



Town Council Meeting
December 6, 2018



A quorum being duly present, Council President Eric Steinhilber called the December 6, 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, Jennifer Cullum, Debra Dagwan, John Flores, Jessica Rapp Grassetti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Eric Steinhilber, James Tinsley, Jr., Philip Wallace **Absent:** James Crocker, Jr.

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

PUBLIC COMMENT:

Seeing no one close public hearing

TOWN MANAGER COMMUNICATIONS:

Update

Budget Action Calendar

CIP workshop

Fish and Wildlife meeting re: water supply wells

Board of Health meeting re: Estuaries regulation

Planning and Development Department – Barnstable Zoning Portal

Community by Design workshop

Joint application for improvements to/in Route 28

Draft Street Performers application and guideline

Town of Barnstable years of service awards

Councilor questions and comments:

What is considered the east end of Hyannis, who will be notified [Elizabeth Jenkins, Director of Planning and Development, neighborhoods north and south of main street and towards the transportation area, outreached to the Civic Association] What about the property that is under agreement right now [currently working on the utility disconnection, close to closing on financing] regarding the Board of Health hearings and comprehensive waste water issues are there any dates that we need to submit under the 208 [Mark Ells, Town Manager, will provide an update on the comprehensive water management issues; before we try to move forward] street performers, is there an intent to charge a fee [we just want to make sure it is acceptable to the business owners and residents] Where are we

with our local comprehensive plan, has there been any discussion with staff ? [Yes, is very important to look at all the planning efforts we have done, we need to look at all of these together for long term planning]

ACT ON MINUTES: Upon a motion duly made and seconded it was voted to approve the minutes of the November 15, 2018.

VOTE: PASSES UNANIMOUS

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

Cotuit dredge has commenced

23 units of affordable housing for 55 years and over

The first Marijuana stores have opened in Massachusetts, bringing in many tax dollars

Osterville Christmas Stroll

Cape Cod Tech Advisory Dinner

Selectmen/Councilor Association meeting

Lighting of the Menorah

Hyannis Civic for the Stroll and Boat Parade great success

Barnstable Village Stroll

<p>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, 11/01/18, 11/15/18, 12/06/18</p>

Mary Barry, Chair of the Planning Board opened their meeting introducing members Jeff Swartz, Stephen Helman and Steven Costello reopened agenda #2019-032 for the Planning Board and Town Council and agenda item #2019-042. Public hearing is open.

President Steinhilber stated that he received a request today to remove two parcels owned by Vice President Crocker in item number 2019-042; the two parcels include one on Falmouth Road and one on Phinney's Lane.

Planning and Development Director, Elizabeth Jenkins gave a brief recap of the areas of Hyannis and Centerville that is currently zoned Highway Business (HB) discussed in the revision of the HB zones. The second item is to expand the zoning map which will expand the HB district, to the west of Old Stage Rd, and Route 28 and West Main Street, along Strawberry Hill Road, and finally around the rotary.

Public Comment:

Tina Carey right now Lambert's Fruit is not in a business zone, is that correct? You can come before Zoning and get a variance why are we doing this? There are lots of residential areas that will be changing to commercial. I just don't see the purpose for doing this, what is the purpose for doing this? What about Old Stage Road, what are we changing? Overly congested area now and heavily trafficked.

President Steinhilber requested clarification from Elizabeth Jenkins: [Elizabeth Jenkins, Director of Planning and Development, currently zoned for offices and banks, all commercial uses in the B district are allowed; a wide range of commercial uses in the HB district, we do entertain use variances.]

Eileen Hannon said she was told when we moved to the Gina Court area that it was conservation area; we now have the Bell Tower Mall, the nursing home; spend a day sitting on Richardson Road; 18 wheelers travel that narrow road; speed bumps should be installed on the road, it is used as a cut through.

Mary McHale what does this mean? RD-1 on Wequaquet Lake how does that effect the lake area? What kind of development is proposed this area? Is this the old Knights of Columbus area? Just don't understand this at all.

Liz Riley what exactly is being built are we going to have six story buildings, or ten story buildings, we got a card to come to this meeting. We didn't know that we missed the informational meeting. I want to live in a village not on Lyannough Road. This is getting ridiculous, we have watched 18 wheelers coming down Richardson Rd, and it is becoming horrendous living there; totally against more business.

Jim Bancroft trying to open a barber shop got the okay from the Board of Health, now I have to go to the Zoning Board of Appeals. Why, I am using a vacant property, it takes so long to get a simple business up and running in town.

Zenas Crocker concerned about the look and feel of strip mall zoning. Do we want to look like Route 28 in Yarmouth? We need a comprehensive zoning and business plan, are we really generating real income by taking on this type of patchwork development?

Susan Sweet lives next to Lambert's, traffic is dense; I have to take a right out of my driveway, when I want to take a left. All for repurposing buildings, we need to look at that first. Some of the businesses will generate a lot more traffic, leave it residential.

Sue Rohrbach should not be difficult for people to reuse the empty buildings; main issue is the maps, area west of Old Stage are really not appropriate for change of use from residential to business. We need to work on our waste water plan. Really need to pay attention to our infrastructure, needs to be a deeper thought before you change the maps.

Fred Chirigotis in addition to the business zone right on 28 we have residential zones and the entire infrastructure isn't there. The reason for a special permit is to take into consideration the traffic, water usage and waste water, how does this all fit in? What is the plan, expanding the area, how does that change the traffic? We need to have controlled growth that is why the special permitting works. Ask that you do not expand the HB district beyond what it is now.

Felicia Penn used (Exhibit A) suggesting some edits to Item # 2019-032 and Item # 2019-042. Summary of her comments were submitted to the Planning Board and the Town Council. The edits should be aired in public, as you revised the zoning. Need clarification on how the proposed zoning gives appropriate protection for residential land uses. It appears to encroach on many residential land uses. Delete map three in its entirety, it is a rural road. Please protect residential land uses.

2019-042 AMENDING CHAPTER 240, ARTICLE III, OF THE ZONING ORDINANCES TO EXPAND THE HIGHWAY BUSINESS DISTRICT INTRO: 11/01/2018, 11/15/18

Upon a motion duly made and seconded the Planning Board closed public hearing on both 2019-032 and 2019-042.

VOTE: Passes Unanimous

Upon a motion made and seconded to close the Town Council public hearing on both 2019-032 and 2019-042

VOTE: PASSES 10 Yes, 2 No (Cullum, Schnepf)

The Planning Board retired to the Selectmen's Conference Room to continue discussions on their recommendation for the Town Council on Items #2019-032 and 2019-042.

2019-052 ALLOCATION OF TAX LEVY FISCAL YEAR 2019 – RESIDENTIAL EXEMPTION INTRO: 11/15/18

Mark Milne, Director of Finance gave the overview

Public Comment:

Tina Carey would someone's tax rate change if the property changes to business? The whole tax rate should change, actually spending more if you are in the Hyannis Business District. Businesses are rated lower than the residential, everyone should pay the same rate.

Close public hearing

Upon a motion duly made and seconded it was

RESOLVED, that the Town Council hereby votes to adopt a Residential Exemption of 20 percent for fiscal year 2019.

VOTE: PASSES 12 YES

2019-053 ALLOCATION OF TAX LEVY FISCAL YEAR 2019 – TAX FACTOR INTRO: 11/15/18

Mark Milne, Director of Finance gave an overview of the Split Tax Rate

Public Comment:

Tina Carey asked to raise the taxes to be fair to everyone; commercial rates should not be less than residential rates.

Close public hearing

Councilor Questions and comments

If we wanted to increase the factor of one to one point one five from residential to commercial, can it be amended on the floor? [Yes] Can you explain the reason why the commercial tax rate is less than residential tax rate? [Yes, it is less due to the residential exemption; it is shifted amongst the residential class of tax payers; levy to another sector of the residential class of higher value; these property owners are paying more than the lower value] If we did increase the shift it would bear more cost to the commercial rate [Yes].

Upon a motion duly made and seconded it was

RESOLVED, that the Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of 1 (one) for the Fiscal Year 2019

VOTE: PASSES 11 YES, 1 ABSTENTION (Rapp Grassetto)

**2019-051 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION: INTRO:
12/6/18**

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: **Hyannis Main Street Waterfront Historic District Commission:** Elizabeth Young from an alternate position to a full member to a term expiring 06/30/19; Cecelia Carey, 939 Mary Dunn Road, Hyannis, as an alternate member to a term expiring 06/30/19; **Licensing Authority:** David Hirsch, 463 Elliott Road, Centerville, as an associate member to a term expiring 06/30/19; **Old Kings Highway Historic District Commission:** Elizabeth McCarthy, 111 Stonehedge Drive, Barnstable as an alternate member to a term expiring 06/30/21; **Planning Board:** Walter Watson, 25 Bog Berry Lane, Marstons Mills, as a regular member to a term expiring 06/30/19

VOTE: TO A 2ND READ ON 12/20/18 - UNANIMOUS

**2018-054 ACCEPTANCE OF FISCAL YEAR 2019 CULTURAL DISTRICT GRANT IN THE AMOUNT OF \$5,000 FROM THE MASSACHUSETTS CULTURAL COUNCIL'S CULTURAL DISTRICT FOR THE BARNSTABLE VILLAGE CULTURAL DISTRICT
INTRO: 12/06/18**

Mark Ells, Town Manager gave the rationale

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby accepts a grant award in the amount of \$5,000 from the Massachusetts Cultural Council's Cultural District Grant Program and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein

VOTE: PASSES UNANIMOUS

**2019-055 ACCEPTANCE OF A FISCAL YEAR 2019 CULTURAL DISTRICT GRANT IN THE AMOUNT OF \$5,000 FROM THE MASSACHUSETTS CULTURAL COUNCIL'S CULTURAL DISTRICT GRANT PROGRAM FOR HYANNIS HYARTS CULTURAL DISTRICT
INTRO: 12/06/2018**

Mark Ells, Town Manager gave the rationale

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby accepts a Fiscal Year 2019 grant in the amount of \$5,000 from the Massachusetts Cultural Council's Cultural District Grant Program and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

VOTE: PASSES UNANIMOUS

**2019-056 AMENDMENT TO THE ADMINISTRATIVE CODE TO DESIGNATE MEMBERS OF THE INFRASTRUCTURE AND ENERGY COMMISSION AS SPECIAL MUNICIPAL EMPLOYEES AND TO REMOVE FROM THE EXISTING SPECIAL MUNICIPAL EMPLOYEE DESIGNATION CERTAIN MULTIPLE MEMBER BODIES THAT NO LONGER EXIST
INTRO: 12/06/18**

Upon a motion duly made and seconded it was

ORDERED: that the Council hereby designates the members of the Infrastructure and Energy Committee as special municipal employees for the purposes of the Conflict of Interest Law, Chapter 268A and that the Code of the Town of Barnstable Section 241 Attachment 1 is hereby amended by adding the Infrastructure and Energy Committee to the list of multiple member bodies so designated and by further amending the Code of

the Town of Barnstable Section 241 Attachment 1 by deleting the Economic Development Commission, Government Study Committee, Personnel Board, Public Works Commission, Renewable Energy Commission and the Water Pollution Control Board from the list of multiple member bodies so designated.

VOTE: TO A 2ND READ ON 12/20/18 - UNANIMOUS

2019-057 RESOLVE ON AN EXEMPTION FOR CHERYL POWELL, CHAIR OF THE HYANNIS MAIN STREET WATER FRONT HISTORIC DISTRICT COMMISSION OF AN INTEREST UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 268A §19, THE CONFLICT OF INTEREST LAW INTRO: 12/06/18

Ruth Weil, Town Attorney, gave the rationale

Councilor questions and comments: very prudent to bring to the council; did her due diligence I would be in favor of supporting her as well

Upon a motion duly made and seconded it was

RESOLVED: That, pursuant to M.G.L. c 268A §19, the financial interest of Cheryl Powell as a holder of stock in the Verizon Corporation is hereby found not to be so substantial as to interfere with the objective performance of her duties in the best interest of the Town in her role as the chair and a member of the Hyannis Main Street Waterfront Historic District Commission in the particular matters of two hearings scheduled before the Commission wherein Verizon New England Inc. has filed applications seeking a Certificate of Appropriateness and a Certificate of Hardship to allow for the reinforcement of and a 50 ± extension to an existing tower located at 49 Ocean Street, Hyannis, MA.

VOTE: PASSES UNANIMOUS

2019-058 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$850,000 FOR THE HYANNIS WEST ELEMENTARY SCHOOL ROOF TRUSS SYSTEM INTRO: 12/06/18

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$850,000** be appropriated for the purpose of funding the implementation of repairs to the Hyannis West Elementary School roof truss system, including costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$850,000**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

FURTHER ORDERED: That **\$850,000** of the **\$4,236,000** borrowing authorized by Order No. **2016-081** on April 7, 2016 for Barnstable Community Horace Mann Charter Public School Roof and Façade Improvement Project, which is no longer needed for such project, is hereby rescinded.

VOTE: TO A PUBLIC HEARING ON 12/20/18

**2018-059 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$571,000
FOR THE MARY DUNN WELL NUMBER 4 REACTIVATION PROJECT INTRO:
12/06/2018**

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$571,000** be appropriated for the purpose of reactivation of the Mary Dunn Well No. 4, including the payment of costs incidental or related thereto, and that to meet this appropriation, the Town Treasurer with the approval of the Town Manager, is authorized to borrow \$571,000, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

VOTE: TO A PUBLIC HEARING ON 12/20/18

Nominations for President and Vice President:

A motion to nominate James Crocker for President was duly made and seconded.

No further nominations for President

Nominations for President closed.

Nominations for Vice President

A motion to nominate John Flores for Vice President was duly made and seconded

A motion to nominate Deb Dagwan for Vice President was duly made and seconded

No further nominations for Vice President

Nominations for Vice President closed.

We will conduct the election on the 20th of December at the next regular Town Council meeting.

Town Council President Eric Steinhilber announced a break while waiting for the Planning Board to return to the hearing room; break for approximately 30 minutes

**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, 11/01/18, 11/15/18, 12/06/18**

Town Council President Steinhilber welcomed the Planning Board and asked Mary Barry, Chair to give their recommendations on the two items.

Item #2019-032

Planning Board Chair, Mary Barry read the following recommendations (Exhibit B)

After the close of the public hearing, a motion was duly made and seconded to recommend the adoption of zoning amendments 2019-032 Amending Chapter 240, Section 25 of the Zoning Ordinance to revise regulations for the Highway Business with the following amendments:

Under section 1 of 2019-032 Amending Chapter 240, Section 25:

- Strike the following items under B. Principal Permitted Use:
 - § 240-25B(7), Contractor Service Establishments
 - § 240-25B(25), Self-storage Facility

- Amend the following items under B. Principal Permitted Use:
 “§ 240-25B(24), Retail and wholesale” by removing “wholesale”
- Amend the second footnote under B. Principal Permitted Use by changing the 10 foot landscape setback from all residential property lines to 20 feet:
 “The landscape setback from all residential property lines shall be 20 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”
- Amend the third footnote under B. Principal Permitted Use by adding “dumpsters”:
 “Parking areas for commercial vehicles, any exterior areas used for loading or storage, and dumpsters shall be screened from view from the public way”
- Strike the following items under C. Conditional Uses:
 § 240-25C(1), Auto service and repair shops
 § 240-25C(2), Building, sale, rental, storage and repair of boats
 § 240-25C(4), Contractors' yards
 § 240-25C(9), Warehouse or distribution
- Amend the first footnote under C. Conditional Uses by changing the 10 foot landscape setback from all residential property lines to 20 feet:
 “The landscape setback from all residential property lines shall be 20 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”
- Amend the second footnote under C. Conditional Uses by adding “dumpsters”:
 “Parking areas for commercial vehicles, any exterior areas used for loading or storage, and dumpsters shall be screened from view from the public way”
- Amend D. Bulk Regulations to change the Minimum Lot Area to 21,780 square feet and changing the Minimum Side Yard Setback to 20 feet
- Amend the second footnote under D. Bulk Regulations by changing “a minimum caliper of three inches” to “a minimum caliper of six inches”:
 “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 six 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.”
- Strike under § 240-25E(1) Applicability, the second, third sentences and fourth sentences and substitute in place thereof the following:

“Design and performance standards shall apply to expansions and modifications and new development as defined herein. Design and performance standards shall not apply to changes of use or tenancy changes in an existing building or expansions or modifications below the thresholds defined in subsection (a) of this paragraph.

- a. Expansions or modifications. A project shall be considered an expansion or modification where any alterations to an existing building are proposed that exceed the following thresholds, but do not meet the designation of New Development as described in subsection (b) below:
- i. An expansion of the footprint of a building by more than 20%.
 - ii. More than 50% of the exterior walls or 50% of the roof area are completely removed or replaced.
[1]Alterations to existing structures to accommodate second or third floor additions shall not be considered for the purposes of calculating this subsection.
Changes to the interior of a structure or the addition of accessory equipment shall not be considered when determining what constitutes an expansion or modification.

New development. A project shall be considered new development where a building for a principal use is proposed for construction that did not previously exist within the HB. New development may include new construction; or demolition and reconstruction.”

- Amend § 240-25.E., Building Design Standards., by adding “corrugated metal” to e.1.e.i and striking 240-25.E.2.e.ii (prohibited building materials section permitting corrugated metal as a detail element).
- Amend the item “5a. Screening” under E. District-Wide Design & Performance Standards to include “dumpsters”:
“Storage areas, loading docks, rooftop equipment, utility buildings, dumpsters 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.”
- Amend F. Definitions to strike definitions for Auto Service and Repair Shops, Contractor Service Establishments, Contractors’ Yards, and Self-Storage Facility

The vote was 4 in favor, 0 in opposition, and 0 in abstention. The motion carried

Councilor questions and comments:

Appreciate the comments made by the public; we are trying to make it easier for people to do business in town. Many concerns regarding the text, but the planning board has covered many of them. Some of the things like increasing the lot size is a good, but it is a tight corridor, so we have to be careful regarding the traffic issues.

Thank you for coming out again, I would like to hear what the impetus was for the

expansion, we haven't heard everything yet. This town council is moving on zoning things are changing in Barnstable. So pay attention to these meetings.

Barbershops are included, we still have to worry about the sewerage; special permitting is valid and very important, glad we are not voting on the map tonight, we need to listen to the public.

Dislike the word highway business, would rather we call it highway zoning. This is about property ownership; fear sometimes paralyzes us; we looked at this lot by lot. If I were an abutter, would I oppose an Art Gallery? This was an opportunity for a change of use in this zone. Free up resources for the town; a benefit for the property owner, gives you more control.

Route 132 and 28 are state roads, we have no say on curb cuts, we have to go through the state to get a curb cut; trying to eliminate curb cuts on the state roads.

Agree with most of the amendments from the Planning Board; there are review processes in place called site plan review; it looks at needs for parking, and other things; we looked at significant changes to the use of a property, that we make sure we enhance the look of the property. This is an opportunity to increase the beauty on Route 28 and 132.

How can we adjust the permitting process for the businesses that come to the town; maybe we need to find a better way to communicate information to the public; planning board and the committee did a very good job at looking at all the lots; I appreciate the feedback; we are concerned about the safety of the residents; lets come together to make it work for all of us.

Appropriate protection of water quality, site plan review is at town hall with the building commissioner, fire chief, police chief and heads of boards, but is not a public meeting. Looking at some revisions of the HB, the amendments given to us by the planning board should be heeded.

Concerns about the changes to the HB; Route 132 is not similar to Route 28, so we need to make some amendments to reflect that; two very different spots in the town.

Failure to communicate; not a criticism on anyone, no one is going to force you to do something to your property; we are trying to give people more rights regarding their property. Can we find an area somewhere in between; we need to think how we can help the people see their dream come true; we need to listen to one another.

Have never seen this many amendments to a single item; would like to postpone this until the next meeting; I need time to sit down and read this through.

A motion was duly made and seconded to continue this item.

I feel pressure to get this done, but I am going to support that motion, there is a lot to digest in these amendments.

Is it possible when we move to vote on this can we break it down per amendment so that we are not doing a bulk amendment.

I am not in favor of continuing the item just now, we have the planning board suggestions,

now is the time to discuss amendments.

Not possible to do something half way, we can't do 50% of the item and then continue the item.

This is a very serious vote, we need time to digest and be sure what we are going to accept from the planning board, or from other Councilors; this is going to have a long lasting effect on the Town.

Will the recommendations made by the Planning Board will be available to the public?
[Yes, it is public record]

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	38 ³	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: Continue to December 20, 2018 - PASSES UNANIMOUS

2019-042 AMENDING CHAPTER 240, ARTICLE III, OF THE ZONING ORDINANCES TO EXPAND THE HIGHWAY BUSINESS DISTRICT INTRO: 11/01/2018, 11/15/18

Item 2019-042

On December 6, 2018, the Planning Board held a duly posted and noticed joint public hearing on the above referenced proposed zoning amendment related to the Highway Business District in the Town of Barnstable.

Item 2019-042

A motion was duly made and seconded to provide a negative recommendation to the proposal to expand the Highway Business District, and to further study the Highway Business District boundaries as part of a Local Comprehensive Plan update.

The vote was 4 in favor, 0 in opposition, and 0 in abstention. The motion carried.

A motion was made and seconded to close the Planning Board meeting

VOTE: Unanimous

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

Section 1.

By amending Article II, Section 6, The Zoning Map of the Town of Barnstable, Massachusetts, is hereby amended by expanding the Highway Business (HB) District as shown on the maps entitled:

- “Proposed Amendment to the Town Zoning Map Expanding the Highway Business District in Centerville and Hyannis”
- “Proposed Amendment to the Centerville Zoning Map Expanding the Highway Business District in Centerville and Hyannis”
- “Proposed Amendment to the Hyannis Zoning Map Expanding the Highway Business District in Centerville and Hyannis”
- “Proposed Amendment to the Osterville Zoning Map Expanding the Highway Business District in Centerville and Hyannis.”

all dated October 26, 2018, as prepared by the Town of Barnstable GIS Unit.

Section 2

That Chapter 240, Article III, § 240-26 "Highway Office" of the Zoning Ordinance is hereby deleted.

Section 3

That Chapter 240, Article II, § 240-5 "Establishment of Districts" of the Zoning Ordinance is hereby amended by striking the Office Districts section and the associated “Highway Office District.”

VOTE: to continue to January 17, 2019 Passes 11 Yes, 1 No (Rapp Grasseti)

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

Adjourned at 10:15 PM

Respectfully submitted,

Ann M Quirk
Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: December 20, 2018

Exhibits:

- A. Felicia R Penn letter
- B. Planning Board Report 2019-032
- C. Planning Board Report 2019-042

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