



Town of Barnstable Town Council

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Councilors:

Jessica Rapp Grassetti
President
Precinct 7

Ann B. Canedy
Vice President
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Frederick Chirigotis
Precinct 4

James H. Crocker
Precinct 5

William Crocker, Jr.
Precinct 6

Debra S. Dagwan
Precinct 8

James M. Tinsley
Precinct 9

Sara Cushing
Precinct 10

Philip N. Wallace
Precinct 11

John T. Norman
Precinct 12

Jennifer L. Cullum
Precinct 13

Administrator to the
Town Council:
Barbara A. Ford

Administrative
Assistant:
Cynthia A. Lovell

MEETING AGENDA TOWN HALL HEARING ROOM January 16, 2014 7:00 PM

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
 - **Heidi Nelson, Chief Executive Officer, Duffy Health Center with an update**
 - **Joint Budget Workshop with the School Committee**
- 4. PUBLIC COMMENT**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. ACT ON MINUTES (Includes Executive Session)**
- 7. COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements**
- 8. ORDERS OF THE DAY**
 - A. Old Business**
 - B. New Business**
- 9. TOWN MANAGER COMMUNICATIONS**
- 10. ADJOURNMENT**

NEXT REGULAR MEETING: February 6, 2014

ITEM NO.	INDEX TITLE	PAGE
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A. OLD BUSINESS

None

B. NEW BUSINESS

2014-045	Appropriation Order \$94,175 from the Bismore Park Special Revenue Fund for new parking station kiosks at Bismore Park (Refer to public hearing 02/06/14)	3 – 5
2014-046	Acceptance of a \$113,700 grant from the Commonwealth of Massachusetts/Coastal Pollutant Remediation Grant Program for a Hyannis Harbor boat pump-out facility (May be acted upon)	6 – 7
2014-047	Amendment to the Zoning Ordinances, Chapter 240, Article VII, Sign Regulations, striking and replacing Paragraph 240-65C (Refer to the Planning Board for public hearing)	8 – 9
2014-048	Resolve, in accordance with Administrative Code §241-8, B and Council Rules 11A, establishing Town Council ad-hoc committees: Council Compensation Review; Council Rules Review; Roads Financing Review; Town Manager Review (May be acted upon)	10
2014-049	Resolve, in accordance with Administrative Code §241, Chapter 37, Article I and Council Rules 11, approving members of the Appointments Committee for 2014: Councilor Ann Canedy; Councilor Will Crocker, Jr.; Councilor Debra Dagwan; Councilor John Norman; Councilor Eric Steinhilber (May be acted upon)	11
2014-050	Amendment to the Zoning Ordinances Chapter 240, Article III, by adding §240-30 “Medical Marijuana Overlay District” and District Regulations for establishing and operating registered marijuana dispensaries (Refer to a joint public hearing with the planning board 02/06/14)	12 – 18
2014-051	Acceptance of a \$35,000 grant from the Massachusetts Department of Environmental Protection to purchase three electric vehicles and an electric vehicle charging station (May be acted upon)	19 - 20

Approve Minutes December 19, 2013.

Please Note: The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than they appear on this agenda.

Persons interested are advised, that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice.

Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

B. NEW BUSINESS (Refer to public hearing 02/06/14)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-045
INTRO: 12/20/13, 01/16/14**

2014-045 APPROPRIATION ORDER \$94,175 FROM THE BISMORE PARK SPECIAL REVENUE FUND FOR NEW PARKING STATION KIOSKS AT BISMORE PARK

ORDERED: That the sum of \$94,175 be appropriated for the purpose of funding new parking station kiosks and related costs for Bismore Park; and to meet this appropriation, that \$94,175 be transferred from the Bismore Park Special Revenue Fund.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>12/19/13</u>	<u>Referred to Jan 2, 2014 (Meeting canceled, process restarted)</u>
_____	_____

- _____ Read Item
- _____ Motion to refer to public hearing 02/06/14
- _____ Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2014-045
INTRO: 12/20/13, 01/16/14

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Richard Scali, Interim Director of Regulatory Services
DATE: December 12, 2013
SUBJECT: Appropriation Order of \$94,175 for new parking station kiosks and related costs at Bismore Park

BACKGROUND: The Town of Barnstable Regulatory Services Department is looking to upgrade and replace some old model pay stations located on Ocean Street, Hyannis with up to (5) brand new, state-of-the-art multi-space meters with the capability of accepting coins, bills, credit cards, smart cards and contact less payment options. This system must have the ability to be managed and monitored remotely and be capable of operating in a Pay-by-Space environment.

The decision to convert from a Pay and Display multi-space format to a Pay-by-Space multi space format was based on the following conditions and goals:

1. The Pay-by-Space system will eliminate the need for customers to return to their vehicle to display the receipt on their dashboard as they currently do. They will now be able to simply “park and go”. This is particularly important for customers who are running late for a dinner reservation or to catch an excursion boat or ferry. This also means that the parking enforcement staff will be less likely to issue a violation to a customer who is in transit to pay or from paying to display proof of payment in the vehicle.
2. The Pay-by-Space system will provide customers a receipt that they can carry around with them so they will no longer have to guess how much time they have left on the meter.
3. With the Pay-by-Space system, customers will be able to pay for or add time to their meter from any other pay station in the Barnstable system. Since those who have already paid have their receipt that shows the lot number and space number they parked in, they will be able to go to any pay station and simply enter this information to add time.

Other important goals for obtaining the new parking revenue equipment include:

1. Increase Payment Options – the ability to accept not only coins (quarters, dollars) as is done today, but credit cards and pay by cell phone.
2. Multi-lingual Display – the ability to provide instructions/directions in multiple languages.
3. Advertising & Messaging Display the ability to display parking promotional information, business district promotions and special event information on the digital display when in resting mode.

4. “Green and Clean” the ability to provide 100% solar powered units as well as hard wire option.
5. Meter Communication Systems the ability to inform customers when certain payment systems are down and what payment systems are still being accepted; or to go to another nearby unit to pay. A remote monitoring system will also provide home office notice of distressed meters, remote rate changing ability in addition to providing real-time utilization and related data.
6. Improve Revenue/Reduce Operational Costs increase revenue through payment options and reduce cash/coin collection costs.
7. Flexibility to change back to Pay & Display if desired.

FISCAL IMPACT:

The appropriation requested is to fund the following items:

1. Up to 5 (Five) Multi-Space Parking Pay Stations at a cost of approximately \$18,000 each, for a total of \$90,000.
2. Digital Patrol Smart Phone Connections approximately \$5.00 per month per machine. Annual costs projected to be \$300; cost for FY14 is \$50.
3. Emergency Management Service (EMS) Approximately \$50 per month per machine. Annual costs projected to be \$3,000; cost for FY14 is \$250.
4. Service and parts contract is approximately \$125 per machine per month. Annual costs projected to be \$7,500. No cost for FY14 as warranty should cover the first year.
5. Awning designed for each machine approximately \$375.00 for each machine totaling \$1,875.00 for FY14.
6. Removal of old rusted meter posts approximately \$2,000 for FY 14.

Total appropriation request is for \$94,175; \$90,000 for 5 Pay Stations, \$1,875 for 5 Awnings, \$2,000 for removal of old posts, \$250 for Emergency management service and \$50 for Digital Patrol Smart Phone. The Bismore Park Special Revenue Fund has sufficient resources to fund this request and the request is in line with the fund’s stated purpose. The current balance in the account is \$218,563. Gross revenue generated from Bismore parking meter receipts in fiscal year 2013 was \$222,572.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends the approval of the transfer of these funds.

STAFF ASSISTANCE: Richard Scali, Interim Director of Regulatory Services and Mark Milne, Finance Director

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-046
INTRO: 01/16/14**

2014-046 ACCEPTANCE OF A \$113,700 GRANT FROM THE COMMONWEALTH OF MASSACHUSETTS/COASTAL POLLUTANT REMEDIATION GRANT PROGRAM FOR A HYANNIS HARBOR BOAT PUMP-OUT FACILITY

RESOLVED: That the Town Council does hereby accept a grant from the Coastal Pollutant Remediation Grant Program in the amount of One Hundred Thirteen Thousand Seven Hundred Dollars and 00 Cents (\$113,700.00), for the construction of a stationary pump-out station for commercial vessels, located to serve vessels which operate out of Hyannis Harbor and that the Town Manager is authorized to expend the grant monies for the purpose specified therein.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2014-046
INTRO: 01/16/14

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: December 18, 2013
SUBJECT: Acceptance of a Grant for the construction of a Hyannis Harbor Boat Pump-out Facility

BACKGROUND: The goal of this grant program, which is administered by the Massachusetts Office of Coastal Zone Management (CZM), is to improve coastal water quality by reducing or eliminating non-point sources of pollution, the leading cause of water quality impairment in the nation. This type of pollution occurs when contaminants are picked up by rain, water, and snow melt and carried over land, in groundwater or through drainage systems to the nearest body of water. The grant program also complements the Commonwealth's effort to designate all Massachusetts coastal waters as a No Discharge Area (NDA), prohibiting the discharge of both treated and untreated boat sewage waste.

Barnstable's grant in the amount of \$113,700.00 covers 75% of the cost to construct a stationary pump-out station for commercial vessels. The pump-out facility will be located to serve vessels which operate out of Hyannis Harbor.

Commercial vessels plying the waters of Nantucket Sound, particularly those carrying passengers from Hyannis Harbor to Martha's Vineyard and Nantucket, presently discharge sanitary waste into the Sound. The recent approval of the South Cape Cod and Islands NDA (No Discharge Area) has highlighted the "gap" in the areas designated. This grant, to provide a vessel "pump-out" facility, will go a long way to closing the gap, minimizing discharge in the heart of Nantucket Sound.

FISCAL IMPACT: The matching 25% (\$37,900.00) will be in kind services from staff

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of this Resolve.

STAFF ASSISTANCE: Roger Parsons, Town Engineer

B. NEW BUSINESS (Refer to the Planning Board for public hearing)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-047
INTRO: 01/16/14**

2014-047 AMENDMENT TO ZONING ORDINANCE CHAPTER 240, ARTICLE VII, SIGN REGULATIONS BY STRIKING AND REPLACING PARAGRAPH 240-65C

ORDERED:

That Chapter 240, The Zoning Ordinance of the Town of Barnstable, Article VII, Sign Regulations be amended by striking Paragraph 240-65C in its entirety and by substituting in its place the following:

“C. The area of all signs for each individual business establishment shall not exceed 10% of the area of the building facade associated with the business establishment that contains the establishment's primary customer entrance or 100 square feet, whichever is the lesser amount. In instances where multiple business establishments share a customer entrance on the same facade, the total square footage for all signs of all business establishments attached to each facade shall not exceed 10% of the total area of the facade associated with the business establishments that contains the establishments' shared customer entrance or 100 square feet, whichever is the lesser amount.”

SPONSOR: Council President Jessica Rapp Grassetto and Vice President Ann Canedy

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to Refer to the Planning Board for public hearing
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2014-047
INTRO: 01/16/14

SUMMARY

TO: Town Council
FROM: Jo Anne Miller Buntich, Growth Management Director
DATE: January 2, 2014
SUBJECT: Amendment to zoning ordinance to clarify language in sign code

BACKGROUND: Upon adoption of the new sign regulations for the BA District in Osterville Village, it was felt that the language in that section provides improved clarity as to how the Sign Regulations are applied town-wide. This proposal means to substitute the language applicable in commercial districts throughout the town with the language adopted with the sign regulations for the BA District in Osterville Village.

ANALYSIS: This amendment does not represent a change in the amount or size of signage that businesses have been allowed under Chapter 240-65C. Instead, it is meant to provide additional clarity for the business community and for regulatory officials as to how the current regulations are applied.

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2014-048
INTRO: 01/16/14

2014-048 RESOLVE TO ESTABLISH TOWN COUNCIL AD-HOC COMMITTEES

RESOLVED, that the Council President in accordance with §241-8, B and Rule 11A, the following ad-hoc committees are hereby established for said purpose:

- Council Compensation Review Committee
- Council Rules Review Committee
- Road Financing Review Committee
- Town Manager Review Committee

SPONSOR: Councilor Jen Cullum

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council discussion
- ___ Move/vote

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2014-049
INTRO: 01/16/14

2014-049 RESOLVE APPROVING THE MEMBERS OF THE APPOINTMENTS COMMITTEE

RESOLVED, that the Council President in accordance with Administrative Code §241, Chapter 37, Article I and Council Rule 11, designates the members of the Appointments Committee for 2014:

Councilor Ann Canedy
Councilor Will Crocker, Jr.
Councilor Debra Dagwan
Councilor John Norman
Councilor Eric Steinhilber

SPONSOR: Councilor Jen Cullum

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council discussion
- ___ Move/vote

B. NEW BUSINESS (Refer to a joint public hearing with the Planning Board 02/06/14)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-050
INTRO: 01/16/14**

2014-050 AMENDING CHAPTER 240, ARTICLE III, OF THE ZONING ORDINANCES AMENDING CHAPTER 240, THE ZONING ORDINANCES TO CREATE A MEDICAL MARIJUANA OVERLAY DISTRICT AND DISTRICT REGULATIONS FOR ESTABLISHING AND OPERATING REGISTERED MARIJUANA DISPENSARIES

ORDERED:

Section 1

That Chapter 240, Article III of the Zoning Ordinance is hereby amended by adding a new §240-30 "Medical Marijuana Overlay District" as follows:

§240-30 Medical Marijuana Overlay District.

A. District established. A Medical Marijuana Overlay District is hereby established, and shall be considered as superimposed over any other districts established by this chapter, and is shown as an overlay on the Official Zoning Map established pursuant to §240-6, Zoning Map, herein.

B.

(1) Purpose. The purpose of the Medical Marijuana Overlay District is to provide for the limited establishment of Registered Marijuana Dispensaries as they are authorized pursuant to state regulations set forth at 105 CMR 725.000, Implementation of an Act for the Humanitarian Medical Use of Marijuana. Given that Registered Marijuana Dispensaries shall be limited in number and strictly regulated by the Massachusetts Department of Public Health, these zoning regulations intend to permit them where there is access to both regional roadways and public transportation, where they may be readily monitored by law enforcement for health and public safety purposes, and where their impacts are ameliorated by these locations.

(2) Use. Within the Medical Marijuana Overlay District a Registered Marijuana Dispensary that dispense, cultivates and prepares marijuana products may be permitted as a Conditional Use only within the Overlay District provided a special permit is first obtained from the Zoning Board of Appeals, subject to the provisions of Section 240-125.C herein and subject to the all additional standards and conditions of this section.

C. Special Permit Granting Authority. Within the MMOD the zoning Board of Appeals shall be the Special Permit Granting Authority.

D. Use. Notwithstanding the use limitations of the base zoning district or any other overlay zoning district, a Registered Marijuana Dispensary shall be allowed within the Medical Marijuana Overlay District upon the granting of a special permit, subject to the requirements set forth in this Section. Within the Medical

Marijuana Overlay District, and only within the Medical Marijuana Overlay District, a Registered Marijuana Dispensary may be permitted, provided that a special permit is first obtained from the Zoning Board of Appeals, subject to the following standards and conditions.

E. Requirements/Standards

- (1) **Registration.** All permitted Registered Marijuana Dispensaries shall be properly registered with the Massachusetts Department of Public Health pursuant to 105 CMR 725.100 and shall comply with all applicable state and local public health regulations and all other applicable state and local laws, rules and regulations at all times. No Building Permit or Certificate of Occupancy shall be issued for a Registered Marijuana Dispensary that is not properly registered with the Massachusetts Department of Public Health.
- (2) **Building.** A Registered Marijuana Dispensary shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home deliveries to qualified clients pursuant to applicable state and local regulations.
- (3) **Proximity to Residential Uses.** A Medical Marijuana Treatment Center shall not be allowed within a building containing residential use, or upon a lot with residential use except an incidental residential use that may be necessary for RMD security.
- (4) **Separation Requirements.** The site is located at least one thousand feet (1000') distant from a religious institution/place of religious assembly, school, daycare center, preschool or afterschool facility or any facility in which children commonly congregate, or if not located at such a distance, it is determined by the Zoning Board of Appeals to be sufficiently buffered from such facilities such that its users will not be adversely impacted by the operation of the Registered Marijuana Dispensary but in no case shall the distance be less than 500' measured from parcel boundary to parcel boundary. In no case shall and RMD directly abut another RMD or any Medical Marijuana use.
- (5) **Dimensional Requirements.** Except where it is explicitly stated otherwise in this Section, Registered Marijuana Dispensary shall conform to the dimensional requirements applicable to non-residential uses within the underlying and other overlaying zoning districts.
- (6) **Parking.** The required number of parking (both long-term and short-term) spaces for a Registered Marijuana Dispensary shall be 1 space for every 200 SF of gross floor area for an RMD; and 1 space for every 700 SF of gross floor area for RMD Marijuana Infused Product manufacturing or marijuana cultivation. The Board of Appeals shall also rely on the recommendation of Site Plan Review.
- (7) **Loading.** The Board of Appeals may require loading bays based on the recommendation of Site Plan Review and/or based on the needs of the proposed use.

- (8) **Signage.** Signage shall not exceed 12 SF in area and no part of the sign shall exceed 8' above existing average grade. For other site signage, the requirements of Article VII of this Ordinance shall also apply through the underlying zoning district. The Zoning Board of Appeals may impose additional restrictions on signage as appropriate to mitigate any aesthetic impacts.
- (9) **Consistency with Registration Materials.** Plans and information provided to the Zoning Board of Appeals shall be consistent with the with the registration materials issued by the Massachusetts Department of Public Health and any other information and materials provided to the Massachusetts Department of Public Health.

F. Special Permit Requirements

- (1) **Application Requirements.** An application to the Zoning Board of Appeals shall include, at a minimum, the following information:
 - (a) Complete application form.
 - (b) **Description of Activities:** A narrative providing information about the type and scale of all activities that will take place on the proposed site, including but not limited to cultivating and processing of marijuana or marijuana infused products (MIPs), on-site sales, off-site deliveries, site security, hours of operation, community benefit, distribution of educational materials, and other programs or activities.
 - (c) **Service Area:** A scaled map and narrative describing the area proposed to be served by the Registered Marijuana Dispensary and the anticipated number of clients that will be served within that area. This description shall indicate where any other Registered Marijuana Dispensaries exist or have been proposed within the expected service area.
 - (d) **Context Map:** A scaled map depicting all properties and land uses within a two thousand-foot (2,000') radius of the project site, whether such uses are located in Barnstable or within surrounding communities, including but not limited to all religious institutions/places of religious assembly, schools, daycare centers, preschool or afterschool facilities or any facilities in which children commonly congregate .
 - (e) **Site Plan:** The proposal is subject to the provisions of Article IX, Section 240-102 Site Plan Review.
 - (f) **Security Plan:** The security plan shall be submitted to the Chief of Police who shall provide written comment to the Board as to the adequacy or inadequacy of the security provisions and plans.
 - (g) **Building Elevations and Signage:** Architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used. Perspective drawings and illustrations of the site from public ways and abutting properties are recommended but not required.
 - (h) **Registration Materials:** Copies of registration materials issued by the Massachusetts Department of Public Health and any materials submitted to the Massachusetts Department of Public Health for the purpose of seeking registration, to confirm that all information provided to the Zoning Board of Appeals is consistent with the information provided to the Massachusetts Department of Public Health.
- (2) **Special Permit Criteria.** In granting a special permit for a Registered Marijuana Dispensary, in addition to the general criteria for issuance of a special permit as set forth in § 240-125C herein

and in consideration of all application materials submitted and testimony received, the Zoning Board of Appeals shall find that the following criteria are met:

- (a) The Registered Marijuana Dispensary complies with all requirements of this Section including but not limited to subsections E and F in their entirety.
 - (b) The Registered Marijuana Dispensary is located to serve an area that currently does not have reasonable access to medical marijuana, or if it is proposed to serve an area that is already served by other Registered Marijuana Dispensaries, it has been established by the Massachusetts Department of Public Health that supplemental service is needed.
 - (c) The site is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, cyclists and public transportation users.
 - (d) Traffic generated by client trips, employee trips, and deliveries to and from the Registered Marijuana Dispensary shall not create a substantial adverse impact on nearby residential uses.
 - (e) Where necessary to shield adjacent uses, the Zoning Board of Appeals may require buffering by fencing, vegetation or other screening methods.
- (3) Prohibition on Transfer.** The special permit shall be issued to the owner of the Medical Marijuana Treatment Center and shall not transfer with a change in ownership of the business and/or property.
- (4) Limitation of Approval.** A special permit authorizing the establishment of a Registered Marijuana Dispensary shall be valid only for the registered entity to which the special permit was issued, and only for the site on which the Registered Marijuana Dispensary has been authorized by special permit. If the registration for a Registered Marijuana Dispensary has been revoked, transferred to another controlling entity, or relocated to a different site within the Medical Marijuana Overlay District, a new special permit shall be required prior to issuance of a Certificate of Occupancy.
- (5) Revocation/Nonrenewal.**
- (a) In accordance with 105 CMR 725.100(E) Expiration and Renewal of Registration, all materials submitted pursuant to the RMD compliance with that section shall also be submitted to the Zoning Board of Appeals record file. The Board reserves the right to hold a public hearing based on a review of the materials showing inconsistencies with special permit conditions and/or the requirements and standards of this section.
 - (b) In accordance with 105 CMR 105 (O) Requirements Upon Expiration, Revocation or Voiding of Certificate of Registration of RMD should DPH take action under this section the special permit shall be null and void.

E. Relationship to Other Laws. Nothing in this law poses an obstacle to federal enforcement of federal law. Nothing in this law supersedes Massachusetts law prohibiting the possession, cultivation, transport, distribution, or sale of marijuana for nonmedical purposes. Nothing in this law requires the violation of federal law or purports to give immunity under federal law.

F. Severability. The provisions of this law are severable and if any clause, sentence, paragraph or section of this measure, or an application thereof, shall be adjudged by any court of competent jurisdiction to be

invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or application adjudged invalid.

Section 2

That Chapter 240, Article XIII §240-128 "Definitions" of the Zoning Ordinance is hereby amended by adding the following definitions:

Marijuana - has the meaning given “marihuana” in Chapter 94C of the General Laws

Marijuana Dispensary, Registered. Registered Marijuana Dispensary, also known as RMD or Medical Marijuana Treatment Center, shall mean an establishment properly registered with the Massachusetts Department of Public Health under 105 CMR 725.100 that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers.

Section 3

That the official zoning map of the Town of Barnstable is hereby amended by adding the Medical Marijuana Overlay District as shown on maps entitled “Proposed Amendment to the Town Zoning Map creating the Medical Marijuana Overlay District” and “Proposed Amendment to the Barnstable Zoning Map creating the Medical Marijuana Overlay District” and “Proposed Amendment to the Hyannis Zoning Map Creating the Medical Marijuana Overlay District" all dated January 7, 2014 as prepared by the Town of Barnstable GIS Unit.

Section 4

That Chapter 240, Article II, § 240-5 "Establishment of Districts" of the Zoning Ordinance is hereby amended by adding the "Medical Marijuana Overlay District" under "Overlay Districts."

SPONSOR: Thomas K. Lynch, Town Manager

DATE

ACTION TAKEN

____ Read Item

____ Motion to refer to Joint Public Hearing with the Planning Board 02/06/14

____ Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2014-050
INTRO: 01/16/14

SUMMARY

TO: Town Council
FROM: Jo Anne Miller Buntich, Growth Management Director
DATE: January 7, 2014
SUBJECT: Amending the Zoning Ordinances with

The Law for the Humanitarian Medical Use of Marijuana was adopted by Massachusetts voters in November, 2012. The measure became law on January 1, 2013 (Chapter 369 of the Acts of 2012). In May, 2013, the Massachusetts Department of Public Health (DPH) promulgated regulations set forth in 105 CMR 725.000 by which DPH will approve, register and control the establishment of up to 35 Registered Marijuana Dispensaries (RMDs) statewide in the first year, with at least one (1) but no more than five (5) RMDs in each county. Local regulatory oversight is allowed by the regulations provided it does not conflict with state regulations.

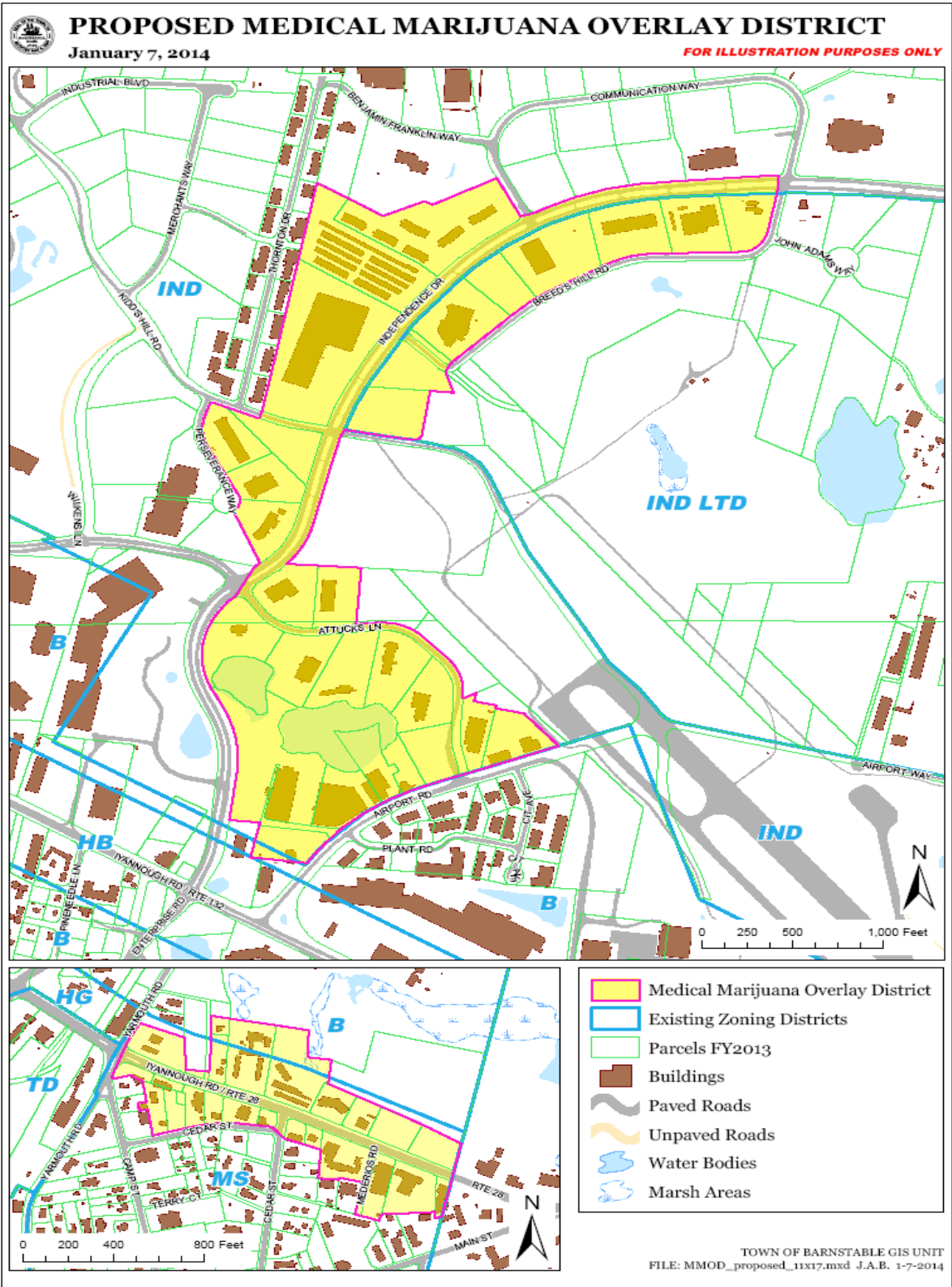
This zoning proposal includes regulations that will work in concert with state regulations while focusing on land use planning issues such as district character, compatibility among adjacent uses, transportation and parking, and urban design.

This draft zoning ordinance and zoning map amendment set out an overlay district where a Registered Marijuana Dispensary (RMD) use may be located in Hyannis at the very east end of Iyannough Road and in portions of the Industrial District.

Because RMDs will be limited in number, it is important to plan for them as regional service providers rather than typical retail establishments. These proposed locations provide access to both regional roadways and public transportation with the least impact on residential neighborhoods and incompatible land uses.

The proposed special permit process will supplement state requirements while avoiding conflicts with those state regulations and ensuring compatibility with the Town's overall planning and zoning goals.

In this draft, the medical marijuana uses are subject to a 1000' setback from sensitive receptors such as religious institutions/place of religious assembly, schools, daycare centers, preschools or afterschool facilities or any facility in which children commonly congregate.



B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-051
INTRO: 01/16/14**

2014-051 ACCEPTANCE OF A \$35,000 GRANT FROM THE MASSACHUSETTS DEPT. OF ENVIRONMENTAL PROTECTION FOR THE PURCHASE OF THREE ELECTRIC VEHICLES AND AN ELECTERIC VEHICLE CHARGING STATION

RESOLVED: That the Town Council hereby accepts a grant award in the amount of \$35,000.00 from the Massachusetts Department of Environmental Protection as an incentive for the purchase of one Plug-in Hybrid vehicle (\$5,000), Two Battery Electric vehicles (\$15,000), and one Level 2 dual head charging station (up to \$15,000) and that the Town Manager is authorized to expend the grant monies for the purpose specified therein.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2014-051
INTRO: 01/16/14

SUMMARY

TO: Town Council
THROUGH: Thomas Lynch, Town Manager
FROM: Richard Elrick, Energy Coordinator
DATE: January 9, 2014

BACKGROUND: The Town has been awarded a \$35,000 grant from the Massachusetts Department of Environmental Protection under the Massachusetts Electric Vehicle Incentive Program. These funds will be used to subsidize the purchase/lease of One Plug-in Hybrid vehicle (\$5,000), Two Battery Electric vehicles (\$15,000), and One Level 2 dual head charging station (up to \$15,000).

ANALYSIS: The acceptance of this grant will promote the Town's long-standing policy to reduce energy use and lower carbon emissions by making the town's vehicle fleet more energy efficient.

FISCAL IMPACT: Since these funds will be helping to subsidize the purchase/lease of vehicles that is already budgeted, and because the fuel and maintenance costs for electric vehicles are less than for gasoline-powered vehicles, there will be no, or a positive fiscal impact.

TOWN MANAGER RECOMMENDATION: Town Manager Thomas Lynch recommends acceptance of this grant.

STAFF ASSISTANCE: Richard Elrick, Energy Coordinator