



Town Council Meeting
July 17, 2025

A quorum being duly present, President Craig Tamash called the July 17, 2025, Town Council meeting to order at 6:00 P.M.

An announcement was made by President Tamash 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 8 or Channel 1072.

PRESENT: Charles Bloom, Seth Burdick, Kristine Clark, John Crow, Matthew Levesque, Betty Ludtke, Jeffrey Mendes, Paul Neary, Paula Schnepf, Craig Tamash, Kristin Terkelsen
ZOOM: Felicia Penn, Gordon Starr

Councilor Ludtke introduced and welcomed, United States Marine veteran Robert Porcaro to lead the pledge of allegiance followed by President Tamash who asked all to remain standing for a Moment of Silence for those who have passed.

PUBLIC COMMENT:

Maryanne Barbosa spoke in support of the Daluz family. She felt the Pleasant Hill area was a wetland, and it was unfortunate that others believed it was not a wetland area. She felt the Town pays attention to those with money. She mentioned residents put their trust in those that we vote for and your obligation is to make sure people are heard.

Les Trager spoke about the 2024 voter rolls. She urged Council to approve the United Sovereign Americans resolution for legal ballots. She wanted to make sure the voting rolls were accurate and only those who are eligible to vote were voting in the elections.

Anna Kozoulina read out loud the resolution language.

Brandon Edsall continued reading the resolution language.

Erich Horgan urged the Council to sign the United Sovereign Americans resolution. He said citizens have the right to choose their leaders.

Nina Tepper spoke in support of immigrant rights. She talked about the increase in ICE activities in restaurants and other businesses.

Barry Sheingold talked about fuel pumps and the electric heat pumps rates. He mentioned that the heat pumps were about 15 percent less expensive than the Eversource proposal. He urged Council to adopt the stretch code and be a green community.

Lisa Nagal spoke about the ICE activities taking place in our community. She expressed the need to give the zoning changes a chance. She also supports the green community.

Jenn Richmore talked about the pleasant Hill area being the last remaining piece of Happy Hollow. She added there is a pond and a stream. Questioned what was being gained by being developed in this area.

Eric Schwaab mentioned the petition from Lisa Daluz and added no one from the Town has

gotten back to her. He felt there was an overbuilding in the Town. He added the Town was at fault in the Conservation Law Foundation (CLF) lawsuit.

Larry Morin did not support accepting the Town Council Rules. He said there was no further public meeting after February 2025 in that committee. He urged the Council to open the debate to the public.

President Tamash stated letters sent to the Council, were shared with all Council members and will be posted on the Council website page, (Laura Shufelt, Barry Sheingold, Jake Dewey, Chris Kuhn)

ZOOM: none

Close public comment

COUNCIL RESPONSE TO PUBLIC COMMENT:

(Ludtke) explained she opposed the United Sovereign Americans petition. She felt the District of Critical Planning Concern (DCPC) should go to the Planning Board. (Schnepp) would not support United Sovereign Americans petition. (Penn) supports the Nina Tepper proclamation, and the DCPC should go directly to Planning and must go through the Cape Cod Commission. The Ad Hoc Committee to Review Town Council Rules and the Town Code is sunsetted. (Neary) felt Eric Schwaab's Facebook page was fabricating information, putting out misinformation and had a specific agenda regarding the Town. (Levesque) spoke about the immigrant issues. He suggested utilizing the Brazilian Resource Center. He said people are not showing up to feed their families due to the ICE events. (Terkelsen) Regarding Schwaab and Morin's comment they felt they were not being listened to – unfair to Councilors that do reach out. We are working hard for everyone. (Tamash) said he had recently spoken with Chris Kuhn for 2 to 2.5 hours.

TOWN MANAGER'S COMMUNICATIONS: (Pre-Recorded) The Town Manager's report has been pre-recorded and is available to the Town Council and the public. The report will be prepared in written form and posted on the Town Manager's website. The Town Manager and staff will be available to answer any questions regarding the report as presented. **(Exhibit A)**

- The Town Council concluded their public hearings on the proposed FY 2026 Operating Budget on June 26, 2025.
- On July 16, 2025, I sent a letter to the Massachusetts Commissioner Public Health requesting that the Massachusetts Department of Public Health (DPH) take additional proactive steps to address the growing public health concerns related to per- and polyfluoroalkyl substances (PFAS).
- As of June 30, 2025, the Town has received \$1,026,404.02 in Opioid Abatement Funds. Total expenditures as of this date from the abatement funds are \$336,898.69.
- The Centerville Playground and Parking Lot Project has completed the public bid process, and the construction contract has been awarded to DANDEL Construction, Inc. A kick-off meeting was held onsite earlier this week with Town staff and the contractor to discuss the site and anticipated activity.
- On July 9, 2025, the Cape Light Compact (CLC) Governing Board elected David Anthony, the Town's representative to that board, to become its next chair.
- The 9th Annual Unity Day presented by People of Action, Barnstable Police Department and Town of Barnstable will be held on the Hyannis Village Green on Friday, August 1, 2025, 4:00-7:00 PM

- Andy Clyburn, Assistant Town Manager, and Communications Director Lynne Poyant will provide an Enforcement Update.
- Kate Maldonado, Planning & Development Department Senior Planner, will provide an update on Flow Neutral and the Local Comprehensive Plan.
- Kelly Collopy, Department of Public Works Communications Manager, will provide an update on Water Resources including the Comprehensive Wastewater Management Plan.

Discussion:

(Schnepp) Report a problem by phone call, what are the off-business hours (Clyburn) Will consider it and OpenGov has a complaint system we utilize OpenGov system for permitting and licensing within the Town. Point of contact is the zoning department. (Ludtke) OpenGov traceable way to do it, Mark Ells great letter on PFAS. Please give the Human Services Committee something to do, they want to do more. (Terkelsen) With OpenGov is there more backside tracking of cases (Clyburn) Yes. (Bloom) Bold letter regarding PFAS. (Clark) Please explain the learn to skate letter. (Ells) How we are going to schedule the learn to skate program in the fall schedule, hockey tournaments, etc. at the rinks, we recognize the public's wanting to see that learn to skate program and we intend to offer it.

Upon a motion duly made and seconded, it was voted to accept the minutes of June 26, 2025, as presented.

VOTE: PASSES 13 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN

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

(Neary) Lamberts Centerville Community Event on Tuesday, July 15th at 6:00 pm – 9:00 pm. – great event

(Crow) Annual Village Day on Saturday, July 19th in Osterville sponsored by Osterville Business and Professional Association

(Bloom) Hyannis Historical Society – Tour of Pleasant Street video.

President Tamash moved to go into Executive Session pursuant to G.L. c. 30A, Sections 21(a)(3) and 21(a)(2) for the following purposes: To discuss strategy with respect to litigation since a discussion in open session may have a detrimental effect on the litigating position of the Town and Town Council. Specifically, the Town Council will discuss the lawsuit filed against the Town in July 2024 by the Conservation Law Foundation regarding claims under the Federal Clean Water Act; and to conduct a strategy session in preparation for negotiations with non-union personnel, specifically Mark Ells, the Town Manager. The Council will return to the public session after the Executive Session.

Upon a motion duly made and seconded, it was to go into the Executive Session and will return to public session after the Executive Session

VOTE: PASSES 12 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, SCHNEPP, STARR, TAMASH, TERKELSEN

Break 8:20 pm – 8:30 pm

Upon a motion duly made and seconded it was that the Town Council shall notify the Town

Manager of its intent to renew the Town Manager's contract with the Town and shall enter into negotiations with the Town Manager regarding the provisions of such contract and further authorize the Town Council President to commence negotiations with the Town Manager

VOTE: PASSES 13 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN

Jump to 2025-201

**2025-201 ORDER WAIVING FEES FOR CONSTRUCTION WORK BY THE BARNSTABLE FIRE DISTRICT FOR A NEW FIRE STATION AT 1841 PHINNEY'S LANE
INTRO: 06/26/2025, 07/17/2025**

President Tamash stated if there is no objection with respect to Public Hearing, I am going to announce the opening and closing of each public hearing without asking for a vote to so. However, if any councilor objects at any time, then a vote will be taken to open and close the Public Hearing if there is no objection I will open the Public Hearing.

Public Hearing

Mark Ells, Town Manager, gave the rationale. He spoke about the Memorandum of Understanding Agreement (MUA).

Seeing no one and no one on zoom close public hearing

Upon a motion duly made and seconded it was

ORDERED: Notwithstanding the provisions of any ordinance of the Town regarding schedules of fees, the construction project for the construction of a new Fire Station at 1841 Phinney's Lane in Barnstable by the Barnstable Fire District (the "Project") shall hereby be exempt from payment of such fees; provided that if the Town is required to hire outside inspectors with special expertise to inspect any aspect of the Project, the Barnstable Fire District will pay those costs; and provided further, that this Order shall not become effective until a Memorandum of Agreement between the Town of Barnstable and the Barnstable Fire District substantially in the form attached hereto is executed and filed with the Barnstable Town Clerk in which the Barnstable Fire District agrees to pay any such costs for outside inspectors

VOTE: PASSES 13 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN

Jump to 2025-062

2025-062 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING BY REPEALING THE ZONING OVERLAY DISTRICT KNOWN AS THE "REGISTERED RECREATIONAL MARIJUANA CULTIVATORS, RESEARCH FACILITIES, AND TESTING LABORATORIES ZONING OVERLAY DISTRICT" AND CREATING A NEW OVERLAY DISTRICT KNOWN AS THE "CANNABIS OVERLAY DISTRICT" AND EXPANDING THE EXISTING MEDICAL MARIJUANA OVERLAY DISTRICT, IN THE FORM AS SUBMITTED BY PETITION OF TEN REGISTERED VOTERS INTRO: 12/12/2024, 4/17/2025, 05/15/2025, 07/17/2025

Open public hearing

Nathan Herschler, Recreation Cannabis, gave the rationale.

Laura Cronin urged the Council to vote against this agenda item. She felt this would not help the community and wanted the overlay to stay the same and not increase or expand the district.

Eric Schwaab felt there were enough drugs in Hyannis and this change was not needed.
no one on zoom, close public hearing

Discussion:

(Mendes) said plenty of people want this expansion in Hyannis. Let's get out of the mindset we are losing tax revenue every day. The issue I have is that the expanding Marijuana Overlay district needs to be opened to other villages. This should be continued and discussed with the Planning Board. (Levesque) In 2018 the Town voted against it due to pressure. Yes, we are losing tax revenue but do not just stick it in Hyannis. Go to Planning with this item. (Neary) point of clarification (Nober) Planning Board vote was a no if the Council votes no then it is a 2 year wait. (Schnepp) Would like to find a way to have a robust conversation. (Burdick) Planning Board voted no why (Herschler) Planning Board sited public safety, gateway drug as issues with approval. (Ludtke) Why choose Hyannis. (Herschler) I live in the Town of Sandwich, but I have extensive properties in Hyannis. (Ludtke) Pass on this as there is access to young folks. (Clark) not our obligation of morality. Dispensaries are heavily restricted and the \$2 million in Fiscal Year 2025 was missed by Barnstable. (Bloom) Need to talk about this he is in favor of this expansion. (Terkelsen) Needs to be town wide not just Hyannis voting against this item.

President Tamash handed over the gavel to Vice-President Clark
(Tamash) explained he was not comfortable allowing the expansion. He sited a CNN report which discussed that 26 percent of people tested had THC in their system. (Burdick) Should we withdraw (Herschler) more clarity what is the next step. Further consider this issue I can withdraw the item. (Penn) are we voting on the petition. (Nober) If we vote yes to withdraw then start all over again. Make the motion including directing the Town Manager with the new course of action. (Levesque) Withdraw and direct Town Manager to direct the Planning Department to investigate a new cannabis overlay district ordinance. (Herschler) I withdraw the item.

Upon a motion duly made and seconded it was

ORDERED: That the Town Council does hereby approve the amendments to the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, as set forth in Attachment 1 of the petition submitted to the Town Council on December 2, 2024, by ten registered voters in accordance with MG.L. c. 40A, § 5 and attached hereto.

VOTE: TO WITHDRAW AGENDA ITEM AND DIRECT TOWN MANAGER TO DIRECT THE PLANNING DEPARTMENT TO INVESTIGATE A NEW CANNABIS OVERLAY DISTRICT ORDINANCE - PASSES 13 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN

<p>2025-075 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING TO ADD THREE PROPERTIES TO THE MULTIFAMILY AFFORDABLE HOUSING RESIDENTIAL DISTRICT TO ALLOW FOR BY-RIGHT AFFORDABLE HOUSING IN ADDITION TO SPECIAL PERMIT AFFORDABLE HOUSING, AND TO ADD PARKING REQUIREMENTS, ROOF MOUNTED SOLAR SYSTEM REQUIREMENTS, PRINCIPAL PERMITTED USES, AND OTHER MULTIFAMILY AFFORDABLE HOUSING REQUIREMENTS INTRO: 02/06/2025, 07/17/2025</p>

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 the Zoning Map of Barnstable, Mass. dated September 1, 1998, as previously amended, as referenced in Article II, Section 240-6, to add the following properties to the Multifamily Affordable Housing Residential District, as shown on the map dated January 9, 2025, prepared by the Town of Barnstable Geographical Information System Unit, and entitled "Proposed Amendment to the Multifamily Affordable Housing Residential District": 825 Falmouth Road, as shown on Assessors' Map 271, Parcel 097; 767 Falmouth Road, as shown on Assessors' Map 271, Parcel 096; and 577 Falmouth Road, as shown on Assessors' Map 271, Parcel 043.

SECTION 2:

By amending Article III, Section 240-16.1 MAH Residential District, Subsection A. Purpose, by inserting after the word "authorize" the following words: "by right and".

SECTION 3:

By further amending said Section 240-16.1 by renumbering Subsections B through I as Subsections C through J, and by inserting the following new Subsection B after Subsection A:

"B. Location. The MAH Residential District is identified on a map entitled "Proposed Amendment to the Multifamily Affordable Housing Residential District" dated January 9, 2025, as shown on the Zoning Map of Barnstable.

Map and Parcel Information for the properties within the MAH Residential District is:

- 850 Falmouth Road – Assessors Map 250, Parcel 036; Assessors Map 250, Parcel 160
- 577 Falmouth Road – Assessors Map 271, Parcel 043
- 825 Falmouth Road – Assessors Map 271, Parcel 097
- 767 Falmouth Road – Assessors Map 271, Parcel 097

SECTION 4

By further amending said Section 240-16.1, renumbered Subsection C. Principal Permitted Uses, by adding a new subsection (2) after subsection (1) as follows:

(2) Duplex residential dwellings.

SECTION 5

By further amending said Section 240-16.1, renumbered Subsection E. Bulk Regulations, as follows:

- A. By amending the Minimum Lot Area from 87,120 square feet to 43,560 square feet;
- B. By amending the Minimum Yard Setbacks as follows: by amending the Front Yard Setback from 60 feet to 15 feet, by amending the Side Yard Setback from 30 feet to 10 feet and by amending the Rear Yard Setback from 30 feet to 10 feet.

SECTION 6

By further amending said Section 240-16.1 by deleting renumbered Subsection F, Density Requirements, in its entirety and inserting the following new subsection F. in its place:

"Density Requirements. The total number of residential units allowable as permitted uses within a Multifamily Affordable Housing Development (MAHD) shall not exceed 20 per acre of upland. Multiple principal buildings/structures are permitted per lot."

SECTION 7

By further amending said Section 240-16.1 by renumbering the previously renumbered Subsections G through J as new Subsections I through L and by inserting new Subsections “G. Parking” and “H. Solar” after renumbered Subsection F as follows:

“G. Parking. 1.5 parking spaces are required per residential dwelling unit. Parking dimensions shall be a minimum of 9' by 18'. Drive aisle between parking spaces shall be a minimum of 22'.

H. Solar. Each residential structure shall be required to install roof mounted solar system(s) equal to at least 6 watts per square foot of conditioned space. Exceptions shall be granted if natural vegetative shading makes all or part of a roof mounted solar system nonviable. The total installed solar may be reduced if it can be shown that the mandated size would exceed the annual energy needs of the structure. The size may be reduced by 25% if a battery system of 5 kilowatt-hour (kWh) or larger is installed. Exception shall be if natural vegetative shading makes all or part of a roof mounted solar system nonviable.”

SECTION 8

By further amending said Section 240-16.1 by deleting renumbered Subsection I., Affordable units, in its entirety and inserting the following new Subsection I. in its place:

“I. Affordable units. 100% of the dwelling units shall be affordable units as defined further below and subject to the following conditions:

(1) Affordable units for Principal Permitted Uses.

- a. Affordable units to be developed as principal permitted uses shall not be subject to Chapter 9 Article I, Inclusionary Affordable Housing Requirements.
- b. An individual or household with total annual income that does not exceed the following percentages of the area median income for the Town of Barnstable, as determined annually by the United States Department of Housing and Urban Development:
 - i. 10% of the units shall be affordable to individuals who qualify as no greater than 70% of the Area Median Income.
 - ii. 90% of the units shall be affordable to individuals who qualify between 70% and 100% of the Area Median Income.
- c. All affordable units shall remain affordable for a minimum of 15 years through a use restriction which shall assure this condition. The use restriction shall be structured to survive any and all foreclosures.
- d. The continuing enforcement of the use restriction through subsequent resale of the affordable units shall be the subject of a monitoring agreement.
- e. No occupancy permit shall be requested until the affordable dwelling units have been approved by the subsidizing agency and evidence of such has been submitted to the Town Attorney.

(2) Affordable units for Multifamily affordable housing developments

- (a) An individual or household with total annual income that does not exceed the following percentages of the area median income for the Town of Barnstable,

as determined annually by the United States Department of Housing and Urban Development:

- (i) For the purchaser of a condominium unit: 50%.
- (ii) For the tenant in a rental unit: 50%.

- b) All affordable units shall remain affordable, as defined herein, in perpetuity. A use restriction shall ensure this condition. The use restriction shall be structured to survive any and all foreclosures.
 - i. The continuing enforcement of the use restriction through subsequent resale of the affordable units shall be the subject of a monitoring agreement.
 - ii. The use restriction and the monitoring agreement shall be drafted in compliance with the Local Initiative Program (LIP), and guidelines promulgated thereunder. The use restriction and the monitoring agreement shall be subject to review and approval by the Planning Board and approved as to form by the Town Attorney's office prior to the issuance of any building permits for any dwelling unit.
 - iii. The affordable unit shall conform to all Executive Office of Housing and Livable Communities (EOHLC) standards that must be met to qualify these units for inclusion in the EOHLC Subsidized Housing Inventory (SHI).
 - iv. A right of first refusal upon the transfer of such affordable units shall be granted to the Town or its designee for a period of not less than 120 days after notice thereof.
 - v. Affordable units shall not be segregated within the MAHD. The affordable units shall satisfy the design and construction standards and guidelines of the Local Initiative Program with regard to distinguishability from market rate units. It is the intent of this section that the affordable units shall be eligible for inclusion in the EOHLC Subsidized Housing Inventory as LIP units.
 - vi. Reserved.
 - vii. In computing the number of required affordable units, any fraction of a unit shall be rounded up, and the result of this computation shall be the number of affordable units required to be built within the MAHD. Affordable units shall only be located within any development permitted under this provision. This standard is not subject to variance.
- c) No occupancy permit shall be requested until the affordable dwelling units have been approved by the EOHLC as eligible for the EOHLC Subsidized Housing Inventory under the Local Initiative Program (LIP) Guidelines."

SECTION 9

By further amending said Section 240-16.1, renumbered Subsection L. Definitions, as follows:

- A. By deleting the words "AFFORDABLE UNIT" and inserting "AFFORDABLE UNIT FOR MULTIFAMILY AFFORDABLE HOUSING DEVELOPMENTS" in their place.
- B. By deleting the definition of "QUALIFIED AFFORDABLE HOUSING UNIT PURCHASES OR TENANT" and inserting the following new definition in its place:

"Duplex residential dwellings - A detached residential building containing two dwelling units."

- C. By adding the following new definition at the end of said Subsection:
"USE RESTRICTION FOR PERMITTED USES

A use restriction is a deed restriction or other legally binding instrument in a form consistent with the requirements of the subsidizing agency. A use restriction shall contain terms and conditions for the resale of a homeownership unit, including definition of the maximum permissible resale price, and for the subsequent rental of a rental unit, including definition of the maximum permissible rent. A use restriction shall require that tenants of rental units and owners of homeownership units shall occupy the units as their principal residences."

- D. By deleting the words "USE RESTRICTION" and inserting "USE RESTRICTION FOR MULTIFAMILY AFFORDABLE HOUSING DEVELOPMENTS" in their place.

VOTE: TO WITHDRAW THIS AGENDA ITEM - PASSES 13 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN

2025-143 ORDER APPROVING AMENDMENTS TO THE TOWN COUNCIL RULES INTRO: 03/06/2025, 03/20/2025, 04/03/2025, 05/15/2025, 07/17/2025

Karen Nober, Town Attorney, gave the rationale. She spoke about Robert's Rules of Parliamentary Procedure and Mason's Manual of Legislative Procedure. She discussed the amendments.

Discussion:

(Penn) Kudos to the committee. Please add the language, all town equipment shall be returned.

Upon a motion duly made and seconded it was

VOTE: TO AMEND THE LANGUAGE TO INCLUDE ALL TOWN EQUIPMENT WILL BE RETURNED - PASSES 13 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN

Upon a motion duly made and seconded it was

VOTE: TO AMEND RULE 10 A AND B - PASSES 13 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES,

NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN

Upon a motion duly made and seconded it was

ORDERED: That the Town Council does hereby amend the Town Council Rules, as most recently amended on October 3, 2019, by striking the Rules in their entirety and inserting the Town Council Rules of Procedure, dated February 10, 2025, attached hereto, in place thereof.

VOTE: AMENDED AS WRITTEN - PASSES 13 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN

<p>2025-193 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 184 SEWERS AND WATER BY ADDING A NEW ARTICLE V ESTABLISHING A LAND USE CONTROL FOR FLOW NEUTRAL WASTEWATER MANAGEMENT INTRO: 06/26/2025, 07/17/2025</p>

Open public hearing

Jim Kupfer, Planning and Development Director, gave the rationale.

seeing no one, no one on zoom, close public hearing

Discussion:

(Schnepp) Affirm that the number of many could be adjusted, (Kupfer) Yes. (Ludtke) Where does the number come from. (Santos) Calculated number of all sewered areas and wastewater flow from the properties max number of water wastewater from our sewered areas. (Ludtke) Do we have a plan (Santos) not, yet we are looking at the developing alternatives. (Crow) I have concerns with how we determine their number (Kupfer) existing loads growth potential we are no where near the number, if we are getting close to build out then we limit the number of bedrooms, but that is a down the road discussion (Levesque) Is the eligibility for the next round of financing (Milne) February 2026 next round of financing.

Upon a motion duly made and seconded it was

ORDERED: That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 184 Sewers and Water is hereby amended by adding after Article IV a new Article V as follows:

“Article V Land Use Control for Flow Neutral Wastewater Management

§ 184-15 Purpose.

The purpose of this Article **V** is to establish a Flow Neutral Land Use Control, as provided in 310 CMR 44.07(3), and to ensure that the overall wastewater flow in the Sewer Service Area (SSA), as defined herein, will be “flow neutral” for purposes of M.G.L. c. 29C, § 6, and 310 CMR 44.07. The Town plans to implement sewer expansion within the SSA over three phases spanning a 30-year period, and wastewater flow projections for those phases have been defined within a comprehensive and deliberate study of the existing and projected wastewater needs of the Town, as reflected in the Comprehensive Wastewater Management Plan (CWMP), as defined herein. The Town intends under this Article **V** that growth based on the availability of sewer service and wastewater flows in the SSA shall be managed to the levels projected in the CWMP.

§ 184-16 Applicability.

Article **V** shall apply to all property located within the SSA which is, or shall in the future be, connected to a public sewer system.

§ 184-17 Definitions.

For purposes of this Article **V**, the following words shall be considered to have the following meanings:

COMPREHENSIVE WASTEWATER MANAGEMENT PLAN (CWMP)

The Town's November 2020 final Comprehensive Wastewater Management Plan (EEA File No. 16148), which was found to adequately and properly comply with MEPA by the Secretary of Energy and Environmental Affairs in a Certificate dated December 30, 2020, as it may be amended from time to time in accordance with MEPA and any other applicable law, and approved by the state Department of Environmental Protection.

MASSACHUSETTS ENVIRONMENTAL POLICY ACT (MEPA)

The Massachusetts Environmental Policy Act, G.L. c. 30, §§ 61- 62L, and the regulations promulgated thereunder at 301 CMR 11.00, as amended.

PERSON

An individual, group of individuals, partnership, association whether incorporated or unincorporated, firm, company, trust, estate, corporation, business organization, agency, authority, department, or political subdivision of the Commonwealth of Massachusetts, public or quasi-public corporation or body, or any other legal entity or its legal representative, or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

SEWER SERVICE AREA (SSA)

The Sewer Service Area, which shall be comprised of the geographic areas in the Town that are presently sewered or proposed for sewer expansion, as identified within the CWMP.

§ 184-18 Wastewater Flow Management; Regulations.

- A. The CWMP addresses the multiple wastewater needs of the Town within a single SSA. No property outside of the SSA may be connected to public sewer until authorized under the CWMP. The total average daily wastewater flows within the SSA connected or to be connected to public sewer systems shall not exceed the figure of 4,573,550 gallons per day or such other figure as identified in the CWMP. This figure will be adjusted if additional flow is authorized or a modification to the SSA is made through (1) the approved CWMP, (2) an approved Notice of Project Change to the CWMP, or (3) approval from the state Department of Environmental Protection. No person shall be issued a permit or other approval for a sewer connection under Article I of this Chapter

184 if the anticipated wastewater flow to be generated under that permit or approval shall cause an exceedance in the total wastewater figure identified in this Section 184-18.

- B. The Town, through its Department of Public Works and any other departments as the Town Manager may require, shall periodically review new or projected growth in the SSA to confirm projections and compliance with the CWMP and determine whether any amendments to the CWMP are appropriate.
- C. The Town Manager may promulgate rules and regulations to effectuate the purposes of this Article **V** after conducting at least one public hearing to receive comments on any such proposed rules and regulations or revisions thereto. Failure to promulgate such rules and regulations shall not have the effect of suspending or invalidating this Article **V**."

VOTE: PASSES 13 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN

2025-194 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$11,500,000 FOR THE PURPOSE OF FUNDING THE STRAIGHTWAY WATER TREATMENT FACILITY PROJECT INTRO: 06/26/2025, 07/17/2025

Dan Santos, Public Works Director, gave the rationale.

Open public hearing seeing no one, no one on zoom, close public hearing

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$11,500,000** be appropriated for the purpose of funding the Straightway Water Treatment Facility Project, including the payment of costs incidental or related thereto; and that to meet this appropriation, that **\$763,379** be provided from the 3M Company PFAS Settlement Account, and that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$10,736,621** under and pursuant to M.G.L. c. 44, §§7 or 8, M.G.L. c. 29C, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that the Town is authorized to borrow all or any portion of this appropriation from the Massachusetts Clean Water Trust (the "Trust") and that the Town Manager or the Treasurer is authorized to sign any financing agreements or project regulatory agreements relating to such borrowing from the Trust; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

VOTE: PASSES 13 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES, NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN

2025-195 AUTHORIZING THE TOWN MANAGER TO EXECUTE A DEVELOPMENT AGREEMENT BY AND AMONG THE TOWN OF BARNSTABLE, SHOESTRING PROPERTIES, LLC, LOCATED AT 110 AND 115 SCHOOL STREET, MAIN STREET TIMES, LLC, LOCATED AT 319 AND 331 MAIN STREET, AND 259 NORTH STREET LLC, LOCATED AT 310 BARNSTABLE ROAD, HYANNIS INTRO: 06/26/2025, 07/17/2025

Councilor Neary explained he and his company had performed worked work for Holly Management at their 310 Barnstable Road location. He will not recuse himself from this agenda item.

Open public hearing

Michael Princi, Attorney Princi Mills PC, gave the rationale. He said the company was working

with Housing Assistance Corporation to bring rentals in rather than condos, He described 310 Barnstable Road and the 10 affordable units to offset the affordable units at the Dockside and Cape Cod Times Building.

zoom

(Laura Cronin) this is a bad precedent, please hold developers accountable. This is a shell game, please vote no.

Eric Schwaab felt the 310 Barnstable was a good building but not equal to the buildings on School Street. The math was not equal in swapping out affordable units from School Street to Barnstable Road. He added the land on Pleasant Hill Lake should be donated to the Conservation Area.

close public hearing

Discussion:

(Bloom) read aloud a letter from Laura Scofield. (Levesque) We need further discussion regarding the Dockside properties. (Penn) morally repugnant with using the development agreement in this matter. (Neary) Lets send it back to the Planning Board to vet this item. (Mendes) continue for further discussion to mull this over.

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby authorizes the Town Manager pursuant to Section 9-6 of Chapter 9 and Chapter 168 of the Town Code of the Town of Barnstable (the "Code"), to enter into and execute a Development Agreement by and among the Town of Barnstable and three Applicants:

1. Shoestring Properties, LLC for the properties located at 110 & 115 School Street, Hyannis, MA 02601 ("Dockside"), as shown on Town of Barnstable Assessors Map 326, Parcels 121 and 125, and more particularly described in Book 10473, Page 204, and Book 642, Page 74.
2. Main Street Times LLC for properties located at 319 and 331 Main Street, Hyannis, MA 02601 ("Cape Cod Times"), as shown on the Town of Barnstable Assessors Map 327, Parcels 102 and 106 and more particularly described in Book 32746, Page 290.
3. 259 North Street LLC for property located at 310 Barnstable Road, Hyannis, MA 02601 ("310 Barnstable"), as shown on the Town of Barnstable Assessors Map 310, Parcel 143 and more particularly described in Barnstable County Land Registration Office of the Land Court Registry Certificate #137681, as shown on Land Court Plan 16462-A Lot C, 16462-E Lot 2.

Collectively the three properties are referred to as the "Applicants' Properties."

This Development Agreement grants the requested relief concerning the Applicants' requirements to dedicate a total of ten (10) residential housing units, in perpetuity, to the Town of Barnstable's Inclusionary Affordable Housing Inventory, as required for the development of the Applicants' Properties under Chapter 9, Article 1, of the Code and as part of their project permitting. The Town Council further authorizes the Town Manager, on behalf of the Town, to acquire, for no monetary consideration, from 259 North Street LLC a perpetual Affordable Housing Restriction, pursuant to G.L. c. 184, sections 31-32 and meeting the requirements for the Deed Restriction, as defined in the Development Agreement. It is hereby further ordered

that the Town Manager is authorized to accept, negotiate, execute, receive, deliver and record any written instruments necessary to effectuate this Order.

DEVELOPMENT AGREEMENT
BY AND AMONG
THE TOWN OF BARNSTABLE

AND

SHOESTRING PROPERTIES, LLC
MAIN STREET TIMES, LLC
259 NORTH STREET, LLC

This Development Agreement ("Agreement") is entered into by and among the applicants, **Shoestring Properties, LLC, Main Street Times LLC , and 259 North Street LLC** (collectively the "Developers" or "Applicants") and the **Town of Barnstable** (the "Town"), a Massachusetts municipal corporation with a mailing address of 367 Main Street, Hyannis, MA 02601, on this ____ day of _____, 2025, pursuant to Chapter 9, "Affordable Housing," of the Code of the Town of Barnstable ("Chapter 9") and Chapter 168 of the Code of the Town of Barnstable ("Chapter 168"). The Applicants are Massachusetts limited liability companies and share the mailing address of 297 North Street, Hyannis, MA 02601.

WITNESSETH:

WHEREAS, pursuant to Section 9-6 of Chapter 9 and Chapter 168 of the Town Code, the Town of Barnstable is authorized to enter this Agreement with the Developers.

WHEREAS, pursuant to Section 9-6 of Chapter 9 and Chapter 168 of the Town Code, the Town of Barnstable may enter into Development Agreements with qualified applicants in areas shown on the Regulatory Agreements District Map. Chapter 9 authorizes the Town to enter into Development Agreements "in accordance with Section 14 of the Cape Cod Commission Act ... which provides for the development of affordable housing in the Town and establishes the permitted uses, densities, location and other characteristics of the development." The subject properties are located within the area delineated for regulatory agreements.

WHEREAS, the Town of Barnstable has issued and approved building permits for the Developers' Properties at Shoestring Properties, LLC Project at 110 and 115 School Street, Hyannis, MA 02601 ("Dockside"); Main Street Times LLC Project at 319 and 331 Main Street, Hyannis, MA 02601 ("Cape Cod Times"); and 259 North Street LLC Project at 310 Barnstable Road, Hyannis, MA 02601 ("Barnstable Road") as described herein. Each Developer's project is referred to herein, as applicable, a "Property"; and the Developers' projects collectively referred to as the "Properties." The Properties are defined more specifically in "Exhibit A" attached hereto and incorporated herein.

WHEREAS, each such approval and building permit was subject to the Developers each designating a number of one-bedroom and two-bedroom units to the Town of Barnstable Inclusionary Affordable ("Inclusionary Affordable") rental or ownership inventory with Deed Restrictions in perpetuity as required by Chapter 9.

WHEREAS, there are ten (10) total units required to be so designated as Inclusionary Affordable Units by the Developers broken down as follows:

- Dockside at 110 and 115 School Street (5): (3) 1BR Units; (2) 2BR Units
- Cape Cod Times at 319 and 331 Main Street 2 (2): (1) 1BR Unit; (1) 2BR Unit
- Barnstable Road at 310 Barnstable Road (3): (2) 1BR Units; (1) 2BR Unit

WHEREAS, the Dockside is currently at the early stages of development with expected occupancy in 2026.

WHEREAS, the Cape Cod Times currently has designated two (2) as Inclusionary Affordable Units;

WHEREAS, 310 Barnstable Road has been fully renovated and repurposed to residential housing and is ready for occupancy with three (3) Inclusionary Affordable Units to be designated.

WHEREAS, the Developers propose to redirect and dedicate the Inclusionary Affordable Units from Cape Cod Times and Dockside (a total of 7 units) to 310 Barnstable Road.

WHEREAS, the designation of the Inclusionary Affordable Units comply with Chapter 9 of the Town Code and by redirecting and dedicating seven (7) of the Inclusionary Affordable Units to 310 Barnstable Road, the Developers will fulfill their obligations to the Town under the Developers' project permitting and Chapter 9.

WHEREAS, the Town and Developers desire to enter into a Development Agreement and this Agreement reflects their respective understandings and agreements with regard to the proposed redirection and designation of seven of the Inclusionary Affordable units to 310 Barnstable Road.

WHEREAS, the Developers commit to designation of ten (10) Inclusionary Affordable units in accordance with this Agreement and shall provide that 70% of the units be designated for town residents.

WHEREAS, the Developers have agreed that of the two two-bedroom units to be relocated from Dockside to 310 Barnstable, the Developers will upgrade the units to three-bedroom units, which are in very high demand;

WHEREAS, the Developers have represented that the Developers' projects, individually or collectively, will not require regulatory review under the Massachusetts Environmental Policy Act (MEPA);

WHEREAS, the Agreement is not subject to review by the Cape Cod Commission as a Development of Regional Impact due to its location in the Growth Improvement Zone (GIZ) and due to the adoption of Barnstable County Ordinance 2006-06 establishing a cumulative development threshold within the GIZ, under which this Redevelopment may proceed.

WHEREAS, the redirecting and designation of seven of the Inclusionary Affordable Units to 310 Barnstable Road and the Town's release of the Inclusionary Affordable Units at Dockside and Cape Cod Times was reviewed and approved by the Barnstable Housing Committee on January 23, 2025, at which time the Committee voted 3:0 to recommend favorable action.

WHEREAS, the Agreement has undergone a public hearing, which was opened and closed on February 24, 2025, and received an affirmative 4:0 majority vote from the Planning Board on February 24, 2025; and,

WHEREAS, the Agreement has undergone a public hearing which opened on _____ and closed on _____ before the Barnstable Town Council and received a _____ vote on _____, 2025;

NOW, THEREFORE, for and in consideration of the rights and privileges set forth in this Agreement and in accordance with its terms, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Developers, for themselves and their successors and assigns, hereby grant and jointly and severally agree that the Properties shall be subject to the following rights and restrictions which are hereby imposed for the benefit of, and enforceable by the Town.

1. Definitions.

In this "Agreement", in addition to the terms defined above, the following words and phrases shall have the following meanings:

Area means the Metropolitan Statistical Area which includes the Town.

Deed Restriction shall have the meaning set forth in Section 2(e) below.

Eligible Tenant means an individual or household earning no more than 100% of the Barnstable area median income (AMI), as most recently published by HUD. If HUD discontinues publication of median income statistics, then the Monitoring Agent shall designate another measure of eligible income.

HUD means the United States Department of Housing and Urban Development.

Monitoring Agent means the Town or any successor or designee appointed by the Town.

Inclusionary Affordable Unit means a dwelling unit that by deed restriction is and will remain (a) available for sale and sold at a selling price that will result in an annual shelter cost of not more than 30% of the annual household income of a qualified affordable housing unit purchaser or (b) available for rental and rented at an annual rent that will result in an annual shelter cost of not more than 30% of the annual household income of a qualified affordable housing unit tenant, not including any unit rented to a tenant receiving rental assistance under 42 U.S.C. section 1437f or any similar rental assistance program

Term means in perpetuity.

2. Affordability

The Developers agree to construct the project in accordance with plans and specifications approved by the Town and shall comply with the following requirements:

- a. On or within ninety (90) days from the effective date of this Agreement, the Developers will redirect and designate the two inclusionary units (1-BR Unit and 2-BR unit) at Cape Cod Times to 310 Barnstable Road and will encumber the two units with a Deed Restriction as Inclusionary Affordable units in lieu of the two current units at Cape Cod Times.
- b. On or within ninety (90) days from the effective date of this Agreement, the Developers will redirect and designate the five (5) Affordable Inclusionary units (3-1BR units and 2-2 BR) at the Dockside project to 310 Barnstable Road and will upgrade the two two-bedroom units to two three-bedroom units, all of which will be encumbered with a Deed Restriction as Inclusionary Affordable units.
- c. The Developers will then have a total of ten (10) Inclusionary Affordable Units at 310 Barnstable Road immediately available for use and occupancy, rather than waiting several years for the Dockside at 110 and 115 School Street five (5) units to be built and occupied. The seven inclusionary units at 310 Barnstable Road will be immediately available for rent in lieu of the five units at the Dockside and the two units at Cape Cod Times at 319 and 331 Main Street. Of the 10 Units, 70% will be dedicated to Town

residents.

- d. The Developers will be responsible for all costs associated with redesignation of the seven (7) Inclusionary Affordable units from Cape Cod Times and Dockside to 310 Barnstable Road, including the payment of all recording fees to record the Deed Restrictions and discharging the current deed restrictions on the Cape Cod Times and Dockside.
- e. "Deed Restriction" in this Agreement shall mean a perpetual Affordable Housing Restriction, which shall run with the land comprising the applicable 259 North Street LLC's property at 310 Barnstable Road, as described in Exhibit A, to be granted by the property owner, 259 North Street LLC, and accepted in writing by the Town pursuant to G.L. c. 184, §§ 31-32, and addressing, at a minimum, the requirements for the (10) Inclusionary Affordable Units and Sections 9-7 and 9-8 of Chapter 9 and Chapter 168 of the Town Code. The Parties understand and acknowledge that the Deed Restriction will require approval by the state Executive Office of Housing and Living Communities (EOHLC). If EOHLC withholds approval or fails to act on the Deed Restriction required under this Agreement, then the Town may rescind the Agreement and the Developers' obligations for Inclusionary Housing Units, including the location of the units, will be as existing prior to execution of the Agreement.

Prior to finalizing and executing the Deed Restriction, the Developers, at their sole cost, shall cause a licensed attorney in good standing in the Commonwealth to undertake a title examination and certify title to the 310 Barnstable Road properties, as described in Exhibit A, in writing to the Town of Barnstable. The title examination and certification shall be performed to specifications acceptable to the Town and shall include a detailed narrative of title.

Prior to recording the executed Deed Restriction, the Developers shall cause any lien, mortgage, easement, or other encumbrance or interest of record affecting the 310 Barnstable Road property, as described in Exhibit A, to be fully subordinated, with no conditions and subject to the consent of the Town, to the Deed Restriction. The Developers shall cause said subordination instruments to be recorded prior to recording the Deed Restriction. The Deed Restriction, subordination instruments and any other necessary documents shall be recorded at the expense of the Developers.

- f. The Developers agree not to apply for Certificates of Occupancy for the Properties until all conditions of this Agreement have been met, including finalizing and recording the Deed Restriction.
- g. This Agreement is transferable to a person or entity other than the Developers (hereafter, the "Transferees") with prior written notice to the Town Manager and contingent upon the Developers demonstrating in writing their compliance with all the requirements of this Agreement and subject to the written consent of the Town Manager. However, no such notice to the Town shall be effective unless it includes a written acknowledgment by the Transferees that they have read this Agreement, and any amendments thereto, and they agree to be bound by the terms and conditions set forth herein, in which event after such assignment the transferor shall be relieved of liability

from and after the date of transfer. Upon receipt of such written notice of transfer, and subject to a determination by the Town Manager that the Developers are in compliance with all the then-applicable requirements of the Agreement, the Transferees and the Town Manager shall execute a minor amendment to this Agreement acknowledging: the Transferees are a signatory to this Agreement, the Transferees agree to be bound by the terms and conditions set forth herein and any subsequent amendments hereto, and that the Transferees assume all obligations under the Agreement. No Planning Board or Town Council approval is required for such a minor amendment acknowledging such a transfer in ownership.

- h. This Agreement may not be used to prevent the Town of Barnstable or other governmental agency from requiring qualified applicants to comply with the laws, rules and regulations and policies enacted after the date of this Agreement, if the Town of Barnstable or governmental agency determines that the imposition of and compliance with the newly effective laws and regulations are essential to ensure the public health, safety or welfare of the residents of all or part of the Town.

3. Non-discrimination.

The Developers shall not discriminate on the basis of race, creed, religion, color, sex, age, handicap, marital status, national origin, sexual orientation, familial status, genetic information, ancestry, children, receipt of public assistance, or any other basis prohibited by law in the selection of tenants; and the Developers shall not so discriminate in connection with the employment or application for employment of persons for the construction, operation or management of the Properties.

4. Inspection.

The Developers agree to comply and to cause the Properties to comply with the Agreement application as approved by the Barnstable Housing Committee at its meeting of January 23, 2025 and by the Planning Board at its meeting of February 24, 2025, and all other applicable laws, rules and regulations. The Town shall have access during normal business hours to all books and records of the Developers and the Properties upon reasonable prior written notice to the Developer in order to monitor the Developers' compliance with the terms of this Agreement but without any unreasonable interference with the operations at the Properties.

5. Recording.

Upon execution, the Developers shall immediately cause this Agreement and any amendments hereto to be recorded with the Barnstable County Registry of Deeds, or, if the Properties consist in whole or in part of registered land, file this Agreement and any amendments hereto with the Registry District of the Land Court for the County where the Properties are located (collectively hereinafter the "Registry of Deeds"), and the Developers shall pay all fees and charges incurred in connection therewith. Upon recording or filing, as applicable, the Developers shall as soon as possible transmit to the Town evidence of such recording or filing including the date and instrument, book and page or registration number of the Agreement.

6. Representations.

The Developers hereby represent and warrant as follows:

(a) The Developers (i) have the power and authority to own their properties and assets and to carry on its business as now being conducted, and (ii) have the full legal right, power and authority to execute, deliver and fully perform their obligations under this Agreement.

(b) The execution and performance of their obligations under this Agreement by the Developers

(i) will not violate or, as applicable, has not violated any provision of law, rule or regulation, or any order of any court or other agency or governmental body to which the Project or Properties are subject, and

(ii) will not violate or, as applicable, has not violated any provision of any indenture, agreement, mortgage, mortgage note, or other instrument to which the Developers are parties or by which they or the Project or Properties are bound, and (iii) will not result in the creation or imposition of any prohibited encumbrance of any nature.

(c) The Developers will, at the time of execution and delivery of this Agreement, have good and marketable title to the Properties free and clear of any lien or encumbrance (subject to encumbrances created pursuant to this Agreement, any loan documents relating to the Project or Properties, or other permitted encumbrances, including mortgages referred to in paragraph 12, below).

(d) There is no action, suit or proceeding at law or in equity or by or before any governmental instrumentality or other agency now pending, or, to the knowledge of the Developers, threatened against or affecting it, or any of its properties or rights, which, if adversely determined, would materially impair its right to carry on business substantially as now conducted (and as now contemplated by this Agreement) or would materially adversely affect their financial condition.

7. Transfer Restrictions.

Subject to demonstrating compliance in writing and the consent of the Town Manager as set forth in Section 2(g) above and prior to any approved transfer of ownership of the Project or Properties, the Developers agree to secure from the Transferee a written agreement stating that Transferee will assume in full the Developers' obligations and duties under this Agreement and provide a copy of said executed written agreement to the Town thirty (30) days prior to any such transfer.

8. Amendment.

Any Developer that is party to this Agreement may petition the Town of Barnstable to amend or rescind this Agreement pursuant to the terms of Chapter 168-10 of the Town Code.

9. Notices.

All notices to be given pursuant to this Agreement shall be in writing and shall be deemed given when delivered by hand or when mailed by certified or registered mail, postage prepaid, return receipt requested, to the parties hereto at the addresses set forth below, or to such other place as a party may from time to time designate by written notice.

IN WITNESS WHEREOF, the Parties, each duly authorized, have hereunto caused this Agreement to be executed as a sealed instrument on the day and year first above written.

Applicants:

Town of Barnstable

Shoestring Properties, LLC

By:

By its sole manager:

Holly Management and Supply Corporation

Stuart A. Bornstein,
Mark S. Ells, Town Manager
President and Treasurer

Date: _____

Date: _____

Main Street Times LLC

By:

Aaron B. Bornstein, Manager

Date: _____

259 North Street LLC

By its sole manager:

Holly Management and Supply Corporation

Stuart A. Bornstein

Date: _____

EXHIBIT A
PROPERTY DESCRIPTION

Property address: 110 and 115 School Street, Hyannis, MA 02601(Dockside); Assessors Map 326, Parcels 121 and 125

The land together with the buildings thereon situated in the Town of Barnstable (Hyannis), Barnstable County Massachusetts described as follows:

Parcel I – being the same premises shown on a plan of land entitled “Plan of Land in Hyannis – Barnstable, Mass. belonging to Lewis Bay Lodge, Inc., Scale: 1” = 50’ dated December 20, 1961, John C. O’Toole, Surveyor” and recorded with said Deeds in Plan Book 167, Page 41 to which reference may be made for a more detailed description.

Together with all littoral rights appurtenant thereto and together with all rights over the streets and ways as shown on said plan in common with all others lawfully entitled to use the same for all purposed for which streets or ways are commonly used in the Town of Barnstable, Massachusetts.

Parcel II – being the land located in Barnstable (Hyannis) containing by calculation 24,819 square feet of land, more or less and being delineated as PARCEL A on a plan entitled “Land in Hyannis, Massachusetts owned by Lewis Bay Motel, Restaurant & Marine, Inc.” dated January 24, 1992 by Bouley Brother, Inc., Registered Land Surveyors, Worcester, MA” and recorded in Plan Book 485, Page 93.

Subject to and together with all rights, reservations, easement and restrictions of record insofar as the same are in force and applicable.

For title see Deed recorded in Book 10473, Page 204.

Property address: 331 Main Street, Hyannis, MA 02601 (Cape Cod Times); Assessors Map 327, Parcels 102 and 106

Parcel One – That certain parcel of land situated in the Town of Barnstable (Hyannis), Barnstable County, Massachusetts described as follows:

Beginning at the Northeast corner of the granted premises at a concrete bound in the Southerly line of Main Street and at the Northwest corner of a right of way hereinafter mentioned; and thence running South 15°09'East in the Westerly sideline of said hereinafter mentioned right of way through a concrete bound two hundred eight (280) feet, more or less to land of Claretta M. Stuart; and thence running South 60°52'10"West eight-four and 90/100 (84.90) feet, more or less by land of said Stuart to a stone bound and land of Hyannis Women's Club; and thence running North 16°24'20"West by land of Hyannis Women's Club, Georgie A. Kenney and Inter Cities Realty Corporation, two hundred sixty-nine and 40/100 (269.40) feet, more or less to a drill hole in a concrete bound at Main Street; and thence running North 73°44'East by said Main Street ninety and 36/100 (90.36) feet, more or less to a concrete bound at the point of beginning.

Together with a right of way in common with others entitled thereto over a twenty-five (25) foot right of way extending Southerly from Main Street to the Northerly line of land of said Claretta M. Stuart adjoining the Easterly line of the above-described premises. Said right of way is to be used only in any manner reasonably required for travel to and from Main Street in connection with the use of the premises.

Parcel Two - That certain parcel of land situated in the Town of Barnstable (Hyannis), Barnstable County, Massachusetts containing an area of 35,400 square feet, more or less and being shown on plan entitled "Plan of Land – Hyannis – Barnstable, Mass. as surveyed for Claretta Stuart, Scale: 1" = 40' dated December 1956, Whitney & Bassetts, Architects & Engineers, Hyannis, Mass.," which plan is recorded in Plan Book 132, Page 35.

Excepting from the above land is that certain parcel of land being shown as Parcel A on plan recorded in Plan Book 215, Page 147 and more particularly described in a Deed from Ottaway Newspapers-Radio, Inc. to the Town of Barnstable dated October 26, 1967, and recorded in Book 1385, Page 439.

Together with rights of access as reserved in Deed recorded in Book 1385, Page 439.

Parcel Three - That certain parcel of land situated in the Town of Barnstable (Hyannis), Barnstable County, Massachusetts bounded and described as follows:

On the West about eighty-eight and 5/10 (88.5) feet by Ocean Street; and On the North about ninety-five and 13/100 (95.13) feet by land now or formerly of the Investor's Security Trust; and

On the East about eight-four and 38/100 (84.38) feet by land formerly of Hugh R. Ferguson; and on the South about ninety-nine and 5/10 (99.5) feet by land of the Hyannis Women's Club.

Parcel Four - That certain parcel of land situated in the Town of Barnstable (Hyannis), Barnstable County, Massachusetts shown on a land of "Hyannis Women's Club" on a plan entitled "Plan of Land in Hyannis, Barnstable, Mass. for E. Anthony & Sons, Inc." Scale: 1' = 40' and dated December 1962, David H. Greene, Surveyor, Hyannis, Mass. and recorded in Plan Book 242, Page 157.

For title see Deed recorded in Book 32746, Page 290.

Property address: 319 Main Street, Hyannis, MA 02601 (Cape Cod Times)

The land together with any buildings thereon located at 331 Main Street Hyannis, Barnstable County, Massachusetts situated at the corner of Main Street and Ocean Street in Hyannis, Barnstable County, Massachusetts being shown as LOTS A and B1 on a plan entitled "Subdivision of Land of Inter Cities Realty Corporation in Hyannis, Barnstable, Mass.," dated March 1935, prepared by Sumner Shein, CE and recorded in Plan Book 50, Page 111, to which reference may be made for a more detailed description. See also plan recorded in Plan Book 597, Page 70.

Excepting from the above-referenced parcel the Southwesterly corner thereof shown on plan recorded in Plan Book 53, Page 47 and bounded and described on Exhibit B of deed recorded in Book 32746, Page 290.

Subject to and with the benefit of all rights, reservations, easements and restrictions of record insofar as the same are in force and applicable.

For title see Deed recorded at Book 32746, Page 290.

Property address: 310 Barnstable Road, Hyannis, MA 02601 (Barnstable Road); Assessors Map 310, Parcel 143

The land situated in the Town of Barnstable (Hyannis), Barnstable County, Massachusetts being shown as **LOT C** on Land Court Plan No. 16462-A; and **LOT 1** on Land Court Plan No. 16462-E.

Subject to and with the benefit of all rights, reservations, easements and restrictions of record insofar as the same are in force and applicable.

For title see Deed registered as Document No. 643,051 filed with Certificate of Title No. 137681.

VOTE: CONTINUED TO 08/21/2025 - PASSES 13 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES,

NEARY, PENN, SCHNEPP, STARR, TAMASH, TERKELSEN

Upon a motion duly made and seconded it was go past 11pm

VOTE: FAILED 7 YES 5 NO (BURDICK, LEVESQUE, MENDES, NEARY, PENN)

ROLL CALL: BLOOM, CLARK, CROW, LUDTKE, SCHNEPP, TAMASH, TERKELSEN

**2025-196 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:
06/26/2025, 07/17/2025**

Upon a motion, it was duly made and seconded it was

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Council on Aging:** Christine Beer from an associate position to a full member position to a term expiring 06/30/2028, Stephanie Parish, as a regular member to a term expiring 06/30/2028; **Comprehensive Financial Advisory Committee:** Frank Ward, as a regular member to a term expiring 06/30/2027; **Historical Commission:** Barbara Cuggino DeBiase as the Historical Commission Representative member to the Community Preservation Committee to a term expiring 06/30/2028.

VOTE: NO ACTION WAS TAKEN

ROLL CALL:

**2025-197 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:
06/26/2025, 07/17/2025**

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council reappoints the following individuals to a multiple-member Board/Committee/Commission: **Airport Commission:** Bradley Bailey, as a regular member term expiring 06/30/2028; Mark Guiod, as a regular member, to a term expiring 06/30/2028; **Board of Health:** Donald Guadagnoli, MD, as a regular member to a term expiring 06/30/2028; Steven Waller, MD, as a regular member to a term expiring 06/30/2028; **Community Preservation Committee:** Steven Robichaud, as a Planning Board representative member, to a term expiring 06/30/2028; Farley Lewis, as a regular member to a term expiring 06/30/2028; **Comprehensive Financial Advisory Board:** Lillian Woo, as a regular member to a term expiring 06/30/2028; Christopher Lauzon, as a regular member to a term expiring 06/30/2028; **Disability Commission:** Patricia Ericson-Taylor, as a regular member to a term expiring 06/30/2028; **Golf Committee:** Mark Bushway, as a regular member to a term expiring 06/30/2028; Susanne Conley, as a regular member to a term expiring 06/30/2028; Geoffrey Converse, as a regular member to a term expiring 06/30/2028; William Sylva, as a regular member to a term expiring 06/30/2028; **Historical Commission:** Jack Kay, as a regular member to a term expiring 06/30/2028; **Housing Committee:** Eileen Elias, as an alternate member to a term expiring 06/30/2028; Chris Beach, as a regular member to a term expiring 06/30/2028; **Infrastructure and Energy Committee:** Jane Ward, as a regular member to a term expiring 06/30/2028; Barry Sheingold, as a regular member to a term expiring 06/30/2028; **John F. Kennedy Memorial Trust Fund Committee:** William Murphy, as a Recreation Commission Representative member to a term expiring 06/30/2028; Wendy Northcross, as a regular member to a term expiring 06/30/2028; **Licensing Authority:** John Flores, as a regular member to a term expiring 06/30/2028; Jessica Sylver, as an associate member to a term expiring 06/30/2028; **Recreation Commission:** James O'Leary, as a regular member to a term expiring 06/30/2028; **Sandy Neck Board:** William Monroe, as a member at large, to a term expiring 06/30/2028; William Carey, as a member at large to a term expiring 06/30/2028; **Shellfish Committee:** William Cherepon, as a member at large to a term expiring 06/30/2028; Gloriann Hurwitz, as a member holding a family permit to a term expiring 06/30/2028;

Waterways Committee: Jacob Angelo, as a regular member to a term expiring 06/30/2028; Todd Walantis, as a regular member to a term expiring 06/30/2028; **Zoning Board of Appeals:** Larry Hurwitz, as an associate member to a term expiring 06/30/2028; Paul Pinard, as a regular member to a term expiring 06/30/2028.

VOTE: NO ACTION WAS TAKEN

ROLL CALL:

2025-198 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$2,500,000 IN COMMUNITY PRESERVATION ACT FUNDS FOR THE PURPOSE OF INCREASING THE NUMBER AND AVAILABILITY OF COMMUNITY HOUSING UNITS IN THE TOWN OF BARNSTABLE INTRO: 06/26/2025, 07/17/2025

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 amount of **\$2,500,000** be appropriated and transferred from the funds set aside for Community Housing Funds within the Community Preservation Fund and secondly from the Community Preservation Undesignated Fund for the purpose of the Affordable Housing/Growth & Development Trust Fund, and that the Affordable Housing/Growth & Development Trust Fund Board is authorized to contract for and expend the total appropriation of Two Million Five Hundred Thousand Dollars (**\$2,500,000**) to increase the number and availability of community housing units within the Town of Barnstable by both funding and initiating projects and programs for that purpose, subject to the oversight by the Community Preservation Committee.

VOTE: NO ACTION WAS TAKEN

ROLL CALL:

2025-202 RESOLVE APPROVING AND ADOPTING THE TOWN OF BARNSTABLE 2025 LOCAL COMPREHENSIVE PLAN DATED JUNE 9, 2025 INTRO: 06/26/2025, 7/17/2025
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Upon a motion duly made and seconded it was

WHEREAS, in accordance with the Cape Cod Commission Act (Chapter 716 of the Acts of 1989, as amended) and the Local Comprehensive Plan Regulations promulgated thereunder, the Town of Barnstable 2025 Local Comprehensive Plan contains a comprehensive existing conditions report, community vision statement, topic and location specific goals and actions and implementation strategies to achieve the Plan's goals over the next 10 or so years in the Town of Barnstable; and

WHEREAS, the Town of Barnstable 2025 Local Comprehensive Plan was presented in draft form to the Town Planning Board at a duly noticed public meeting held on June 9, 2025; and

WHEREAS, at its June 9, 2025 meeting, the Planning Board unanimously voted to recommend approval of the Local Comprehensive Plan to the Town Council;

NOW, THEREFORE, BE IT RESOLVED: That the Town Council hereby approves and adopts the Town of Barnstable 2025 Local Comprehensive Plan dated June 9, 2025, in the form as provided to the Town Council and presented at this meeting, and directs and authorizes the Town Clerk to submit the Local Comprehensive Plan to the Cape Cod Commission for certification that it is in compliance with the regional policy plan prepared by the Cape Cod Commission.

VOTE: NO ACTION WAS TAKEN

ROLL CALL:

2025- 001 AUTHORIZATION TO EXPEND A FISCAL YEAR 2026 GRANT IN THE AMOUNT OF \$7,500 FROM THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION TO BE USED TOWARDS THE PURCHASE OF ONE ELECTRIC CHEVY EQUINOX INTRO: 07/17/2025

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2026 Massachusetts Department of Environmental Protection grant in the amount of **\$7,500** to be used towards the purchase of one electric Chevy Equinox for the use of Barnstable Government Access Television.

VOTE: NO ACTION WAS TAKEN

ROLL CALL:

2025-002 ORDER AUTHORIZING THE GRANT OF AN EASEMENT FOR ELECTRIC FACILITIES ON TOWN-OWNED LAND AT 382 FALMOUTH ROAD IN HYANNIS INTRO: 07/17/2025

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby authorizes the Town Manager, on behalf of the Town, as part of a negotiated transaction and for nominal monetary consideration, to grant a perpetual easement to NSTAR Electric Company, doing business as Eversource Energy, or one of its related entities for the installation and operation of an underground line for the distribution of electricity, related lines for control, relay and communication purposes, and associated at-grade appurtenances, including manholes, to serve the Town-owned land located at 382 Falmouth Road in Hyannis, shown as Assessor Parcel 293-001, and described in an order of taking recorded at the Barnstable County Registry of Deeds in Book 511, Page 242. The easement area consists of 5,700± square feet located on the Town-owned land and is shown as "15' Wide Utility Easement" on a plan captioned "Electric Easement Exhibit Plan" "382 Falmouth Road - Hyannis Village – Barnstable, MA", prepared by the Town of Barnstable, Department of Public Works, dated July 1, 2025, and attached hereto. The Town Manager is authorized to negotiate, accept, sign, deliver and record any documents, and may make minor modifications to the easement area and the plan as necessary to effectuate this Order and complete this transaction.

VOTE: NO ACTION WAS TAKEN

ROLL CALL:

2025-003 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE III DISTRICT REGULATIONS, SECTION 240-24.1.5 STANDARDS FOR ALL DISTRICTS TO MODIFY THE REQUIRED PARKING FOR RESIDENTIAL OR ARTIST LIVE/WORK AND ESTABLISH A PARKING SPACE DIMENSIONAL STANDARD INTRO: 07/17/2025

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, Article III District Regulations, Section 240-24.1.5, Standards for all Districts, Subsection (C) Parking Standards, be amended as follows:

SECTION 1

By amending subsection (2)(a) by inserting after the words "on-site shared parking" the following: ", but excluding accessible parking spaces required by the Massachusetts Architectural Access Board regulations at 521 CMR 23.00"

SECTION 2

By further amending said subsection (2)(a) by adding the following new subsection (ii):

(ii) Parking space dimensions shall be a minimum of 9 feet by 18 feet and the drive aisle between spaces shall be a minimum of 20 feet.

SECTION 3

By amending subsection (2)(b) by inserting after the words "Table 2" the following: "and the parking standards found in subsection (C)(2)(a)(ii)".

SECTION 4

By amending Table 2 Minimum Required Accessory Parking Spaces by striking from the Use Category of "Residential or artist live/work (per DU)" the number "1" where it appears each time under the headings: DMS, DV, DN, HH and TC, and inserting the number "1.5" in place thereof.

VOTE: NO ACTION WAS TAKEN

ROLL CALL:

2025- 004 ORDER WAIVING FEES FOR CONSTRUCTION WORK BY THE COTUIT FIRE DISTRICT FOR THE EXPANSION AND RENOVATION OF THE FIRE STATION AT 64 AND 56 HIGH STREET, COTUIT INTRO: 07/17/2025

Upon a motion duly made and seconded it was

ORDERED: Notwithstanding the provisions of any ordinance of the Town regarding schedules of fees, the construction project for the expansion and renovation of the Fire Station at 64 and 56 High Street in Cotuit by the Cotuit Fire District (the "Project") shall hereby be exempt from payment of such fees; provided that if the Town is required to hire outside inspectors with special expertise to inspect any aspect of the Project, the Cotuit Fire District will pay those costs; and provided further, that this Order shall not become effective until a Memorandum of Agreement between the Town of Barnstable and the Cotuit Fire District substantially in the form attached hereto is executed and filed with the Barnstable Town Clerk in which the Cotuit Fire District agrees to pay any such costs for outside inspectors.

VOTE: NO ACTION WAS TAKEN

ROLL CALL:

2025-005 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE III DISTRICT REGULATIONS, TO MODIFY BUILDING HEIGHT REQUIREMENTS IN THE DOWNTOWN MAIN STREET DISTRICT AND DOWNTOWN VILLAGE DISTRICT INTRO: 07/17/2025

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, Article III District Regulations, be amended as follows:

SECTION 1

By amending Section 240-24-1.6 Downtown Main Street District (DMS) by deleting in subsection A.1 the word "four" and inserting the words "three and one half" in its place.

SECTION 2

By further amending Section 240-24.1.6 by deleting in subsection C.6 the word “fourth” and inserting the words “third and one half” in its place.

SECTION 3

By further amending Section 240-24.1.6 by deleting in Table 3, under the heading “Building Form” the words “or 4” where they appear after “F - Number of Stories”.

SECTION 4

By further amending said Table 3 by deleting in footnote 1 the word “fourth” and inserting the words “third and one half” in its place.

SECTION 5

By amending Section 240-24.1.7 Downtown Village District (DV) by deleting in subsection A.1 the word “four” and inserting the words “three and one half” in its place.

SECTION 6

By further amending Section 240-24.1.7 by deleting in subsection C.4 the word “fourth” and inserting the words “third and one half” in its place.

SECTION 7

By further amending Section 240-24.1.7 by deleting in Table 4, under the heading “Building Form” the words “or 4” where they appear after “F – Number of Stories”.

SECTION 8

By further amending said Table 4 by deleting in footnote 1 the word “fourth” and inserting the words “third and one half” in its place.

VOTE: NO ACTION WAS TAKEN

ROLL CALL:

**2025-006 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I
GENERAL ORDINANCES, CHAPTER 240 ZONING TO REPEAL THE DOWNTOWN
VILLAGE DISTRICT AND AMEND THE ZONING MAP TO REPLACE THE DOWNTOWN
VILLAGE DISTRICT WITH THE DOWNTOWN NEIGHBORHOOD ZONING DISTRICT INTRO:
07/17/2025**

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 the Zoning Map of Barnstable, Mass. Dated September 1, 1998, as previously amended, as referenced in Article II, Section 240-6, to repeal the “Downtown Village District” and replace it with the “Downtown Neighborhood District”, as shown on the draft map dated 4-1-25, prepared by the Town of Barnstable Geographical Information System Unit, and entitled “Downtown Hyannis Zoning Districts”.

SECTION 2

By amending Article II, Section 240-5, Establishment of districts, by deleting the “DV Downtown Village” district where it appears under the heading “Downtown Hyannis Zoning District”.

SECTION 3

By amending Article III, Section 240-24.1.5 by deleting in subsection B, Table 1, the “DV” column in its entirety.

SECTION 4

By further amending Section 240-24.1.5. by deleting in subsection C, Table 2, the “DV” column in its entirety.

SECTION 5

By amending Article III by deleting Section 240-24.1.7 Downtown Village District (DV) in its entirety and inserting “Section 240-24.1.7 Reserved” in its place.

SECTION 6

By amending Article III, Section 240-24.1.13 Tables by deleting the “DV” column in its entirety.

VOTE: NO ACTION WAS TAKEN

ROLL CALL:

2025-007 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING TO AMEND THE AREA IN THE DOWNTOWN MAIN STREET DISTRICT WHERE GROUND FLOOR COMMERCIAL SPACE IS REQUIRED INTRO: 07/17/2025

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, Article III District Regulations, Section 240-24.1.6 Downtown Main Street District (DMS) be amended by deleting in subsection C.4. the words “Ocean Street” and inserting the words “Pleasant Street” in their place.

VOTE: NO ACTION WAS TAKEN

ROLL CALL:

2025-008 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE V ACCESSORY USES, BY REPEALING AND REPLACING SECTION 240-46, HOME OCCUPATION WITH A NEW SECTION 240-46 HOME OCCUPATION THAT ADDS DEFINITIONS, LICENSING REQUIREMENTS AND MAKES CERTAIN OTHER REVISIONS INTRO: 07/17/2025

Upon a motion duly made and seconded it was

It is hereby **ORDERED** as follows:

SECTION 1

That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article V Accessory Uses, is hereby amended by deleting Section 240-46, Home Occupation in its entirety and inserting the following new Section 240-46, Home Occupation in its place:

“§ 240-46 Home Occupation

A. Intent. It is the intent of this section to allow the residents of the Town of Barnstable to operate a Home Occupation within a dwelling, subject to the requirements and licensing provisions of this section, provided that: the Home Occupation shall not be discernible from outside the dwelling except as provided herein; the Home Occupation shall not create any noise or odor; there shall be no visible alteration to the premises which would suggest anything other than a residential use; there shall be no increase in traffic above normal residential volumes; and there shall be no increase in air or groundwater pollution.

B. Definitions.

Building Commissioner – Duly appointed building commissioner or his designee acting as the zoning enforcement officer.

Commercial Vehicle – Any vehicle that meets the definition of “Commercial Plates Required Vehicle” as set forth in 540 CMR 2.05(3).

Contractor’s Storage Yard – Keeping of materials in trade outdoors, such as: lumber, granite, windows and other such bulk materials, including, but not limited to, stone, gravel, mulch and firewood beyond the limits of personal use.

Home Occupation – A business with a primary business address located within a residence or on a residential property.

Home Occupation License – A license issued to a Responsible Party permitting that individual to have a Home Occupation within their residence or on their residential property.

Kennel – Premises used for the harboring and/or care of more than six dogs or other domestic non-farm animals six months old or over.

Park-and-Ride – a location at which drivers leave their vehicles to get into another vehicle to go to another location.

Responsible Party – Any individual in possession of a Home Occupation License issued by the Town of Barnstable.

Trailer – any vehicle or object on wheels and having no motive power of its own, but which is drawn by, or used in combination with, a motor vehicle.

C. A Home Occupation shall be permitted in all zoning districts as of right, subject to the following conditions:

(1) The Home Occupation activity is conducted by a permanent resident of a dwelling unit, and such activity is located within that dwelling unit or within an accessory structure located on the same lot, subject to the limitations herein.

(2) Such use is clearly incidental to and subordinate to the principal use of the premises for residential purposes.

(3) A Home Occupation shall require a Home Occupation License issued by the Building Commissioner or his designee.

(4) Any vehicle associated with the Home Occupation and which meets the definition of Commercial Vehicle shall display a commercial registration number plate as required by 540 CMR 2.05.

(5) Such use occupies no more than 20% of the gross square footage of the dwelling unit, including office and storage areas combined, unless relief is granted by special permit as provided by Subsection (E)(1)(a) below. Such use within an accessory structure shall occupy no more than 200 square feet unless relief is granted by special permit as provided by Subsection (E)(1)(e) below.

(6) There are no external alterations to the dwelling which are not customary in residential buildings, and there is no outside evidence of such use except as provided herein.

(7) The use is not detrimental to the neighborhood and its residential character.

(8) Traffic generated shall not be more disruptive to the neighborhood than traffic normally resulting from a residential use, considering volume, hours, vehicle types and other traffic characteristics, including, but not limited to, an increase of traffic and/or presence of vehicles due to frequent pick-up or drop-off of equipment, materials or supplies.

(9) The use shall not create or produce excessive noise, vibration, smoke, dust or other particulate matter, odors, electrical disturbance, heat, glare, humidity or other objectionable effects.

(10) There is no storage or use of toxic or hazardous materials, oil, or flammable or explosive materials in excess of normal household quantities.

(11) Any need for parking generated by such use shall be met on the premises containing the Home Occupation, but not on grass, lawn or landscaping. Parking associated with the Home Occupation shall not displace resident vehicles into the roadway.

(12) All supplies, materials and equipment associated with the Home Occupation shall be kept in a garage, shed or other enclosed structure or in or on a Commercial Vehicle or trailer allowed on the premises under this Section.

(13) There are no vehicles associated with the Home Occupation, other than one Commercial Vehicle not to exceed one-ton capacity, and one trailer not to exceed 20 feet in length and not to exceed four tires, parked on the premises containing the Home Occupation.

(14) If more than one Home Occupation is licensed, any additional Commercial Vehicle and/or trailer associated with the second Home Occupation may be parked on the premises only by special permit as set forth in Subsection E(1). Except as authorized under Subsections C(13) and E(1), any Commercial Vehicles or trailers associated with the Home Occupation(s) must be located off-premises at a storage facility or other private property.

(15) No sign shall be displayed indicating the Home Occupation.

(16) If the Home Occupation is listed or advertised as a business, the street address shall not be included.

(17) No more than one non-resident employee may be employed on the premises of a Home Occupation, except pursuant to a special permit in accordance with Subsection (E)(1)(c) below.

(18) The property on which the Home Occupation is located shall not serve as a Park and Ride.

(19) There shall be no more than two (2) Home Occupations licensed on the premises.

(20) Home occupations shall not include such uses similar to and/or including the following:

(a) Barber and beauty shops.

(b) Commercial stables or kennels.

(c) Offices which provide public access, provided that offices that are used only for administrative purposes shall be permitted.

(d) The sale of retail or wholesale merchandise from the premises, with the exception of online or mail order sales. The storage of merchandise is included in the total area limits of the home occupation subject to Subsection (C)(5) above.

(e) The sale of antique or secondhand goods, with the exception of online or mail order sales. The storage of merchandise is included in the total area limits of the home occupation subject to Subsection C(5) above.

(f) Service or repair of vehicles, and gasoline- or diesel-powered machinery.

- (g) Contractor's storage yards.
- (h) Veterinary services.
- (i) The manufacture of goods using heavy machinery.
- (j) Medical or dental practice.
- (k) Fortune-telling or palm reading.

D. Home Occupation License. Applicants shall be required to receive a Home Occupation License from the Building Commissioner or his designee for each Home Occupation located within a residence or on a residential property.

(a) All Responsible Parties shall make application to renew their Home Occupation Licenses annually. Renewals are subject to approval and may be withheld for violations of the Barnstable Town Code, including, but not limited to, the requirements set forth in this Section.

(b) A Home Occupation License shall be for a term of one (1) calendar year, beginning on January 1. License fees shall not be pro-rated when obtained after January 1.

(c) Home Occupation Licenses shall include, at a minimum, the following information: A license number, name and photo of the Responsible Party; the location of the Home Occupation; license plate numbers of all commercial vehicles associated with the Home Occupation; telephone number of the Responsible Party; email address of the Responsible Party; and location of off-premises parking associated with the Home Occupation.

(d) A Home Occupation License may be revoked by the Building Commissioner or his designee for cause, including, but not limited to:

- i. Violation of any of the provisions of this Section.
- ii. Providing false information in any application associated with the Home Occupation.
- iii. Parking business-associated vehicles in violation of what is allowed by this Section.
- iv. Failing to register vehicles associated with the Home Occupation as required by Subsection (C)(4).
- v. Failure to timely communicate with the Building Commissioner or his or her designee during any enforcement action.

(e.) A Responsible Party aggrieved by a decision by the Building Commissioner pursuant to this Subsection D may appeal to the Zoning Board of Appeals within thirty (30) days of the decision.

Appeals to the Zoning Board of Appeals shall be delivered in accordance with Massachusetts General Laws c. 40A § 15.

E. Home Occupation by special permit. The Zoning Board of Appeals may allow by special permit, subject to the provisions of § 240-125C herein, a Home Occupation subject to the specific standards for such conditional uses as required in this Section:

(1) Home Occupations shall comply with all of the requirements of Subsection C(1) through C(20) above, except the Zoning Board of Appeals may allow by special permit the following waivers from the requirements of Subsection C above:

(a) The Zoning Board of Appeals may allow an activity to exceed 20% of a dwelling's gross square footage but at no time shall allow a Home Occupation to occupy more than 40% of a dwelling's gross square footage.

(b) The Zoning Board of Appeals may allow one nonilluminated wall sign not exceeding two square feet in area.

(c) The Zoning Board of Appeals may allow more than one nonresident employee to be employed on the premises of a Home Occupation but at no time shall a Home Occupation allow for more than two nonresidents of the household to be employed on the premises at the same time.

(d) Home Occupations shall not include the uses listed in Subsection C(20) above. However, the Zoning Board of Appeals may allow activities that may not be customary within a dwelling, provided that the activity meets the intent as specified herein.

(e) The Zoning Board of Appeals may allow a Home Occupation to be located within an accessory structure which may occupy greater than 200 square feet of the accessory structure, on the same lot as the principal residential dwelling unit occupied by the applicant; provided that at no time shall the use within the accessory structure occupy an area within an accessory structure that is greater than 25% of the gross square footage of the principal residential dwelling unit occupied by the applicant.

(f) An additional commercial vehicle and/or trailer associated with a second Home Occupation.

(2) Home Occupations requiring a special permit shall require Article IX, Site Plan Review.

(3) Any special permit granted by the Zoning Board of Appeals shall be issued solely to the applicant at his or her residence with the Home Occupation and shall not be transferable to another person or to another location."

SECTION 2

This Order shall take effect ninety (90) days after passage.

VOTE: NO ACTION WAS TAKEN

ROLL CALL:

VOTED TO ADJOURN:

VOTE: PASSES 12 YES

**ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, MENDES,
NEARY, PENN, SCHNEPP, TAMASH, TERKELSEN**

Adjourned at 11:00 PM

Respectfully submitted,

Janet E. Murphy
Assistant Town Clerk

NEXT MEETING: August 21, 2025

Exhibits: