



TOWN COUNCIL
Committee to Review Zoning and Permitting Regulations
Selectmen's Conference Room

Thursday November 2, 2017 – 5:30pm

Councilors:

Vice-President James Crocker, Precinct 5 (CHAIR)
Councilor Jessica Rapp-Grassetti, Precinct 7
Councilor John Norman, Precinct 12
Councilor Fred Chirigotis, Precinct 4
Councilor Deborah Dagwan, Precinct 8
Member at Large- Hank Farnham

MEETING MINUTES

PRESENT: Chair of Committee, Vice-President James Crocker Jr.; Councilor Fred Chirigotis, Councilor Debra Dagwan, Councilor John Norman; Councilor Jessica Rapp-Grassetti; Hank Farnham, Member at Large

Also in Attendance: Marcel Poyant, Centerville Shopping Center; Attorney Philip Boudreau

Meeting was called to order at 6:10pm by the Chair of Committee, Vice-President James Crocker Jr., who introduced Marcel Poyant, Centerville Shopping Center. Things that have come to our knowledge regarding 200 Main with regards to interacting with individuals regarding the permitting process to look at the process to see where there needs to be improvement, what works, what does not work, so with your help and your experience in dealing with leasing and so forth regarding the Centerville Shopping Center on RT 28 in Centerville, we are hoping you could explain the lease experience you had with anyone.

Mr. Poyant explained that he has been in the Real Estate business for over 54 years here on the Cape, he was born and raised here, and has raised his family here as well. Mr. Poyant explained he wanted to talk about the highway business along RT 28 in Centerville, in 1962 that portion of RT 28 was zoned for General Business, which included everything but Industrial, in 1985 that particular zone changed to highway business which was offices and no drive through businesses, so each time a tenant wants to come in they have to go to 200 Main, the building department to find out if the business is conforming or non- conforming; the problem in the past has always been interpretation by the Building Commissioner, which cause different opinions, it has gotten more difficult as time went on, we are scrutinized more closely, what had happened was that if we continue the same use which was retail, then we were fine, but if we were to change the use just a little which we did do with one tenant, it was the nature of the business they had, it was labeled a Service Use which triggered us to go before the Building Commissioner for permission to change, even though we were grandfathered. When the use changed in this one instance, it triggered a visit to 200 Main to go back to office space, so the process has become more and more difficult as time went on; to obtain a special permit for use takes about 3 months, he would like to see zoning changes made to accommodate what the property is used for, not just retail.

We had a vacant spot next to the Dunkin Donuts for three years, but the minute a tenant heard they had to go to 200 Main to obtain a permit, they did not want to do that, because they have heard of others experiences. Mr. Poyant would like to see zoning accommodate the future of where the retails are going and the small business need in order to grow.

Mr. Boudreau explained that certainly Mr. Poyant's experience is not unique one, our zoning is outdated for what needs to happen in certain areas in Barnstable, but the zoning as it is today does not

allow it to grow the way it should. Whenever anyone goes before the board for a retail license, there is never a denial. The area in which we are talking already have two banks there, but it required a special permit to have them there, to have a bank without a drive up is not heard of these days, but to have to go before the Building Commissioner each and every time a tenant comes in or out. It should be a uniformed decision on zoning for setbacks and the type of businesses that need to be in this strip of Centerville. This particular area is zoned so much different than those in Hyannis, and real no reason as to why. The Centerville Civic Association even wrote a letter/petition regarding allowing retail in this area as a right, and we heard nothing from them. Mr. Poyant wanted to mention that he has had several offers for tenants to come in, but once they have to go through the permitting process they never come back, so we need to look at that process as well, as individuals not used to dealing with the permitting process often walk away, because it is too intense, something they are not used to.

Chair of the Committee wanted to know what the restrictions were that was placed on his last tenant. Mr. Poyant stated did not think they were outrageous, the business that was proposed for the site where Centerville Jewelers was; was going to be a countertop business using marble and granite; the owner was an immigrant who probably did not understand when he was explained what he could or could not store there on site, but they were told they could not store any granite or material outside the building, and the space they had in the cellar was also limited to what they could store there, so they left and cancelled their check they had put down as a deposit. Mr. Boudreau also said that most hear when they want to do business in Barnstable that we are the most difficult to work with. Councilor Jessica Rapp Grasseti continually hears negative comments regarding Ms. Anderson is not the building Commissioner, and more and more Councilor Rapp Grasseti hears complaints about the Zoning Enforcement Officer on a daily basis and the interactions they have had with her. Mr. Poyant said that from 1985 to now it got to be so bad that he has had to have Attorneys get involved, then next building inspector that was hired, and it was great for a number of years until he retired, then the Zoning enforcement took over and the decisions were not being made by anyone, even when you had an interim Building Commissioner, so it became in a point in time that we were trying to get our permits by anyone in that office that would listen to us. Mr. Boudreau said anyone coming in from out of town it is a nightmare to navigate, those of us that know how to navigate the process here in Barnstable it is still a nightmare, however we get through it. It should not cost a lot of money to get through the process, however it does, and this is why no one wants to do business in Barnstable. Mr. Poyant now has to put a clause in his contract to say, no fee is paid until you have gone through the permitting process with the Town.

Hank Farnham said he has been waiting for such a Committee for such a long time; this Committee has been needed for a long time, so he thanks them for forming it.

Councilor Frederick Chirigotis stated that Centerville was slated to be developed all the way from the Centerville Shopping Center all the way to RT 132 Hyannis, the problem they encountered was the traffic flow in that area. If you are taking a left onto RT 28 from that plaza you take your life into your hands, there have been numerous accidents there by people just trying to pull out and take a left from either side, its 4 lanes of traffic, any business that goes in there will need to take that into account. It has been an issue since the talk of developing that portion of the RT 28 corridor. Councilor Frederick Chirigotis would like to see the results of the study from Planning and Development that was started a year ago. Mr. Poyant wanted to address the situation regarding the traffic by sharing of the Bell Tower Mall to have traffic go onto Camp Opechee Road, and your Town Attorney also tried to get the owner of the Bell Tower Mall to agree, and he said no way. He did not want anything to do with that, nor did the abutters of Camp Opechee Road.

Councilor Dagwan mentioned that she would love to see some sort of cut through to the area; she sometimes avoids going there just because of that traffic problem, and trying to take a left out of the Shopping Center. Councilor Dagwan wanted to know about any business that has wanted to come in, but can't for some reason. Mr. Boudreau said a classic example is the pet supply store that just went in in the Center; it took 3 months just for the special permit to open because it went from Retail service to Retail

sales. It should not take that long, but we have to each and every time someone want to rent some space there. The other issue about traffic is the state owns that section of the road; it took 12 months just to get a light at Lumbert Mill Road because of the issues with traffic. Mr. Farnham wanted to know if the attempt has been made again to talk to the owner of the Bell Tower Mall, Mr. Callahan, who would not even talk to us back then, and I do not see him talking to us now.

Chair of the Committee thanks Mr. Poyant and Mr. Boudreau for their time tonight and explaining their experiences with our Building Department. Mr. Poyant said that the most difficult aspect of our town is the Zoning, if we could eliminate most of it, there would be a building boom, he hears more and more stay out of Barnstable, it's too difficult.

Chair of the Committee asked for a motion to accept the meeting minutes of October 5, 2017 as written; Councilor Debra Dagwan made the motion to accept the meeting minutes of October 5, 2017, this was seconded by Councilor John Norman, all members voted in favor of accepting the meeting minutes of October 5, 2017 with an abstention from Councilor Jessica Rapp Grasseti who was not present at the last meeting.

NEXT MEETING: December 7, 2017, 6PM

ADJOURNMENT: 6:56pm