



Town Council Meeting
October 4, 2018



A quorum being duly present, Council President Eric Steinhilber called the October 4, 2018, Town Council meeting to order at 7:00 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

An announcement was made by President Steinhilber 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: Britt Beedenbender, James Crocker, Jr., Jennifer Cullum, Debra Dagwan, Jessica Rapp Grasseti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Eric Steinhilber, Philip Wallace. **ABSENT:** John Flores and James Tinsley, Jr.

The Pledge of Allegiance was led by President Steinhilber followed by a moment of silence.

PUBLIC COMMENT:

Mary Ann Barboza felt that we should not inactivate voters for failing to complete their census. She urged Council to adopt a process that was more sensitive, easier for the voter.

Roberta Monk discussed the 1 am – 3 am Barnstable business curfew. She retold her story of anguish and fear of running out of gas during the curfew hours and being stranded.

Wendy Northcross, Chief Executive Officer of the Cape Cod Chamber, thanked Council for their leadership with the Vineyard Wind project.

Deborah Krau, President of the Greater Hyannis Chamber of Commerce, opposed the fire training facility in Barnstable due to its contamination not being adequately reported; problems with drainage; and the entire area PFOS contaminated. She urged Council to declare a moratorium for all water use on the site.

Alan Eric Feltham, Chair of the Barnstable Economic Development Commission, felt Council needed to look at all the eliminations as a loss for people to volunteer. He explained this loss was not a good thing for our society and hoped there would be more transparency and democracy.

Sue Phelan mentioned an upcoming showing of an eco-documentary on the Devlin

Drinking water issue. She hoped Hyannis water would learn from other communities which had to clean up their water.

Close public comments

COUNCIL RESPONSE TO PUBLIC COMMENT:

The capping idea for the fire training academy site would unfortunately not control the spread of contamination in the Hyannis water. Yes we need to work together to clean up our water. Residents who volunteer are important and the Council is listening to them. Their talent which they bring to their position is astounding. Businesses who would like to operate during the 1 am to 3 am Barnstable curfew should meet with the Town Manager to get approval. Voter registration is a very important matter.

TOWN MANAGER COMMUNICATIONS: Update for period September 21 through October 4, 2018

Budget calendar Fiscal Year 2020
Mass Department of Fish and Wildlife
Transfer Station
Vineyard Wind
Barnstable Municipal Airport's Request for Proposal
Barnstable's early voting for election on November 6, 2018
Comprehensive Water Management Plan
Upcoming Flu vaccinations
Stocking of adult herring in the West Barnstable Mill Pond
Strategic Plan

COUNCILOR QUESTIONS AND COMMENTS:

This is a second request for the for the fire training communications.

ACT ON MINUTES: Upon a motion duly made and seconded it was voted to approve the minutes of the September 20, 2018

VOTE: PASSES UNANIMOUS Abstain (Schnepp)

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

• Update by Mark S. Ells, Town Manager on Vineyard Wind Project

Mark Ells, Town Manager discussed the history of the Vineyard Wind Project. He mentioned the discussions began in 2016 and continued through 2018. In May 2018 Vineyard Wind was awarded the offshore wind farm area. In September 2018 the Town signed a host agreement with Vineyard Wind. We are looking to protect our water resources.

Charlie McLaughlin, Assistant Town Attorney, explained the host agreement was for 25 years. He added the cable which would transport the electricity does not have any fluids in it. He noted there were fluids at the sub stations. The possible landing site being considered is Covell Beach.

**2019-030 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:
INTRO: 09/20/18, 10/04/18**

Vice-President Crocker made a motion which was duly made and seconded to bifurcate **Infrastructure and Energy Committee**: Paul Canniff, DMD, 106 Hayes Road, Centerville, as a regular member to a term expiring 06/30/20 to the November 15, 2018 Council meeting

VOTE: PASSES UNANIMOUS

Piper Hunt, Barnstable Youth Commission member, thanked Council for the appointment to the board.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Infrastructure and Energy Committee**: Ed Eichner, 141 Pine Tree Drive, Centerville, as a regular member to a term expiring 06/30/21; Barry Gallus, 170 Trout Brook Road, Cotuit, as a regular member to a term expiring 06/3/19; Gordon Starr, 85 Pilots Way, Barnstable, to a term expiring 06/30/21; **Recreation Commission**: Brendan Burke, 66 Biltmore Place, Centerville, as a regular member to a term expiring 06/30/21; Tanya Dawson, 1586 Hyannis Road, Barnstable, as a regular member to a term expiring 06/30/21; **Barnstable Youth Commission**: Piper Hunt c/o Hyannis Youth Community Center, Bassett Lane, Hyannis, as a regular member to a term expiring 06/30/19; Lucas McCauley, c/o Hyannis Youth Community Center, Bassett Lane, Hyannis, as a regular member to a term expiring 06/30/19; Jenna Schmidt, c/o Hyannis Youth Community Center, Bassett Lane, Hyannis, as a regular member to a term expiring 06/30/19

VOTE: PASSES UNANIMOUS

**2019-031 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:
INTRO: 09/20/18, 10/04/18**

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council reappoints the following individuals to a multiple-member board/committee/commission: **Hyannis Main Street Waterfront Historic District Appeals Committee**: Sara Colvin, Hyannis, as a resident of Hyannis member to a term expiring 06/30/19; **Hyannis Main Street Waterfront Historic District Committee**: Dave Colombo, as a Hyannis Business owner member to a term expiring 06/30/21

VOTE: PASSES UNANIMOUS

**2019-032 AMENDING ARTICLE v, CHAPTER 240, SECTION 25 OF THE ZONING ORDINANCE TO REVISE REGULATIONS FOR THE HIGHWAY BUSINESS DISTRICT
INTRO: 10/04/18**

Councilor questions and comments:

Please add Debra Dagwan's name as a sponsor for this agenda item.

Upon a motion duly made and seconded it was

ORDERED:

Section 1.

That Chapter 240, Article III, Section 240-25 of the Zoning Ordinance, is hereby amended by striking the existing Section 240-25 HB Business District in its entirety and substituting in its place the following:

“§ 240-25. HB Business District

A. Purpose. The proposed amendments to the Highway Business District strive to encourage investment in Barnstable’s aging commercial corridors and respond to current market demands, while promoting an increase in property values, appropriate protection for adjacent residential land uses, and Barnstable’s unique character and exceptional quality of life.

B. Principal Permitted Uses. The following uses are permitted in the HB Business District:

- (1) Art Galleries
- (2) Artisan, Craftspersons, and Makers
- (3) Artists’ Lofts
- (4) Bank ¹
- (5) Bed & Breakfasts, subject to the provisions of § 240-11C(6)
- (6) Business Support Services
- (7) Contractor Service Establishments ^{2,3}
- (8) Dwelling, single-family
- (9) Dwelling, two-family
- (10) Dwelling, multi-family
- (11) Educational institutions
- (12) Fraternal or Social Organizations
- (13) Health Club
- (14) Mixed Use Development
- (15) Movie Theatre
- (16) Museums
- (17) Office, Business and Professional
- (18) Office, Dental or Medical
- (19) Performing Arts Facilities
- (20) Personal Service Establishments
- (21) Recreational Establishment
- (22) Research and development, technological and computer research, software development and data processing including computer operations services
- (23) Restaurant and other food establishment ¹
- (24) Retail and wholesale ¹
- (25) Self-storage Facility ²
- (26) Senior Living, Assisted Living
- (27) Senior Living, Nursing Homes
- (28) Veterinary Hospital/Clinic ²

¹ Drive-throughs shall be permitted accessory to such use, subject to the issuance of a Special Permit pursuant to subsection 240-25 (C) herein.

² The landscape setback from all residential property lines shall be 10 feet. Within the landscape buffer, existing mature trees shall be retained and shall be supplemented with plantings that will provide dense year-round screening, or a solid fence with landscape plantings on the residential side

³ Parking areas for commercial vehicles and any exterior areas used for loading or storage shall be screened from view from the public way

C. **Conditional Uses.** The following uses are permitted as conditional uses in the HB District, provided that a special permit is first obtained from the Zoning Board of Appeals subject to the provisions of §240-125C herein and subject to the specific standards for such conditional uses as required in this section, and to a finding that such uses do not substantially adversely affect the public health, safety, welfare, comfort or convenience of the community:

- (1) Auto service and repair shops ¹
- (2) Building, sale, rental, storage and repair of boats ¹
- (3) Car rental services ¹
- (4) Contractors' yards ^{1,2}
- (5) Funeral Home or Mortuary ¹
- (6) Hotel & Motel, subject to the provisions in 240-22(F) ¹
- (7) Manufacturing, light and industrial uses ^{1,2}
- (8) Retail, gasoline or diesel ¹
- (9) Warehouse or distribution ^{1,2}
- (10) Drive-throughs for banks, retail uses, and restaurants and other food service establishments

¹ The landscape setback from all residential property lines shall be 10 feet. Within the landscape buffer, existing mature trees shall be retained and shall be supplemented with plantings that will provide dense year-round screening, or a solid fence with landscape plantings on the residential side

² Parking areas for commercial vehicles and any exterior areas used for loading or storage shall be screened from view from the public way

D. Bulk Regulations

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Minimum Lot Width (feet)	Minimum Yard Setbacks (Feet)			Maximum Building Height (feet)	Maximum Lot Coverage as % of Lot Area
				Front	Rear	Side		

HB 15,000 20 100 20^{1,2} 20 10 38³ 30

¹ Forty feet along Route 28 and Route 132

² The front yard setback shall be a landscape setback in which existing trees and shrubs shall be retained within and supplemented with other landscape materials in accordance with accepted landscape practices. Where natural vegetation cannot be retained, the front yard landscape setback shall be landscaped with a combination of grasses, trees and shrubs commonly found on Cape Cod. A minimum of one street tree with a minimum caliper of three inches shall be provided per 30 feet of road frontage and distributed throughout the front yard landscape setback area. No plantings shall obscure site entrance and exit drives and/or road intersections. All landscape areas shall be continuously maintained substantially in accordance with Article IX herein.

³ Or three stories, whichever is lesser.

E. District-Wide Design & Performance Standards

1. Applicability

Design and performance standards for the Highway Business District are provided in this subsection. The design and performance standards herein shall only apply to new development. New development is new construction on a vacant lot; or demolition and re-construction on a lot with existing structure(s). These standards shall not apply to the construction of new principal structures on lots already improved with a principal structure.

2. Building Design Standards.

- a. In addition to the Site Plan Review submittal requirements of Section 240-102, architectural elevations shall be submitted.
- b. Building façades.
 - i. Building facades shall not contain blank wall areas that exceed 25 linear feet, measured parallel to the street.
 - ii. New development shall vary the building footprint so that there are pronounced changes in the wall planes and building mass as defined herein. For every 50 linear feet of facade, at least 10 feet projection or setback in the facade should be accommodated. The recess or projection can be split into several components, but changes in the facade line of 10 feet or greater are most likely to reduce the visual impact of the building mass.
- c. Building Entries.
 - i. All buildings shall have an orientation to and entrance from the sidewalk along the primary building frontage. Entrances shall be visually

distinctive from the remaining portions of the façade along which they are located.

- d. Roof.
 - i. Parapet walls along the roof shall feature three-dimensional cornice treatments or other shadow-creating details.
- e. Building materials.
 - i. The following building materials are prohibited on any façade:
 - a) Plain concrete block
 - b) Glass block
 - c) Exposed aggregate (rough finish) concrete wall panels
 - d) Plastic
 - ii. The following building materials are prohibited on any façade; however, such materials may be used as decorative or detail elements for up to 25% of the façade.
 - a) Corrugated metal
- f. Multi-Tenant Centers. Multi-tenant retail centers shall comply with the following additional design standards.
 - i. A cohesive character is required through the use of coordinated building design, hardscape treatment (special paving materials, lighting, etc.) and landscaping.

3. Parking Lot Design Standards.

- a. All new development shall comply with Section 240-54 - Location of parking lot in relation to buildings, which states: "Parking lots shall be located to the rear or side of a building unless such location would have an adverse environmental impact or is infeasible due to configuration of the site."

4. Site Design Standards.

- a. Sites shall incorporate safe pedestrian access to the building(s) from the public right-of-way and safe pedestrian circulation within the development. Where pedestrian connections cross primary vehicular driveways or aisles, the walkways shall be designed to clearly show the space is dedicated to pedestrian traffic through the use of raised or alternative surfaces.
- b. Parking areas shall include provisions for the "parking" of bicycles in bicycle racks in locations that are safely segregated from automobile traffic and parking. For parking areas of 10 or more spaces, bicycle racks facilitating locking shall be provided to accommodate one bicycle per 20 parking spaces or fraction thereof.

5. Screening.

- a. Storage areas, loading docks, rooftop equipment, utility buildings and similar features shall be screened so as not to be visible to a pedestrian from within the right-of-way of a street abutting the property containing the building. The

screening shall complement the design of the building through the use of similar materials, colors, finishes and architectural details. Plant materials may be used for ground level screening.

b. Access.

Driveways on Route 28, Route 132 and West Main Street shall be minimized. All driveways and changes to driveways shall:

- a. Provide the minimum number of driveways necessary to provide safe and convenient vehicular and emergency vehicle access.
- b. Provide shared access with adjacent development where feasible.
- c. Provide a driveway interconnection between adjacent parcels to avoid short trips and conflicts on the main road.

F. **Definitions.** The following terms are defined for the purpose of the HB and shall not be construed to apply to other regulations:

ARTISAN, CRAFTSPERSONS AND MAKERS – A small-scale use employing people who practice manual skills to produce ornamental or functional works in limited quantities. A key feature of works produced by artisans, craftspeople or makers is the high degree of manual or specialized technical expertise involved. Examples include artists or makers in a variety of mediums, designers, and art conservation.

ARTIST'S LOFT – A place designed to be used as both a dwelling and a place of work by an artist, artisan, or craftsman, 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 – A facility for the general repair and maintenance of motor vehicles, including motor vehicle inspections and car washes. This definition shall exclude vehicle dismantling or salvage.

CONTRACTOR SERVICE ESTABLISHMENTS – 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.

CONTRACTORS' YARDS – 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 public ways.

EDUCATIONAL INSTITUTIONS – A public or private facility that offers in-classroom instruction at the K-12 or post-secondary levels. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. Educational Institutions also include facilities that offer in-classroom vocational instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a

commercial enterprise, such as a school for general educational development or driving school.

FRATERNAL OR SOCIAL ORGANIZATIONS – 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.

FUNERAL HOME OR MORTUARY – An establishment providing services such as preparing the human dead for burial and arranging and managing funerals, and may include limited caretaker facilities. This classification excludes cemeteries, crematoriums, and columbarium's

HEALTH CLUB – A facility for the purpose of physical exercise or wellness open only to members and guests or open to the public for a fee. It shall include health and fitness clubs, and specialty fitness uses, such as yoga studios or cross-fit facilities and may include customary accessory uses

MIXED USE DEVELOPMENT – Development including at least one residential unit and at least one nonresidential use on a single lot; or development including several nonresidential uses on a single lot

MUSEUMS – A public or private facility, including an aquarium, established for preserving and exhibiting artistic, historical, scientific, natural or man-made objects of interest, designed to be used by members of the public for viewing, with or without an admission charge. Such activity may include, as an accessory use, the sale of memorabilia, crafts work and artwork, and the holding of meetings and social events

OFFICE, DENTAL OR MEDICAL – A building or portion of a building in which the primary use is the provision of health-care services to patients or clients by an appointment only. Such services may include the following: medical, dental, psychiatric, psychological, chiropractic, dialysis, acupuncture, reflexology, mental health professional, physical and/or occupational therapy, related medical services, or a laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists

PERFORMING ARTS FACILITY – An enclosed space suitable for a variety of cultural arts performances, permanently available for the primary principal use of public performing arts presentations, such as plays, dances, and concerts, although incidental use for private meetings, exhibits and presentations shall be permitted. Such space may also include studios, classrooms, and galleries

PERSONAL SERVICE ESTABLISHMENT – An establishment engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, barbershop, beauty shop, dry cleaner, tailor, or other similar services

RECREATIONAL ESTABLISHMENT – An establishment engaged in the provision of public recreational services, including bowling and billiards

RETAIL, GASOLINE AND/OR DIESEL – A facility where gasoline, diesel or any other automotive engine fuel is stored only in underground tanks and offered for sale directly

to the public on the premises. Retail, gasoline and/or diesel shall be subject to the requirements of Section 240-35 Groundwater Protection Overlay Districts

SELF-STORAGE FACILITY – A facility for the storage of personal property where individual renters control and access individual storage spaces. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included.

SENIOR LIVING, ASSISTED LIVING – A combination of housing, ancillary support services and personalized care that is designed to respond in a homelike setting to the individual needs of adults requiring help with activities of daily living, but who do not require the skilled medical care provided in a nursing home.

SENIOR LIVING, NURSING HOMES – A facility, including for the aged or chronically ill, providing bed-care and in-patient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services and including Skilled Nursing Care Facilities

VETERINARY HOSPITAL/CLINIC – A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases and injuries. Use as a kennel shall be limited to short-term boarding and shall be only incidental to such hospital use.

VOTE: TO A 2ND READING ON 10/18/18-PASSES UNANIMOUS

2019-033 REPEAL OF CHAPTER 241-16 OF THE TOWN OF BARNSTABLE ADMINISTRATIVE CODE, BARNSTABLE ECONOMIC DEVELOPMENT COMMISSION INTRO: 10/04/18
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Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby amends the Administrative Code by repealing Chapter 241-16, Barnstable Economic Development Commission

VOTE: TO A 2ND READING ON 10/18/18-PASSES UNANIMOUS

2019-034 APPROVAL OF CHANGE OF PURPOSE TO ALLOW THE GRANT OF AN EASEMENT TO VINEYARD WIND LLC IN A PARCEL OF LAND NAMELY THAT PORTION OF COVELL'S BEACH AND SHOWN ON ASSESSORS' MAP 225 AS PARCEL 006 INTRO: 10/04/18
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Upon a motion duly made and seconded it was

ORDERED:

SECTION 1: That, having received notice that the Town Manager determined that a portion of the subsurface of Covell's Beach, which parcel is shown on Assessors' Map 225 as Parcel 6, is no longer needed exclusively for general municipal purposes and that the town council approves a limited change of purpose to allow for a grant of an easement to Vineyard Wind LLC, and its successors and assigns, in a parcel of land, namely a portion of Covell's Beach and shown on Assessors' Map 225 as Parcel 006, for the purpose of constructing, installing, inspecting, operating, maintaining, repairing and replacing, subsurface high voltage electric power transmission lines, along with associated subsurface appurtenances including but not limited to subsurface telecommunications lines, conduits, duct banks, bays and vaults, and together with surface appurtenances for access, in connection with the wind generating facility to be developed by Vineyard Wind LLC in federal waters south of Martha's Vineyard.

SECTION 2: That the aforesaid grant of an easement shall take effect upon recording of an instrument or instruments following the effective date of legislation enacted by the General Court approving the grants under Section 1.

VOTE: REFER TO SECOND READING ON 10/18/18 – PASSES UNANIMOUS

**2019-035 ORDER TO PETITION THE GENERAL COURT OF THE COMMONWEALTH TO ENACT SPECIAL LEGISLATION APPROVING THE GRANT OF EASEMENT TO VINEYARD WIND LLC IN A PARCEL OF LAND, NAMELY A PORTION OF COVELL'S BEACH AND SHOWN ON ASSESSORS' MAP 225 AS PARCEL 006
INTRO: 10/04/18**

Upon a motion duly made and seconded it was

ORDERED: That the Town Manager submit a petition to the General Court of the Commonwealth for a special act approving the the grant of an easement to Vineyard Wind LLC, as follows.

“AN ACT AUTHORIZING THE TOWN OF BARNSTABLE TO GRANT AN EASEMENT TO VINEYARD WIND LLC

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1: The Town Council shall be authorized to grant an easement to Vineyard Wind LLC, and its successors and assigns, in a parcel of land, namely a portion of Covell's Beach and shown on Assessors' Map 225 as Parcel 006, for the purpose of constructing, installing, inspecting, operating, maintaining, repairing and replacing, subsurface high voltage electric power transmission lines, along with associated subsurface appurtenances including but not limited to subsurface telecommunications lines, conduits, duct banks, bays and vaults, and together with surface appurtenances for access, in connection with the wind generating facility to be developed by Vineyard Wind LLC in federal waters south of Martha's Vineyard.

SECTION 2: The Town Manager may execute and record any instruments necessary on behalf of the Town to effectuate the section 1 upon the passage of this act.

SECTION 3: This act shall take effect upon its passage.”

VOTE: REFER TO SECOND READING ON 10/18/18 – PASSES UNANIMOUS

**2019-036 APPROVAL OF GRANT OF EASEMENT TO VINEYARD WIND LLC IN A PARCEL OF LAND, NAMELY A PORTION OF COVELL'S BEACH AND SHOWN ON ASSESSORS' MAP 225 AS PARCEL 006
INTRO: 10/04/18**

Upon a motion duly made and seconded it was

SECTION 1: That, pursuant to the Host Community Agreement between the Town and Vineyard Wind LLC with respect to the wind generating facility to be developed by Vineyard Wind LLC in federal waters south of Martha's Vineyard (the “Project”), the Town grants an easement to Vineyard Wind LLC, and its successors and assigns, for the purpose of constructing, installing, inspecting, operating, maintaining, repairing and replacing, subsurface high voltage electric power transmission lines, along with associated subsurface appurtenances including but not limited to telecommunications lines, conduits, duct banks, bays and vaults, and together with surface appurtenances for access, in

connection with the Project, namely a portion of Covell's Beach and shown on Assessors' Map 225 as Parcel 006.

SECTION 2: That the aforesaid grant of an easement shall take effect upon recording of an instrument or instruments following the effective date of legislation enacted by the General Court approving the grants under Section 1

VOTE: REFER TO SECOND READING ON 10/18/18 – PASSES UNANIMOUS

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

Adjourned at 8:40 PM

Respectfully submitted,

Janet E. Murphy
Assistant Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: October 18, 2018