



Town Council Meeting
May 6, 2021



The May 6, 2021 meeting of the Barnstable Town Council was physically closed to the public to avoid group congregation.

A quorum being duly present, President Matthew Levesque called the May 6, 2021, Town Council meeting to order at 7:04 PM from a remote location.

An announcement was made by President Levesque 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: (On Zoom) Nikolas Atsalis, David Bogan, Kristine Clark, Debra Dagwan (7:10), Jessica Rapp Grasseti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Tracy Shaughnessy, Gordon Starr, Eric Steinhilber **ABSENT:** Jennifer Cullum

The Pledge of Allegiance was led by Councilor Clark followed by a moment of silence. Councilor Dagwan spoke about Jean Lawson and her years of services while at the Barnstable High School and Boy Scout Camp. Her contributions included being a mentor to young children and improving diversity and inclusion of staff and students at the high school. Council Dagwan asked to keep her family and friends in your thoughts and prayers. Councilor Hebert mentioned Dr. Roger Chabra, a local surgeon, had past. He noted the doctor was a kind and wonderful doctor, loved by many as he had cared for so many of our residents. Council Hebert asked to keep his family and friends in your thoughts and prayers

PUBLIC COMMENT:

Whitney McNamara was opposed to the residential task force but was in support of the items regarding Accessory Dwelling Unit (ADU).

Meaghan Mort explained she was looking forward to action on ADU and would reserve her thoughts on the task force.

Rich Wrightson supported the task force as it was very important for residents to give Council some advice.

Tina Carey felt the planned summer lane closure on Main Street Hyannis was horrendous. She questioned who was leading the charge with this type of planning as it resulted in grid lock on Main Street. She questioned who was representing the Businesses in Downtown (BID) Hyannis in these decisions.

Bill Liimatainen supported the ADU zoning but was opposed the task force. He said the task force was another micromanagement tool.

Patricia Farinha, member of the Shellfish Committee discussed the notice of intent to construct a timber boardwalk, pier, ramp and float at 209 Bay Street Osterville. On March 10th 2021 the Shellfish Committee did not approve this request. On March 30th the Town's Conservation Committee approved the work. She felt the proposed property additions which are located adjacent to a ways to water and next to a recreation shellfish habitat could potentially destroy the shellfish environment.

Alan Feltham supported the task force which would permit early citizen participation in zoning cases.

Susan Rohrbach opposed the task force; felt incumbent Planning Board and Council would engage more people in general and added was in support of the ADU.

Joe Lima and John Picard opposed the task force but supportive of the ADU and affordable housing.

Tara Vargas Wallace opposed the task force but supported the ADU and affordable housing.

Cindy Martin opposed the task force as an additional layer.

Elizabeth Wurfain felt the downtown intersection needed housing for all ages and socioeconomic people. She added the Village Center needed to promote a Comprehensive Economic Plan. She noted housing, clear water and jobs were very important for Barnstable.

Michelle Lombard supported the task force. She felt there needed to collaboration between citizens and Town Council.

Maryanne Barboza was opposed to the task force. She felt the Town Councilors were there to represent the people's wishes and if Council did not, they would be voted out of office. She urged more community communication which should include all people.

Christopher Flanagan a member of the Home Builders Remodeling Group supported the ADU and added ADU is a must.

Jessica O'Brien supported the ADU.

Christian Teague supported the ADU was opposed to the task force.

Councilor Response to Public Comment:

(Clark) Thank you Patricia Farinha for discussing the important shellfish habitat issue in Osterville. The shellfish habitat is decreasing and the quality and quantity is at stake. Please elevate the significance of this issue.

(Hebert) Need to clarify understanding of the Citizen Petition. We will not debate format only voting on merit of participation, then if accepted will have a workshop.

(Bogan) Echoed Councilor Hebert's understanding of the petition, there was no opposition to ADU, rather the task force was purposed in order to have a voice in the decisions being made to ensure citizen's voices would be heard. Concerned with Tina Carey's comments regarding the representation of BID members during the decision making process and possible conflict of interest.

(Ells) Unaware we directly represent the BID. Town created BID and BID functions separately but the BID does work with the Town in a regulatory manner.

(Jenkins) I spoke with Tina Carey, and met with a number of businesses before continuing the Hyannis downtown lane closure planned for this 2021 season.

(Dagwan) Please give suggestions on trying to find better ways to communicate.

(Schnepp) Thanked the public for tuning in to the zoom meeting and if there are better ways to engage, please let us know. We work collaboratively with the BID.

TOWN MANAGER COMMUNICATIONS:

Andy Clyburn gave an update on Phase IV recovery plan. He mentioned we continue to lead the state in number of vaccinations with over half of the population fully vaccinated. He noted children 16 years and older with a parent's consent were now eligible for the vaccine. He discussed the vaccination clinic located at the Barnstable Adult Community Center (BACC) with Hyannis Fire Department and Harbor Health were accepting walk-ins for COVID-19 vaccine. He added all the Fire Departments were working with Town to reach any homebound residents or other citizens not able to have access to the BACC.

The Baker Polito Administration announced reopening some outdoor Phase IV Step II facilities effective May 10th and put plans in place for further re-openings on May 29th and August 1st. Effective April 30th the administration has relaxed regulation on face masks for some outdoor events. May 10th large venues such as indoor and outdoor stadiums, arenas and ball parks may increase capacity by 25 percent. The Commonwealth will open amusement parks, theme parks and outdoor water parks and permit them at 50 percent capacity. May 29th gathering limits will increase to 200 people indoors and 250 people outdoors for event venues, public settings and private events. August 1st dance clubs, night clubs, saunas and hot tubs, etc. - All industry restrictions will be lifted and capacity will be 100 percent with all businesses encouraged to continue to follow best practices. Face masks will still be required indoors. . No 4th of July Barnstable parade but there will be a 4th of July Barnstable fireworks display. Information available regarding the Baker Polito Administration announcements and reopening www.mass.gov/reopening

Elizabeth Jenkins gave an update on Main Street Hyannis Summer 2021 plan. The consensus from the downtown businesses is to do it again. Since this is a transitional moment there will be some restrictions lifted but some restrictions/regulations have remained. We did receive positive comments regarding Main Street. A merchant meeting was held with 50 business owners and/or business managers to discuss the plans for Summer Season. Discussion included streetscape changes: accommodate parking on both side of street, adding as much parking as possible; additional lighting, planting and upgrade to barriers with barrier wraps. Placement of barriers will begin next week.

(Hebert) Everyone enjoyed Main Street thank you for the improvements with on-street parking and the beautiful wraps.

Elizabeth Jenkins gave an update on the Local Comprehensive Plan. She explained it was the long-term vision of our community, a guide for rate of new development and coordinating with the capital improvement plan. She noted the areas to address and plan for: the review of existing conditions, data and background for mapping and creating platform; performance measures; scope and service of the consultant; inclusive community engagement; agreed upon standards for engagement; and a process to build public trust. She added Part I would be gathering data and existing conditions with community vision. Part II would be goals, targeted action plan and performance measures.

(Levesque) We have sunset the Town's Ad Hoc committees and Presidential groups; the tasks have been completed. Local Comprehensive Plan that is now the plan.

(Rapp Grasseti) It is exciting to be helping shape the future of our community. Please contact Cape Cod Commission for guideline for Local Comprehensive Plan.

- Budget 2022
- March 30th Fiscal Year fee hearings
- April 29th Special Council Meeting
- April 22nd Massachusetts Water Pollution Abatement Trust
- Coronavirus Local Fiscal Recovery Fund (CLFRF) -disbursement of \$7.1M to Community Development Block Grant entitled communities
- American Rescue Plan Act – distribution of \$41M to Barnstable County
- Vineyard Winds conversations regarding Phase I and Phase II of the project
- April 30th a request for Barnstable Building Code Amendments was submitted to Massachusetts Board of building Regulations and Standards

Councilor questions and comments:

(Shaughnessy) Please explain the increase in the school budget. Town management declined their Cost of Living Increase (COLA) but the school system did not.

(Ells) President Levesque and Superintendent Mayo Brown will work together and discuss all issues.

(Levesque) please add a meeting in August – Workshop with joint meeting with School Board Committee and Town Council.

ACT ON MINUTES:

Upon a motion duly made and seconded it was to accept the minutes of April 15, 2021

VOTE: PASSES 12 YES Atsalis, Bogan, Clark, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

Upon a motion duly made and seconded it was to accept the minutes of April 29, 2021

VOTE: PASSES 12 YES Atsalis, Bogan, Clark, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

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

(Schnepp) Congratulations to Wendy Northcross who has been awarded Cape Cod Women of the Year, May 14th is the monthly Cape and Islands meeting and Centerville Osterville and Marstons Mills (C.O.M.M.) Fire District Election is on Tuesday May 18th.

(Clark) Congrats to Wendy Northcross! May 18th is the West Barnstable Civic Association meeting.

(Atsalis) Recreation Department is 30 lifeguards short for this summer season.

(Shaughnessy) Saturday is Shop Local Day.

(Rapp Grasseti) May 15th (May 22nd rain date) Cotuit village clean-up day – we need volunteers.

(Levesque) Town Manager Ells and myself will be attending the July 4th Cotuit Civic Association meeting to discuss Comprehensive Wastewater Management Plan and the sewage project.

Five-minute break (9:15PM)

2021-140 Authorization of a Housing Development Incentive Program Tax Increment Exemption Agreement between the Town of Barnstable and STANDARD holdings, LLC for 43 new market rate residential units located at 850 Falmouth Road, Hyannis INTRO: 04/15/2021, 05/06/2021

Elizabeth Jenkins, Planning and Development Director gave the rationale. She spoke about the tax increment exemption agreement with 850 Falmouth Road. She noted there would be 53 units available with 43 units at market value.

David Lawler, Attorney for the Applicant discussed the affordable and market rate units. He added there was a need for this housing in Barnstable.

Councilor questions and comments:

(Atsalis) The Fire District will still receive its full fire district tax.

(Rapp Grasseti) Is there a completion date? Fall construction hopefully.

Upon a motion duly made and seconded it was

ORDERED: The Town Council hereby votes to authorize the Tax Increment Exemption (TIE) Agreement between the Town of Barnstable and Standard Holdings, LLC pursuant to the Housing Development Incentive Program, M.G.L. c. 40V, and the regulations promulgated thereunder at 760 CMR 66.00, for forty-three (43) new market rate residential units located at 850 Falmouth Road, Hyannis (Assessor's Map 250, Block 036 and Map 250, Block 160) substantially in the form as presented to the Town Council at this meeting, and to authorize the Town Manager to execute the TIE Agreement and submit it to Department of Housing and Community Development for approval.

VOTE: PASSESS 12 YES Atsalis, Bogan, Clark, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepp, Shaughnessy, Starr, Steinhilber

**2021-170 AMENDING THE ADMINISTRATIVE CODE, CHAPTER 241,
ARTICLE III MULTIPLE MEMBER APPOINTIVE ORGANIZATIONS, CHAPTER §
241-39A YOUTH COMMISSION INTRO: 05/06/2021**

Council Rapp Grassetto motioned to suspend the rules and act on this agenda item tonight. Upon a motion duly made and seconded it was to suspend the rules and act on this agenda item tonight

Council Rapp Grassetto gave the rationale.

VOTE: PASSESS 12 YES Atsalis, Bogan, Clark, Dagwan, Rapp Grassetto, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

Councilor questions and comments:

(Bogan) Most refreshing candidates; 5 candidates with only 4 openings; I endorse amendment to increase to 5 openings.

(Dagwan) I would like to recognize Councilor Cullum who was instrumental in the development of the Youth Commission.

Upon a motion duly made and seconded it was

ORDERED: That the General Ordinances of the Code of the Town of Barnstable, Chapter § 241-39A, Youth Commission, be amended as follows:

Section A: That § 241-39A be amended as follows:

By striking out "15" in the first sentence and inserting "19" in its place.

By striking out "13" the first time it appears in the first sentence and inserting "17" in its place.

By striking out "13" in the second sentence and inserting "17" in its place.

By adding after the third sentence the following new sentence: "In addition, as long as a member who is a resident of the Town is enrolled as a full-time student, s/he does not have to be enrolled in a school located within the Town."

So that § 241-39A as revised shall read as follows:

- A. Composition; Term of Office. There shall be a Youth Commission consisting of 19 members, 17 of whom will be between the ages of 13 and 19. These 17 members shall serve for a one-year term and may be reappointed as long as they continue to qualify, and they will be the only voting members. Notwithstanding anything to the contrary in § 241-8J, as long as a member is enrolled as a full-time student at a school located within the Town, or a home school resident student identified by the Barnstable School Superintendent, s/he does not have to be a resident of the Town. In addition, as long as a member who is a resident of the Town is enrolled as a full-time student, s/he does not have to be enrolled in a school located within the Town. Two members shall be adults and will serve for three-year terms, overlapping, as determined by the Appointments Committee. The two adult members will be nonvoting members and serve in an advisory capacity. All

members appointed shall provide for a balanced and diverse representation of the community's interests and concerns. One member of the Youth Commission shall serve as a liaison to the Town Council, reporting either in person or in writing, as they are able.”

VOTE: PASSES 12 YES Atsalis, Bogan, Clark, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2021-171 VOTE ON THE MERITS OF A CITIZENS' REQUEST TO ESTABLISH A RESIDENT ZONING TASK FORCE INTRO: 05/06/2021

Karen Nober, Town Attorney gave background on the item. She explained Ann and Bob Schulte's request was to establish a zoning task force. The document was a group petition but it did not contain actual signatures of 150 resident voters. She said the petition cannot be considered. Council she added would review the request and with tonight's vote would do the merit of the request. If it has merit then Council will decide at a future Council meeting.

Open Public Hearing

Amanda Converse supported the ADU but was opposed to the task force. She felt there would be delayed implementation and referenced a Town of Dennis 2 year delayed similar example

Margaret and Niles Sutphin supported the resident task force. They volunteered to be members for the task force.

Meaghan Mort felt this task force was not the way to achieve critical engagement. Please focus on how to get everyone informed. Those that need the housing cannot attend the zoning task force.

(Steinhilber) Point of Order What is the issue here? Are we accepting?

(Levesque) Said the signatures were already accepted.

Natalie Pettinger supported the task force. She felt this gave residents a say.

Sheila Mulcahy supported what Meaghan Mort said – not supportive of task force. Task force was exclusive not inclusive.

Ann Schulte explained this was a response for all citizens to have an input, balance the scale.

Ken Nosal supported agenda item 2021-171; the Town has asked for public comment. This would give voice for transparency – vote yes.

Erin Andrews opposed the task force as it was not necessary. Working people deserve to live here this would be more difficult for marginalized people.

Katri Mullaly felt there was a lack of merit with the residential task force. She added this task force will slow everything down.

John Crow supported the task force as it encouraged citizen engagement. He felt the task

force fostered a diverse collaboration of all residents.

Ted Lowrie supported the task force.

Robert Brennan was opposed to the task force but in favor of citizen engagement.

Shawna Moss was opposed to the task force but was supportive of citizen engagement.

Lisa Guyon was opposed to the task force.

Ellen Nosal supported the residential zoning task force.

David Houghton was opposed to the task force as it does not have merit.

Alisa Magnotta, Chief Executive Officer Housing Assistant spoke about the housing crisis and how the citizen request was looking for stronger citizen engagement. It seems that the task force is another committee which is redundant.

Kate Sheehan asked to make it easier for the ADU in Barnstable and to vote no on the task force.

Carlos Barbosa explained the ADU was very important for the community.

Martin MacNeely was opposed to the task force as it had no merit.

Megan Newman felt housing was needed but has a lack of faith in the Town Councilors. She said another layer was not needed.

Close Public Hearing

Councilor questions and comments:

(Atsalis) Will the formation of the task force slow down the ADU?

(Bogan) Residents are not given an opportunity for their input; they need to be able to participate.

(Schnepp) ADU will not move forward due to the residential task force question. Due to our sunset action with the Ad Hoc committees we understand the frustration and concern due to the narrow field but another committee does not have staff support. I will vote against the task force.

(Hebert) There is uncomfortableness with Short-Term Rentals (STR) within the Town Council; all of the Councilors want the ADU. The public feeling is the residents are not being heard with the Regulatory Committee.

(Levesque) Town Council has accepted the request for a task force even though there were no signatures. We will be deciding the merit of moving forward with the task force.

(Nober) Does the proposed request have merit? If yes then subsequently Council will take action. Tonight voting on just if the request has merit.

A motion was made and duly seconded to go beyond 11 PM

VOTE: PASSES 12 YES Atsalis, Bogan, Clark, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepp, Shaughnessy, Starr, Steinhilber

(Hebert) Supported the task force see the merit.

(Steinhilber) There are numerous steps for attempting a response and collecting data. Will we come back to the STR? As for the proposed request/petition it is redundant voting no.
(Bogan) End of the day the request/petition has merit. The objective has been served – they felt they would not be heard. Voting yes but task force is not necessary.
(Dagwan) Vote no for merit but it was a well-meaning task force in favor of community engagement not race based.
(Rapp Grasseti) Encourage more diverse representative group the request/petition has merit but opposed to separate task force.
(Neary) We are voting on merit tonight?
(Nober) Yes the vote is on the whether the request has merit. A Yes vote - it has merit or a No vote - it does not have merit. Council does not have to take any other measures.
(Neary) It does not make sense to create another committee. Will be voting no on merit question.
(Levesque) Council will be voting on merit of the request/petition but does not have to act on it. What does it mean?
(Steinhilber) Yes vote you want it – no vote you do not want it.

Upon a motion duly made and seconded it was to take a vote on the citizens' request
VOTE: PASSES 9 YES Atsalis, Bogan, Clark, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, 3 NO Shaughnessy, Starr, Steinhilber

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby vote to find that the citizens' request submitted to it on March 3, 2021, which asks the Council to establish a Resident Zoning Task Force comprised principally of residents to provide perspective on zoning proposals and plan revisions, has merit.

VOTE: FAILS 5 YES Atsalis, Bogan, Clark, Rapp Grasseti, Hebert, 7 NO Dagwan, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

<p>2021-172 TRANSFER ORDER IN THE AMOUNT OF \$302,803.66 FROM TOWN COUNCIL ORDER 2016-098 TO TOWN COUNCIL ORDER 2020-175 FOR THE PURPOSE OF FUNDING THE WATER POLLUTION CONTROL DIVISION'S FISCAL YEAR 2021 PUMP STATION REHABILITATION PROJECT INTRO: 05/06/2021</p>
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Dan Santos, Public Works Director gave the rationale. He noted the oldest pump station was the Colony pump station.

Upon a motion duly made and seconded it was

ORDERED: That the remaining unexpended balance of **\$302,803.66** in Town Council Order 2016-098 from the Water Pollution Control Enterprise Fund Capital Budget for the Backup Generator Replacement be transferred and added to the **\$1,200,000** appropriated under Town Council Order 2020-175, resulting in a revised appropriation total of **\$1,502,803.66**, for the purpose of funding the rehabilitation of wastewater pump stations and associated infrastructure.

VOTE: PASSES 12 YES Atsalis, Bogan, Clark, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2021-173 TRANSFER ORDER IN THE AMOUNT OF \$30,000 FOR THE PUBLIC WORKS DEPARTMENT OPERATING EXPENSE BUDGET FOR THE PURPOSE OF FUNDING WATERSHED MODELING INTRO: 05/06/2021

Dan Santos, Public Works Director gave the rationale. The funding is from vacancies within the department will use this for funding the Watershed Modeling.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$30,000** be transferred from the Fiscal Year 2021 Public Works Department Personnel Budget to the Fiscal Year 2021 Public Works Department Operating Expense Budget for the purpose of funding watershed modeling.

VOTE: PASSES 12 YES Atsalis, Bogan, Clark, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2021-174 Amending article xiv, chapter 240, section 128 of the zoning ordinance to add a definition for accessory dwelling unit (adu) and dwelling unit, and revise the definition of dwelling, single-family and add article v, chapter 240, section 47.2 accessory dwelling units (adus) to the zoning ordinance INTRO: 05/06/21

Upon a motion duly made and seconded it was

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

SECTION 1

By amending Article XIV, Chapter 240, Section 128 by adding a definition of "Accessory Dwelling Unit (ADU)" as follows:

ACCESSORY DWELLING UNIT (ADU)

An Accessory Dwelling Unit (ADU) is a self-contained Dwelling Unit, inclusive of sleeping, cooking, and sanitary facilities, incorporated within a lawful principal single-family dwelling or within a detached building accessory to and on the same lot and in the same ownership as a lawful principal single-family dwelling use. The ADU shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress. ADUs shall have a maximum habitable floor area that is not larger than 1/2 of the habitable floor area of the principal single family dwelling unit (exclusive of floor area that converted to the ADU), or 900 square feet, whichever is smaller.

SECTION 2

By amending Article XIV, Chapter 240, Section 128 by adding a definition of "Dwelling Unit" as follows:

DWELLING UNIT

Complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

SECTION 3

By amending Article XIV, Chapter 240, Section 128 by striking in the definition of DWELLING, SINGLE-FAMILY the phrase "including permanent provisions for living, sleeping, eating, cooking and sanitation" so it reads as follows:

DWELLING, SINGLE-FAMILY

A detached residential building designed for and occupied by a single family and providing complete independent living facilities for one or more persons.

SECTION 4

By adding Article V, Chapter 240, Section 47.2 **Accessory Dwelling Units (ADUs)** which reads as follows:

A. Purpose and Intent.

The intent of permitting Accessory Dwelling Units (ADUs) is to:

- (1) Increase the number of dwelling units available for year-round rental in Town while remaining within our current wastewater capacity limitations;
- (2) Adapt single-family residential properties so they are supportive of residents at a variety of stages in their life cycle;
- (3) Encourage greater diversity and support of all populations with particular attention to young adults and senior citizens; and
- (4) Encourage a more economic and efficient use of the Town's housing supply while maintaining the appearance and character of the Town's single-family neighborhoods; and
- (5) Provide homeowners with a means of obtaining rental income to defray housing costs.

B. Procedural Requirements

- (1) An ADU that conforms to the requirements contained herein shall be permitted as an accessory use to a lawful single family dwelling use, except that no ADU shall be permitted on a lot at the same time as a family apartment exists on that lot pursuant to §240-47.1.
- (2) Prior to issuance of a building permit for an ADU, site plans, floor plans and elevations shall be submitted showing the proposed interior and exterior changes to existing buildings or new buildings and improvements on a lot associated with a proposed ADU.
- (3) The construction of any accessory dwelling unit must be in conformity with the Federal, State, and local laws and regulations, including all historic, and Old King's Highway requirements if applicable.

C. Use and Dimensional Requirements

The Building Commissioner may issue a Building Permit authorizing the installation and use of an Accessory Dwelling Unit within a lawful existing or new single-family dwelling to which the ADU is accessory, or in a new or existing detached building accessory to and on the same lot as the principal dwelling subject to the following:

- (1) No more than one (1) ADU may be created per lot. This provision is not subject to variance.
- (2) If the primary entrance of an ADU is not proposed to be shared with that of the principal dwelling, such entrance shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling.
- (3) An ADU shall be designed so that, to the maximum extent practical, the appearance of the property on which it is to be located remains that of a single-family residential property. Any addition or new construction shall be consistent in design with the principal single family dwelling, considering the following: architectural details, roof design, building spacing and orientation, door and window location, and building materials. Any person aggrieved by the determination of a Town official with respect to a determination under this subsection may appeal said determination to the Zoning Board of Appeals.
- (4) The ADU shall contain no more than two bedrooms. ADUs, in accordance with the definition, shall have a maximum habitable floor area that is not larger than 1/2 of the habitable floor area of the principal single family dwelling unit (exclusive of floor area that converted to the ADU), or 900 square feet, whichever is smaller. ADUs with more than two bedrooms may be permitted by special permit from the Zoning Board of Appeals. Garages, unfinished attics and basements, common entries, porches and decks shall not be included in the floor area calculations.
- (5) Occupancy of the ADU shall not exceed two persons; occupancy limitations shall not apply to children ages 18 and under. Occupancy of an ADU by more than two persons over the age of 18 may be permitted by special permit from the Zoning Board of Appeals.
- (6) Once an ADU has been added to a single-family dwelling or lot, the accessory dwelling unit shall not be enlarged beyond the square footage allowed by this section.
- (7) All parking for the ADU shall be off street.
- (8) The Board of Health must have documented to the Building Commissioner that sewage disposal will be satisfactorily provided for in accordance with the provisions of Title 5 and Board of Health regulations, including provisions for an appropriate reserve area on the site. The principal dwelling unit and accessory dwelling unit shall meet all wastewater requirements for the combined number of bedrooms/ wastewater flow on the lot. If the property is served by municipal sewer, the Department of Public Works shall certify adequate capacity is available to serve the additional unit.
- (9) The rights and requirements of this ordinance hereby transfer upon the sale of a property containing an ADU built under the provisions of this ordinance.
- (10) An ADU and the principal dwelling to which it is accessory may be rented only in accordance with the terms of this section.

- (11) An ADU shall be used only as a rental, except that the owner of the property may reside in the ADU while renting the principal dwelling. The rental period for an ADU and for a principal dwelling shall not be shorter than 12 consecutive months. Both the ADU and the principal dwelling may be rented concurrently.
- (12) Any commercial use, with the exception of permitted home occupations, shall not be allowed on a property on which there is an ADU.

VOTE: TO PLANNING BOARD - 12 YES Atsalis, Bogan, Clark, Dagwan, Rapp Grassetto, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

**2021-175 AMENDING ARTICLE XIV, CHAPTER 240, SECTION 128 OF THE ZONING ORDINANCE TO REVISE THE DEFINITION OF ACCESSORY DWELLING UNIT (ADU) AND AMENDING ARTICLE V, CHAPTER 240, SECTION 47.2(C)(4) TO ALLOW ADUS WITH GREATER THAN 900 SQUARE FEET BY SPECIAL PERMIT FROM THE ZONING BOARD OF APPEALS
INTRO: 05/06/21**

Upon a motion duly made and seconded it was

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

SECTION 1

By amending Article XIV, Chapter 240, Section 128 by adding in the definition of "Accessory Dwelling Unit (ADU)" the phrase "unless special permit relief is granted with respect to the requirements of 240-47.2(C)(4) with regard to square footage" so it reads as follows:

ACCESSORY DWELLING UNIT (ADU)

An Accessory Dwelling Unit (ADU) is a self-contained Dwelling Unit, inclusive of sleeping, cooking, and sanitary facilities, incorporated within a lawful principal single-family dwelling or within a detached building accessory to and on the same lot and in the same ownership as a lawful principal single-family dwelling use. The ADU shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress. ADUs shall have a maximum habitable floor area that is not larger than 1/2 of the habitable floor area of the principal single family dwelling unit (exclusive of floor area that converted to the ADU), or 900 square feet, whichever is smaller, **unless special permit relief is granted with respect to the requirements of 240-47.2(C)(4) with regard to square footage.**

SECTION 2

By amending Article V, Chapter 240, Section 47.2(C)(4) by adding the phrase "and/or a maximum habitable floor area greater than 900 square feet" so it reads as follows:

The ADU shall contain no more than two bedrooms. ADUs, in accordance with the definition, shall have a maximum habitable floor area that is not larger than 1/2 of the habitable floor area of the principal single family dwelling unit (exclusive of floor

area that converted to the ADU), or 900 square feet, whichever is smaller. ADUs with more than two bedrooms **and/or a maximum habitable floor area greater than 900 square feet** may be permitted by special permit from the Zoning Board of Appeals. Garages, unfinished attics and basements, common entries, porches and decks shall not be included in the floor area calculations.

VOTE: TO PLANNING BOARD - 12 YES Atsalis, Bogan, Clark, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

2021-176 RESOLVE ACCEPTING THE FISH WEIR APPLICATION FROM NANTUCKET SOUND FISH WEIRS, INC., (KURT MARTIN) INTRO: 05/06/2021
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Derek Lawson, Marina and Environmental Affairs Director gave the rationale. He noted the permit is for a 5 year period with the season opening in late April and continue to operate to June.

Councilor questions and comments:

(Schnepf) What fish are caught in the weirs? (Lawson) Squid and Menhaden fish.

(Starr) What is the difference with state water versus town water?

(Lawson) The application is approved by Town Council while monitored and licensed by the state.

(Clark) The weirs in Dennis are \$100.00 per weir; Chatham has no charge could you look at an increase fees for non-residents.

Upon a motion duly made and seconded it was

RESOLVED: The Barnstable Town Council does hereby approve the Application of Nantucket Sound Fish Weirs, Inc. to renew permits for two (2) fish weir sites in the coastal waters of the Town of Barnstable in Nantucket Sound. The permit renewal request is for a period of five (5) years. (Full application on file in Council office)

VOTE: 12 YES Atsalis, Bogan, Clark, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN: 12 YES Atsalis, Bogan, Clark, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

Adjourned at 11:45 PM

Respectfully submitted,

Janet E. Murphy
Assistant Town Clerk/Town of Barnstable

NEXT MEETING: May 20, 2021

