



Town Council Meeting
December 20, 2018



A quorum being duly present, Council President Eric Steinhilber called the December 20, 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, John Flores, Jessica Rapp Grasseti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Eric Steinhilber, Philip Wallace **Absent:** James Tinsley, Jr.

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

PUBLIC COMMENT:

President Steinhilber cautioned the speakers that certain comments would not be acceptable, such as: how the people are appointed to committees; also will not allow verbal attacks on committee members.

Laura Kelly wants to be on the Agenda in January to give a presentation to educate the public on herbicide glyphosate and the harm it causes to humans and animals. Kelly asked the town to choose not to use this herbicide; and asked the Councilors to make a town policy so the town can shift to organic products to protect the citizens.

David Dumont thanked the Town Councilors for all the excellent work done by the council.

Louann Conroy supports the bans of "roundup" please take this seriously and be a model for homeowners, this is a chance for us to make a difference. (Exhibit A)

Taryn Thoman spoke about her volunteer work on the Hyannis Main Street Waterfront Historic District Commission; in her five years on the commission we have never had a Council liaison attend one of the meetings. Do not admonish us, we need help, we do not need scolding; we are volunteers. I love this town so rather than scold us, help us.
Close public comment

Councilor Response to Public Comment:

The Councilor's thanked Mr. Dumont for his positive comments and his volunteer efforts on a board. I hope as we go forward there can be healing. Emerging contaminants is a concern for all of us. Glad to see Laura Kelly is still sharing the concerns of the herbicides

and our environment. My concern is they are only looking at the wells; would like them to look at other areas.

TOWN MANAGER COMMUNICATIONS:

Update

Over a decade ago, we instituted a policy for use of organic herbicides, pesticides, etc. at the Schools, Golf Courses, DPW and Airport that is a standing policy, and hopefully it has made a difference.

Hearing Monday January 7th, Seasonal Liquor Licensing

Ann Quirk, Town Clerk, the seasonal increase in the Town of Barnstable is approximately 100,000 more than our 45, 193 year round residents. The approximate increase is based on the amount of hotel rooms, motel rooms, B&B's and the summer rental of homes in the town. Add to that we now have Airbnb, daily travel to the town via plane, train, car, bus and boat

Councilor questions and comments:

Does that number fluctuate much or is it steady through September [the high numbers are during the months of July and August] 30,000 leave this week and 30,000 come back in [Yes] what is the time frame of a seasonal license [Mark Ells, Town Manager, will ask Richard Scali to come into the January meeting] How is the second homeowner population counted, [to rent out a second home, you have to go through the Board of Health] Is that just the primary summer months or the shoulder season. [Just the summer months] Ask Mr. Scali to give us the number of B&B's as well.

Budget Action Calendar

Scheduled progress meeting with Fish and Wildlife

Next hearing on Estuary

Town of Barnstable updated website first week in January

Vineyard Wind future meetings and reports

Katie Servis gave the RFP update for Capetown Plaza using a Power Point presentation Aviation in general has declined; we really need to find other ways to produce revenue Two proposals were received; WS Development was chosen.

Councilor questions and comments:

How are we going to help Main Street businesses when this parcel is developed; [Mark Ells, Town Manager, from rebranding who we are, focusing on customer service, how we can create the image, to represent who we are, looking at supporting the marketing] This was a cooperative effort between the town and the airport, great job Katie.

ACT ON MINUTES: Upon a motion duly made and seconded it was voted to approve the minutes of the December 6, 2018.

VOTE: PASSES UNANIMOUS

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

Maggie Downey, Cape Light Compact, David Anthony, Risk Management, great work that has been done; presentation is a synopsis of the three year program. Very brief overview; this is the fourth 3-year plan by Cape Light Compact. (Exhibit B) Margaret Song covered the enhanced residential coordinated delivery offerings.

Councilor questions and comments:

How do we get the information out to the public; do you directly deal with the agencies; [yes, we do, always looking for a forum] Building the trust through real people will be great; what is the status of net metering [renewable energy certificates, now smart tariff; hasn't been rolled out yet] have we felt any of the national tariffs yet [starting to effect lighting products, still unknown as yet] are any of these set up for age, not just income related [yes] how are we doing now [we have been priced below Eversource, call the center we will explain what you are eligible for today; our website has a lot of information] Battery back up systems, how would these work if we lose electricity [about four hours for just the battery back up] non profits how you work with them [in operation of at least 5 years, under a certain monetary threshold, we provide 100 percent for non gas measures] If you already have solar panels, can you get the battery backup [yes]. Kmart lease, turned up the work load for the staff, we have terrific professional staff, if you work with us you can do great things, thank you for all your efforts.

<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, 12/20/18</p>

Vice President Crocker left the dais; he will not be part of the discussion and has left the room.

Councilor discussion and comments:

This comes down to property ownership, incremental changes to property use. What is the long term outlook for the properties, there are certain areas that have been neglected, and we are looking for increased occupancy rates. Point of order are we going through each planning board recommendation [no, we are going to make amendments as we go along] traffic consideration, some of the recommendations made by the planning board should be considered by the Council tonight. Have many amendments I would like to make as follows:

A motion was made and duly seconded to amend: **Under section 1 of 2019-032, I move to strike under § 240-25B, Principal Permitted Uses, § 240-25B(25), Self-storage Facility.**

Councilor discussion and comments

Right now this is allowable as conditional, not as a right [Town Attorney, Ruth Weil, If that is stricken as a principal use, it does not appear as a conditional use, that would not be available at all] That use is more suitable to an industrial area, agree with striking it. Amendments are a simple majority. If we strike this can an individual make a special appeal [Elizabeth Jenkins, Director of Planning and Development, in this case you are talking about a variance, use variances are not available in certain areas, in this case no] Areas that we are asking to make these changes, rather than point by point, just want us to be sensitive to the citizens; these issues are not little to the people that live in these districts. Committee got together to talk about this zone, the only things available are supposed to be banks or offices; the goal of this is to move some of those permits to right, so that we can turn the empty spaces quicker. The uses that are here are already businesses in this zone, so we can redevelop the empty properties.

VOTE: 10 YES, 1 NO (Neary)

A motion was made and duly seconded to amend: **Under section 1 of 2019-032, I move to strike under § 240-25B, Principal Permitted Uses, § 240-25B(7), Contractor Service Establishments**

Councilor discussion and comments

[Elizabeth Jenkins, Director of Planning and Development clarified the definition as a wholesale sales and distribution of building materials, with associated showrooms] These things are already allowed, we opened this to give people more rights not less rights; can this be qualified as to whether or not this was a permitted use [allowing all uses in our Business district, proposed HB allows it as a conditional use] When we look down the list of the businesses we presented, think about the acreage required for larger businesses, these properties do not have that area to put in larger businesses; this is coming directly from the planning board amendments; can we put this under a conditional use instead of striking it altogether; leave it the same, [it does exist as a conditional use; even if this was prohibited going forward, this would be grandfathered use] definition of the contractor services, limits this to wholesale use; are any of these retail; support it as a conditional use; contractor with a showroom, retail and wholesale business, would this kind of business be prohibited; [changing the nature of the business, the building commission evaluates what is allowed by right or conditionally prohibited] then this goes to the zoning board, have to sell your business, these are the expenses they would have to pay to open a business; under conditional use must have public notification, two different areas of the town, wholesale contractor business gives me concern on West Main St.

VOTE: FAILS 2 Yes, (Schnepp, Rapp Grasseti) 9 No

A motion was made and duly seconded to amend: **Under section 1 of 2019-032, I move to strike under § 240-25B, Principal Permitted Uses, § 240-25B(7), Contractor Service Establishments and insert Contractor Service Establishments under § 240-25C as a conditional use.**

VOTE: PASSES 10 Yes, 1 No (Rapp Grasseti)

A motion was made and duly seconded to amend: **Under section 1 of 2019-032, § 240-25B(24), Retail and wholesale, I move to strike “and wholesale”.**

Councilor discussion and comments

Could we have an example of wholesale [Elizabeth Jenkins, typically wholesale is in bulk and not to the public on a retail basis] I could support as conditional, but not this way; Both open to the public and wholesale like the fish market, I think it is a public service; we have businesses such as beauty supply places that operate as a wholesale outlet and retail, just leave this alone.

VOTE: FAILS, 1 Yes (Rapp Grasseti), 9 No, 1 Abstain (Schnepp)

A motion was made and duly seconded to amend: **Under section 1 of 2019-032, under § 240-25B, Principal Permitted Uses, I move amend the first sentence in the second footnote by striking out the number “10” and substituting in place thereof the number “20.” So the first sentence of footnote 2 as amended shall read “The landscape setback from all residential property lines shall be 20 feet.”**

Councilor discussion and comments

What is the setback now in the zone; [Elizabeth Jenkins, requirement is to maintain a

minimum landscape area so this would prohibit parking lots from being within that buffer] a side yard setback for residence is 15 ft., [that pertains specifically to structures] this seems to pertain to residential properties that abut businesses in this district; we have many apartment buildings in this district, concerned about that, how do we handle that [Elizabeth Jenkins, does not apply to all uses in the district, only remaining use would only be veterinarian hospitals or clinics, from property lines that abut residences]

VOTE: PASSES 6 Yes, 4 No (Steinhilber, Neary, Levesque, Wallace), 1 Abstain (Dagwan)

A motion was made and duly seconded to amend: **Under section 1 of 2019-032, under § 240-25B, Principal Permitted Uses, I move amend the third footnote by adding after storage “, and dumpsters”**

So the third footnote as amended would read “Parking areas for commercial vehicles, any exterior areas used for loading or storage, and dumpsters shall be screened from view from the public way,”

VOTE: PASSES UNANIMOUS

A motion was made and duly seconded to amend: **Under section 1 of 2019-032, § 240-25C, Conditional Uses, I move to strike § 240-25C(1), Auto service and repair shops.**

Councilor discussion and comments

Have issues with this applying on Route 28, does that auto service and repair shop that has a bay, does that fall under this; I need an inspection sticker, this falls under this use [yes]

VOTE: FAILS 1 Yes (Rapp Grasseti), 10 No

A motion was made and duly seconded to amend: **Under section 1 of 2019-032, § 240-25C, Conditional Uses, I move to strike § 240-25C(9), Warehouse or distribution.**

VOTE: FAILS 3 Yes (Rapp Grasseti, Schnepf, Dagwan), 8 No

A motion was made and duly seconded to amend: **Under section 1 of 2019-032, under § 240-25C, Conditional Uses, I move to amend footnote 1 by striking the number “10” and substituting in its place the number “20”. So the first sentence as amended shall read “The landscape setback from all residential property lines shall be 20 feet.”**

Councilor discussion and comments:

[Elizabeth Jenkins, this is applicable to specific uses in the district] Is there a standard right now in the zone, [not from residential] I would recommend we support this; this might be legislating for the sake of legislating; 20 feet of only grass and trees, not for parking, this would hinder the business, this would have affected Cumberland Farms which is a great property; I think 10 feet is reasonable;

VOTE: FAILS 4 Yes (Rapp Grasseti, Cullum, Beedenbender, Schnepf), 6 No, 1 Abstain (Dagwan)

A motion was made and duly seconded to amend: **Under section 1 of 2019-032, § 240-25C, Conditional Uses, I move to amend footnote 2 by adding “, and dumpsters”. So footnote 2 as amended shall read ““Parking areas for commercial vehicles, any exterior areas used for loading or storage, and dumpsters shall be screened from view from the public way”**

VOTE: PASSES UNANIMOUS

A motion was made and duly seconded to amend: **Under section 1 of 2019-032, under § 240-25D, Bulk Regulations, Minimum Lot Area (square feet), I move to strike “15,000” and substitute in place thereof “21,780”.**

Councilor discussion and comments:

For clarification, what is the minimum lot size in the existing zone [Elizabeth Jenkins, currently it is 40,000 square feet] Quite a few are currently at that threshold, ease of change, preexisting non-conforming lots, will not support, no permits in place, give people who own property more opportunity to improve their property; will not support; no infrastructure for this kind of development, covering two different area in town, we need to be very cautious, until we have infrastructure, will not support.

VOTE: FAILS 5 Yes, 6 No (Hebert, Levesque, Flores, Wallace, Steinhilber, and Neary)

A motion was made and duly seconded to amend: **Under section 1 of 2019-032, under § 240-25D, Bulk Regulations, Minimum Yard Setbacks (Feet), Side, I move to strike the number “10” and substitute in place thereof the number “20”.**

Councilor discussion and comments:

Is this conditional use, can we clarify, this is a side yard setback; [Jenkins, under bulk regulations this would be the minimum pertaining to a structure and a property line] this is a ten yard side set back, businesses need parking spaces, driveways, etc. [cumulative side yard setback has to add up to 30 feet total no less than 10 feet from the property line.]

VOTE: FAILS 2 Yes (Rapp Grassetti, Schnepf), 9 No

Under section 1 of 2019-032, under § 240-25E District-Wide Design and Performance Standards, I move to 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.”

VOTE: PASSES UNANIMOUS

Under section 1 of 2019-032, I move to amend § 240-25E2(e), Building Design Standards, by adding “corrugated metal” to Building Materials e.1 as subsection e) thereunder. So § 240-25E2(e)(i) as amended shall read as follows: .

“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**
 - e) Corrugated metal”****

VOTE: PASSES UNANIMOUS

Under section 1 of 2019-032, I move to amend § 240-25E2(e), Building Design Standards, by striking § 240-25E2(e)(ii) in its entirety.

Councilor discussion and comments

This is basically housekeeping as we just passed to prohibit it; [Jenkins, this was a two part amendment motion to move a limited material to a prohibited material]

VOTE: PASSES UNANIMOUS

Under section 1 of 2019-032, in § 240-25E(5)(a) Screening, I move to add “dumpsters” to the first sentence after the phrase “utility buildings.”

VOTE: PASSES UNANIMOUS

Under section 1 of 2019-032, in § 240-25F Definitions, I move to strike in their entirety the definition for: “SELF-STORAGE FACILITY.”

VOTE: PASSES UNANIMOUS

Councilor discussion and comments:

Thank you Jessica, did we miss anything? [No, I intentionally left out the caliper of the trees]

A point of information, Section B, principal permitted uses # 11 educational institutions insert the word “Pre” to K-12.

A motion was made and seconded to amend the definition of educational institutions to include “Pre” to K-12 or post-secondary levels.

VOTE: PASSES 10 Yes, (Cullum off dais)

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) Dwelling, single-family
- (8) Dwelling, two-family
- (9) Dwelling, multi-family
- (10) Educational institutions
- (11) Fraternal or Social Organizations
- (12) Health Club
- (13) Mixed Use Development
- (14) Movie Theatre
- (15) Museums
- (16) Office, Business and Professional
- (17) Office, Dental or Medical
- (18) Performing Arts Facilities
- (19) Personal Service Establishments
- (20) Recreational Establishment
- (21) Research and development, technological and computer research, software development and data processing including computer operations services
- (22) Restaurant and other food establishment ¹
- (23) Retail and wholesale ¹
- (24) Senior Living, Assisted Living
- (25) Senior Living, Nursing Homes
- (26) 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 **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

³ Parking areas for commercial vehicles and any exterior areas used for loading or storage, **and dumpsters** 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
- (11) Contractor Service Establishments 1,2**

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, **and dumpsters** 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. **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.”

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.
 - iii. Building facades shall not contain blank wall areas that exceed 25 linear feet, measured parallel to the street.
 - iv. 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
 - e) **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, **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.

- 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 craftsperson, 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 **Pre** 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

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: PASSES AS AMENDED; 10 Yes, 1 No (Rapp Grasseti)

2019-051 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION: INTRO: 12/6/18, 12/20/18
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Councilor discussion and comments: A motion was made and seconded to bifurcate the Hyannis Main Street Waterfront Historic Commission, due to the way the committee is currently functioning; asking the council not to move forward on this, the conduct of the current members; give us more time to take it to January 3rd
We need to move this to January 17th to give us more time, would like to bifurcate separately. I do not support the bifurcation; move forward; delaying this is not going to help the committee; perhaps the president should call the members in individually to go over the code of conduct; I would like us to vote for this today; nothing against the

candidates, we can still move people forward on the 17th; the tension that is currently on the committee; feel would like to look into it with more depth, have some serious issues, received a call from someone concerned about racial issues, we need to look into it. Code of conduct, making volunteers think they are not worthy; need to take the time to look at it.

VOTE: to bifurcate –FAILS 3 Yes (Dagwan, Schnepf,Wallace) No 8, 1 Abstain (Beedenbender)

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: PASSES 10 Yes, 2 No, (Wallace, Dagwan)

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, 12/20/18

Ruth Weil, Town Attorney, gave the rationale

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: 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, 12/20/18

David Kanyock, Director of Barnstable Public Schools Facilities, gave the rationale. Open public hearing, seeing no one, close public hearing

Councilor discussion and comments:

How much building life is left in this school; cracks in the original structure, this is a key piece of the facility, will be supporting; when does the construction begin, [we have closed this area of the school; using the gym for a cafeteria, hope to award a contract mid February, work starting in March, will be ready for next September]

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: PASSES 12 YES

<p>2019-059 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$571,000 FOR THE MARY DUNN WELL NUMBER 4 REACTIVATION PROJECT INTRO: 12/06/18, 12/20/18</p>
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Dan Santo, Director of Public Works gave the rationale
Open public hearing, seeing no one close public hearing

Councilor discussion and comments:

Are there any state or federal monies available [Working with the state for any monies that may become available]; is there a time frame [we are talking to them now, may take years] annual rates study how will this affect the rates going forward [working on that right now, going through some of that information] task is mammoth have done a great job for our water quality [Hans Keijser has done the lion's share of this work] this well was shut down in 2016 [actually in 1999, this well was shut down, already been permitted once before] new testing the water that is coming out of this well is above standard [we do run through the treatment system]

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: PASSES 12 YES

2019-060 ACCEPTANCE OF A FISCAL YEAR 2019 SUSTAINED TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT IN THE AMOUNT OF \$16,159 FROM THE EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY, OFFICE OF GRANT AND RESEARCH, HIGHWAY SAFETY DIVISION INTRO: 12/20/18

Chief Sonnabend gave the rationale

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby accepts a Sustained Traffic Enforcement Program (STEP) Grant award in the amount of **\$16,159** from the Executive Office of Public Safety and Security, Highway Safety Division, and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

VOTE: PASSES 11 YES, (LEVESQUE OFF DAIS)

2019-061 ACCEPTANCE OF A FISCAL YEAR 2019 TRAFFIC ENFORCEMENT GRANT IN THE AMOUNT OF \$12,000 FROM THE EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY, OFFICE OF GRANT AND RESEARCH, HIGHWAY SAFETY DIVISION INTRO: 12/20/18

Chief Sonnabend gave the rationale

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council hereby accepts a Traffic Enforcement Grant award in the amount of **\$12,000** from the Executive Office of Public Safety and Security, Highway Safety Division and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

VOTE: PASSES UNANIMOUS

2019-062 ACCEPTANCE OF A FISCAL YEAR 2019 LOCAL LAW ENFORCEMENT EQUIPMENT AND TECHNOLOGY GRANT IN THE AMOUNT OF \$20,000 FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY FOR THE PURCHASE OF AN AUTOMATIC LICENSE PLATE READER INTRO: 12/20/18

Chief Sonnabend gave the rationale

Upon a motion duly made and seconded it was

RESOLVED: That the Barnstable Town Council does hereby accept a Fiscal Year 2019 Local Law Enforcement Equipment and Technology Grant from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security in the amount of **\$20,000** and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

VOTE: PASSES UNANIMOUS

2019-063 APPROPRIATION ORDER \$100,000.00 COMMUNITY PRESERVATION FUNDS FOR COMMUNITY HOUSING CREATION SEASHORE HOMES, INC., 185 RIDGEWOOD AVENUE, HYANNIS INTRO: 12/20/18

Upon a motion duly made and seconded it was

ORDERED: That pursuant to the provisions of the Community Preservation Act, G.L. c 44B, the sum of One Hundred Thousand (**\$100,000.00**) Dollars be appropriated and transferred from the amount set aside for community housing in the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the amounts appropriated for the creation by Seashore Homes, Inc. of one year-round affordable rental unit with household incomes 80% or less of Area Median Income (AMI) within a new multifamily development containing 8 two-bedroom apartments located at 185 Ridgewood Avenue, Hyannis and to execute, deliver, accept and record restrictions or other real property interests for the purposes authorized herein subject to oversight by the Community Preservation Committee.

VOTE: TO 1/3/18 UNANIMOUS

2019-064 AMEND ZONING ORDINANCE, ARTICLE III. DISTRICT REGULATIONS, § 240-39(K) SIGNS IN THE SHOPPING CENTER REDEVELOPMENT OVERLAY DISTRICT (SCROD) INTRO: 12/20/18

Upon a motion duly made and seconded it was

ORDERED: Section 1.

That the Zoning Ordinance, Article III. District Regulations, Section 240-39. Shopping Center Redevelopment Overlay District, Section D, Definitions be amended to strike the definition of MAJOR STORE: "MAJOR STORE - A store having 50,000 or more contiguous square feet of gross floor area occupied by a single tenant or occupant and operated under a single trade name."

Section 2.

That the Zoning Ordinance, Article III. District Regulations, Section 240-39. Shopping Center Redevelopment Overlay District, Section K, Signs in the Shopping Center Redevelopment Overlay District, subsection (1)(c), be amended to replace "150 square feet" with "170 square feet", so the subsection reads:

- (c) Maximum area: not to exceed 170 square feet per side exclusive of structures holding the sign. Reasonable efforts shall be exercised to minimize the size of any such supporting structures.

Section 3.

That the Zoning Ordinance, Article III. District Regulations, Section 240-39. Shopping Center Redevelopment Overlay District, Section K, Signs in the Shopping Center Redevelopment Overlay District, subsection (2), be struck in its entirety and replaced with the following:

Wall signs identifying retail stores or restaurants having gross leasable area of greater than 25,000 square feet or having exterior public entrances; the food court; and the regional shopping center, provided that no wall sign shall extend higher than the top of the parapet wall:

- (a) Maximum letter height: five feet for signs accessory to anchor and major stores, and four feet for other such signs. This letter height restriction shall not apply to emblems, logos, or other designs associated with the sign display.
- (b) Maximum area:

- [a] Anchor stores (for each tenant with a gross leasable area of 45,000 sq.ft or more): The maximum sign area for any one display shall not exceed 200 sq.ft for the first sign; the maximum sign area for any additional display shall be 150 sq.ft. There shall only be one sign display per eligible elevation. An additional sign allowance of 30 sq.ft shall be provided for entrance door and awning signs.
- [b] Major stores (for each tenant with a gross leasable area of 12,000 sq.ft or more): The maximum sign area for any one display shall not exceed 120 sq.ft. There shall only be one sign display per eligible elevation. An additional sign allowance of 15 sq.ft shall be provided for entrance door and awning signs.
- [c] In-Line store (for each tenant with an exterior entrance): The maximum sign area for any one display shall not exceed 50 sq.ft for tenants with storefronts less than 50 linear feet in length. An additional square foot of sign area shall be allowed for each linear foot of storefront above 50; the maximum sign area for any one display shall not exceed 75 square feet. There shall only be one sign display per tenant. An additional sign allowance of 10 sq.ft shall be provided for entrance door and awning signs.
- [d] Mall entrances: The maximum sign area for any one display shall not exceed 50 sq.ft. There shall only be one sign per each eligible mall entrance.

Section 4.

That the Zoning Ordinance, Article III. District Regulations, Section 240-39. Shopping Center Redevelopment Overlay District, Section K, Signs in the Shopping Center Redevelopment Overlay District, subsection (7) pertaining to electronic reader boards be struck in its entirety and subsequent subsections shall be renumbered (7) through (11).

VOTE: TO THE PLANNING BOARD -UNANIMOUS

2019-065 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$38,000.00 COMMUNITY PRESERVATION FUNDS FOR ACQUISITION OF CONSERVATION RESTRICTION 5.92 ACRES±, 0 BUMPS RIVER ROAD, MARSTONS MILLS, MAP 168 PARCEL 009 INTRO: 12/20/18

Upon a motion duly made and seconded it was

ORDERED: That pursuant to the provisions of the community Preservation Act, G.L. c. 44B, the sum of Thirty Eight Thousand and NO/100 (\$38,000.00) Dollars be appropriated and transferred from the amount set aside for open space in the Community Preservation Fund for acquisition by the Town for open space conservation and passive recreation from Barnstable Land Trust, Inc. ("BLT") representing a portion of the total amount of \$40,300.00 needed by BLT to purchase with associated costs a vacant open space in Marstons Mills containing 5.92 acres more or less, having a street address of 0 Bumps River Road, Marstons Mills, shown on Barnstable Assessors Map 168 as Parcel 9; that a conservation restriction to be held by BLT is hereby approved in the form approved by the Land Acquisition and Preservation Committee and Town Manager subject to approval by the Secretary of the Commonwealth of Massachusetts Executive Office of Energy and

Environmental Affairs; that the Town Manager is authorized to expend the amount appropriated on behalf of the Town for the acquisition subject to oversight by the Community Preservation Committee; and that the Town Council President and Town Manager are authorized to execute, receive, deliver and record any written instruments for the stated purposes.

VOTE: TO A PUBLIC MEETING ON 1/17/19 -UNANIMOUS

Election of Officers:

Ladies and Gentlemen I wish to open the Election of officers for the Barnstable Town Council for the year 2019.

We will first hold the election for the office of President.

- The nominee is James H. Crocker, Jr

Voting will be by roll call—a majority is all that is necessary.

- I will announce the names of the candidates for Vice President,
- then nomination speeches by and for the candidate for Vice President will be allowed
- Upon completion of the speeches, we will vote for the Vice President

Debra Dagwan withdrew her name from the office of Vice President.

Election for the office of Vice President

- The nominee is John Flores

Congratulations:

The President for 2019 is: James H. Crocker, Jr.

The Vice President for 2019 is: John Flores

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

Adjourned at 10:30 PM

Respectfully submitted,

Ann M Quirk
Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: January 3, 2019

Exhibits:

- A. The Last Roundup
- B. Cape Light Compact