



Town Council Meeting
August 21, 2025

A quorum being duly present, President Craig Tamash called the August 21, 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 (6:07), Betty Ludtke, Jeffrey Mendes, Paul Neary, Paula Schnepf, Craig Tamash, Kristin Terkelsen

ZOOM: Felicia Penn, Gordon Starr

Councilor Ludtke introduced and welcomed, Captain Ben Brea to lead the pledge of allegiance followed by President Tamash who asked all to remain standing for a Moment of Silence.

PUBLIC COMMENT:

Bettina Abe spoke about protecting the wetlands, which is a serious environmental concern at Pleasant Hill Lane. An unauthorized pumping of the creek next to 32 Pleasant Hill Lane, this wetland is part of the Stewarts Creek wetlands, urge the Town Council not to dewater this area without being closely monitored.

Susanne Conley read a statement (**Exhibit A**) regarding high levels of the Electromagnetic Field (EMF) and a letter Town Manager Ells sent to the Secretary of Energy and Environmental Affairs.

John Terry spoke in favor of passing the resolution 2026-018 and urged the Council to pass it.

Nina Tepper came before the Council to ask them to vote for the 2026-018 resolution. How can we turn our backs on these folks? We need to be on the right side of history, by upholding the state and federal laws.

Joanne Irwin spoke in favor of passing the resolution 2026-018. Many hardworking immigrants live and work in our community. Be a leader on Cape Cod, we will not stand for cruelty and injustice.

Larry Morin spoke about the forthcoming election, the importance of what the candidates are proposed to do. (**Exhibit B**)

Eileen Elias a first generation American, based on our mission of No Place for Hate, the issue about immigration is hate and bigotry. Urged the Council to pass 2025-018 (**Exhibit C**).

David Abelman urges the town to clean up the cyanobacteria blooms in Long Pond in Marstons Mills, it is a safety issue, the poison in the pond is 62 times the level that is considered dangerous. We hope you will consider our solutions and act.

Steve Kreth spoke about Long Pond is sick and it is getting worse. As voters and tax payers, we know that there are new solutions, we are hoping that you will be our advocate with the Department of Public Works (DPW) to save our pond.

Lisa Daluz spoke about the dewatering done on Mitchells Way to a total of ten million gallons of water. How about respect for the people who live in the town. Without safe water we are all doomed. Look

into things, double check the facts, have some integrity. It's what the town wants.

Amy Mesirow has been before this Council about the cyanobacteria in Long Pond. The water quality has gone downhill. At this point, the risk to our health is far worse than trying something new. Asking the Council to try something new.

Carole Young-Kleinfeld urged a resolution for human liberties; to vote yes on the proposal 2026-018, we open all town council meetings with liberty and justice for all.

Wayne Bergeron this is not the best of times, it is a tremendous challenge, we are basically living in an authoritarian state, you have an opportunity to send a message that you value all the people of this town.

Nancy Ayotte asked the Council to support the resolution 2026-018; we need to take this opportunity. We need these workers, and we need to stand for them.

Deb Hennessey, strongly supports the resolution 2026-018, everyone deserves a life of dignity free from fear, where everyone is respected and welcome,

Jeff DaLuz spoke about 32 Pleasant Hill Lane and stated none of the Councilors showed up there to see the creek. He stated he found a sign that was not legal, it was a sign used at another site. To pump all the water out of the creek. Everything is a mess.

Marie DaLuz spoke to the people down at the pump station, how do you figure that the water is not connected to the stream. No one is happy about it; she hopes you all lose a lot of sleep to make you uncomfortable.

Eric Schwaab no one does anything, no resolution, that's where we are at Pleasant Hill. We submitted a petition no one called. No one comes to help you. If you are going to do something you might want to start.

Kim Pulsford supports item 2026-018. There is no gray area, our town must align with those qualities, we must advocate for everyone. This should be a simple vote.

Dawn Ericson Taylor has seen her village change. I am for progress for housing that will help the workforce. Troubled by the estimated levels of discharge, the traffic impacts, we all have a responsibility.

Gabbie DiNardi is in support of the resolution 2026-018.

Alyssa Timoh is in favor of the resolution 2026-018 urged the council to put our community first with an affirmative vote.

Iona Matsi graduate of Barnstable, commented on the resolution 2026-018, freedom justice and equality belong to everyone.

Catherine Finkenstaedt before it is too late would like to see the District of Critical Planning Concern (DCPC) item pass. One of the proposed construction sites doesn't have any shops on the first floor.

Sharon Diggs Harrison lives next to 70 Oakville Ave which has a garage only on the property. This is an industrial construction site in Osterville, in a residential neighborhood. This is in my backyard,

Lynne Rhodes is opposed to disallowing a work truck from being parked at home. That may be the

only vehicle they have.

Diana Digioia is in favor of the DCPC, in relation to septic cost, water usage and zoning choices need a second look to make sure our ground water isn't harmed

ZOOM:

Jan Darcy is in favor of resolution 2026-018 for safe communities, support this resolution, safety for all of us who came here for a better life.

Close public comment

COUNCIL RESPONSE TO PUBLIC COMMENT:

(Schnepp) a sponsor of the resolution 2026-018, supports the resolution on freedom, justice and equality, hopes all the Councilors support it. Specific budget line item that addresses our ponds and the treatments. Long Pond is not as easily fixed; we have a pilot program there. We need to find a mechanism to explore short term resolutions. The septic systems are part of the problem. (Ludtke) As a sponsor of the resolution, I will be voting for the resolution, asked Mr. Ells, to come back to the Council with a report and the Daluz family as to what happened at 268 Stevens St. The downtown zoning is flawed; it is time to look at this in a different way. We need to take a closer look at this. (Bloom) is happy to see all of you supporting the resolution, before I vote on the DCPC, I need to know more about it, perhaps a workshop. (Levesque) A sponsor of the resolution, they are our friends, our neighbors, they are humans and came here to make themselves a better life. I am close with the Brazilian Resource Center, they are my friends, it saddens me what is going on. We must work together. We were giving tax incentives to make some affordable units. It is not overdevelopment it is redevelopment. (Crow) to the Daluz family several of us went to the property on Pleasant Hill. The Osterville property is in a residential area, and we are working on it. I will be voting in favor of the resolution 2026-018.

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 D)**

- FY 2027 operating and capital budgets in mid-September
- End of the season staffing schedules with a list of no lifeguards at some beaches
- Letter to the Massachusetts Commissioner Public Health for proactive steps to address growing health concerns related to per-and polyfluoroalkyl.
- Wastewater and water quality project costs obtained from Cape Cod and Islands Water Protection Fund projected annual costs for calendar years 2026-2030.
- Sent an email to the Executive Office of Energy and Environmental Affairs (EEA) with a copy to Director Greene of the Energy Facilities Siting Board to express concerns regarding EMF readings.
- Assistant Town Manager Andy Clyburn will provide an update on the Quality-of-Life workgroup.
- Kate Maldonado, Planning and Development Department Senior Planner, will provide an update
- Kelly Collopy, Department of Public Works Communications Manager, will provide an update. Water Resources including the Comprehensive Wastewater Management Plan.

Discussion:

(Schnepp) Item number 4, received an update on communications regarding pathways for Innovative Alternative (IAs), and subsidies for IA projects. Could you comment on that (Ells) Long Pond has been supported by our Town Council, will make sure we are proceeding in any way we can. We have all permits and are not in violation. Everything that was stated tonight was not accurate. Don't take your eye off wind, we got many issues, have asked for a meeting with Secretary Tepper. The County loan program can help if it is under State Revolving Funds (SRF). We are trying to expand that. (Schnepp)

The sewer hook-ups are just over 70 percent that are completed, do we have any data why 29% have not hooked up? (Santos) it goes to health, and they make the determination (Schnepp) it is time for us to know why they are not hooked up. (Ells) will get all the relative departments together to bring that forward to the Council.

MINUTES:

Upon a motion duly made and seconded, it was voted to accept the minutes of July 17, 2025, as presented.

VOTE: PASSES 13 YES

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

DELEGATION OF OPEN MEETING LAW COMPLAINT:

Upon a motion duly made and seconded it was

To delegate to the Town Attorney responsibility for responding to the Open Meeting Law

Complaint submitted to the Town Council President and the Town Clerk on August 14, 2025

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:

(Levesque) Millbilly Breakfast on September 7th for scholarship fund, and a tee shirt. (Ludtke) Comprehensive Financial Advisory Committee (CFAC) asked Wilkens two project to verify, validate the economic numbers in the tax benefits, then provided to the Zoning Board of Appeals, the developer came forward with additional money for sewerage and for additional affordable housing. (Clark) Open Space Committee is working with staff to help shape open spaces, meeting next Thursday for the public, also an upcoming presentation of Great Streets.

Move forward 2026-018

2026-018 RESOLVE AFFIRMING THE TOWN'S COMMITMENT TO FREEDOM, JUSTICE AND EQUALITY FOR ALL BARNSTABLE RESIDENTS AND VISITORS INTRO: 08/21/2025

Discussion:

(Neary) implies that we don't do this now, I believe you do unto others as you would have them do unto you. These things should be expected and received. I am going to vote for this, this is federal stuff, feel good about it, but ultimately how do we treat each other.

Upon a motion duly made and seconded it was

RESOLVED: That the Barnstable Town Council does hereby affirm the Town of Barnstable's commitment to the values of freedom, justice, and equality for all Barnstable residents and visitors and to supporting its residents and visitors in leading lives of peace and dignity free from fear, harassment, and violence, and to that end, further resolves that the Town of Barnstable and its officials and employees shall:

- Continue to comply with all applicable provisions of state and federal law, including the Massachusetts Constitution, which guarantees equal protection of the laws to all people, regardless of nationality, citizenship or immigration status; and
- Continue to protect the civil liberties, safety, and human rights of all Barnstable residents and visitors regardless of age, race, religion, ethnicity, ability, sexual and gender identity, marital or economic status, citizenship, and immigration status.

VOTE: PASSES 13 YES

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

EXECUTIVE SESSIONS:

President Tamash moved to go into Executive Session Executive Session pursuant to G.L.c.30A, sec. 21(a)(3) to discuss strategy with respect to potential litigation related to federal grant conditions since a discussion in open session may have a detrimental effect on the litigating position of the Town and Town Council and,

To enter Executive Session pursuant to G.L.c.30A, sec. 21(a)(2) to conduct a strategy session in preparation for negotiations with non-union personnel, specifically Mark Ells, the Town Manager, and /or to conduct contract negotiations with Ms. Ells. 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 13 YES

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

(Mendes left the meeting 9:52 PM)

PUBLIC SESSION:

Upon a motion duly made and seconded, to accept the contract as presented and to authorize the Town Council President to execute such contract on behalf of the Town, as presented at the Executive Session.

VOTE: PASSES 10 YES

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

CONSENT AGENDA:

Upon a motion duly made and seconded it was to refer Items 2025-198, 2025-202, 2026-004, 2026-013, 2026-019, as written, to individual Public Hearings to be held on each item at the Town Council meeting on September 04, 2025.

VOTE: PASSES 10 YES

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

AND

2026-021 as written to an individual Public Hearing to be held at the Town Council meeting on September 18, 2025.

VOTE: PASSES 12 YES

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

Upon a motion duly made and seconded it was to refer Items 2026-002, 2026-015, 2026-016, 2026-020 as written to individual Second Readings at the Town Council meeting on September 04, 2025.

VOTE: PASSES 12 YES

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

Upon a motion duly made and seconded it was to refer Items 2026-003, 2026-005, 2026-006, 2026-007, 2026-008, 2026-012 as written to the Planning Board

VOTE: PASSES 12 YES

ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, NEARY, PENN,

Items 2025-198, 2025-202, 2026-004, 2026-013, 2026-019,

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, 08/21/2025

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: TO PUBLIC HEARING ON 9-4-2025 PASSES 10 YES

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

2025-202 RESOLVE APPROVING AND ADOPTING THE TOWN OF BARNSTABLE 2025 LOCAL COMPREHENSIVE PLAN DATED JUNE 9, 2025 INTRO: 06/26/2025, 07/17/2025, 08/21/2025

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: TO PUBLIC HEARING ON 9-4-2025 PASSES 10 YES

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

2026-004 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 : 07/18/2025, 08/21/2025

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: TO PUBLIC HEARING ON 9-4-2025 PASSES 10 YES

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

2026-013 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 1 GENERAL PROVISIONS, ARTICLE I NONCRIMINAL ENFORCEMENT OF VIOLATIONS, TO INCREASE FINES FOR ZONING VIOLATIONS INTRO: 08/21/2025

Upon a motion duly made and seconded it was

ORDERED: That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 1 General Provisions, Article I Noncriminal Enforcement of Violations, Section 1-3, is hereby amended by deleting the fine of \$100 for a Zoning violation and inserting a graduated fine structure of a warning for a first offense, a \$100 fine for a second offense, a \$200 fine for a third offense and a \$300 fine for a fourth and subsequent offenses, so that, as amended, it reads as follows:

“Ch. **240** Zoning

First Offense	Warning
Second Offense	\$100
Third Offense	\$200
Fourth and Each Subsequent Offense	\$300

VOTE: TO A PUBLIC HEARING ON 9-4-2025 PASSES 10 YES

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

2026-019 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$1,716,000 FOR THE PURPOSE OF FUNDING THE DESIGN AND CONSTRUCTION OF AIRCRAFT HARDSTANDS ON THE TERMINAL APRON AT THE CAPE COD GATEWAY AIRPORT INTRO: 08/21/2025

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$1,716,000** be appropriated for the purpose of funding the design and construction of aircraft hardstands on the terminal apron, including the payment of costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,716,000** under and pursuant to M.G.L. c. 44, §§7 or 8, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; and that the Cape Cod Gateway Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and to accept any gifts or grants in relation thereto.

VOTE: TO PUBLIC HEARING ON 9-4-2025 PASSES 10 YES

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

2026-021 as written

2026-021 APPROPRIATION ORDER IN THE AMOUNT OF \$520,434 TO DESIGN AND CONSTRUCT IMPROVEMENTS TO COTUIT MEMORIAL PARK LOCATED AT 889 MAIN STREET IN COTUIT INTRO: 08/21/2025

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 **\$520,434** shall be appropriated to design and construct improvements to revitalize and improve Cotuit Memorial Park located at 889 Main Street in Cotuit, and to fund this appropriation that **\$406,262** be provided first from the amount set-aside for Open Space and Recreation within the Community Preservation Fund and secondly from the Community Preservation Undesignated Fund, and that **\$114,152** be provided from the Capital Trust fund; and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose, subject to oversight by the

Community Preservation Committee.

VOTE: TO PUBLIC HEARING ON 9-18-2025 PASSES 12 YES

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

Items 2026-002, 2026-015, 2026-016, 2026-020

2026-002 ORDER AUTHORIZING THE GRANT OF AN EASEMENT FOR ELECTRIC FACILITIES ON TOWN-OWNED LAND AT 382 FALMOUTH ROAD IN HYANNIS INTRO: 07/17/2025, 08/21/2025

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: TO A SECOND READING ON 9-4-2025 PASSES 12 YES

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

2026-015 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 08/21/2025

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Licensing Authority:** Nancy Karlson-Lidman from an associate position to a full member position to a term expiring 06/30/2028; Mike Trovato, as an associate member to a term expiring 06/30/2026; **Shellfish Committee:** James Weiler, as a member holding a family permit to a term expiring 06/30/2028

VOTE: TO A SECOND READING ON 9-4-2025 PASSES 12 YES

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

2026-016 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 08/21/2025

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: **Council on Aging:** Charles Coyle, as a regular member to a term expiring 06/30/2028

VOTE: TO A SECOND READING ON 9-4-2025 PASSES 12 YES

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

2026-020 AUTHORIZATION FOR THE TOWN MANAGER TO EXECUTE A HOST COMMUNITY AGREEMENT WITH HOLISTIC HEALTH GROUP, INC., A MEDICAL MARIJUANA TREATMENT CENTER INTRO: 08/21/2025

Upon a motion duly made and seconded it was

ORDERED: That the Town Council does hereby authorize the Town Manager to execute the attached

Host Community Agreement with Holistic Health Group, Inc., a medical marijuana treatment center, pursuant to Massachusetts General Laws c. 94G, s. 3(d)(1) and 935 CMR 501.180(2)(a).

VOTE: TO A SECOND READING ON 9-4-2025 PASSES 12 YES

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

Items 2026-003, 2026-005, 2025-006, 2026-007, 2026-008, 2026-012

2026-003 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, 08/21/2025

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: TO THE PLANNING BOARD PASSES 12 YES

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

2026-005 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, 08/21/2025

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: TO THE PLANNING BOARD PASSES 12 YES

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

2026-006 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, 08/21/2025

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: TO THE PLANNING BOARD PASSES 12 YES

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

**2026-007 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, 08/21/2025**

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: TO THE PLANNING BOARD PASSES 12 YES

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

**2026-008 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, 08/21/2025**

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: TO THE PLANNING BOARD PASSES 12 YES

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

2026-012 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING ARTICLE V ACCESSORY USES, BY REPEALING SECTION 240-45 OFF-STREET STORAGE OF TRAILERS AND REPLACING WITH A NEW SECTION 240-45 OFF-STREET PARKING AND STORAGE OF COMMERCIAL VEHICLES, TRAILERS AND MOBILE HOMES INTRO: 08/21/2025

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 V Accessory Uses, is hereby amended by deleting Section 240-45, Off-street storage of trailers, in its entirety and inserting the following new Section 240-45, Off-street parking and storage of commercial vehicles, trailers and mobile homes, in its place:

“§ 240-45 Off-street parking and storage of commercial vehicles, trailers and mobile homes

A. Purpose and Intent

The purpose of this section is to limit the number of commercial vehicles, trailers and mobile homes, as defined herein, which are allowed to be parked and/or stored on residential properties to reduce safety hazards, prevent the disruption of traffic and maintain the character and appearance of residential neighborhoods.

B. Definitions

For purposes of this Section, the following terms shall have the following meanings:

a. **Residential Lot**

Any parcel or lot that contains a single-family dwelling unit as the primary use of the property.

b. **Mobile Home or Recreational Vehicle**

A self-propelled or towable vehicle regulated by the Massachusetts Department of Transportation with self-contained amenities for eating, sleeping, living, cooking and sanitation on a temporary basis, intended for travel, recreation, leisure and vacation purposes, excluding allowed uses under Section 240-9.

c. **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, provided that Trailer shall not include Mobile or Recreational Vehicle.

d. **Commercial Vehicle**

e. Solely for purposes of this ordinance, any vehicle that falls within subsections (a), (d), and (e) of the definition of Commercial Plates Required Vehicle as set forth in 540 CMR 2.05(3), regardless of whether the vehicle has commercial plates.

f. **Driveway**

A means of vehicular access to a parcel of land abutting a highway or street.

g. **Prohibited Vehicles**

Trailers that are more than twenty (20) feet in length or have more than four (4) tires; and
Commercial Vehicles that exceed one-ton capacity.

C. Parking and storage of vehicles on a residential lot.

a. Permitted uses as of right in all zoning districts

- i. Mobile Homes – mobile homes may be stored in a driveway, garage or other accessory building or on the rear half of a lot owned or occupied by the owner of the mobile home; provided that if the mobile home is parked on the rear half of a lot, it shall not encroach upon the minimum yard setback requirements of the zoning district in which it is located.
- ii. Trailers - one trailer that does not exceed twenty (20) feet in length and does not have more than four (4) tires may be parked on a residential lot at any given time.
- iii. Commercial Vehicles – a maximum of two Commercial Vehicles may be parked at any given time on a residential property. If any Commercial Vehicles are authorized in connection with a duly licensed Home Occupation under Section 240-46, such Commercial Vehicles shall count towards the maximum of two allowed hereunder.
- iv. Unregistered Vehicles – a maximum of one unregistered motor vehicle may be parked or stored on a residential lot at any given time; provided that such vehicle is parked or stored in an enclosed structure or is otherwise screened so that it is not visible from the street.
- v. Notwithstanding any provisions herein to the contrary, vehicles temporarily on the premises due to ongoing permitted building or site work at the premises are allowed.

b. Permitted uses requiring a special permit

- i. Any Commercial Vehicle in excess of two shall require a special permit granted by the Zoning Board of Appeals. The Zoning Board of Appeals shall not authorize more than three commercial vehicles on one residential property.

c. Prohibited uses

- i. Trailers of twenty (20) feet or more in length or having more than four (4) tires and construction vehicles, including, but not limited to, backhoes, bulldozers and dump trucks, are prohibited from being parked or stored on a residential lot; provided that such vehicles temporarily on the premises due to ongoing permitted building or site work at the premises are allowed.
- ii. Commercial Vehicles and Trailers shall not be parked on grass, lawn or landscaping, except that a Mobile Home may be parked on grass on the rear half of a lot, subject to the provisions of subsection C(a)(i) above.
- iii. Prohibited Vehicles shall not be parked on a residential property.”

VOTE: TO THE PLANNING BOARD PASSES 12 YES

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

End of consent agendas

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: 06/26/2023, 07/17/2025, 08/21/2025

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 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.

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,
Page 27 of 33

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: CONTINUE TO SEPTEMBER 18, 2025-PASSES 12 YES

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

2025-196 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 06/26/2025, 07/17/2025, 08/21/2025
--

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **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: PASSES 12 YES

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

2025-197 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 06/26/2025, 07/17/2025, 08/21/2025
--

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 Guidod, 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: PASSES 12 YES

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

2026-001 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, 08/21/2025

David Anthony Director of Asset Management gave the rationale

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: PASSES 12 YES

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

Jump to 2026-009

2026-009 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2026 JAIL/ARREST DIVERSION PROGRAM COMPONENT GRANT IN THE AMOUNT OF \$20,000 FROM THE COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF MENTAL HEALTH OF MENTAL HEALTH INTRO: 08/21/2025

Chief Challies gave the rationale

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 Jail/Arrest Diversion Program Component Grant from the Commonwealth of Massachusetts, Department of Mental Health in the amount of **\$20,000** for the purpose of funding costs to support police jail diversion programs, trainings, outreach, and stakeholder engagement, as well as funding a portion of the costs of the Community Service Officer Program.

VOTE: PASSES 12 YES

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

Jump to 2026-011

2026-011 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FEDERAL FISCAL YEAR 2025 BYRNE JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$20,000 FROM THE U.S. DEPARTMENT OF JUSTICE THROUGH THE MASSACHUSETTS STATE POLICE DEPARTMENT FOR COSTS INCURRED IN STATE FISCAL YEAR 2025 INTRO: 08/21/2025

Chief Jean Challies gave the rationale

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize and ratify the actions of the Town Manager in contracting for and expending a Federal Fiscal Year 2025 Massachusetts State Police Subrecipient grant in the amount of **\$20,000** from the Byrne Justice Assistance grant from the U.S. Department of Justice for the purpose of funding overtime costs of the Barnstable Police Department incurred in State Fiscal Year 2025 in connection with the Commonwealth Project Safe Neighborhood Initiative.

VOTE: PASSES 12 YES

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

2026-017 RESOLVE APPROVING TWO FISH WEIR APPLICATIONS FROM CAPE COD ARTISANAL FISHERIES, LLC INTRO: 08/21/2025

Rationale given by Brian Taylor, Harbor Master along with Jacob Angelo, applicant

Discussion:

(Ludtke) Will you be ready to go, this starts in September, can we change this to six years? (Angelo) it won't be ready for September (Ludtke) can we amend this to six years (Tamash) can we change the start date to a future date (Nober) it is a five-year term, (Terkelsen) if we don't approve it can he come back (Neary) you won't be going in until September of 2026. (Ells) Mark Ells, Town Manager requested to withdraw this item.

Upon a motion duly made and seconded it was

RESOLVED: Pursuant to M.G.L. c. 130, section 29, the Barnstable Town Council does hereby approve two applications of Cape Cod Artisanal Fisheries, LLC (Jacob Angelo, a resident of West Barnstable), for two (2) separate fish weirs sites (Hyannis Port and Wianno) in the coastal waters of the Town of Barnstable in Nantucket Sound, each for a period of five (5) years from September (after Labor Day) through November of each year, subject to the following conditions for each weir:

1. Notice to mariners (start and finish of installation each year);
2. Installation of four (4) radar reflectors;
3. One (1) United States Coast Guard permitted "Danger" buoy at each weir;
4. Three (3) United States Coast Guard permitted lights for each end and the middle of each weir.

VOTE: TO WITHDRAW PASSES 12 YES

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

Jump to 2026-010

2026-010 AUTHORIZATION TO CONTRACT FOR AND EXPEND A GRANT IN THE AMOUNT OF \$5,000 FROM THE CAPE COD FIVE BANK TO SUPPORT THE SCHOOLS OUT

AFTERSCHOOL RECREATION (SOAR) PROGRAM OFFERED AT THE HYANNIS YOUTH AND COMMUNITY CENTER INTRO: 08/21/2025

Chris Gonnella, Community Services Director gave the rationale

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 Cape Cod Five Bank grant in the amount of **\$5,000** to the Community Services Department to support the Schools Out Aftercare Resource (SOAR) program offered at the Hyannis Youth and Community Center.

VOTE: PASSES 12 YES

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

2026-022 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2026 GRANT IN THE AMOUNT OF \$1,800 FROM THE MASSACHUSETTS COUNCILS ON AGING TO SUPPORT A MEN'S FITNESS PROGRAM BEING OFFERED THROUGH THE BARNSTABLE ADULT COMMUNITY CENTER INTRO: 08/21/2025

Chris Gonnella, Community Services Director gave the rationale

Discussion:

(Terkelsen) if there is a snow day, would it be rescheduled (Gonnella) Yes our staff would like to reschedule (Ludtke) have you had a men's exercise group before, will you fill the class (Gonnella) we have tried several, believe we will be able to fill the class (Clark) is there a specific age on this group (Gonnella) 55 and up.

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 Councils on Aging service incentive grant in the amount of **\$1,800** to the Community Services Department, through its Council on Aging Division, to support a men's fitness program through the Barnstable Adult Community Center.

VOTE: PASSES 12 YES

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

(Burdick left the meeting at 11 PM, Penn left the meeting at 11:30 PM)

Workshop Discussion – Designation of the Downtown Hyannis Growth Incentive Zone as a District of Critical Planning Concern (DCPC). Jim Kupfer, Director of Planning and Growth Management with a power point presentation explained the regulations.

Three Criteria

1. Presence of significant natural, coastal, scientific, cultural, architectural, archaeological, historic, economic, or recreational resources or values of regional, statewide or national significance.
2. The presence of substantial areas of sensitive ecological conditions which render the area unsuitable for development; or
3. The presence or proposed establishment of a major capital public facility or area of public investment.

Discussion:

(Tamash) Suspension of permits, is that just applications or building permits that have been issued? Can it hold up occupancy? (Kupfer) if you have pulled a building permit you can continue and move

forward, no one can stop that, cannot prevent occupancy (Ludtke) All the ones have that have gone forward, what has been disapproved by the County (Kupfer) not sure, I will find out and get that to you. (Clark) When the moratorium is initiated, is there a lag, when does the 45 days start if the commission does not accept? (Kupfer) If the commission rejects it the moratorium ends (Neary) we might wind up exactly right where the sub-committee proposed (Kupfer) some things have ended up as a zoning amendment, the ad-hoc subcommittee, reasonable amendments came out of that process (Neary) DCPC effectively killed growth in the town, put reinvestment on hold. We have blueprint from the ad-hoc committee, we should focus on what the committee has already come up with (Penn) the town has total control over the Growth Incentive Zone (GIZ). The town nominates, designates, we state what we want fixed, why we want them. We can start with the recommendations; these are the zoning changes we want. Problem is no stated square footage in the recent zoning. The original GIZ protected the residential area and the growth happened in the commercial area of Hyannis. (Levesque) The ineffectiveness and the level of negotiation, it wasn't working. There was no growth in the GIZ. It is economic development suicide, we need to move forward, it is being used right now to put a stop to things. This will cause so much fear in our community. This is not necessary. (Schnepp) the three criteria, having a hard time where we fit into the criteria for the GIZ? This area has been under a lot of public outreach, for the initial form-based code, plus the year the ad-hoc committee spent on the possible amendments to the zoning. (Terkelsen) we as a council have the amendments, do they require 2/3rds vote (Kupfer) yes (Bloom) one of the issues at the building going on in Hyannis, we have a problem because we have the Pleasant Lane issue. I think we must take a close look at our zoning. One group of people having so much control over what happens and taking that away from the town, that's a problem. (Kupfer) just for clarification, that project for Pleasant Hill has to go through a number of hurdles. (Terkelsen) People can't attend meetings, people can reach out to the Councilors, they can zoom in or send us an email. We are very receptive. There is no easy answer, maybe a third party would help. (Penn) The reasons would be economic and historical. (Ludtke) A third party, a mediation board we may need. I think it is time for the DCPC. (Tamash) for clarification if we vote for DCPC, are we going to be back right to square one if we don't have the 2/3rds vote. For me what we need to do is move forward on the zoning in the pipeline. If they don't pass, do we go back to the DCPC. (Terkelsen) You were part of the ad-hoc zoning, and you didn't show up. You implied/meant we were not there. (Ludtke) you councilors are being linked to Facebook, what does that mean? (Levesque) it is difficult to continue to listen to things that are not true, let's work on the issues at hand (Terkelsen) the ad-hoc committee took many hours in the end we came up with some very good legitimate changes. (Levesque) had to work, that is why I couldn't come to the meetings. (Tamash) looking for a consensus to move forward, to direct the Town Manager to apply to the DCPC. (Neary) No, (Ludtke) Yes (Penn) Yes (Tamash) No, we have done the work, we have moved the recommendations to the Planning Board tonight. I think we should continue on the road we are on. I don't think it is right to change the rules in the middle of the game. (Ells) just one request for your consideration, if you are asking for us to fill out an application, please include the justification to clearly understand that would be helpful. (Schnepp) Agree with President Tamash, (Bloom) need more information or study the economic impact to the town (Tamash) Think we need a much more thought-out process if we are going to change. (Schnepp) there could be several unintended consequences of various things we have changed, we must be careful with something so blunt. (Penn) the borders of the GIZ and the zoning within it is flawed, you made a mistake, this zoning had 15 amendments on the night it passed. Just admit a mistake was made, it is not the end of the world. You don't live in Hyannis, and I do, what's wrong with fixing it. (Clark) The ad-hoc committee made great strides, we are in fact moving those changes to of any refinement. If we put it on an agenda, we could have a discussion and would give the public a voice to this discussion. (Levesque) this is just a work around, not for having a DCPC (Crow) I'm not sure DCPC would be detrimental to our growth in Hyannis, the ad-hoc committee put a lot of effort into the zoning. The idea of not allowing any changes, you only came once for, being so stubborn, the small changes are asking for the DCPC (Tamash) are you in favor I am unclear (Crow) we should discuss again. (Tamash) we can't come to a consensus, a resolution for the September 4th agenda, to talk about this again.

VOTED TO ADJOURN:
VOTE: PASSES UNANIMOUS

Adjourned at 11:40 PM
Respectfully submitted,

Ann M. Quirk
Town Clerk

NEXT MEETING: September 4, 2025

Exhibits:

- A. Susanne Conley
- B. Larry Morin
- C. No Place for Hate Eileen Elias
- D. Town Manager Update