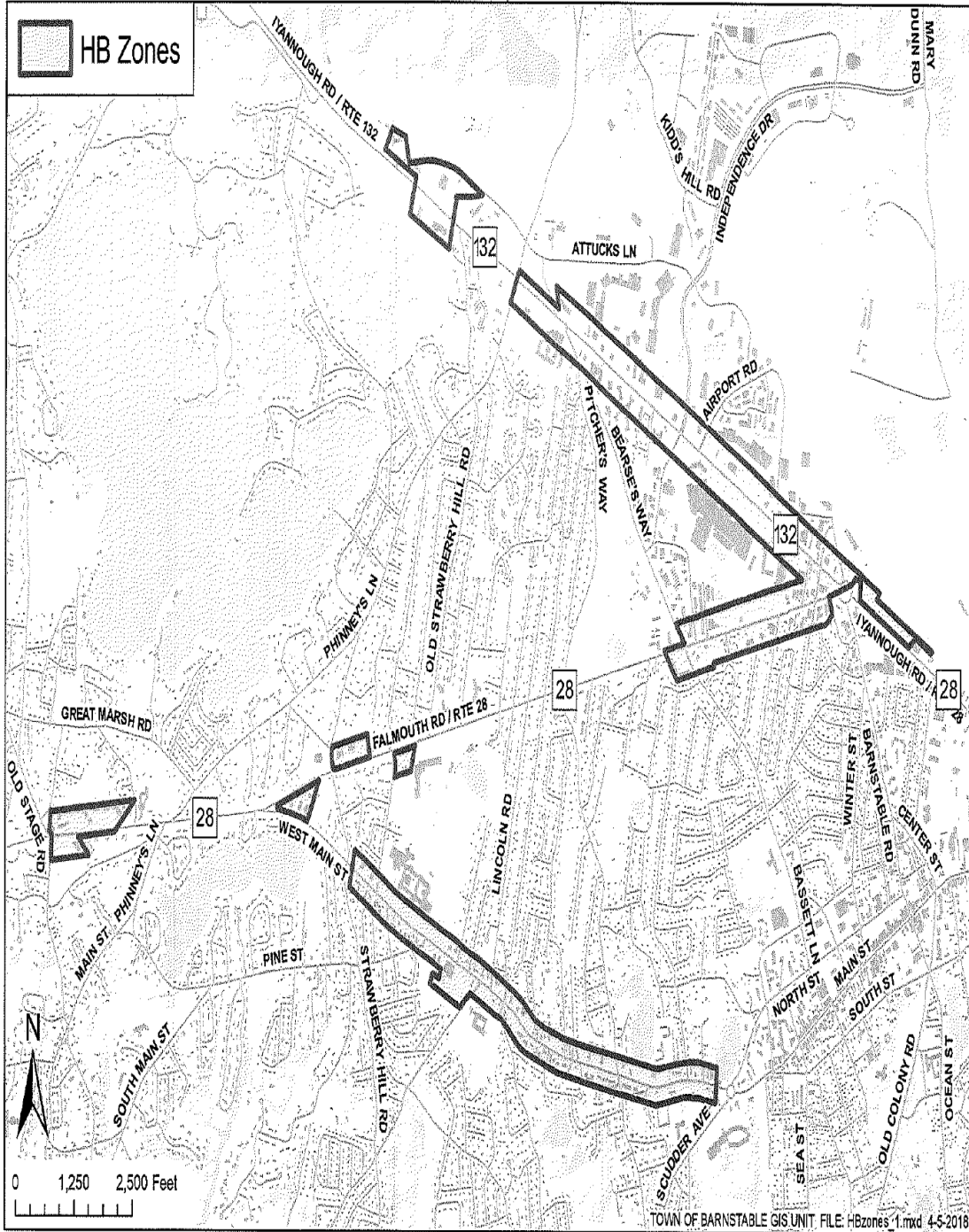
Chair Crocker stated that he and his fellow Councilors are very sympathetic to the issue and the individuals that heard of the issue tonight will certainly address the issue. Building Commissioner Florence apologized to the representative of the Villaggio Ristorante and stated that no one that comes to this Town for business should be treated the way you were treated. He also stated that anytime they needed to speak to him, his office was always open and will make sure that in the future if you have any issues or concerns at 200 Main that you are treated with the dignity and respect you deserve. Chair Crocker thanked Ms. Mace for coming in and that they will be in touch with someone from the town regarding the lot and the parking situation there.

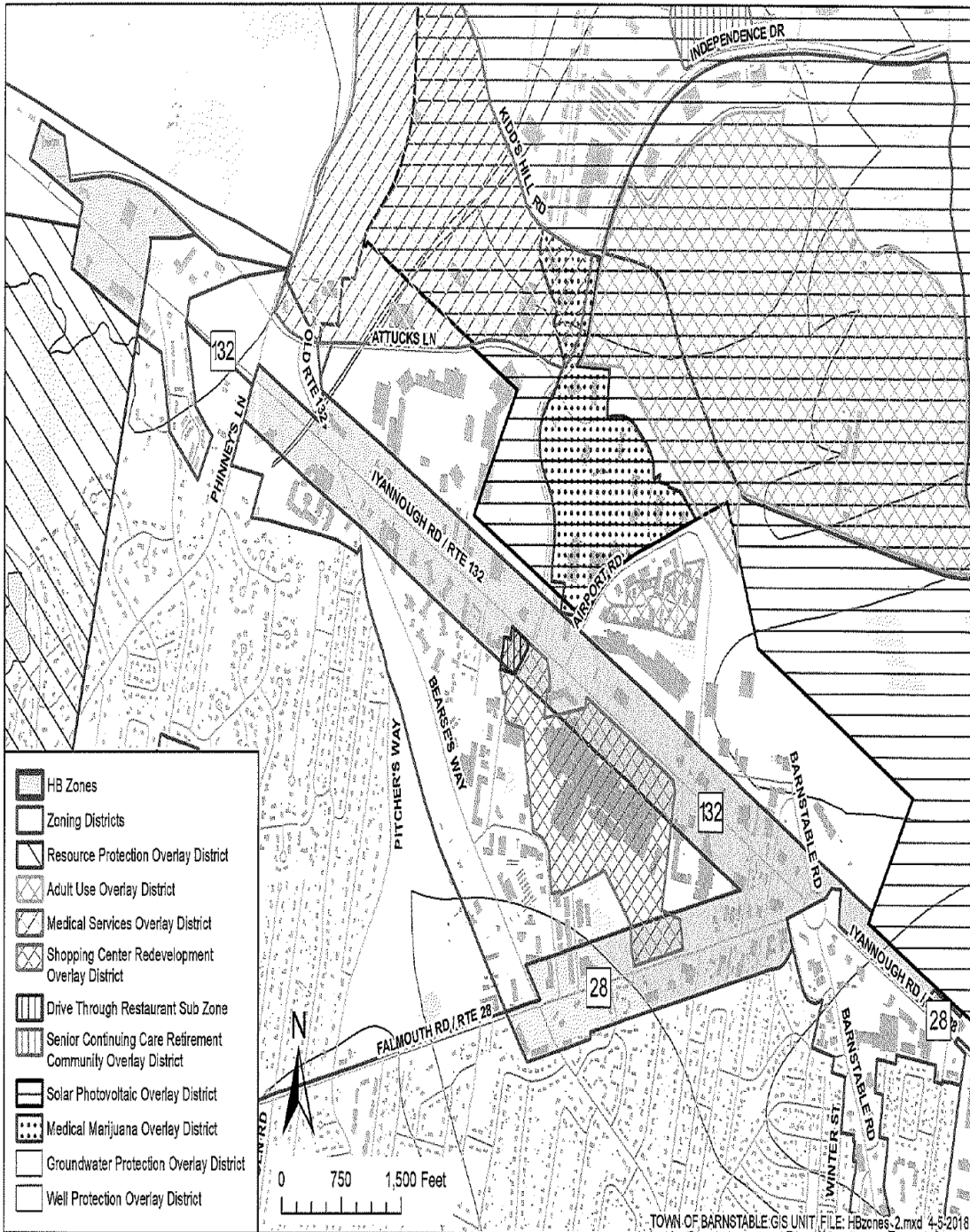
Councilor Paula Schnepf asked that if we wanted to change any of the performance standards, do you then have to change the zoning. Ms. Jenkins stated yes, they are made very generally, however there is flexibility, and it would be text amendments. Councilor Rapp Grassetti asked why the sewage was left off, Ms. Jenkins stated that it was not intentionally left off, this description that was in the description on sewage was more for a huge industrial plan; the description given for the zoning was more for industrial sewage not a residential effluent discharge, so that is why it was not in there. Ms. Jenkins would like the Committee to look at the definition of personnel services and to see if there is anything they would like to see different in this definition, Ms. Jenkins has always struggled with this one, so it would be helpful if the Committee wanted to weigh in .

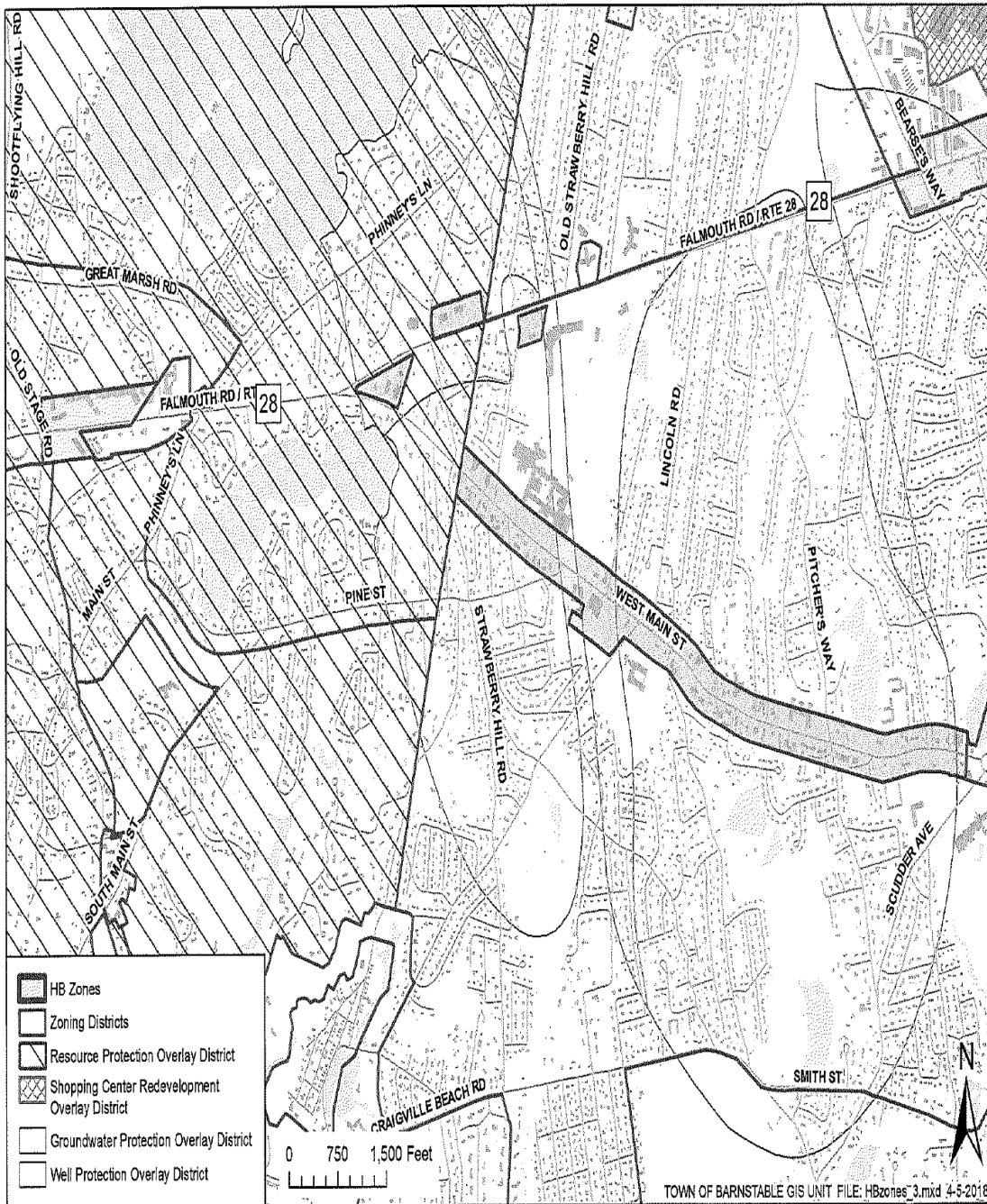
Chair Crocker asked the other members of the Committee to look at the Matrix and carefully examine the definitions and come to the next meeting with the suggested changes to discuss and hopefully be able to come out with a document at the end that moving forward is clear and explains what each of these titles mean.

Ms. Jenkins introduced the map that goes along with the explanation and definition chart.

Existing HB Zones







Chair Crocker thanked Ms. Jenkins for all the information provided tonight. Ms. Jenkins did not have information regarding Chapter H, but would be able to provide more information for the next meeting. She also stated that the Town is looking at their own application for Chapter H. Chair Crocker would like the Town to look at the buildout and also specific uses in certain zones, Chair of the Committee like this Committee to look at the DRAFT application before its submitted so that we have a complete understanding of the document before it gets to the full Council, this Committee would like to be able to

advise the full Council, but in order to do that we need to fully understand the Comprehensive Application that is being designed. Chair Crocker would like to invite the Planning Board to this Committee as a coordinated effort so that all the stakeholders have a say in the final document. Chair Crocker thanked everyone for their input tonight. The next meeting will be to go over the definitions that everyone was handed out, and bring back your concerns and suggestions.

Seeing no further business on the Agenda Chair Crocker asked for a motion to adjourn, Councilor Rapp Grasseti made the motion to adjourn, Councilor Levesque seconded the motion, all members present voted in favor of adjournment.

NEXT MEETING: April 19, 2018 6pm

ADJOURNMENT: 6:55pm