

Town of Barnstable
Town Council
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TOWN COUNCIL MEETING AGENDA

**November 03, 2022
7:00 PM**

Councilors:

Matthew Levesque
President
Precinct 10

Paula Schnepf
Vice President
Precinct 12

Gordon Starr
Precinct 1

Eric R. Steinhilber
Precinct 2

Betty Ludtke
Precinct 3

Nikolas Atsalis
Precinct 4

Paul Cusack
Precinct 5

Paul C. Neary
Precinct 6

Jessica Rapp Grasseti
Precinct 7

Jeffrey Mendes
Precinct 8

Tracy Shaughnessy
Precinct 9

Kristine Clark
Precinct 11

Jennifer L. Cullum
Precinct 13

Administrator:
Cynthia A. Lovell
Cynthia.Lovell@town.barnstable.ma.us

The November 03, 2022 Town Council Meeting of the Barnstable Town Council shall be conducted remotely and shall be physically closed to the public. Alternative public access shall be provided as set forth below.

1. The meeting will be televised live via Comcast Channel 18 or may be accessed via the Channel 18 live stream on the Town of Barnstable's website:
<http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Written Comments may be submitted to:
https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/Town_Council/Agenda-Comment.asp

3. Remote Participation: The public may participate in Public Comment or Public Hearings by utilizing the Zoom video link or telephone number and access meeting code:

Join Zoom Meeting <https://zoom.us/j/92647784024> Meeting ID: 926 4778 4024
US Toll-free 888 475 4499

PUBLIC SESSION

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. TOWN MANAGER COMMUNICATIONS

- Local Comprehensive Plan Update, Elizabeth Jenkins, Director of Planning and Development
- Asset Management Update with emphasis on upcoming property disposal, David Anthony, Director, Property & Risk Management
- Cape Light Compact Update on 2022 – 2023 Winter Energy Pricing, Mariel Marchand, Power Supply Planner
- Presentation on the Allocation of the Tax Levy – Adoption of a Residential Exemption and Residential Factor, Mark Milne, Director of Finance

7. ACT ON PUBLIC SESSION MINUTES

- Approve Public Session Minutes: October 20, 2022

**8. COMMUNICATIONS - from elected officials, boards, committees, and staff,
commission reports, correspondence and announcements**

9. ORDERS OF THE DAY

- A. Old Business**
- B. New Business**

10. ADJOURNMENT

NEXT REGULAR MEETING: November 17, 2022

ITEM NO.	INDEX TITLE	PAGE
A. OLD BUSINESS		
2022-144	Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning by repealing the Zoning Districts known as the “Hyannis Village Zoning Districts” and replacing them with revised and updated districts collectively known as the “Downtown Hyannis Zoning Districts” (Public Hearing) (Roll Call 2/3 Full Council)	5-46
2022-145	Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article VII Sign Regulations to amend regulations to be consistent with proposed new district regulations (Public Hearing) (Roll Call 2/3 Full Council)	47-50
2022-146	Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning by moving and renumbering section 240-122.1 Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories into a new overlay Zoning District and repealing sections 240-129 and 240-129.1 expired temporary moratorium for Marijuana uses (Public Hearing) (Roll Call 2/3 Full Council)	51-55
2023-046	Authorization of a Housing Development Incentive Program Tax Increment Exemption Agreement Between the Town of Barnstable and Seashore Homes, Inc. for 8 New Market Rate Residential Units Located at 63 Main Street, Hyannis MA (May be acted upon) (Roll Call Majority)	56-64
B. NEW BUSINESS		
2023-047	Appointments to a Board/Committee/Commission: Housing Committee: Disability Commission: Youth Commission: Disability Commission: Christopher Bartley, as a regular member to a term expiring 06/30/2024; Housing Committee: Evan Gaudette, as a regular member to a term expiring 06/30/2024; Youth Commission: Madeleine Boyle, as a student member, to a term expiring 06/30/2023; Eric Arabadzhiev as a student member to a term expiring 06/30/2023 (First Reading) (Refer to Second Reading 11/17/2022)	65
2023-048	Supplemental Appropriation Order for the Barnstable Police Department Fiscal Year 2023 Operating Expense Budget in the amount of \$142,896 for the purpose of funding the costs associated with the hiring of eight (8) patrol officers to fill current vacancies (Refer to Public Hearing 11/17/2022)	66-68
2023-049	Appropriation Order in the amount of \$150,000 in Community Preservation Funds for the purpose of acquiring a Conservation Restriction on 2.3 acres of open space located at 242 Commerce Road, Barnstable, MA shown as a portion on Assessors Map 318, Parcel 025/001 (Refer to Public Hearing 11/17/2022)	69-71
2023-050	Allocation of Tax Levy Fiscal Year 2023 – Residential Exemption (Refer to Public Hearing 11/17/2022)	72-73
2023-051	Allocation of Tax Levy Fiscal Year 2023 – Tax Factor (Refer to Public Hearing 11/17/2022)	74-76
2023-052	Appropriation and Loan Order in the amount of \$2,850,000 for the purpose of funding design and permitting of the Water Pollution Control Facility Headworks Improvement Project (Refer to Public Hearing 11/17/2022)	77-78
2023-053	Transfer Order in the amount of \$34,500 from the Department of Public Works Fiscal Year 2023 General Fund Personnel Budget to the Department of Public Works General Fund Operating Capital Budget for the purpose of acquiring and installing new furniture and partitions in the own Assessing Office (May be acted upon) (Roll Call Majority)	79-80

- 2023-054 Resolve authorizing the Town Manager to commence negotiations with Commonwealth Wind LLC for a new host community agreement **(May be acted upon) (Roll Call Majority)**..81-82

- 2023-055 A resolution that the Town Council Petition the County Commissioners of Barnstable County to formally discontinue a section of county highway, namely, Mother’s Park Road, as described in the Commissioners’ January 9, 1912 Taking No. 642 of Phinney’s Lane and North Main Street and Mother’s Park Road in Barnstable **(May be acted upon) (Roll Call Majority)**..... 83-84

- 2023-056 Transfer Order in the amount of **\$19,000** for the Planning and Development Department Fiscal Year 2023 Operating Expense Budget for the purpose of funding the costs of print materials associated with outreach for the Local Comprehensive Plan **(May be acted upon) (Roll Call Majority)**..85-86

Please Note: The lists of matters are those reasonably anticipated by the Council President which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than as they appear on this agenda. Persons interested are advised that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, it may be continued to a future meeting, and with proper notice.

A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2022-144

INTRO: 03/03/2022, 03/17/2022, 11/03/2022

2022-144 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING BY REPEALING THE ZONING DISTRICTS KNOWN AS THE “HYANNIS VILLAGE ZONING DISTRICTS” AND REPLACING THEM WITH REVISED AND UPDATED DISTRICTS COLLECTIVELY KNOWN AS THE “DOWNTOWN HYANNIS ZONING DISTRICTS”

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 districts collectively known as the “Hyannis Village Zoning Districts” and replace them with seven (7) new districts collectively known as the “Downtown Hyannis Zoning Districts”, as shown on maps dated January 21, 2022, prepared by the Town of Barnstable Geographical Information System Unit, and entitled:

- Proposed Amendment to the Hyannis Zoning Map Re-Zoning Downtown Hyannis
- Proposed Amendment to the Town Zoning Map Re-Zoning Downtown Hyannis

SECTION 2

A. By amending Article II, Section 240-5, Establishment of districts, by deleting:
“Hyannis Village Zoning Districts”

HVB	Hyannis Village Business District
MS	Medical Services District
SF	Single Family Residential District
OM	Office/Multi-Family Residential District
HD	Harbor District
HG	Hyannis Gateway District
TD	Transportation Hub District
GM	Gateway Medical District”

and inserting in its place:

“Downtown Hyannis Zoning Districts”

DMS	Downtown Main Street
DV	Downtown Village

DN	Downtown Neighborhood
HH	Hyannis Harbor
TC	Transportation Center
HC	Highway Commercial
DH	Downtown Hospital”

- B. By further amending said Section 240-5 by deleting “Hyannis Parking Overlay District” as it appears under the heading “Overlay Districts”.

SECTION 3

By amending Article III District Regulations to repeal Sections 240-24.1 through 240-24.1.13 and replace them with the following new Sections 240-24.1.1 through 240-24.1.13:

“§240-24.1.1 Downtown Hyannis Zoning Districts”

§240-24.1.2 Title

These districts shall be collectively known as the "Downtown Hyannis Zoning Districts."

§240-24.1.3 General Provisions

A. Applicability

1. Where the provisions of Sections 240-24.1.1 through 240-24.1.13 conflict with those found elsewhere in the Barnstable Zoning Ordinance, the provisions of this Section shall apply.
2. The provisions of the Barnstable Zoning Ordinance § 240-6.C (3) shall not apply within the Downtown Hyannis Zoning Districts.

B. Development Review

1. The Planning Board is the Special Permit Granting Authority (SPGA) for all development within the Downtown Hyannis Zoning Districts.
2. Development within the Downtown Hyannis Zoning Districts, excluding single-family residences, must comply with Article IX, §240-103, site development standards, and the Design and Infrastructure Plan.
 - (a) The Planning Board shall establish a Design and Infrastructure Plan (DIP) which shall be adopted after a public hearing.
3. The use of land or occupancy of floor space is permitted as specified by §240-24.1.5.B Use Provisions.

C. Compliance

1. Any modification to an existing structure that results in greater conformance to this Ordinance is permitted.
2. Any modification to an existing structure that increases an existing nonconformity or creates a new nonconformity is prohibited.

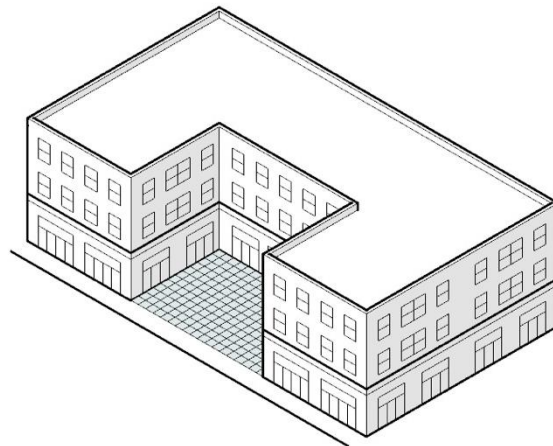
§240-24.1.4 Definitions

A. General

1. The following defined words, phrases, and terms are applicable for real property within the Downtown Hyannis Zoning Districts.

Accessory Parking	Motor vehicle parking spaces that are incidental but supportive of (a) principal building(s).
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Building Component	A structural projection from the main massing or roof of a building that increases habitable square footage or enhances the usefulness of floor area.
Commercial Parking	A surface parking lot or structured parking facility providing short- or long-term parking service for a fee.
Commercial Service	The provision of various services, entertainment, or recreational opportunities to individuals, groups, or businesses including animal care, assembly & entertainment, banking & financial services, building & home repair, business support, day care & education, maintenance & repair of consumer goods, personal services, gyms & health clubs, and recreational services.
Cultural Services	The provision of social or cultural services to individuals or groups including membership based social organizations and the production, manufacture, publishing, rehearsal, performance, broadcast, selling, or teaching of the arts.
Development	The platting of any lot, construction of any structure, or establishment of any parking lot that did not exist prior to the adoption of the Downtown Hyannis Zoning Districts.
Façade.	Any exterior wall of a principal building oriented toward a front lot line.
Fenestration	The openings in the façade of a building, including windows and doors.
Food & Beverage Services	The provision of food or beverages for on- or off-site sale or consumption.
Forecourt	An open space between the forward projecting wings of a building.



Frontage Area	The area of a lot between the façade of a principal building and any front lot line(s), projected to the side lines of the lot.
Frontage Type	A distinct combination of façade and frontage area design features.
Health Care Clinic	The provision of health care services to patients or clients excluding inpatient or overnight care.
Hospital	A facility for the care and treatment of patients as licensed by the Massachusetts Department of Public Health under MGL c. 111, §51.
Lot Coverage	The ratio or percentage of a lot that is covered by principal buildings, outbuildings, accessory structures, and impervious paved surfaces including driveways, parking lots and sidewalks.
Modification	The alteration or structural change of an existing structure and any change to the parking capacity of an existing parking lot.
Office	The administrative, professional, or clerical operations of a business and the provision of outpatient health services to patients or clients by appointment.
Outbuilding	A free-standing, fully enclosed structure for an accessory use or for activities customary to the principal use of land or a principal building.
Principal Building	The primary building on a lot.

Principal Entrance	The addressed entrance to a building or commercial space.
Recreational Facility	The provision of public recreational services including bowling and billiards, and video arcades.
Research & Development	The analysis, testing, and development of ideas and technology including computer software, information technology, communications systems, transportation, and multi-media technology where the construction of prototypes may be an ancillary activity.
Residential	The provision of living accommodations.
Retail Sales	The sale, lease, or rental of new or used goods to the ultimate consumer.
Shrub, Large	A multi-stemmed, woody plant with an expected mature height of six (6) feet.
Shrub, Medium	A multi-stemmed, woody plant with an expected mature height of four (4) feet.
Shrub, Small	A multi-stemmed, woody plant with an expected mature height of two (2) feet.
Story	The portion of a building located between the surface of a habitable floor and the surface of the habitable floor or roof next above.
Story, Ground	The lowest story of a building with a finished floor at or above the finished ground level next to a building at the facade.
Story, Upper	Any story above the ground story of a building.
Through Lot	A lot fronting on two (2) or more improved ways, excluding a corner lot.
Tree, Canopy	A deciduous tree with an expected mature height of thirty (30) feet or more.
Tree, Evergreen	An evergreen tree (conifer) with an expected mature height of twenty (20) feet or more.
Tree, Understory	A deciduous tree with an expected mature height of twenty (20) feet or more.
Visitor Accommodations	The provision of temporary lodging in guest rooms or guest units for a fee.

§240-24.1.9 Standards for all Districts

B. Building Standards

1. Frontage types.
 - (a) Buildings must have at least one (1) frontage type except if otherwise specified. Buildings on corner lots must have two (2) frontage types, one (1) for each frontage.
 - (b) Frontage types are permitted as specified by Table 11.
 - (c) Multiple frontage types may exist for buildings that have more than one (1) principal entrance.
2. Buildings must have at least one (1) principal entrance located on the façade.
 - (a) Multi-story buildings with ground floor commercial space(s) must have one (1) principal entrance for each commercial space in addition to any principal entrance(s) necessary for any upper stories.
3. Buildings may not exceed the maximum number of stories as specified for each district.
 - (a) Each individual story of a building must comply with the minimum and maximum story height specified for each district.
 - (b) Story height is measured vertically from the surface of the finished floor to the surface of the finished floor above. When there is no floor above, story height is measured from the surface of the finished floor to the top of the structural beam or joists above or the top of the wall plate, whichever is more.
 - (c) The ground story is always counted as one (1) story, except that a single ground story over eighteen (18) feet in height is counted as two (2) stories.
 - (d) Each upper story is counted as one (1) additional story, except that any upper story over sixteen (16) feet is counted as two (2) stories.

- (e) Basements are not counted as one (1) story unless the finished floor of the ground story is five (5) feet or more above the average ground level of the lot.
- (f) Habitable space located directly under a pitched roof is counted as a half (0.5) story.
 - (i) The roof rafters of a half story must intersect the wall plate or top of wall frame of the exterior walls at a height no more than (2) feet above the finished floor of the half story.
- (g) Non-habitable attic space located under a pitched roof is not counted a half story.
- (h) Pitched roofs with a slope greater than 12:12 require a Special Permit.
- 4. Buildings may not exceed the maximum building height specified for each district, as applicable.
 - (a) Building height is measured as the vertical distance from the average finished ground level to the top of the structural beam or joists of the upper most story.
- 5. Non-habitable architectural features including, but not limited to, mechanical & stairwell penthouses; vents or exhausts; solar panels or skylights; belfries, chimneys, cupolas, parapets, spires, and steeples are not included in any building height or story calculations and are permitted on roofs.
- 6. Building components are permitted as specified by Table 12.
- 7. Facades must have fenestration as specified for each district, as applicable.
 - (a) Fenestration is calculated as a percentage of the area of a façade.
 - (b) For buildings with ground story commercial spaces, ground story fenestration is measured between two (2) feet and twelve (12) feet above the finished floor of the ground story.
 - (c) For all other buildings and all other building stories, fenestration is measured independently for each story, corresponding with the top of a finished floor to the top of the finished floor above.
- 8. Fenestration enclosed with glass may be included in the calculation if it meets the following criteria:
 - (a) For ground story fenestration, glazing must have a minimum sixty percent (60%) Visible Light Transmittance (VLT) and no more than fifteen percent (15%) Visible Light Reflectance (VLR) as indicated by the manufacturer.
 - (b) For upper story fenestration, glazing must have a minimum of forty percent (40%) VLT and no more than fifteen percent (15%) VLR as indicated by the manufacturer.

C. Use Provisions

1. General

- (a) The use of real property is permitted as specified by Table 1.
 - (i) Table 1 is organized by broad use categories and specific uses that may be regulated differently than other uses from the same category.
 - (ii) Use categories are intended to include uses with similar functional, product, or physical characteristics; the type and amount of activity; the manner of tenancy; the conduct of customers; how goods or services are sold or delivered; and the likely impacts on surrounding properties.
 - (iii) Where Table 1 identifies a category followed by “except as follows” any use that meets the definition of that use category is permitted by right, while the specific uses identified in the list under that category are either not permitted, are permitted with limitations, or require a special permit despite belonging to the same use category.
 - (iv) Where Table 1 identifies a category followed by “as specified below” the specific uses listed under the category are the only land uses permitted from that use category.
- (b) The Building Commissioner shall classify the actual use of land or structures using the defined use categories specified on Table 1. Also see §240-24.1.4 Definitions.
 - (i) Real property may have one (1) or more principal use(s).
 - (ii) Once classified into a use category, the use of land or structures in the same manner cannot also be classified into another use category.
 - (iii) The use of land or structures in a manner that is inconsistent with a permitted use category or specific use type specified on Table 1 is prohibited.

- (iv) Unless classified as a specific use that is not permitted in a zoning district, an existing nonconforming use may be changed to another nonconforming use that is from the same use category as the existing nonconforming use by Special Permit.
- (v) A nonconforming use may not change to a different nonconforming use that is from a different use category than the existing nonconforming use.

Use Category Specific Use	DMS	DV	DN	HH	TC	HC	DH
Commercial Services (except as follows)	P	P	N	P	P	P	P
Automobile Maintenance & Repair	N	N	N	N	N	N	N
Boat Storage	N	N	N	N	N	N	N
Contractor Services	N	N	N	N	N	N	N
Funeral Services	N	N	N	N	N	N	N
Marina	N	N	N	SP	N	N	N
Commercial Parking	N	N	N	N	P	SP	N
Public Transportation Maintenance	N	N	N	N	SP	N	N
Recreational Facility	SP	SP	N	SP	SP	SP	SP
Self-Storage Facility	N	N	N	N	N	SP	N
Veterinary Services	N	N	N	N	N	P	N
Cultural Services (as specified below)	--	--	--	--	--	--	--
Arts & Culture Establishments	P	P	N	P	P	P	N
Fraternal & Social Organizations	P	P	N	P	P	P	N
Performing Arts & Theaters	P	P	N	P	P	P	N
Artist Live/Work	P	P	P	P	P	N	N
Food & Beverage Services (except as follows)	L	L	N	L	P	P	P
Brewery/Distillery	L	N	N	N	N	N	N
Hospital	N	N	N	N	N	N	P
Office (except as follows)	P	P	L	P	P	P	P
Health Care Clinic	P	P	L	P	N	P	P
Research & Development	P	P	N	P	N	P	P
Residential (as specified below)	--	--	--	--	--	--	--
Multi-Unit Dwelling	L	L	N	L	L	N	N
Two-Unit Dwelling	P	P	L	N	N	N	N
Single Unit Dwelling	N	P	P	N	N	N	N
Retail Sales (except as follows)	L	L	N	L	P	P	P
Boat Sales	N	N	N	SP	N	N	N
Gasoline Sales	N	N	N	N	N	N	N
Motor Vehicle Sales	N	N	N	N	N	N	N
Visitor Accommodations (as specified below)	--	--	--	--	--	--	--
Hotel/Motel	P	N	N	P	N	P	N
Bed & Breakfast	N	P	P	P	N	N	N

P – Permitted By-Right
SP – Special Permit
N – Not Permitted
L – Permitted with Limitations (see district)

D. Parking Standards

1. Applicability

- (a) Parking is required based on the intended use of floor area within a building at construction permitting and not for the subsequent establishment, change, or expansion of any permitted use; or the renovation of any existing principal building.

2. General

- (a) Accessory parking must be provided as specified by Table 2 and is calculated as the sum of all required spaces, including any adjustment specified for on-site shared parking.
 - (i) Commercial Parking uses are exempt from Table 2.
- (b) Relief from the parking requirements of Table 2 requires a Special Permit.
- (c) In its discretion to approve or deny a Special Permit authorizing relief from the minimum parking requirements of Table 2, the Planning Board shall consider conditioning the Special Permit upon one or more of the following:
 - (i) Elimination or reduction of existing curb cuts and driveway aprons
 - (ii) Establishment of a shared driveway or cross-access connection between abutting parking lots with a binding easement and joint maintenance agreement defining the responsibilities of abutting property owners sharing access.

3. Location

- (a) Accessory parking spaces must be located on the same lot as the building they support and may be provided within a principal building or outbuilding or as surface parking.
- (b) Motor vehicle parking of any type is prohibited within the frontage area of a lot and any required landscape buffer.
 - (i) Real property in the Highway Commercial (HC) district or in the Downtown Hospital (DH) district is exempt.

Table 2. Minimum Required Accessory Parking Spaces

Use Category	DMS	DV	DN	DH	HH	TC	HC	On Site Shared Parking Adjustment ¹
Commercial Services (per 1,000 sf)	0	4	N/A	4	4	4	4	Subtract 80% of any spaces provided for any Residential uses on the same lot from the total required for all uses
Cultural Services (per 1,000 sf)	0	4	4	4	N/A	4	4	Subtract 20% of any spaces provided for any Residential uses on the same lot from the total required for all uses
Food & Beverage Services (per 1,000 sf)	0	4	N/A	4	4	4	4	--
Hospital (per 3 beds)	N/A	N/A	N/A	1	N/A	N/A	N/A	--
Office (per 1,000 sf)	3	3	3	3	3	3	3	Subtract 80% of any spaces provided for any Residential uses on the same lot from the total required for all uses
Residential or Artist Live/Work (per DU)	1	1	1	N/A	1	1	N/A	--
Retail Sales (per 1,000 sf)	0	4	N/A	4	4	4	4	Subtract 20% of any spaces provided for any Residential uses on the same lot from the total required for all uses
Visitor Accommodations (per room)	1.25	1.25	1.25	N/A	1.25	N/A	1.25	--

¹ Rounded up to the nearest whole number

E. Site Standards

1. Forecourts

- (a) Driveways and passenger drop-offs are permitted in forecourts by Special Permit.
 - (ii) Real property fronting Main Street or in the Downtown Hospital (DH) district is exempt.
- (b) Garage entrances, parking spaces, loading and service areas, exhaust vents, mechanical equipment, and refuse or recycling storage are not permitted in forecourts.

2. Landscaping

- (a) Lot area uncovered by structures or impermeable surfaces must be landscaped.
- (b) New canopy trees must be at least fourteen (14) feet in height or three (3) inches in caliper when planted.
- (c) New understory trees must be at least ten (10) feet in height or one and a half (1.5) inches in caliper when planted.
- (d) New evergreen trees must be at least six (6) feet in height when planted.
- (e) Vegetation must be low water use and low maintenance plant species that are indigenous to Cape Cod. Plant species should be capable of withstanding seasonably wet conditions and provide habitat value for wildlife.
- (f) Landscaped areas must be maintained, irrigated, and fertilized. Vegetation should be organically maintained to every extent practicable.
- (g) Vegetation may not obscure any driveways, vehicular entrances, or roadway intersections.
- (h) Mulch may not be placed in a manner that will wash into catch basins or drainage pipes.
- (i) All Site Plan and Special Permit applications must submit a Landscape Plan(s) signed and stamped by a MA registered Landscape Architect unless waived/exempt by the Building Commissioner.
- (j) The Building Commissioner shall not issue a Certificate of Occupancy until the landscaping has been installed in accordance with the approved plans unless the property owner posts security to the Town of Barnstable for one hundred and fifty percent (150%) of the estimated cost of installation of the landscaping.
- (k) Any fractional value required for plant materials is rounded up to the next whole number.

3. Stormwater Management

- (a) Rain gardens should be used to the maximum extent practicable. Rain gardens are defined as landscaped areas designed to absorb and filter stormwater runoff from impervious surfaces.

4. Signs

- (a) All development shall comply with the applicable signage requirements contained in Article VII, Sign Regulations, at §240-59 through 240-89, inclusive, of the Barnstable Zoning Ordinance. Internally illuminated signs are prohibited in the Downtown Hyannis Zoning Districts.

5. Outdoor Lighting

- (a) All outdoor lighting must be directed only on site.
 - (i) The trespass of light at any lot line may not exceed 0.1 of a footcandle, except that the trespass of light at any lot line abutting a lot in Downtown Neighborhood (DN) district may not exceed 0.05 footcandle.
 - (ii) At driveways, lighting may be up to 0.5 of a footcandle at the front lot line.
 - (iii) Outdoor lighting may not cause glare that impacts motorists, pedestrians, or neighboring premises.
- (b) Light fixtures must have a total cutoff of all light at less than ninety degrees (90°) and a beam cutoff of less than seventy-five degrees (75°). Attached building or wall pack lighting should be screened by the building's architectural features or contain a forty-five-degree cutoff shield.
- (c) Electrical service for lighting on posts or poles must be located underground.

6. Fences

- (a) Fences greater than four (4) feet in height in the frontage area and seven (7) feet in height in all other locations at any point along their length require a Special Permit except that where fencing that is higher than seven (7) feet is needed to screen mechanical equipment, the Building Commissioner may allow a greater height as determined through the Site Plan Review process.
- (b) Fences may be no more than fifty percent (50%) open.
- (c) Fence posts and supporting rails must face inward toward the property being fenced and the finished face must be oriented towards the abutting lot.

7. Vehicular Access

- (a) Driveways, vehicular entrances to parking lots or structures, and curb cuts must comply with the minimum or maximum width specified for each district.
- (b) Drive throughs require a Special Permit and are only permitted for the following uses:
 - (i) Banks (a specific use of the Commercial Service use category)
 - (ii) Pharmacies (a specific use of the Retail Sales use category)
- (c) All new curb cuts require a Special Permit.
- (d) The interior width of a curb cut (between the curb stones or flares) may be no wider than the driveway, vehicular entrance, or loading facility it serves, unless a greater width is determined to be appropriate by the Building Commissioner during the Site Plan Review process based upon unique operational requirements of the proposed use.
- (e) A driveway apron may be installed within a sidewalk of an improved way, but the grade, cross slope, and clear width of the pedestrian walkway must be maintained between the driveway apron and the abutting driveway.
- (f) The appearance of the pedestrian walkway (i.e. scoring pattern or paving material) must indicate that, although a vehicle may cross to enter a property, the area traversed by a vehicle remains part of the sidewalk.

8. Utilities

- (a) All mechanical equipment must be screened from view from adjacent lots and public rights-of-way and integrated into or compatible with the architectural design of the building.

F. Surface Parking Lot Design Standards

1. Applicability

- (a) This section is applicable to the construction of any new surface parking lot and the expansion or modification of an existing surface parking lot containing twenty-one (21) or more parking spaces that increases the number of parking spaces by five (5) or more.

2. General

- (a) To reduce traffic congestion and increasing convenience for customers, employees, and residents, development is encouraged to provide direct vehicular connections between abutting parking lots so that motor vehicles can move between properties without re-entering the public street.
- (b) To increase walkability and reduce conflicts between pedestrians and motor vehicles, development is encouraged to provide access to rear parking lots via driveways that are shared between abutting properties or multiple properties on the same block face.

3. Surface Parking Lot Landscaping

- (a) One (1) three (3) inch minimum caliper low-water-use, low-maintenance tree must be provided for every five (5) parking spaces and must be located within ten (10) feet of the parking lot. Trees shall be maintained and irrigated as necessary and planted within at least fifty (50) square feet of permeable area. Existing trees located in the interior of parking lots are credited toward this requirement.

- (b) A front landscaped buffer at least ten (10) feet wide must be provided between any parking lot and any lot line abutting an improved way and must include the following features over the span of fifty (50) linear feet:
 - (i) One (1) canopy tree
 - (ii) One (1) understory or evergreen tree
 - (iii) Five (5) medium shrubs and five (5) small shrubs or a fence or wall a maximum of four (4) feet in height.
- (c) A side/rear landscaped buffer at least six (6) feet wide must be provided between any side or rear lot line and any parking lot with five (5) or more parking spaces, excluding any vehicular connections to abutting parking lots and must include the following features over the span of fifty (50) linear feet:
 - (i) Two (2) understory or evergreen trees
 - (ii) Three (3) large shrubs and five (5) small shrubs or a fence or wall at least six (6) feet in height.
- (d) A landscaped buffer at least ten (10) feet wide must be provided between any building and any parking lot with ten (10) or more parking spaces, excluding building entrances, service and loading areas, and utility locations, and must include the following features over the span of fifty (50) linear feet:
 - (i) Two (2) understory or evergreen trees
 - (ii) Four (4) medium shrubs
 - (iii) Six (6) small shrubs
- (e) At least ten percent (10%) of any parking lot with ten (10) or more parking spaces must be landscaped. Lot area required as a landscape buffer is excluded from the calculation of the parking lot area.
- (f) Landscape islands abutting a single row of parking spaces must be at least six (6) feet in width and the same length as the parking spaces. Each island must include one (1) three (3) inch minimum caliper, low-water-use, low-maintenance tree.
- (g) Landscape islands abutting a double row of parking spaces must be at least eight (8) feet in width and the same length as the parking spaces. Each island must include two (2) three (3) inch minimum caliper, low-water-use, low-maintenance trees.

§240-24.1.10 Downtown Main Street District (DMS)

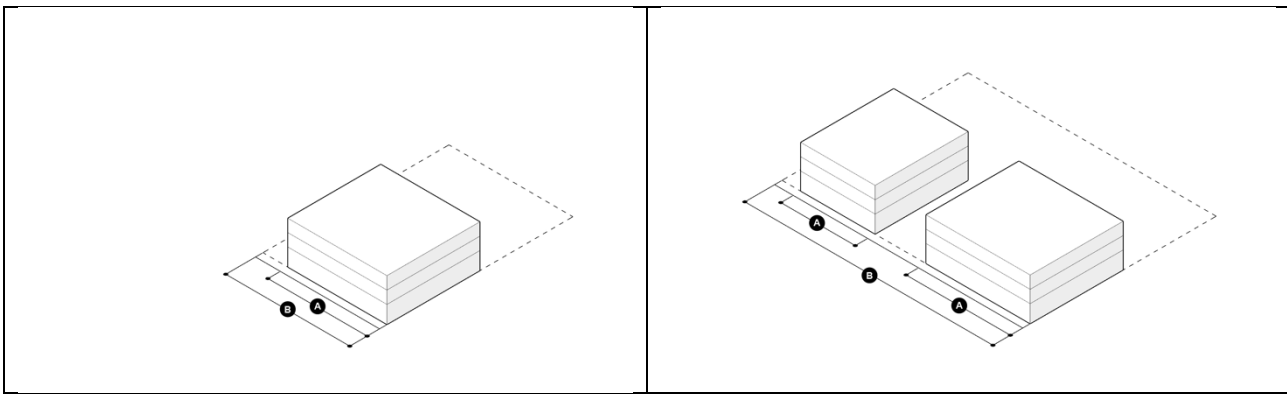
A. Intent

1. The Downtown Main Street District is intended to promote the continuation of a walkable, pedestrian-oriented downtown environment with continuous active streetscape. Development is characterized by mid-rise mixed-use buildings, continuous street walls and variety of materials with parking visually minimized. Land uses are mixed residential and active commercial, including retail, restaurant, office, hospitality, cultural and institutional.

B. Lot Standards

1. Newly platted lots must be dimensioned as specified by Table 3.
2. Building facades must have a minimum width that is equal to a percentage of a lot's width and is specified as the façade build out by Table 3.
 - (a) Façade build out is calculated by dividing the total width of all facades by the lot width and may be cumulatively calculated by multiple buildings.
 - (b) The open space of a forecourt is considered part of the building for the purpose of measuring building width and façade build out.
 - (c) The SPGA may provide relief from the façade build out requirements; the Board must find the issuance of the special permit is consistent with the Design and Infrastructure Plan.

Façade Build Out

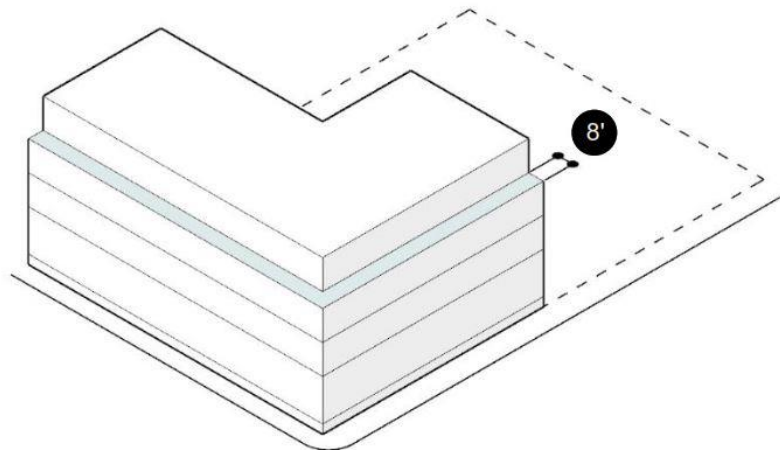


Single Building per Lot = $A \div B$

Multiple Buildings per Lot = $(A+A) \div B$

C. Building Standards

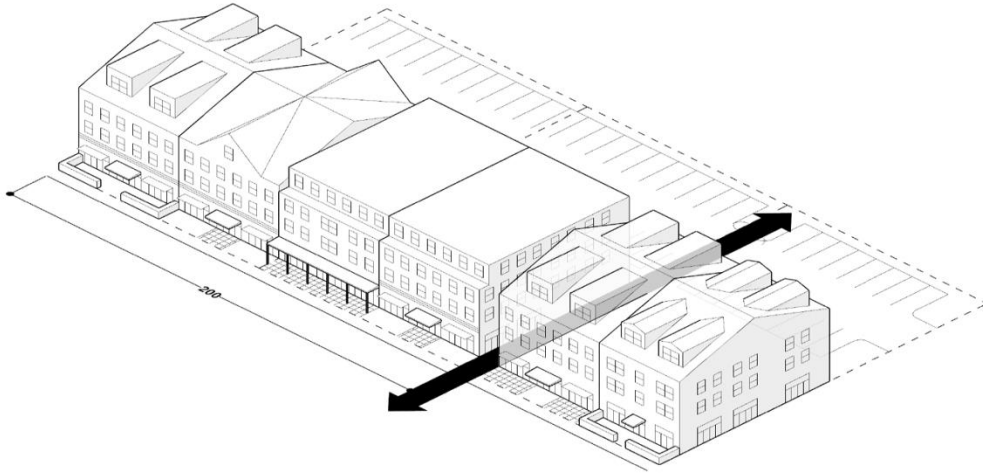
1. Multiple principal buildings are permitted per lot.
2. Principal buildings are permitted as specified by Table 3.
 - (a) Additional principal buildings are exempt from the required maximum front setback.
3. Principal building façade(s) must be built parallel to any primary front lot line, at or between the minimum and maximum front setbacks.
4. Any building contributing toward the frontage buildout for any lot fronting Main Street between Ocean Street and Sea Street must provide ground story commercial space that is at least twenty (20) feet in depth for one hundred percent (100%) of the total width of the building, excluding lobby entrances and other means of egress associated with the use of upper stories.
5. Awnings, canopies, signs, balconies, and non-habitable architectural features of a building may project over the public sidewalk but must provide at least eight (8) feet of clearance and a license from the Town Manager in accordance with Barnstable General Ordinances, Part 1, Chapter 121, § 121-6J is required.
6. The fourth (4th) story of any building must be recessed (“stepped back”) from the façade of the stories below at least eight (8) feet.



7. Mechanical & stairwell penthouses and building systems equipment must be setback from any exterior wall a distance that is equal to their height.
8. Facades may not have any blank wall areas without fenestration or architectural surface relief greater than twenty (20) feet measured both vertically and horizontally for all stories of a building for any facade.
9. Loading and service areas may not be visible from any public sidewalk of Main Street.

D. Design Guidelines

1. The development of any new principal building should include a pedestrian passage connecting the sidewalk at the front of the property to any parking areas to the rear of the building, to every extent practicable, where no such pedestrian passage exists within two hundred (200) linear feet of the building's principal entrance.



2. When provided, pedestrian passages may be designed as an open-air passage between buildings, a covered atrium providing continuous protection from the elements, or as an up to two (2) story passage through a building.

E. Use Provisions

1. Limitations

- (a) Occupation of a single commercial space greater than five thousand (5,000) square feet by any Food & Beverage Service or Retail Sales use requires a Special Permit.
- (b) The maximum number of dwelling units permitted for any Multi-Unit Dwelling residential use is determined by the permitted dimensions of the building and the actual motor-vehicle parking spaces provided on a lot as required by Table 2.

F. Site Standards

1. Driveways, vehicular entrances to parking lots or structures, and curb cuts may be no wider than twenty-four (24) feet.

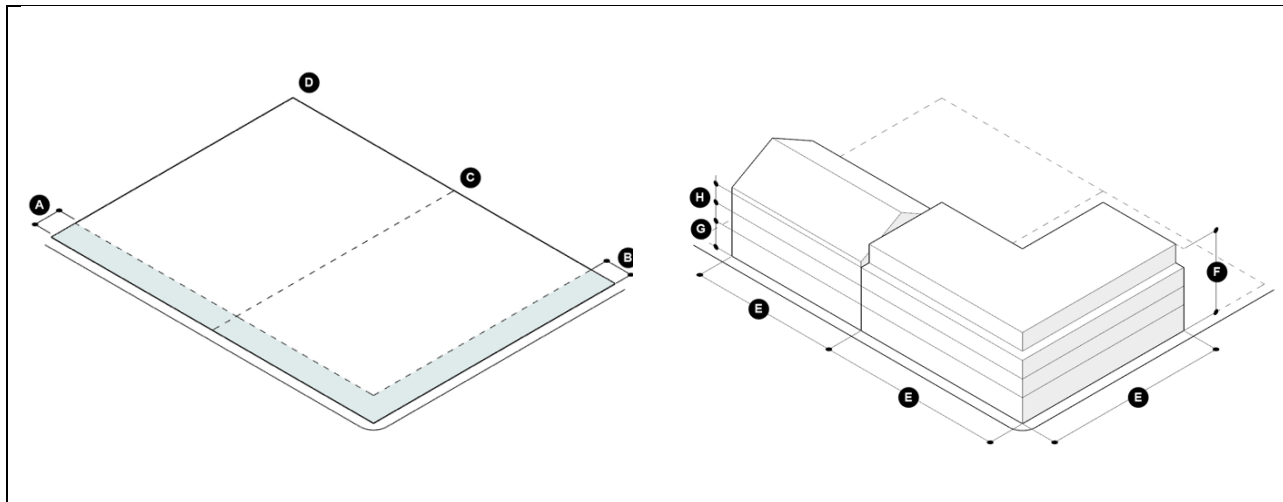
G. Landscape Standards

1. A front landscape area is not required if the front setback is zero. When a setback is greater than zero, those portions of the setback not occupied by pedestrian amenities and public spaces shall be landscaped including one (1) canopy tree to be planted every thirty (30) feet of frontage of the property.
2. A side or rear landscaped area at least six (6) feet wide must be provided along any side or rear lot line abutting a lot in Downtown Neighborhood (DN) district and must include the following features over the span of fifty (50) linear feet:
 - (i) Two (2) understory or evergreen trees
 - (ii) Three (5) medium shrubs and three (3) small shrubs or a fence or wall at least six (6) feet in height.

H. Parking Standards

1. For development on any through lot fronting Main Street, parking access must be provided from the non-Main Street frontage.

Table 3. DMS Dimensional Standards



LOT		BUILDING FORM	
Lot Width	30' min	E - Building Width	180' max
Lot Coverage	100% max	F - Number of Stories	3.5 or 4 max ²
Façade Build Out (min)	--	G - Ground Story Height	--
Primary Frontage	80% min	Commercial	14' min
Secondary Frontage	40% min	Residential	10' min
SETBACKS – PRINCIPAL BUILDINGS		H - Upper Story Height	10' min
A - Primary Front Setback	0' min 15' max	BUILDING FEATURES	
B - Secondary Front Setback	0' min 15' max	Ground Story Fenestration	--
C - Side Setback	0' min	Primary Frontage	60% min
D - Rear Setback	0' min	Secondary Frontage	15% min
		Upper Story Fenestration	15% min
		Blank Wall	20' max
		Commercial Space Depth	20' min

² See 240-24.1.6.C.6 (4th Story Step-back)

§240-24.1.11 Downtown Village District (DV)

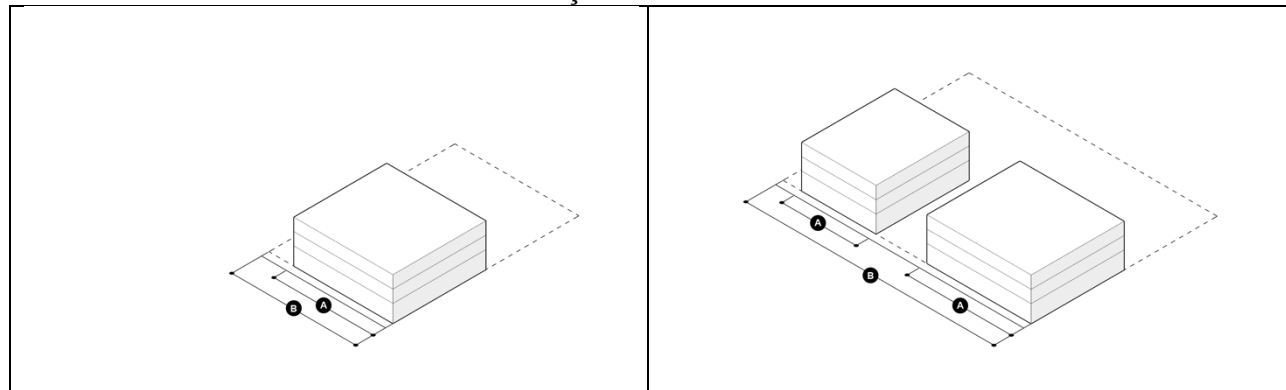
A. Intent

1. The Downtown Village District is intended to promote mixed land uses that support the downtown core and reestablish or preserve traditional neighborhood forms and pedestrian orientation. Development is characterized by mid-rise single-use buildings and detached and semi-detached residential buildings.

B. Lot Standards

1. Newly platted lots must be dimensioned as specified by Table 4.
2. Lot coverage may not exceed the maximum specified by Table 4.
3. Building facades must have a minimum width that is equal to a percentage of a lot's width and is specified as the façade build out on Table 4.
 - (a) Façade build out is calculated by dividing the total width of all facades at or forward of the maximum front setback by the lot width and may be cumulatively calculated by multiple buildings.
 - (b) The open space of a forecourt is considered part of the building for the purpose of measuring building width and façade build out.
 - (c) The SPGA may provide relief from the façade build out requirements; the Board must find the issuance of the special permit is consistent with the Design and Infrastructure Plan.

Façade Build Out



Single Building per Lot = $A \div B$

Multiple Buildings per Lot = $(A+A) \div B$

C. Building Standards

1. Multiple principal buildings are permitted per lot.
2. Principal buildings are permitted as specified by Table 4.
 - (a) Additional principal buildings are exempt from the required maximum front setback.
3. Principal building façade(s) must be built parallel to any primary front lot line, at or between the minimum and maximum front setbacks.
4. The fourth (4th) story of any building must be recessed (“stepped back”) from the façade of the stories below at least eight (8) feet.
5. Mechanical & stairwell penthouses and building systems equipment must be setback from any exterior wall a distance that is equal to their height.

D. Use Provisions

1. Limitations

- (a) Occupation of a single commercial space greater than five thousand (5,000) square feet by any Food & Beverage Service or Retail Sales use requires a Special Permit.
- (b) The maximum number of dwelling units permitted for any Multi-Unit Dwelling residential use is determined by the permitted dimensions of the building and the actual motor-vehicle parking spaces provided on a lot as required by Table 2.

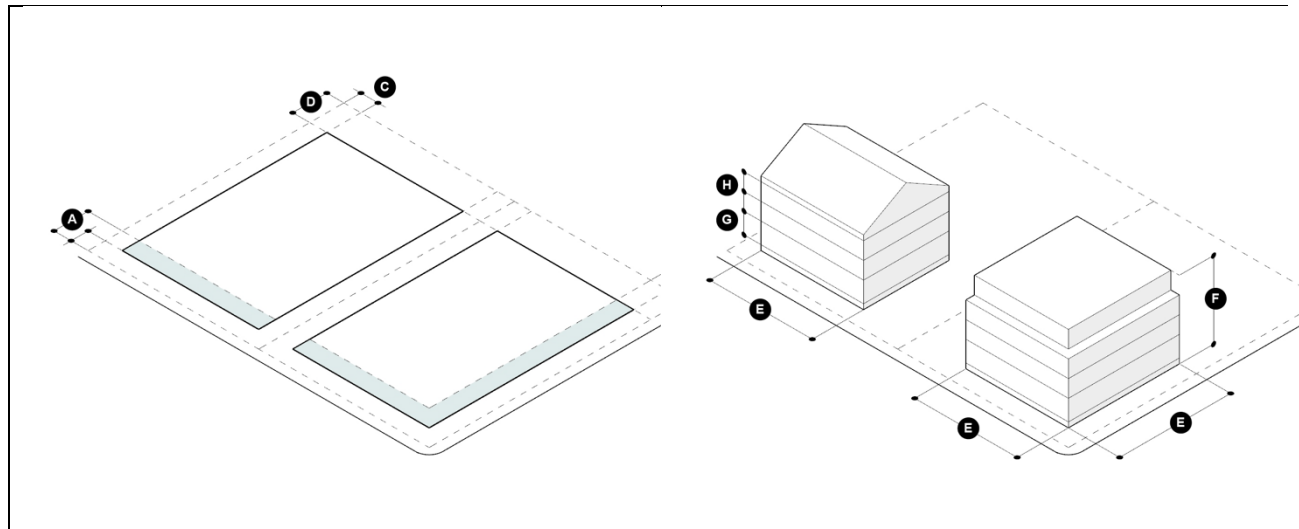
E. Site Standards

- 1. Driveways, vehicular entrances to parking lots or structures, and curb cuts may be no wider than twenty-four (24) feet.

F. Landscape Standards

- 1. A front landscape area is not required if the front setback is zero. When a setback is greater than zero, those portions of the setback not occupied by pedestrian amenities and public spaces shall be landscaped including one (1) canopy tree to be planted every thirty (30) feet of frontage of the property.

Table 4. DV Dimensional Standards



LOT		BUILDING FORM	
Lot Width	30' min	E - Building Width	120' max
Lot Coverage	80% max	F - Number of Stories	3.5 or 4 max ³
Façade Build Out (min)	--	G - Ground Story Height	--
Primary Frontage	80% min	Commercial	14' min
		Residential	10' min
SETBACKS – PRINCIPAL BUILDINGS		H - Upper Story Height	10' min
A - Primary Front Setback	0' min 15' max	BUILDING FEATURES	
B - Secondary Front Setback	0' min 15' max	Ground Story Fenestration	--
C - Side Setback	0' min	Primary Frontage	15% min
D - Rear Setback	0' min	Secondary Frontage	15% min
		Upper Story Fenestration	15% min
		Blank Wall	20' max
		Commercial Space Depth	20' min

³ See 240-24.1.7.C.4 (4th Story Step-back)

§240-24.1.12Downtown Neighborhood District (DN)

A. Intent

1. The Downtown Neighborhood District is intended to promote the traditional uses and form of the neighborhoods adjacent to downtown that are characterized by a variety of 19th and 20th Century detached and semi-detached residential building types.

B. Lot Standards

1. Newly platted lots must be dimensioned as specified by Table 5.
2. Lot coverage may not exceed the maximum specified by Table 5.

C. Building Standards

1. One (1) principal building and multiple outbuildings are permitted per lot.
2. Principal buildings and outbuildings are permitted as specified by Table 5.
 - (a) The third story in a single-family or two-family dwelling can only occur within habitable attic space.

D. Use Provisions

1. Limitations

- (b) Office and Health Care Clinic uses are permitted only for lots fronting South Street or High School Road.
- (c) Two-Unit dwellings are prohibited for lots fronting only Brookshire Road or King's Way.

E. Site Development

1. Development on corner lots must comply with the provisions of § 240-41 of the Barnstable Zoning Ordinance.
2. Curb cuts may be no wider than twelve (12) feet.
3. Outdoor lighting must be shielded and provide total cut off of all light at the boundaries of the lot under development.
4. Fences greater than four (4) feet in height in the frontage area and seven (7) feet in height in all other locations at any point along their length require a Special Permit.

F. Landscape Standards

- (i) A perimeter green space of not less than ten (10) feet in width shall be provided, such space to be planted and maintained as green area and to be broken only in a front yard by a driveway.

Table 5. DN Dimensional Standards

LOT		BUILDING FORM	
Lot Width	20' min	E - Number of Stories	3 max ⁴
Lot Coverage	50% max	F - Ground Story Height	10' min
SETBACKS – PRINCIPAL BUILDINGS		G - Upper Story Height	10' min
A - Primary Front Setback	10' min 20' max		
B - Secondary Front Setback	10' min 20' max		
C - Side Setback	10' min		
D - Rear Setback	20' min		
SETBACKS - OUTBUILDINGS			
Front Setback	60' min		
Side Setback	3' min		
Rear Setback	3' min		

§240-24.1.13 Downtown Hospital District (DH)

A. Intent

1. The Downtown Hospital District is intended to maintain an area of Hyannis for a large-scale Health Care Services institution and is characterized by moderate to large floor plate, multi-story buildings arranged in a campus-like setting, with clear pedestrian and vehicular connections to downtown and the region.

B. Lot Standards

⁴ See 240-24.1.8.C.2(a)

1. Newly platted lots must be dimensioned as specified by Table 6.
2. Lot coverage may not exceed the maximum specified by Table 6.

C. Building Standards

1. Multiple principal buildings are permitted per lot.
2. Principal buildings are permitted as specified by Table 6.
3. Buildings are exempt from 240-24.1.5.A.1 frontage types and 240-24.1.5.A.3 provisions for calculating building stories. Buildings must comply with the maximum number of stories and maximum building height defined within Table 6.

D. Site Standards

1. Driveways, vehicular entrances to parking lots or structures, and curb cuts may be no wider than twenty-four (24) feet except that wider widths may be allowed by the Building Commissioner during the Site Plan Review process if additional width is needed to provide emergency access.

E. Landscape Standards

1. A front landscaped area at least ten (10) feet wide measured from the lot line toward the interior of the lot must include the following features over the span of fifty (50) linear feet:
 - (i) One (1) canopy tree
 - (ii) One (1) understory or evergreen tree
 - (iii) Four (4) medium shrubs
 - (iv) Six (6) small shrubs

Table 6. DH Dimensional Standards

LOT		BUILDING FORM	
Lot Width	50' min	Number of Stories	6 max
Lot Coverage	100% max	Building Height	85' max
SETBACKS – PRINCIPAL BUILDINGS			
Primary Front Setback	20' min		
Secondary Front Setback	20' min		
Side Setback	10' min		
Rear Setback	10' min		

§240-24.1.14 Hyannis Harbor District (HH)

A. Intent

1. The Hyannis Harbor District is intended to maintain an area near Hyannis Inner Harbor for maritime activities and water-related uses, and is characterized by a mix of commercial, maritime industrial, and residential development and the presence of the commercial ferry services.

B. Lot Standards

1. Newly platted lots must be dimensioned as specified by Table 7.
2. Lot coverage may not exceed the maximum specified by Table 7.

C. Building Standards

1. Multiple principal buildings are permitted per lot.
2. Principal buildings are permitted as specified by Table 7.
 - (a) To support water-dependent uses on the harbor, the maximum building height permitted for existing structures used as a Marina or a Commercial Service use for constructing, selling, renting, or repairing boats is forty-five (45) feet.
3. Mechanical & stairwell penthouses and building systems equipment must be setback from any exterior wall a distance that is equal to their height.

D. Use Provisions

1. Limitations

- (a) The maximum number of dwelling units permitted for any Multi-Unit Dwelling residential use is determined by the permitted dimensions of the building and the actual motor-vehicle parking spaces provided on a lot as required by Table 2.

E. Site Standards

1. Driveways, vehicular entrances to parking lots or structures, and curb cuts may be no wider than twenty-four (24) feet.

F. Landscape Standards

1. A front landscaped area at least ten (10) feet wide measured from the lot line toward the interior of the lot must include the following features over the span of fifty (50) linear feet:
 - (i) One (1) canopy tree
 - (ii) One (1) understory or evergreen tree
 - (iii) Four (4) medium shrubs
 - (iv) Six (6) small shrubs
2. A side or rear landscaped area at least six (6) feet wide must be provided along any side or rear lot line abutting a lot in Downtown Neighborhood (DN) district and must include the following features over the span of fifty (50) linear feet:
 - (i) Two (2) understory or evergreen trees
 - (ii) Five (5) medium shrubs and three (3) small shrubs or a fence or wall at least six (6) feet in height.

Table 7. HH Dimensional Standards

LOT		BUILDING FORM	
Lot Width	20' min	Number of Stories	2.5 max
Lot Coverage	90% max	Building Height	35 ft max ⁵
SETBACKS – PRINCIPAL BUILDINGS			
Primary Front Setback	20' min		
Secondary Front Setback	20' min		
Side Setback	10' min		
Rear Setback	10' min		

⁵ See 240-24.1.10.C.2(a)

§240-24.1.15 Transportation Center District (TC)

A. Intent

1. The Transportation District is intended to accommodate transportation related-uses serving the downtown, harbor and the region and is characterized by functional buildings and parking areas screened and not highly visible from surrounding roadways.

B. Lot Standards

1. Newly platted lots must be dimensioned as specified by Table 8.
2. Lot coverage may not exceed the maximum specified by Table 8.

C. Building Standards

1. Multiple principal buildings are permitted per lot.
2. Principal buildings are permitted as specified by Table 8.
3. Mechanical & stairwell penthouses and building systems equipment must be setback from any exterior wall a distance that is equal to their height.

D. Use Provisions

1. Limitations

- (a) Occupation of a single commercial space greater than five thousand (5,000) square feet by any Food & Beverage Service or Retail Sales use requires a Special Permit.
- (b) The maximum number of dwelling units permitted for any Multi-Unit Dwelling residential use is determined by the permitted dimensions of the building and the actual motor-vehicle parking spaces provided on a lot as required by Table 2.

E. Site Standards

1. Driveways, vehicular entrances to parking lots or structures, and curb cuts may be no wider than twenty-four (24) feet.

F. Landscape Standards

1. A front landscaped area at least ten (10) feet wide measured from the lot line toward the interior of the lot must include the following features over the span of fifty (50) linear feet:
 - (i) One (1) canopy tree
 - (ii) One (1) understory or evergreen tree
 - (iii) Four (4) medium shrubs
 - (iv) Six (6) small shrubs
2. A side or rear landscaped area at least six (6) feet wide must be provided along any side or rear lot line abutting a lot in Downtown Neighborhood (DN) district and must include the following features over the span of fifty (50) linear feet:
 - (i) Two (2) understory or evergreen trees
 - (ii) Three (3) large shrubs and three (3) medium shrubs or a fence or wall at least six (6) feet in height.

Table 8. TC Dimensional Standards

LOT		BUILDING FORM	
Lot Width	50' min	Number of Stories	3 max
Lot Coverage	65% max	Building Height	40 ft max
SETBACKS – PRINCIPAL BUILDINGS			
Primary Front Setback	--		
Lots fronting Route 28	50' min		
All other Lots	20' min		
Secondary Front Setback	20' min		
Side Setback	10' min		
Rear Setback	10' min		

§240-24.1.16 Highway Commercial District (HC)

A. Intent

1. The Highway Commercial District is intended to maintain an area for larger-scale commercial land uses, with private parking appropriately screened, on a regional roadway and promote in the long-term transformation of the area into a cohesive gateway corridor into Hyannis. The area is characterized by detached low- and mid-rise commercial structures.

B. Lot Standards

1. Newly platted lots must be dimensioned as specified by Table 9.
2. Lot coverage may not exceed the maximum specified by Table 9.

C. Building Standards

1. Multiple principal buildings are permitted per lot.
2. Principal buildings are permitted as specified by Table 9.
 - (a) The third story can only occur within habitable attic space.
3. Mechanical & stairwell penthouses and building systems equipment must be setback from any exterior wall a distance that is equal to their height.

D. Site Standards

1. Driveways, vehicular entrances to parking lots or structures, and curb cuts may be no wider than twenty-four (24) feet.

E. Landscape Standards

1. A front landscaped area at least ten (10) feet wide measured from the lot line toward the interior of the lot must include the following features over the span of fifty (50) linear feet:
 - (i) One (1) canopy tree
 - (ii) One (1) understory or evergreen tree
 - (iii) Four (4) large shrubs
 - (iv) Two (2) small shrubs
1. A side or rear landscaped area at least six (6) feet wide must be provided along any side or rear lot line abutting a lot in Downtown Neighborhood (DN) district and must include the following features over the span of fifty (50) linear feet:
 - (i) Two (2) canopy trees
 - (ii) Three (3) large shrubs and three (3) medium shrubs or a fence or wall at least six (6) feet in height.

F. Parking Standards

1. To reduce traffic congestion and increase convenience for customers, employees, and residents, development is encouraged to provide direct vehicular connections between abutting parking lots so that motor vehicles can move between properties without re-entering the public street.
2. To increase walkability and reduce conflicts between pedestrians and motor vehicles, development is encouraged to:
 - (a) Provide only the minimum number of driveways or vehicular entrances to parking lots necessary to accommodate the number of parking spaces provided
 - (b) Share driveways between abutting properties or multiple properties fronting the same street
 - (c) Relocate any existing frontage area parking spaces to the side or rear of buildings.
3. Establishment of a new curb cut on Route 28 or Barnstable Road must consult the Director of Public Works regarding access prior to applying for a state highway access

permit from the Massachusetts Department of Transportation and work with the Town and other authorizing agencies on a transportation access plan prior to site plan approval.

4. New construction, modification of an existing principal building, and the establishment, change, or expansion of any use of real property abutting Engine House Road must provide vehicular access only from the Engine House Road frontage.
5. Parking is highly discouraged within the frontage area and should be limited to a single row of parking stalls and associated drive aisle where necessary.

Table 9. HC Dimensional Standards

LOT		BUILDING FORM	
Lot Width	50' min	Number of Stories (max)	3 max ⁶
Lot Coverage	80% max	Building Height	40 ft max
SETBACKS – PRINCIPAL BUILDINGS			
Primary Front Setback	60' max		
Lots fronting Route 28	20' min		
Secondary Front Setback	20' min		
Side Setback	10' min		
Rear Setback	10' min		

⁶ See 240-24.1.12.C.2(a)

§240-24.1.17 Tables

Table 10. Dimensional Standards Summary Table

	DMS	DV	DN	DH	HH	TC	HC
A. Lot							
Lot Width	30' min	30' min	20' min	50' min	20' min	50' min	50' min
Lot Coverage	100% max	80% max	50% max	100% max	90% max	65% max	80% max
Façade Build Out	--	--	--	--	--	--	--
Primary Frontage	80% min	80% min	--	--	--	--	--
Secondary Frontage	40% min		--	--	--	--	--
B. Setbacks – Principal Building							
Primary Front Setback	0' min 15' max	0' min 15' max	10' min 20' max	20' min	20' min	20' min	60' max
Lots fronting Route 28	--	--	--	--	--	50' min	20' min
Secondary Front Setback	0' min 15' max	0' min 15' max	10' min 20' max	20' min	20' min	20' min	20' min
Side Setback	0' min	0' min	10' min	10' min	10' min	10' min	10' min
Rear Setback	0' min	0' min	20' min	10' min	10' min	10' min	10' min
C. Setbacks - Outbuilding							
Primary Front Setback	--	--	60' min	--	--	--	--
Secondary Front Setback	--	--	--	--	--	--	--
Side Setback	--	--	3' min	--	--	--	--
Rear Setback	--	--	3' min	--	--	--	--
D. Building Form							
Building Width	180' max	120' max	--	--	--	--	--
Number of Stories	--	--	--	--	--	--	--
Principal Building	3.5 or 4 max ⁷	3.5 or 4 max ⁸	3 max ⁹	6 max	2.5 max	3 max	3 max ¹⁰
Outbuilding	--	--	--	--	--	--	--
Ground Story Height	--	--	10' min	--	--	--	--
Commercial	14' min	14' min	--	--	--	--	--
Residential	10' min	10' min	--	--	--	--	--
Upper Story Height	10' min	10' min	10' min	--	--	--	--
Building Height	--	--	--	85' max	35' max ¹¹	40' max	40' max
E. Building Features							
Ground Story Fenestration	--	--	--	--	--	--	--
Primary Frontage	60% min	15% min	--	--	--	--	--
Secondary Frontage	15% min	15% min	--	--	--	--	--
Upper Story Fenestration	15% min	15% min	--	--	--	--	--
Blank Wall	20' max	20' max	--	--	--	--	--
Commercial Space Depth	20' min	20' min					

⁷ See 240-24.1.6.C.6 (4th Story Step-back)

⁸ See 240-24.1.7.C.4 (4th Story Step-back)

⁹ See 240-24.1.8.C.2(a)

¹⁰ See 240-24.1.12.C.2(a)

¹¹ See 240-24.1.10.C.2(a)

Table 11. Frontage Types

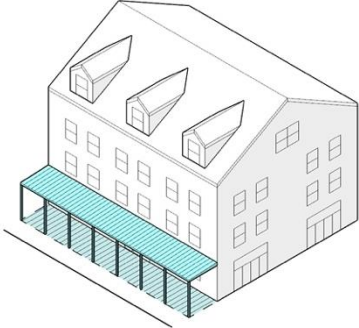
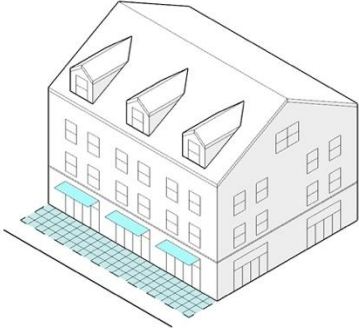
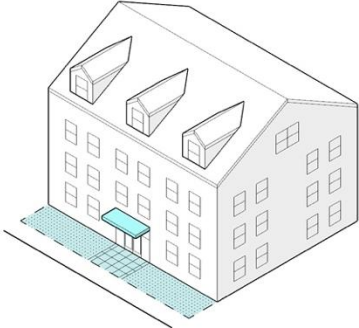
P – Permitted N – Not Permitted	DMS	DV	DN	DH	HH	TC	HC
<p>Gallery</p>  <p>A frontage type consisting of a storefront(s) and an attached colonnade with a roof, open pergola, or balcony overhanging a paved sidewalk. A gallery may wrap around the corner of a building to create a veranda-like gallery.</p>	P	P	N	N/A	P	P	P
<p>Storefront</p>  <p>A frontage type consisting of an assembly of commercial entry doors and display windows providing access and light to a commercial space and a place to display goods, services, and signs.</p>	P	P	N	N/A	P	P	P
<p>Common Lobby</p>  <p>A frontage type consisting of an assembly of entry doors and windows providing access and light to the lobby of a building. A common lobby may be combined with an entry plaza or front garden frontage type.</p>	P	P	N	N/A	P	P	P

Table 11. Frontage Types

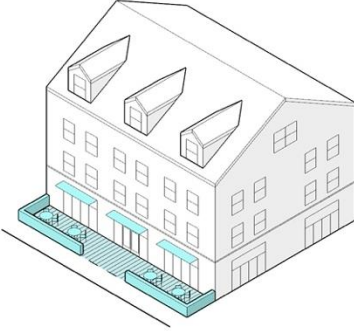
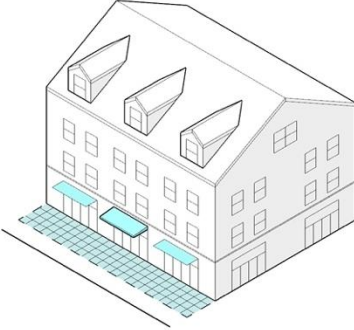
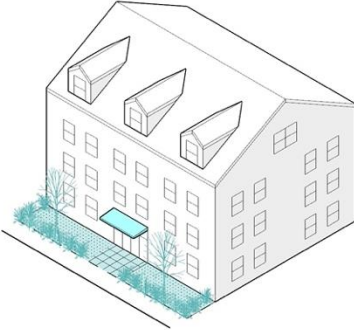
P – Permitted N – Not Permitted	DMS	DV	DN	DH	HH	TC	HC
<p>Dining Patio</p>  <p>A frontage type consisting of a storefront(s) and outdoor café seating in the frontage area.</p>	P	P	N	N/A	P	P	P
<p>Entry Plaza</p>  <p>A frontage type consisting of a storefront(s) and a highly paved frontage area. An entry plaza may be combined with a common lobby frontage type.</p>	P	P	N	N/A	P	P	P
<p>Front Garden</p>  <p>A frontage type consisting of a highly landscaped frontage area. A front garden may be combined with a common lobby, dooryard or stoop, or porch frontage type.</p>	N	P	P	N/A	N	N	N

Table 11. Frontage Types

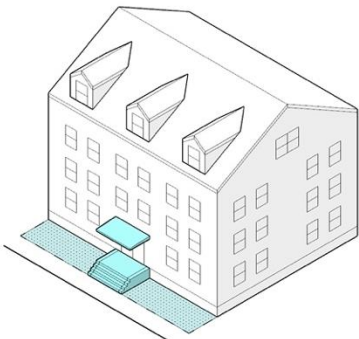
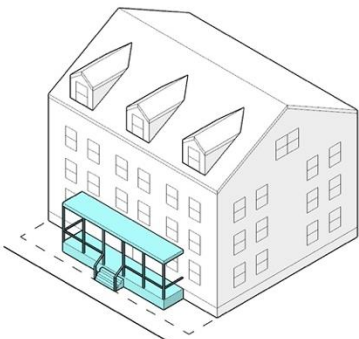
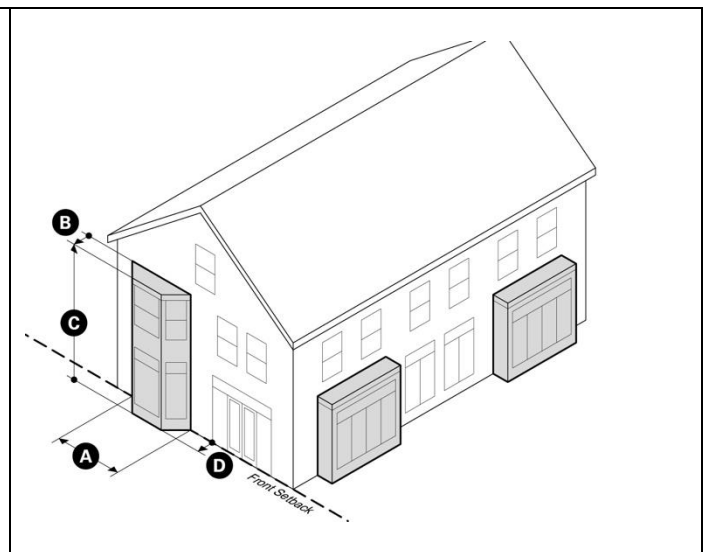
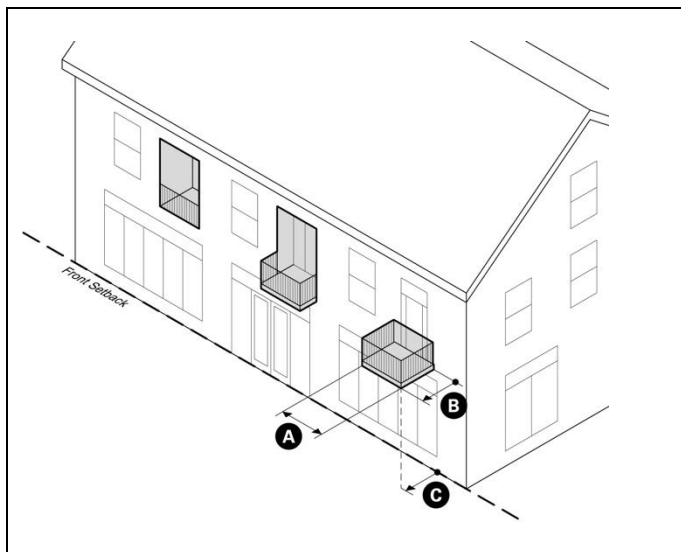
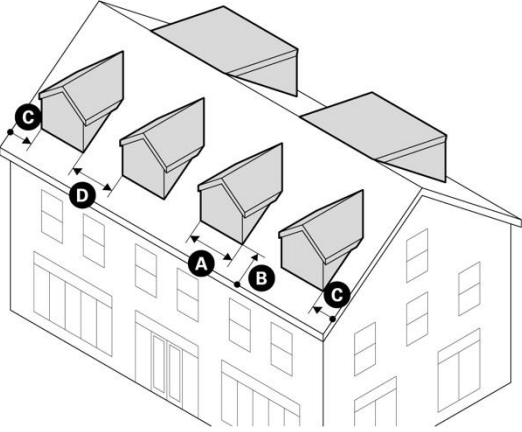
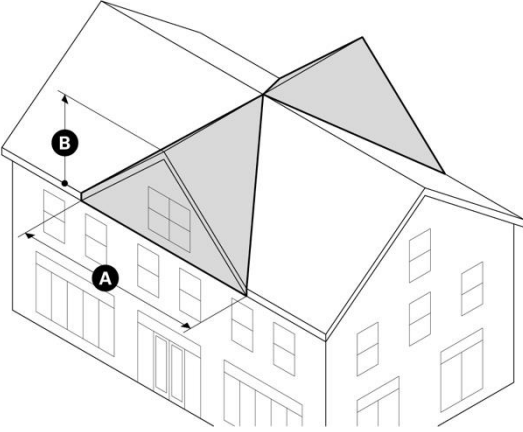
P – Permitted N – Not Permitted	DMS	DV	DN	DH	HH	TC	HC
<p>Dooryard or Stoop</p>  <p>A frontage type consisting of a zero-step entrance or a set of stairs with a landing that provides access to the entrance of a building. A dooryard or stoop may be combined with a front garden frontage type.</p>	N	P	P	N/A	N	N	N
<p>Porch</p>  <p>A frontage type consisting of a raised platform with a roof supported by columns, piers, or posts; an area for seating; and an optional set of stairs with a landing that provides access to the entrance of a building. A porch may be combined with a front garden frontage type</p>	N	P	P	N/A	N	N	N

Table 12. Building Components

A. Balcony	B. Bay or Oriel Window
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A	Width (min)	5 ft	A	Single Bay Width (max)	16 ft
B	Depth (min)	4 ft		Cumulative Bay Width (max)	50% of the width of the exterior wall from which the bays project
	Area (min)	20 sf	B	Projection (max)	3 ft
C	Front Setback Encroachment (max)	5 ft	C	Stories (max)	Same as the principal building
			D	Front Setback Encroachment (max)	3 ft
	<p>Design Standards:</p> <p>Balconies may attach to any exterior wall of a principal building.</p> <p>Balconies may be recessed, projecting, a combination of the two, or terraced as part of the roof of a permitted building component.</p>			<p>Design Standards:</p> <p>Bays may attach to any exterior wall of a principal building.</p> <p>A bay window may have a flat roof.</p>	

C. Dormer			D. Cross Gable		
					
A	Cumulative Width of all Dormers (max)	50% of the roof eave	A	Width (max)	50% of the roof eave below
B	Exterior Wall Setback (min)	--	B	Height (min)	Equal to the height of the roof of the attached primary massing
	Roof with Eave	0 ft	Design Standards: The roof ridge of a cross gable must be perpendicular to the main roof ridge of the principal building. The rakes and ridge of the roof of the cross gable must be structurally integrated into the eave and ridge of roof of the attached primary massing.		
	Roof without Eave	1 ft			
C	Setback from Gable (min)	3 ft			
D	Separation from another Dormer (min)	50% of dormer width			
	Design Standards: The face wall of a dormer window may not project beyond the exterior wall of the building and may not interrupt the eave of the roof.				

E. Projecting Gable		
A	Width (max)	Equal to the shortest side of the attached primary massing
B	Projection (max)	6 ft
C	Height (min)	Height of Building in Stories
D	Front Setback Encroachment (max)	6 ft
<p>Design Standards:</p> <p>A projecting gable may attach only the façade of a principal building.</p> <p>The roof ridge of a projecting gable must be perpendicular to the main roof ridge of the principal building.</p>		

SPONSOR: Mark S. Ells, Town Manager

DATE

ACTION TAKEN

03/03/2022

Due to lack of quorum this Item was referred to 03/17/2022

03/17/2022

Referred to Planning Board

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close Public Hearing
- Council Discussion
- Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2022-144

INTRO: 03/03/2022, 03/17/2022, 11/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth Jenkins, Director, Planning & Development Department
DATE: March 03, 2022
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning by repealing the Zoning Districts known as the “Hyannis Village Zoning Districts” and replacing them with revised and updated districts collectively known as the “Downtown Hyannis Zoning Districts”

RATIONALE: This item proposes a comprehensive revision of the zoning districts in Downtown Hyannis, replacing the “Hyannis Village Zoning Districts” first adopted in 2005 with seven new districts collectively known as the “Downtown Hyannis Zoning Districts”. The purpose of updating the zoning in Downtown Hyannis is to: address housing goals, including increasing housing supply and diversity in areas with infrastructure and community activity and away from open spaces and areas with critical natural resource value; improve the urban fabric of downtown Hyannis in a manner consistent with its historic and maritime character and existing development patterns; improve the ease of use of the zoning ordinance for the public and for businesses and developers; and to encourage housing production and mixed use development at human-scale density, and create predictable outcomes in urban form.

The subject of these amendments is downtown Hyannis, in an area with the same boundary as the Downtown Hyannis Growth Incentive Zone (GIZ) and the existing “Hyannis Village Zoning Districts”. This area is currently served by public sewer and water. Hyannis is the regional commercial and transportation hub of the Cape. Achieving a greater density of jobs and housing within the GIZ supports the community’s vision of a vibrant, livable, mixed-use, walkable regional center. Compact housing options within buildings that respond to Hyannis’ unique character can support a mix of housing choices for all ages and incomes while encouraging healthier and more sustainable lifestyles.

These proposed amendments are supported by past planning initiatives including the 2010 Local Comprehensive Plan, the 2016 Housing Production Plan (HPP), and the 2018 Growth Incentive Zone Strategic Plan (GIZ). All of these plans encourage new investment in areas with infrastructure and community and business activity, promoting infill and redevelopment over the development of open spaces and sensitive natural resources. The HPP and the GIZ specifically recognize that zoning changes are necessary to achieve housing and revitalizations goals.

Existing Conditions

The GIZ and the current zoning districts provide some opportunity for streamlined permitting and as-of-right multi-family development, but the regulatory structure has not been effective in broadly attracting residential development to the area. In the first 10 years of the initial GIZ designation, only 110 new residential units were built. The residential densities allowed by zoning do not respond to the high costs of land and construction. Requiring a developer to permit projects through a lengthy and unpredictable process only further increases project costs. This dis-incentivizes investment and raises the costs of housing in projects that do move forward.

Additionally, the current conventional methods of zoning do not adequately address most physical characteristics that contribute to the sense of place or sufficiently address the aesthetic character of our community. An examination of the property in the GIZ shows a diversity of lot sizes that range from small residential lots around 4,000 square feet to large commercial lots upwards of 70,000 square feet. This condition makes current multi-

family residential standards that use ratio-based zoning metrics (dwelling units/acre) problematic, unaligned with housing goals; unintended consequences result, such as regulatory agreement review for small housing projects.

Background & Study

The focus of this effort is to create a predictable regulatory framework that encourages compact residential development, compatible with traditional development patterns, meeting a range of housing needs. The proposed zoning revisions benefit from input received during the Community Resiliency by Design process. This process studied ways to address the need for additional housing options while also respecting the existing historic and maritime character of downtown Hyannis. This report considered community input on preferred types and styles of building massing, scale, character, and composition and considered the unique land use patterns in Hyannis. It presented a framework for revitalization and increased housing supply that included strategies such as retrofitting existing structures (including top-of-shop housing and conversion of underutilized space), redeveloping underutilized property, and infilling underutilized lots.

This zoning amendment is also supported by the Cape Cod Commission's Form Based Code Framework which advocates for the use of form-based and hybrid zoning to help deliver context-appropriate densities in forms that respect existing historic development patterns.

Summary of Proposed Zoning Ordinance

The proposed zoning is organized into six (6) sections. The 'Title' and 'General Provisions' sections introduce the ordinance and designates the Planning Board as the Special Permit Granting Authority. The 'Definitions' section provides direction on the meaning of terms used to regulate uses, dimensional and building standards, and landscape materials. The section 'Standards for All Districts' includes the use table (establishing permitted, prohibited, and special permit uses); parking standards; and landscaping, lighting, access, and surface parking lot standards. Next are 'Standards for Specific Districts' which include dimensional requirements, building standards, use standards, and site standards specific to each of the seven (7) districts proposed to be established. Finally, in 'Tables' there is a summary dimensional table and standards for frontage types and building components.

Districts

The Downtown Main Street and Downtown Village districts incorporate new "form-based" standards, in addition to regulating land uses.

- The Downtown Main Street (DMS) district seeks to maintain, reinforce, and extend the character and mixed use development pattern of Main Street. Active ground floor commercial use on Main Street between Ocean Street and Sea Street continue to be required. In addition to setback requirements, new form standards include standards to build out a percentage of the lots primary and secondary frontage, modified fenestration requirements, standards for story height (ground and upper), and roof pitch. Building height in this district is proposed to increase from three (3) stories to three and a half (3.5) stories or four stories, if that story is recessed at least eight (8) feet to limit its visibility.
- The Downtown Village district encompasses areas immediately north and east of the Main Street, formerly zoned "Office/Multi-Family" and "Medical Services". This district also incorporates the new form-based standards outlined above, ensuring future buildings are pulled up to the street and parking areas are set back, and allows for the same height/number of stories in the DMS; building massing standards (frontage buildout and setbacks) are reduced from the DMS in this transitional district.

A wide range of commercial uses are proposed to be permitted in both the DMS and DV Districts, with the limitation that any one commercial use that exceeds 5,000 square feet requires a special permit.

The remaining five districts remain largely consistent with the provision in the current zoning ordinance.

- The Downtown Neighborhood District (formerly Single Family) maintains the same use requirements, but now permits two-family dwellings on South Street, Ridgewood Street, and Spring Street.
- The Downtown Hospital District consolidates the provisions called out specifically for the regional hospital formerly in the Medical Services District in the current zoning into one district. Development in this district is exempt from a number of site standards in recognition of the specific use and development type.
- The Hyannis Harbor District is limited to parcels south of South Street and maintains most current use and dimensional standards. Multi-family residential use is allowed, and the marine supportive uses

continued to be allowed, with the exception of boat storage as a principal use.

- The Transportation District maintains its purpose of supporting regional transportation-related uses. Multi-family use is proposed to be permitted, in support of potential transit-oriented development.
- The Highway Commercial District consolidates the two current districts along Route 28 and includes new dimensional requirements and enhanced landscaping requirements.

In all districts, landscaping and landscape buffer standards are enhanced, with new requirements for number and size of required plant materials to enhance streetscapes and screening between commercial and residential uses.

Parking

The proposed ordinance defines parking requirements for each category of permitted use in each zoning district. Shared parking is encouraged and flexibility in meeting requirements is promoted through the availability of special permit relief. Parking requirements in the DMS only are reduced to zero for retail, service, and food service uses in recognition of the built-out conditions of Main Street and availability of public parking. All other districts maintain traditional parking requirements for all uses. Parking requirements for dwelling units is proposed to be a minimum of one space per unit.

The Downtown Hyannis Parking Study and Hyannis Growth Incentive Zone strategic plan emphasize the importance of encouraging shared parking downtown. When land uses with different parking demands share parking, it allows for more housing at a lower cost, requires less land be dedicated to parking, and reduces impervious surface. The proposed parking requirements for multi-family residential dwellings (one space per unit) are minimums consistent with the Commonwealth's Housing Choice efforts that seek to encourage new housing production, and, support the viability of top-of-shop and small scale infill development.

Hyannis Parking Overlay District

This proposed amendment repeals the Hyannis Parking Overlay District, an overlay district established to address zoning for commercial parking lots. This zoning ordinance was appealed and struck down in Land Court on procedural grounds. This amendment accomplishes the necessary housekeeping associated with that ruling.

FISCAL IMPACT: There is no significant fiscal impact of the proposed zoning amendment.

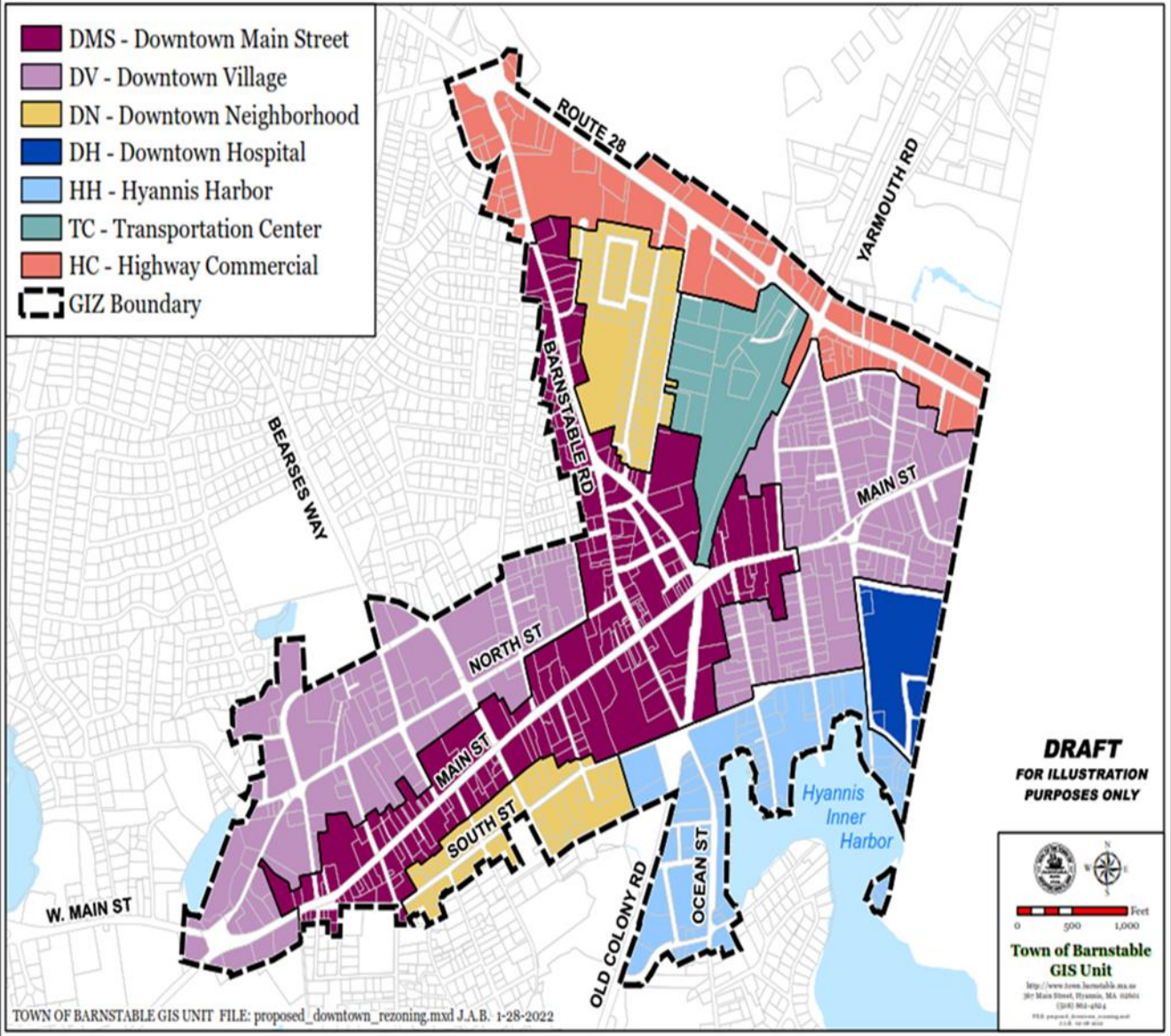
TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends the proposed zoning amendment.

STAFF SUPPORT: Elizabeth Jenkins, Director, Planning & Development; Kate Maldonado, Assistant Director, Planning & Development; Gloria McPherson, Planning & Economic Development Coordinator; Jim Kupfer, Senior Planner; Ryan Bennett, Housing Coordinator; Brian Florence, Building Commissioner; Karen Nober, Town Attorney; Kate Connolly, Assistant Town Attorney



Downtown Hyannis Zoning Districts

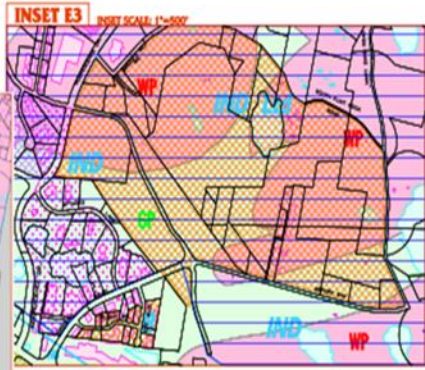
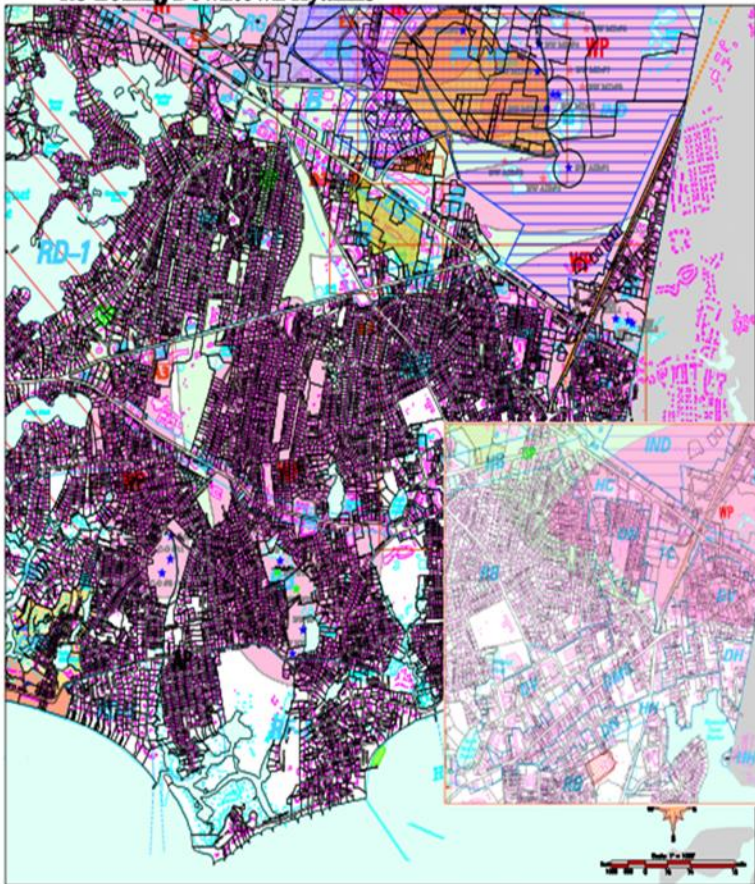
January 21, 2022



PROPOSED AMENDMENT to the HYANNIS ZONING MAP
Re-Zoning Downtown Hyannis

JANUARY 21, 2023

HYANNIS - SHEET 3 OF 7



Map Legend

Zoning District	Caspella River North Beach Neighborhood Overlay
Wetland Protection Overlay District	Existing Public VMS Site
Greenbelt Protection Overlay District	Former Future Public VMS Site
Aquifer Protection Overlay District	Proposed Future Public VMS Site
Mill Line Overlay District	Parcel Lines (FY 2022)
Dark and Flat Overlay District	Buildings
Turner Grade II School Planned Unit Development Overlay District	Railroad Track
Medical Services Overlay District	Town Boundary Line
Resource Protection Overlay District	Marsh Area
Shopping Center Redevelopment Overlay District	Stream / Edge of Water
Drive Through Restaurant Hub Sites of the Shopping Center Redevelopment Overlay District	Cemetery Bag
Senior Community Care Redevelopment Community - 2020/2021/2022	
Recreational Ballfield Area and Stadium Relay Area Dark & Flat Overlay District	
Grand Island Lake Parkland Overlay District	
Medical Services Overlay District	
Cotuit Village Neighborhood Overlay	
Long / Short Beach Neighborhood Overlay	
Cotuit Beach Neighborhood Overlay	



HYANNIS ZONING MAP - SHEET 3 OF 7 - JANUARY 21, 2023

A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2022-145

INTRO: 03/03/2022, 03/17/2022, 11/03/2022

2022-145 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING BY AMENDING ARTICLE VII SIGN REGULATIONS

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

SECTION 1

By amending Article VII, Section 240-64 as follows:

- A. By striking the words “Signs in Medical Services District” from the section heading and inserting “**Signs in Downtown Hospital District**” in their place.
- B. In subsection A, by striking the words “in a professional residential zone”, so that the revised Section shall read:
 - “§ 240-64 **Signs in Downtown Hospital District.**
 - A. One sign giving the name of the occupant or other identification of a permitted use may be permitted. Such signs shall be no more than 12 square feet in area and shall not extend more than eight feet above the ground.
- C. Any illuminated sign must comply with the provisions of § **240-63** herein.”

SECTION 2

By amending Article VII, Section 240-65 by adding the word “and” after “S&D,” in the section heading and striking “and GM”, so that the revised section heading shall read:

“§ 240-65 **Signs in B, UB, HB, HO, S&D, and SD-1 Districts.**”

SECTION 3

By amending Article VII, Section 240-67 by striking “OM, HG, TD” from the section heading and inserting “HC, TC” in their place, so that the revised section heading shall read:

“§240-67 **Signs in CVD, HC, TC, VB-A, WBVBD and MMV Districts.**”

SECTION 4

By amending Article VII, Section 240-68 by striking “HD” from the section heading and inserting “HH” in its place, so that the revised section heading shall read:

“§ 240-68 **Signs in MB-A1, MB-A2, MB-B and HH Districts.**”

SECTION 5

- A. By amending Article VII, Section 240-71 by striking “HVB” from the section heading and inserting “DMS” in its place, so that the revised section heading shall read:

“§ 240-71 Signs DMS District.”

- B. By amending Article VII, Section 240-71, Subsection A by inserting after the words “eight feet” the phrase “, except that the Building Commissioner may allow signs up to 14 feet in height on buildings if he finds that such height is necessary for the façade and is compatible with the appearance, scale and character of the area”, so that the revised Subsection shall read:

“The maximum allowable height of all signs on buildings shall be 12 feet, and the maximum height of a freestanding sign shall be eight feet, except that the Building Commissioner may allow signs up to 14 feet in height on buildings if he finds that such height is necessary for the façade and is compatible with the appearance, scale and character of the area.”

- C. By amending Article VII, Section 240-71, Subsection D by striking the words “HVB Business” and inserting in their place “DMS” so that the revised Subsection shall read:

“Temporary street banners may be permitted in the DMS District only, for the purpose of informing the general public of community events and activities, with approval of the Town Manager. Street banners shall be hung in prescribed locations, securely fastened to buildings, maintain a minimum height of 16 feet above the street, be constructed of durable materials, used solely for community events in the district, and remain in place for no more than three weeks prior to the event and be removed within one week after the event.”

SECTION 6

By amending Article VII by adding the following new Section 240-71.1:

“§ 240-71.1 Signs in Downtown Village (DV) District.

- A. Each business establishment may be allowed a maximum of two signs. The allowed signage types are: wall signs; projecting signs, which may be double sided and considered a single sign; and signage as part of a freestanding sign serving businesses on the lot.
- B. One freestanding sign may be allowed on a lot. A freestanding sign may contain signage for multiple businesses on the lot.
- C. The area of all signs for each individual business establishment shall not exceed 10% of the area of the building facade that contains the establishment's primary customer entrance or 32 square feet, whichever is the lesser amount.
- D. The total area of a wall sign shall not exceed 24 square feet.
- E. The total area of a projecting sign shall not exceed 15 square feet.
- F. The maximum height of any freestanding sign shall not exceed 8 feet in height and 12 square feet in area, except that the Building Commissioner may allow signs to be up to 24 square feet in area if the sign will include more than one business establishment and it is determined that the additional area will be in keeping with the scale of the building and will not detract from the appearance or safety of the area and will not obscure existing signs that conform to these regulations and have a Town permit.
- G. Any illuminated sign must comply with the provisions of § 240-63 herein.”

SPONSOR: Mark S. Ells, Town Manager

DATE

ACTION TAKEN

03/03/2022

Due to lack of quorum this Item was referred to 03/17/2022

03/17/2022

Referred to Planning Board

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close Public Hearing
- Council Discussion
- Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2022-145

INTRO: 03/03/2022, 03/17/2022, 11/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth Jenkins, Director, Planning & Development Department
DATE: March 03, 2022
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article VII Sign Regulations to amend regulations to be consistent with proposed new district regulations

RATIONALE: This item is a companion to Item 2022-144 which comprehensively updates the zoning regulations within the area designated as the Downtown Hyannis Growth Incentive Zone. The zoning amendments proposed create seven new zoning districts. This item updates the signage regulations in Article VII of the Zoning Code to reflect the proposed new district names. The allowable size, number, and height of signs in most cases is not proposed to be altered. For the consolidated Hyannis Gateway and Gateway Medical Districts, proposed as Highway Commercial, the more generous signage allow was incorporated. For the new Downtown Village District, provisions of the former districts were combined and redrafted with the intent of allowing appropriate signage for the wide variety of business and commercial properties, but respecting the smaller scale of many of the lots.

FISCAL IMPACT: There is no significant fiscal impact of the proposed zoning amendment.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends the proposed zoning amendment.

STAFF SUPPORT: Elizabeth Jenkins, Director of Planning & Development; Kate Maldonado, Assistant Director of Planning & Development; Gloria McPherson, Planning & Economic Development Coordinator; Karen Nober, Town Attorney; Kate Connolly, Assistant Town Attorney

A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2022-146
INTRO: 03/03/2022, 03/17/2022, 11/03/2022

2022-146 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING BY MOVING AND RENUMBERING SECTION 240-122.1 REGISTERED RECREATIONAL MARIJUANA CULTIVATORS, RESEARCH FACILITIES, AND TESTING LABORATORIES INTO A NEW OVERLAY ZONING DISTRICT AND REPEALING SECTIONS 240-129 AND 240-129.1 EXPIRED TEMPORARY MORATORIAM FOR MARIJUANA USES

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

SECTION 1

By amending the Zoning Map of Barnstable, Mass., dated September 1, 1998, as previously amended, as referenced in Article II, Section 240-6, to add a Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories Overlay District, as shown on maps dated January 21, 2022, prepared by the Town of Barnstable Geographical Information System Unit, and entitled:

- Proposed Amendment to the Town Zoning Map Creating the Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories Overlay District
- Proposed Amendment to the Hyannis Zoning Map Creating the Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories Overlay District

SECTION 2

By amending Article II, Section 240-5, Establishment of districts, by inserting “Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories Overlay District” immediately below the “Medical Marijuana Overlay District” as it appears under the heading “Overlay Districts”.

SECTION 3

- C. By striking the words “Article XII. Registered Recreational Marijuana Cultivators, Research Facilities and Testing Laboratories” and inserting “Article XII. (Reserved)” in their place.
- D. By moving Section 240-122.1, Registered recreational marijuana cultivators, research facilities and testing laboratories, in its entirety from Article XII to Article III and inserting and renumbering said section as Section 240-31.

SECTION 4

By amending said Article III, Chapter 240-31 as follows:

- A. In Subsection A(1), striking out “MS Medical Services District and the GM Gateway Medical District” and substituting in its place “Registered Recreational Marijuana Cultivators, Research Facilities and Testing Laboratories Overlay District”, so that revised Section 240-31 A(1) shall read:

“Purpose. To provide for the location of registered recreational marijuana cultivators, research facilities and independent testing laboratories, as defined herein, in accordance with Chapter 55 of the Acts of 2017 and M.G.L. c.94G, the Humanitarian Medical Use of marijuana Act. M.G.L. c.94C, App. § 1-1, et. seq., as amended by Chapter 55 of the Acts of 2017, M.G.L. c.94I, to be enacted pursuant to Chapter 55 of the Acts of 2017, and Cannabis Control Commission Regulations 935 CMR 500.00 governing Adult Use of marijuana, in locations within the Registered Recreational Marijuana Cultivators, Research Facilities and Testing Laboratories Overlay District suitable for lawful marijuana

cultivation, research and Independent Testing and to minimize adverse impacts of marijuana cultivation, research facilities and independent testing laboratories on adjacent properties, residential neighborhoods, historic sites, schools and other locations where minors congregate by regulating the siting, design, placement, security, modification and removal of marijuana cultivators, research facilities and independent testing laboratories.”

- B. By amending Subsection A (3) by striking out “MS Medical Services District and the GM Gateway Medical District” and substituting in its place “Registered Recreational Marijuana Cultivators, Research Facilities and Testing Laboratories Overlay District”.
- C. By further amending Subsection A(3) by striking out the words “and § 240-24.1.2E”, so that revised Section 240-31 A(3) shall read:

“Use. Within the Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories Overlay District, a licensed marijuana cultivator, research facility or independent testing laboratory may be permitted as a conditional use, provided a special permit is first obtained from the Planning Board. All special permits granted under this article shall be subject to the provisions of § 240-125C herein and subject to all additional standards and conditions of this article.”

- D. In Subsection A(4), striking out “MS Medical Services District and the GM Gateway Medical District” and substituting in its place “Registered Recreational Marijuana Cultivators, Research Facilities and Testing Laboratories Overlay District”, so that revised Section 240-31 A(4) shall read:

“Prohibition of all other non-medical marijuana establishments. Except for licensed marijuana cultivators, research facilities and independent testing laboratories permitted as a conditional use in the Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories Overlay District, subject to all the requirements of this article, all other types of non-medical "marijuana establishments" as defined in M.G.L. c.94G § 1, including marijuana product manufacturers, marijuana retailers or any other types of licensed related businesses are prohibited.”

- E. In Subsection G, striking out “Article XII, § 240-122.1,” and substituting in its place “Article **III, § 240-31**” so that revised Section 240-31 G shall read:

“Severability. The provisions of Article **III, § 240-31**, are severable. If any provision shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.”

SECTION 4

By deleting Article XIV, Section 240-129 in its entirety.

SECTION 5

By deleting Article XIV, Section 240-129.1 in its entirety.

SPONSOR:

DATE

ACTION TAKEN

03/03/2022

Due to lack of quorum this Item was referred to 03/17/2022

03/17/2022

Referred to Planning Board

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close Public Hearing
- Council Discussion
- Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2022-146

INTRO: 03/03/2022, 03/17/2022, 11/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth S. Jenkins, Planning & Development Director
DATE: March 03, 2022
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning by moving and renumbering section 240-122.1 Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories into a new overlay Zoning District and repealing sections 240-129 and 240-129.1 expired temporary moratorium for Marijuana uses

RATIONALE: This proposed zoning ordinance amendment is a corollary amendment to the proposed new Downtown Hyannis Zoning.

Adult use registered recreational marijuana cultivators, research facilities, and testing laboratories are currently allowed within the Medical Services (MS) Zoning District and the Gateway Medical (GM) Zoning District. The new Downtown Hyannis Zoning will create a total of seven zoning districts, where there are currently eight, and the boundaries of the MS and GM Zoning Districts will be changed with the redrawing of the zoning district lines.

In order to maintain the current configuration and extent of the allowed recreational marijuana uses, we have created an overlay district that mirrors the current MS and GM zoning districts. By doing so, every lot that currently allows for recreational marijuana uses will continue to do so, and every lot that currently does not allow for recreational marijuana uses will continue to not allow them.

There are no changes proposed to the current allowed location of recreational marijuana uses; there are no changes proposed to the recreational marijuana use regulations themselves.

There is also a corollary zoning map amendment, which shows the new “Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories Overlay Zoning District.”

This amendment also repeals two expired temporary zoning moratoria on marijuana uses. Section 240-129 was a temporary moratorium on medical marijuana treatment centers. This moratorium expired on January 1, 2014. Section 240-129.1 was a temporary moratorium on recreational marijuana establishments and marijuana retailers. This moratorium expired on December 31, 2018.

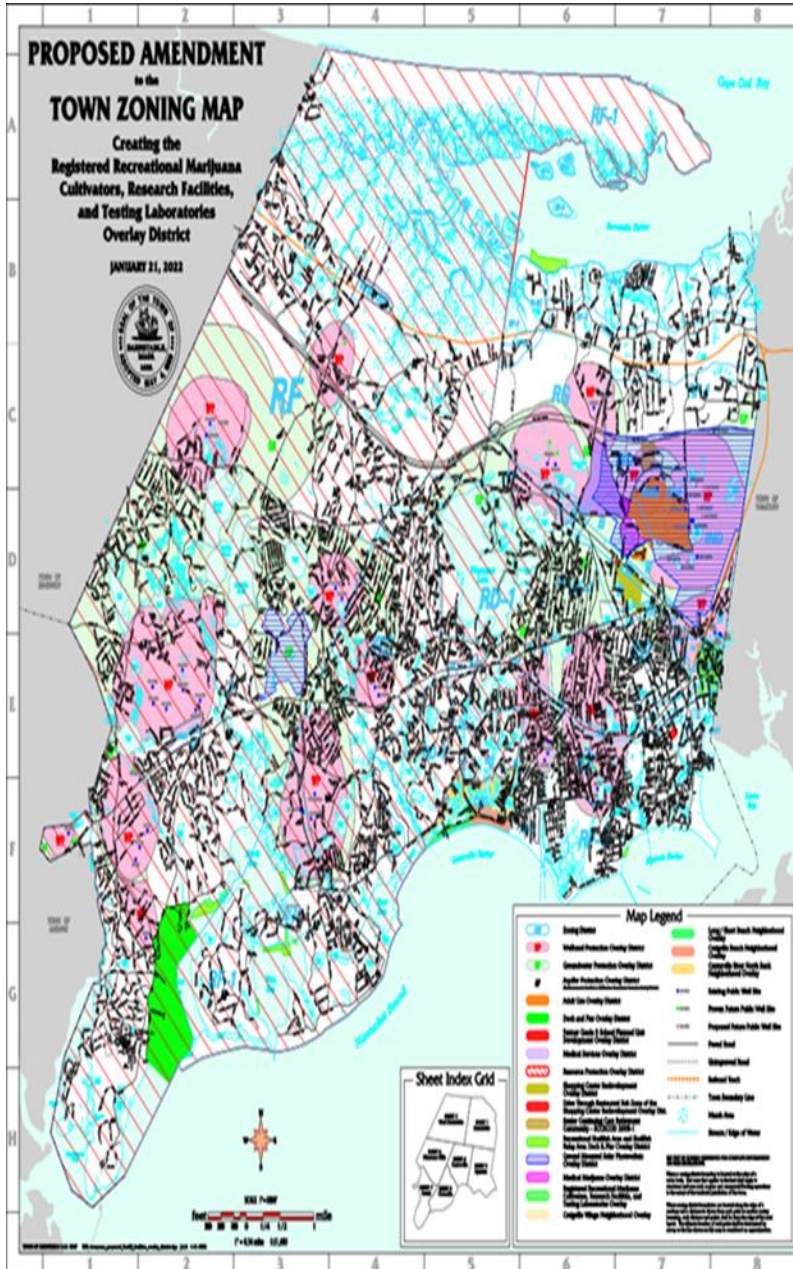
Collectively, these amendments clean up and consolidate all provisions related to recreational adult-use marijuana and medical marijuana and make them consistent with the proposed new Downtown Hyannis Zoning without changing any of the current regulatory provisions.

STAFF ASSISTANCE: Gloria McPherson, Planning & Economic Development Coordinator; Kate Connolly, Assistant Town Attorney

PROPOSED AMENDMENT to the TOWN ZONING MAP

Creating the
Registered Recreational Marijuana
Cultivators, Research Facilities,
and Testing Laboratories
Overlay District

JANUARY 31, 2022



Map Legend

Existing District	Single-Family Residential
Medium-Density Overlay District	Community Center Neighborhood
Single-Family Residential Overlay District	Community-Based Public Use
Single-Family Residential Overlay District	Neighborhood Overlay
Single-Family Residential Overlay District	Existing Public Walk Way
Single-Family Residential Overlay District	Town Green Public Walk Way
Single-Family Residential Overlay District	Potential Town Public Walk Way
Single-Family Residential Overlay District	Road
Single-Family Residential Overlay District	Unimproved Road
Single-Family Residential Overlay District	Railroad Track
Single-Family Residential Overlay District	Town Boundary Line
Single-Family Residential Overlay District	Block Area
Single-Family Residential Overlay District	Block, Edge of Block

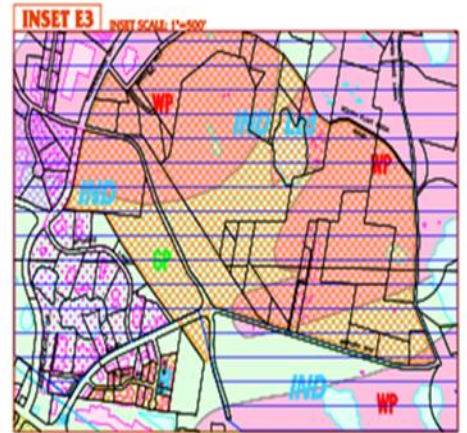
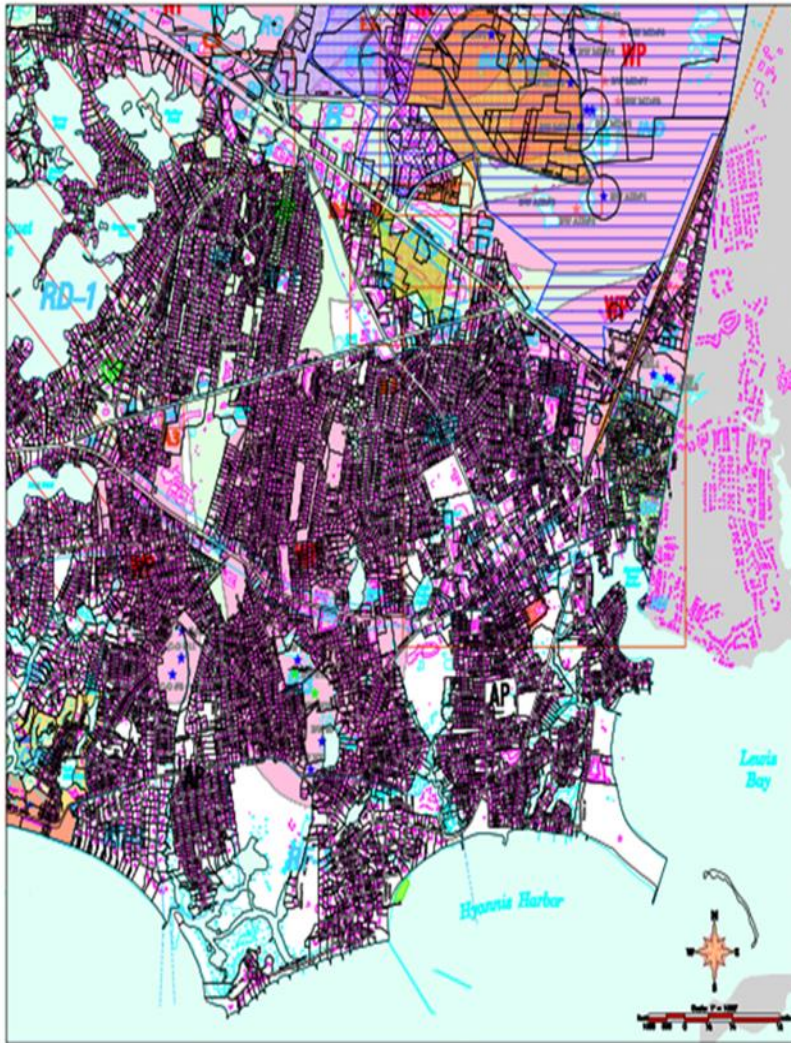
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PROPOSED AMENDMENT to the HYANNIS ZONING MAP Creating the Registered Recreational Marijuana Cultivators, Research Facilities, and Testing Laboratories Overlay District

JANUARY 21, 2023

HYANNIS - SHEET 3 OF 7



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A. OLD BUSINESS (May be acted upon) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM# 2023-046
INTRO: 10/20/2022, 11/03/2022

2023-046 AUTHORIZATION OF A HOUSING DEVELOPMENT INCENTIVE PROGRAM TAX INCREMENT EXEMPTION AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND SEASHORE HOMES, INC. FOR 8 NEW MARKET RATE RESIDENTIAL UNITS LOCATED AT 63 MAIN STREET, HYANNIS, MA

ORDERED: That the Town Council hereby authorizes a Tax Increment Exemption (TIE) Agreement between the Town of Barnstable and Seashore Homes, Inc. pursuant to the Housing Development Incentive Program, M.G.L. c. 40V, and the regulations promulgated thereunder at 760 CMR 66.00, for eight (8) new market rate residential units located at 63 Main Street, Hyannis, MA (Assessor’s Map 342, Parcel 017), substantially in the form as presented to the Town Council at this meeting, and further authorizes the Town Manager to execute the TIE Agreement and submit it to the Massachusetts Department of Housing and Community Development for approval.

SPONSOR: Town Council Tax Incentive Committee: Councilor Nikolas Atsalis, Precinct 4; Councilor Jennifer Cullum, Precinct 13; Councilor Eric Steinhilber, Precinct 2

Tax Increment Financing/Tax Increment Exemption Committee voted unanimously on 10/03/2022 to approve this Tax Increment Exemption (TIE) Agreement

DATE	ACTION TAKEN
<u>10/20/2022</u>	<u>Referred to 11/03/2022 for Second Reading</u>

-
- Read Item
 - Rationale
 - Council Discussion
 - Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2023-046
INTRO: 10/20/2022, 11/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth S. Jenkins, Planning & Development Director
DATE: October 20, 2022
SUBJECT: Authorization of a Housing Development Incentive Program Tax Increment Exemption Agreement between the Town of Barnstable and Seashore Homes, Inc. for 8 New Market Rate Residential Units Located at 63 Main Street, Hyannis MA

RATIONALE: The Tax Incentive Committee of the Town Council recommends approval of the Housing Development Incentive Program (HDIP) Tax Increment Exemption request from developer Dennis and Deborah Mason of Seashore Homes, Inc. for property located at 63 Main Street, Hyannis. The proposed redevelopment will consist of 8 new market rate rental units on a parcel previously containing commercial office space.

In January 2018, the Barnstable Town Council approved the Downtown Hyannis HD Zone and Plan, and in March 2018 the Town received approval of its zone from the Massachusetts Department of Housing and Community Development. Approval of this zone allows the Town to enter into Tax Increment Exemption Agreements with property owners within the HD Zone.

The goals of the HDIP, which authorizes Tax Increment Exemption (TIE) Agreements, are to increase residential growth, expand diversity of housing supply, support economic development and promote neighborhood stabilization.

The HDIP Staff Review working group and the Town Council Tax Incentive Committee reviewed the application from Seashore Homes, Inc. and found it to be complete and that this development meets the objectives of the HDIP Plan including increasing residential stock and diversity of housing choice. The operating pro forma is reasonable and in line with industry standards. The proposed rents of \$1,650 per month plus utilities are prices consistently with prevailing rents. The development will have a positive impact on housing supply and in turn support economic development.

The TIE Agreement is a contract between the property and the municipality with sets forth the amount of the tax exemption and the duration of the benefits. The sponsor has requested, and the Tax Incentive Committee recommends an 80% tax exemption for years 1 through 5, and a 50% tax exemption for years 6 through 10 on the increased value, anticipated to be approximately \$1.3 million. If approved by the Town, this TIE Agreement must also be approved by the Massachusetts Department of Housing and Economic Development.

FISCAL IMPACT: Using the Fiscal Year 2022 tax rate as the base assumption (this rate will change over the course of the TIE agreement) the following estimates show the tax savings to the owner, which is equal to the one time only increase or growth to the Town levy.

- \$7,350 at 80% (years 1-5) = \$5,880/year
- \$7,350 at 50% (years 6-10) = \$3,675/year

STAFF ASSISTANCE: Ryan Bennett, Housing Coordinator; Mark Milne, Director, Finance; Lane Partridge, Assessor

HOUSING DEVELOPMENT INCENTIVE PROGRAM

TAX INCREMENT EXEMPTION (TIE) AGREEMENT

Between

Town of Barnstable

and

Seashore Homes, Inc.

This AGREEMENT is made this ___ day of ____, 2022 by and between the Town of Barnstable, (“Municipality”) and Seashore Homes, Inc. (“Sponsor”) a Massachusetts Corporation with an address at 10 Embassy Lane, Yarmouth Port MA.

Section 1 – Agreement

The Municipality and the Sponsor, for good and valuable consideration and in consideration of the covenants and agreements herein contained, hereby make this agreement regarding a tax increment exemption pursuant to the Housing Development (HD) Incentive Program, M.G.L. c. 40V and the regulations promulgated thereunder at 760 CMR 66.00 (HD TIE), with respect to the Property as herein defined.

Section 2 – Definitions

Each reference in this Agreement to the following terms shall be deemed to have the following meanings:

Act: M.G.L. c. 40V as may be amended from time to time.

Completion: Certificates of occupancy have been issued for the entire Project.

DHCD: Department of Housing and Community Development

Event of Default: An “Event of Default” as defined in Section 5 below.

Final Certification: Determination by DHCD that the Sponsor has completed the new construction or substantial rehabilitation of the Property, consistent with the New Construction or Rehabilitation Plans, including the creation of MRRUs, as set forth in the Act and the Regulations.

Fiscal Year: An annual period of July 1 through June 30.

HD Project: A Certified Housing Development Project as defined in the Act and the Regulations.

HD Zone: The Housing Development Zone adopted by the Town of Barnstable on January 18, 2018 and approved by DHCD as evidenced by a Certificate of Approval dated March 9, 2018 and recorded with the Barnstable County Registry of Deeds at Book 32703, Page 1.

Lead Municipality: Town of Barnstable

MRRU: Market Rate Residential Unit(s) as defined at Section 3.B.1.

Property: 63 Main St., Hyannis MA as shown in Exhibit 1, “Map of Property” and further described in Exhibit 2, “Legal Description of Property”.

Regulations: 760 CMR 66.00.

New Construction or Rehabilitation Plans: The material submitted for Conditional Certification pursuant to 760 CMR 66.05(3) (a)

and approved by DHCD.

Sponsor: Seashore Homes, Inc., a corporation of the Commonwealth of Massachusetts, with an address at, 10 Embassy Lane, Yarmouth Port MA 02675 its successors and assigns.

Section 3 – Sponsor’s Covenants

- A. New Construction or Substantial Rehabilitation of the Property. Sponsor will undertake the new construction or substantial rehabilitation of the Property in accordance with the work and schedule set forth in the New Construction or Rehabilitation Plans.
- B. Market Rate Residential Units.
- 1) There shall be a total of 8 residential rental units created in the Project of which 8 shall be MRRUs comprised of 1 bedroom and 1 bath in each unit. The monthly rent for such units shall be priced consistently with prevailing rents or sale prices in the Municipality as determined based on criteria established by the Department, as set forth in Exhibit 3, “Market Rate Residential Units – Pricing Plan”.
 - 2) Sponsor shall use good faith efforts to maintain the units as MRRUs for a minimum of 10 years.
- C. Marketing. Sponsor shall cause the MRRU to be marketed in a manner that is consistent with the strategies, implementation plan and affirmative fair housing efforts set out in the New Construction or Rehabilitation Plans.
- D. HD Project Certification. Sponsor shall take all actions reasonably necessary to obtain Final Certification of the Property as an HD Project including but not limited to submitting applications to DHCD for Conditional Certification and Final Certification consistent with the requirements of the Act and the Regulations.

Section 4 – Tax Increment Exemption

Municipality agrees to grant Sponsor an exemption to the real property taxes due on the Property pursuant to G.L. c.59 according to the following terms.

- A. Base Value. Consistent with 760 CMR 66.06(1)(c), the Base Value is \$441,500 and equal to the assessed value (or aggregate thereof) of the parcel(s) that comprise the property as of the fiscal year in which a HD Tax Increment Exemption Agreement is executed by the Sponsor and the Municipality with respect to the parcel or parcels, as the case may be, and prior to the start of any new construction or Substantial Rehabilitation activities, including demolition, minus the assessed value attributable to any portion of the property that was assessed as other than residential in the applicable fiscal year and remains nonresidential after completion of new construction or Substantial Rehabilitation.
- B. MRRU Percentage. 100 percent (100%) of total residential units (8) on site. The MRRU Percentage shall be confirmed as required in paragraph F, below.
- C. Exemption Percentage. Commencing on the Effective Date which shall be (starting Fiscal Year 1): 80%:
Years 1-5
50%: Years 6-10
- D. The Increment. As defined at 760 CMR 66.06(1) (b) (1).
- E. Calculation. For each Fiscal Year during the term of this Agreement, the HD TIE shall be determined by applying the Exemption Percentage to the property tax on the Increment.
- F. Confirmation or Amendment of Calculation. Upon Completion, and prior to applying for Final Certification of the Project, the Sponsor and Municipality shall file a “Tax Increment Exemption – Confirmation of Calculation” in the form attached as Exhibit 4 (“TIE Confirmation”). To the extent that the dates or figures in the TIE Confirmation differ from those set forth in this Agreement, the contents of the TIE Confirmation shall control

and shall be deemed to have amended this Agreement.

Section 5 – Default

A. Event of Default. An “Event of Default” shall arise under this Agreement upon the occurrence of any one or more of the following events:

1) Breach of Covenant Prior to Final Certification. Subject to the limitations set forth in the Regulations at section 66.05(4)(b), Sponsor defaults in the observance or performance of any material covenant, condition or agreement to be observed or performed by Sponsor pursuant to the terms of this Agreement, and the continuance of such default for thirty (30) days after written notice thereof from the Municipality; provided, however, that if the curing of such default cannot be accomplished with due diligence within said period of thirty (30) days, then Sponsor shall have such additional reasonable period of time, not to exceed thirty (30) days, to cure such default provided the Sponsor shall have commenced to cure such default within the initial thirty (30) day period, such cure shall have been diligently prosecuted by the Sponsor thereafter to completion.

2) Breach of Covenant Subsequent to Final Certification. Sponsor’s conduct is materially at variance with the representations made in its New Construction or Rehabilitation Plans; such variance is found to frustrate the public purposes that Final Certification was intended to advance, and the continuance of such default for thirty (30) days after written notice thereof from the Municipality; provided, however, that if the curing of such default cannot be accomplished with due diligence within said period of thirty (30) days, then Sponsor shall have such additional reasonable period of time, not to exceed thirty (30) days, to cure such default provided the Sponsor shall have commenced to cure such default within the initial thirty (30) day period, such cure shall have been diligently prosecuted by the Sponsor thereafter to completion.

3) Misrepresentation. Any representation made herein or in any report, certificate, financial statement or other instrument furnished in connection with this Agreement shall prove to be false in any material respect.

B. Rights on Default.

1) Prior to Final Certification. Upon the occurrence of an Event of Default prior to Final Certification, then this Agreement shall become null and void.

2) Subsequent to Final Certification. Upon the occurrence of an Event of Default subsequent to Final Certification, then:

a. Revocation of Certification. Pursuant to the terms of the Act, the Municipality, may, at its sole discretion, request that DHCD revoke the Final Certification of the Project, such revocation to take effect on the first day of the fiscal year in which DHCD determines that a material variance commenced.

b. Termination of Agreement. Upon revocation of certification, this Agreement shall become null and void as of the effective date of such revocation.

c. Recoupment of Economic Benefit. Upon revocation of certification, the Municipality may bring a cause of action against Sponsor for the value of any economic benefit received by Sponsor prior to or subsequent to such revocation.

3) Other Remedies. The Municipality’s rights upon the occurrence of an Event of Default are in addition to those granted to DHCD and the Massachusetts Commissioner of Revenue under the terms of the Act.

Section 6 – Miscellaneous

A. Effective Date. The effective date of the HD TIE shall be July 1st of the first Fiscal Year following DHCD's Final Certification of the HD Project pursuant to the requirements of the Act and the Regulations. The Effective Date shall be confirmed as required under Section 4.F above.

B. Term of Agreement. This Agreement shall expire upon the Municipality's acceptance of the annual report, as required below, for the final Fiscal Year for which the Municipality is granting the TIE.

C. Reporting. Sponsor shall submit reports to the Municipality not later than thirty (30) days after June 30 of each Fiscal Year for the term of this Agreement. Each report shall contain the following information:

1) Until Completion, the status of construction in relation to the schedule contained in the New Construction or Rehabilitation Plan;

2) Until Completion, the status of marketing in relation to the New Construction or Rehabilitation Plans; and

3) For each MRRU, the number of bedrooms in the unit, whether it was leased as of the end of the most recent fiscal year and the monthly rent charged.

D. Assignment. The Sponsor shall not assign any interest in this Agreement, and shall not transfer any interest in the same, without the prior written consent of the Municipality, which approval shall not be unreasonably withheld. The foregoing notwithstanding, the rights and obligations of this Agreement shall inure to the benefit of any entity succeeding to the interests of the Sponsor by merger.

E. Notices. In conjunction with concurrent electronic submission as provided for below or, if reasonable efforts can determine that such information is no longer current, otherwise reasonably obtainable and verifiable electronic contact information, any notice, request, instruction or other document to be given hereunder to either party by the other shall be in writing and delivered personally or sent by recognized overnight courier, receipt confirmed or sent by certified or registered mail, postage prepaid, as follows, and, unless general measures for electronic receipt as a substitute are in place at such time or can otherwise be reasonably assumed due to publicized or immediately foreseeable remote working conditions, shall be conclusively deemed to have been received and be effective on the day on which personally delivered or, if sent by certified or registered mail, three (3) days after the day on which mailed or, if sent by overnight courier, on the day after delivered to such courier.

1) Municipality: Town Manager
Town of Barnstable
367 Main St.
Hyannis, MA 02601
Email: mark.ells@town.barnstable.ma.us

2) Sponsor: Seashore Homes, Inc.
10 Embassy Lane
Yarmouth Port, MA 02675
Email: deb@seashorehomescapecod.com

3) Copy to DHCD: All such notices shall be copied to DHCD at:

HDIP Program Coordinator
Department of Housing & Community Development
100 Cambridge Street, Suite 300

4) Change of Address. Either party may change the address to which notices are to be sent to it by giving written notice of such change of address to the other party in the manner herein provided for giving notice.

F. Modifications. No modification or waiver of any provision of this Agreement, nor consent to any departure by the Sponsor therefrom shall in any event be effective unless the same shall be in writing and signed by duly authorized representatives of the parties hereto. No failure or delay on the part of Municipality in exercising any right, power or privilege hereunder shall operate as a waiver thereof, nor shall a single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any other right, power or privilege.

IN WITNESS WHEREOF, the Sponsor has caused this Agreement to be duly executed in its name and behalf and its seal affixed by its duly authorized representative, and the Municipality has caused this Agreement to be executed in its name and behalf and its seal duly affixed by its Town Manager as of the day and year first above written.

[SIGNATURES ON NEXT PAGE]

By: Mark S. Ells, Town Manager
Its: President

By: Deborah A. Mason,

EXHIBIT 1

MAP OF PROPERTY

EXHIBIT 2

DESCRIPTION OF PROPERTY

EXHIBIT 3

MARKET RATE RESIDENTIAL UNITS – PRICING PLAN

Proposed Initial
Monthly Rent(s)*: \$1,650

*units shall be priced in compliance with DHCD’s HDIP Guidelines and 760 CMR 66.04(2) (f)

EXHIBIT 4

TAX INCREMENT EXEMPTION – CONFIRMATION OF CALCULATION

[FORM TO REMAIN BLANK UNTIL PROJECT COMPLETED AND ELIGIBLE FOR FINAL CERTIFICATION]

In connection with the Tax Increment Exemption Agreement dated _____, 20____ by and between the MUNICIPALITY, and _____, a STATE FORM OF ORGANIZATION with an address at _____, with respect to the property at _____ (the “Agreement”), the parties hereby confirm the following elements of the Agreement. Unless otherwise stated, capitalized terms have the meaning set forth in the Agreement.

1. The effective date of the Agreement is: _____
2. The MRRU Percentage is: _____
3. The assessed value of the of the residential portion of the Property upon Completion is: _____

To the extent that the dates or figures in this “Tax Increment Exemption – Confirmation of Calculation” differ from those set forth in the Agreement, the contents of this document shall control and shall be deemed to have amended the Agreement.

By: [CHIEF EXECUTIVE OFFICER]
Its:

By:

By: [LEGISLATIVE BODY]

By:

Its:

Dated: _____

B. NEW BUSINESS (First Reading) (Refer to Second Reading 11/17/2022)

BARNSTABLE TOWN COUNCIL

**ITEM# 2023-047
INTRO: 11/03/2022**

2023-047 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Disability Commission:** Christopher Bartley, as a regular member to a term expiring 06/30/2024; **Housing Committee:** Evan Gaudette, as a regular member to a term expiring 06/30/2024; **Youth Commission:** Madeleine Boyle, as a student member, to a term expiring 06/30/2023; Eric Arabadzhiev as a student member to a term expiring 06/30/2023

SPONSOR: Appointment Committee Members

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

B. NEW BUSINESS (Refer to Public Hearing 11/17/2022)

BARNSTABLE TOWN COUNCIL

**ITEM# 2023-048
INTRO: 11/03/2022**

2023-048 SUPPLEMENTAL APPROPRIATION ORDER FOR THE BARNSTABLE POLICE DEPARTMENT FISCAL YEAR 2023 OPERATING EXPENSE BUDGET IN THE AMOUNT OF \$142,896 FOR THE PURPOSE OF FUNDING THE COSTS ASSOCIATED WITH THE HIRING OF EIGHT (8) PATROL OFFICERS TO FILL CURRENT VACANCIES

ORDERED: That the amount of **\$142,896** be appropriated and added to the Fiscal Year 2023 Police Department General Fund Operating Expense Budget for the purpose of funding expenses related to the hiring of eight (8) new police officers, including costs related to hiring, training, uniforms, ammunition and equipment purchases.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2023-048
INTRO: 11/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Matthew K. Sonnabend, Chief of Police
DATE: October 19, 2022
SUBJECT: Supplemental Appropriation Order for the Barnstable Police Department Fiscal Year 2023 Operating Expense Budget in the amount of **\$142,896** for the purpose of funding the costs associated with the hiring of eight (8) patrol officers to fill current vacancies

BACKGROUND: The department has 8 patrol officer vacancies they will fill at this time. We will be enrolling 7 police officer recruits in the Cape Cod Municipal Police Academy starting on January 9, 2023. We will also be hiring 1 new officer who is already academy-trained. At the time of the preparation and finalization of the Fiscal Year 2023 budget, the Police Department did not have confirmation on the number of retirements to take place nor the availability of police academy seats. The costs associated with the hiring of 8 police officers to fill current vacancies require a supplemental appropriation to the Police Department's Fiscal Year 2023 budget as follows:

Academy Bound New Hires

Training	\$24,640
Uniform	\$22,988
Equipment	\$57,973
Ammunition	\$13,697
Hiring Physical	\$6,972
Hiring Psych Eval	\$3,850
Total Academy Bound New Hires	\$130,120

Academy Trained New Hire

Training	\$0
Uniform	\$2,321
Equipment	\$7,070
Ammunition	\$1,839
Hiring Physical	\$996
Hiring Psych Eval	\$550
Total Transfer New Hire	\$12,776

Grand Total **\$142,896**

ANALYSIS: This supplemental appropriation request is comprised of several parts: 1) pre-employment requirements including medical exams and psychological assessments; 2) academy tuition; 3) ammunition 4) equipment including radio and firearm; and 5) uniform. The items listed above will need to be funded in Fiscal Year 2023 in order to complete the hiring components required by the Cape Cod Municipal Police Academy and enough ordering time for the remaining equipment and uniforms.

FISCAL IMPACT: Funding for this appropriation will be provided from the General Fund reserves that are allocated to the Municipal Savings Account which has a current balance of \$8,272,011. This is a one-time cost and the appropriation will not be added to the department's base budget for Fiscal Year 2024 budget planning purposes.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this budget increase.

STAFF ASSISTANCE: Matthew K. Sonnabend, Chief of Police, Anne Spillane, Finance Director, Barnstable Police Department

B. NEW BUSINESS (Refer to Public Hearing 11/17/2022)

BARNSTABLE TOWN COUNCIL

**ITEM# 2023-049
INTRO: 11/03/2022**

2023-049 APPROPRIATION ORDER IN THE AMOUNT OF \$150,000 IN COMMUNITY PRESERVATION FUNDS FOR THE PURPOSE OF AQUIRING A CONSERVATION RESTRICTION ON 2.3 ACRES OF OPEN SPACE LOCATED AT 242 COMMERCE ROAD, BARNSTABLE, MA, SHOWN AS A PORTION ON ASSESORS MAP 318, PARCEL 025/001

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G.L. c. 44B, the amount of One Hundred and Fifty Thousand Dollars **\$150,000** be appropriated and transferred from the amount set aside for Open Space and Recreation within the Community Preservation Fund for the purpose of acquiring a Conservation Restriction on 2.3 acres of open space located at 242 Commerce Road, Barnstable, shown as a portion of Assessors Map 318, Parcel 025/001. Said Restriction is subject to approval by the Massachusetts Secretary of Energy and Environmental Affairs. Further it is ordered that the Town Manager is authorized to expend the amount appropriated on behalf of the Town for the acquisition subject to oversight by the Community Preservation Committee, and that the Town Manager is authorized to execute, receive, deliver and record any written instruments for the stated purposes.

SPONSOR: Mark S. Ells, Town Manager, upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2023-049
INTRO: 11/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lindsey Counsell, Chair, Community Preservation Committee
DATE: November 03, 2022
SUBJECT: Appropriation Order in the amount of **\$150,000** in Community Preservation Funds for the purpose of acquiring a conservation restriction on 2.3 acres of open space located at 242 Commerce Road, Barnstable, MA shown as a portion on Assessors Map 318, Parcel 025/001

BACKGROUND: The Barnstable Land Trust, Inc. is seeking approval from the Town Council through the Town Manager for Community Preservation Open Space/Recreation Funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for the acquisition of a conservation restriction on 2.3 acres of open space located at 242 Commerce Road, Barnstable, shown as a portion of Map 318, Parcel 025/001. At the May 17, 2021, Community Preservation Committee (CPC) meeting, the seven Committee members present voted unanimously to support and recommend the Application for appropriation. However, the project was put on hold until a Conservation Restriction (“CR”) was drafted so it was not provided to the Town Council for a vote at that time.

The draft CR is now under review for approval by the Massachusetts Secretary of Energy and Environmental Affairs however, that approval has been much delayed as the Commonwealth attempts to replace its main CR reviewer who has departed the position. This request is that the project be considered by the Town Council for approval of the funding request, then later return with the approved CR, in substantially the form attached hereto, so as not to delay the ultimate closing date. This Community Preservation Application for Open Space funds is part of a conservation project named Bowles Field Historic Landscape Project in which Barnstable Land Trust will purchase the property and the Town of Barnstable would hold the Conservation Restriction. The complete project includes preservation of an additional adjacent 2.8 acres owned by the same family, who will donate a Conservation Restriction on those acres to Barnstable Land Trust, Inc. This funding request represents a portion of the total project cost of \$581,200 with \$256,200 to be provided by Barnstable Land Trust, \$175,000 from a Massachusetts Conservation Partnership Grant (to be awarded Fall 2022) and the balance of \$150,000 funded with this authorization.

Conservation of this property will complete a 37.44-acre area extending to Barnstable Harbor connecting with conservation lands owned by the Mass Audubon Society and protect a major contiguous wildlife corridor and view to Barnstable Harbor from Commerce Road forever. Public access is planned by a short walking trail to the field and a seating area. Barnstable Land Trust is allowing ample time for private and public fundraising with the intention to close by January 2023. The project is also dependent on the owner receiving subdivision approval from the Cape Cod Commission (CCC) and the Town, as this parcel was part of a prior CCC Determination of Regional Impact (DRI) for the subdivision of the larger acreage.

ANALYSIS: Acquisition of a Conservation Restriction is consistent with the Local Comprehensive Plan, Open Space Plan, and other planning documents and preserves community character; and protects land threatened by development. The MA Conservation Land Tax Credit has allowed for a purchase

price lower than fair market value. The project serves more than one CPA purpose: land conservation, passive recreation, and historic preservation opportunities.

FISCAL IMPACT: Funding for this appropriation will be provided from the amount set aside for open space and recreation within the Community Preservation Fund which currently has a balance of \$1,549,072.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this appropriation.

VOLUNTEER STAFF ASSISTANCE: Lindsey Counsell, Chair, Community Preservation Committee

B. NEW BUSINESS (Refer to Public Hearing 11/17/2022)

BARNSTABLE TOWN COUNCIL

**ITEM# 2023-050
INTRO: 11/03/2022**

2023-050 ALLOCATION OF TAX LEVY FISCAL YEAR 2023 – RESIDENTIAL EXEMPTION

RESOLVED: That the Town Council hereby votes to adopt a Residential Exemption of twenty percent (20%) for Fiscal Year 2023.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2023-050
INTRO: 11/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Mark A. Milne, Finance Director
DATE: November 03, 2022
SUBJECT: Allocation of Tax Levy Fiscal Year 2023 – Residential Exemption

BACKGROUND: According to Massachusetts General Laws, Chapter 59, Section 5C, the Town Council may adopt a Residential Exemption as part of determining the allocation of the tax levy between residential property owners. This tax levy shifting option will not change the overall amount of property taxes raised through the residential class of property. It allows the town to shift a portion of the residential property tax levy between residential property owners based on statutory criteria. The maximum exemption allowed is 35 percent of the average assessed value of all Class One (Residential) parcels. This exemption would be applied to all residential parcels which are qualified by the Town Assessor as the principal residence of the taxpayer. Principal residence is a taxpayer's domicile, that is, their fixed place of habitation, permanent home, and legal residence, as used for federal and state income tax purposes. This option shifts property taxes between residential taxpayers only and does not affect the Commercial, Industrial and Personal Property class of taxpayers.

ANALYSIS: The exemption is calculated on the average residential parcel value which is \$759,556 in Fiscal Year 2023. The assessed property value is then reduced by the value of the exemption before the tax rate is applied to determine the tax bill amount. Since the exemption removes an amount of the taxable residential property value subject to taxation, and the tax levy paid by the residential class remains the same, the tax rate for this class of property increases. The projected savings in Fiscal Year 2023 for the median residential assessed value of \$538,100 using different residential exemption percentages is illustrated as follows:

Exemption %	Exemption Amount	Taxable Value	Tax Rate	Tax Bill	Savings
0%	\$0	\$538,100	\$6.43	\$3,460	\$0
5%	\$37,968	\$500,132	\$6.57	\$3,286	\$174
10%	\$75,936	\$462,164	\$6.73	\$3,110	\$350
15%	\$113,904	\$424,196	\$6.88	\$2,918	\$542
20%	\$151,871	\$386,229	\$7.05	\$2,722	\$738
25%	\$189,839	\$348,261	\$7.22	\$2,514	\$946
30%	\$227,807	\$310,293	\$7.41	\$2,299	\$1,161
35% (Maximum)	\$265,775	\$272,325	\$7.60	\$2,070	\$1,390

FISCAL IMPACT: This is a progressive tax by nature as it offers a greater property tax savings for an owner of a qualifying lower valued residential property. The savings diminishes as the property value increases to a point where the tax paid by the owner of a qualifying property valued at \$1,725,126 pays the same amount of tax with a 20% residential exemption and no exemption. Owners of residential property who qualify for the exemption that exceed a value of \$1,725,126 pay more in property taxes with a 20% residential exemption in place. The Town Council has voted to adopt a 20% residential exemption every year since fiscal year 2006.

STAFF ASSISTANCE: Mark A. Milne, Finance Director

B. NEW BUSINESS (Refer to Public Hearing 11/17/2022)

BARNSTABLE TOWN COUNCIL

**ITEM# 2023-051
INTRO: 11/03/2022**

2023-051 ALLOCATION OF TAX LEVY FISCAL YEAR 2023 – TAX FACTOR

RESOLVED: That the Town Council hereby votes to classify the Town of Barnstable under M.G.L. c. 40, § 56, the Classification Act, at a Residential Factor of 1 (one) for Fiscal Year 2023.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2023-051
INTRO: 11/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Mark A. Milne, Finance Director
DATE: November 03, 2022
SUBJECT: Allocation of Tax Levy Fiscal Year 2023 – Tax Factor

BACKGROUND: According to Massachusetts General Laws, c. 40, § 56, the Town Council is annually charged with determining the Allocation of Local Property Taxes by the adoption of a Minimum Residential Factor. This tax levy-shifting tool will not change the overall amount of money that will be raised through property taxes; rather it allows the town to shift a portion of the tax levy between classes of property. The residential factor, commonly referred to as the “Split Tax Rate”, allows the Town Council to create separate tax rates; one for residential property owners and a separate one for commercial, industrial and personal property (CIP) owners. Under a residential “Factor of 1”, all property owners would pay taxes at the same rate per \$1,000 of valuation. The maximum permissible shift would increase the CIP tax rate by 150% which would result in a CIP tax Rate of \$9.64 for Fiscal Year 2023, ($\$6.43 \times 1.5 = \9.64). Since 2007, the Town Council’s policy has been to select a Residential Factor of “1”.

ANALYSIS: The Minimum Residential Factor is used to make sure the shift of the tax burden complies with the law (M.G.L. c. 58, § 1A). Residential and Open Space taxpayers must pay at least 65% of their full and fair cash value share of the levy. Commercial/Industrial/Personal Property taxpayers cannot pay more than 150% of their full and fair cash value share of the levy.

If the calculated Minimum Residential Factor is less than 65%, a community cannot make the maximum shift and must use a Commercial/Industrial/Personal Property factor less than 150%.

<u>A. Class</u>	<u>B. Valuation</u>	<u>C. Percentage Share</u>	<u>D. Combined Res/OS, CIP</u>
1. Residential	19,481,851,049	89.1021%	89.1021%
2. Open Space	0	0.0000%	
3. Commercial	1,879,347,857	8.5954%	10.8979%
4. Industrial	105,764,700	0.4837%	
5. Personal Property	<u>397,666,050</u>	<u>1.8188%</u>	
TOTALS	21,864,629,656	100.0000%	

The "Percentage Share" is based on the "Full and Fair Cash Valuation" of each class, which is affected by the level of assessment for each class.

The Maximum Share of Levy for Commercial/Industrial/Personal Property: 150% * 10.8979% (Lines 3C + 4C + 5C) = 16.3469% (Max % Share).

This calculation shows the maximum % share of the levy allowed for the full and fair cash value of the combined Commercial, Industrial and Personal Property classes (150% of the combined shares.) NOTE: Shift impact is reduced as the Max % Share decreases.

Minimum Share of Levy for Residential and Open Space: 100% - 16.3469% (Max CIP % Share) = 83.6531% (Min % Share)

This calculation shows the minimum % share of the levy allowed for the full and fair cash value of the combined Residential and Open Space Property classes. This is computed by subtracting the Maximum Share for Industrial/Commercial/Personal Property from 100%.

Minimum Residential Factor (MRF): 83.6531% (Min % Share) / 89.1021% (Lines 1C + 2C) = 93.8845% (Minimum Residential Factor)

This calculates the Minimum Residential Factor: divide the minimum % share for Residential and Open Space by the actual % share for Residential and Open Space.

MINIMUM RESIDENTIAL FACTOR: 93.8845% Chapter 58, Section 1A mandates a minimum residential factor of not less than 65 percent

When the Minimum Residential Factor is multiplied by % share of the Residential and Open space full and fair cash value, it reduces the Residential and Open Space share to its Minimum % Share of the Levy as calculated above.

FISCAL IMPACT: A factor greater than one (1) would shift more of the tax levy to the commercial, industrial and personal property (CIP) tax classifications. Since residential property comprises over 89% of all property in town, any shift of the levy from this class of taxpayer to the CIP classes would result in minimal savings for a residential taxpayer and a much higher tax bill for CIP property owners.

STAFF ASSISTANCE: Mark A. Milne, Finance Director

B. NEW BUSINESS (Refer to Public Hearing 11/17/2022)

BARNSTABLE TOWN COUNCIL

**ITEM# 2023-052
INTRO: 11/03/2022**

2023-052 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$2,850,000 FOR THE PURPOSE OF FUNDING DESIGN AND PERMITTING OF THE WATER POLLUTION CONTROL FACILITY HEADWORKS IMPROVEMENT PROJECT

ORDERED: That the sum of **\$2,850,000** be appropriated for the purpose of funding the design and permitting of the Water Pollution Control Facility Headworks Improvement Project, 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 \$2,850,000 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 in accordance with M.G.L. c. 44, §20, any premium received by the Town upon the sale of any bonds or notes authorized by this order, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, thereby reducing the amount authorized to be borrowed by this order by a like amount; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2023-052
INTRO: 11/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: November 03, 2022
SUBJECT: Appropriation and Loan Order in the amount of **\$2,850,000** for the purpose of funding design and permitting of the Water Pollution Control Facility Headworks Improvement Project

BACKGROUND: The purpose of this project is to construct improvements to the headworks station at the Water Pollution Control Facility. The improvements will address the condition, capacity and performance of the headworks building while making necessary upgrades to support the construction of future nitrogen removal improvements. Rehabilitation of the headworks facility was identified in the Comprehensive Wastewater Management Plan. Construction is proposed to be combined with the nitrogen removal improvements project to begin in Fiscal Year 2025 and be completed in Fiscal Year 2027.

ANALYSIS: The headworks building at the Water Pollution Control Facility (WPCF) is the beginning of the wastewater treatment process. Wastewater is screened, grit and debris are removed, and flow is metered at this location. The headworks station includes odor control systems including odor control “scrubbers” and chemical delivery systems. The existing headworks building was originally constructed in 1973 and the building has been expanded and upgraded once since it was put into service. In recent years, the building has shown advanced signs of degradation requiring emergency repair including leaking channel walls, grit system failures, failing concrete and a failing odor control system. The odor control unit is housed in a location with inadequate access to carry out routine maintenance.

The Town recently completed an evaluation of nitrogen removal technologies and the selected alternative requires improvements to the WPCF screening process in order to function properly. This project aims to design improvements to the WPCF headworks building that will extend the useful life of this process by approximately 30 years. This project, coupled with the nitrogen removal improvements upgrade will result in a substantially higher quality treated effluent being discharged from the WPCF.

FINANCIAL IMPACT: Funding for this project will be provided from a bond issue and future years’ operating budgets will include the annual debt service costs. The annual loan payment is estimated to be \$174,000 over a 20 year period.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this Appropriation and Loan Order.

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works

B. NEW BUSINESS (May be acted upon) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

**ITEM# 2023-053
INTRO: 11/03/2022**

2023-053 TRANSFER ORDER IN THE AMOUNT OF \$34,500 FROM THE DEPARTMENT OF PUBLIC WORKS FISCAL YEAR 2023 GENERAL FUND PERSONNEL BUDGET TO THE DEPARTMENT OF PUBLIC WORKS GENERAL FUND OPERATING CAPITAL BUDGET FOR THE PURPOSE OF ACQUIRING AND INSTALLING NEW FURNITURE AND PARTITIONS IN THE TOWN ASSESSING OFFICE

ORDERED: That the amount of **\$34,500** be transferred from the Department of Public Works General Fund Personnel Budget to the Department of Public Works General Fund Capital Outlay Budget for the purpose of acquiring and installing new furniture and partitions in the Town Assessing Office in Town Hall.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2023-053
INTRO: 11/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Mark Marinaccio, Town Architect
DATE: November 03, 2022
SUBJECT: Transfer Order in the amount of **\$34,500** from the Department of Public Works Fiscal Year 2023 General Fund Personnel Budget to the Department of Public Works General Fund Operating Capital Budget for the purpose of acquiring and installing new furniture and partitions in the Town Assessing Office

BACKGROUND: The Department of Public works has been consolidating town offices within the Town Hall and School Administration Buildings. The Town Hall Restroom Improvement project included improvements and asbestos remediation in the existing Assessor's office. The old Assessor's office area contained outdated desks, desks made out of table tops and file cabinets, and other odds and ends accumulated over the years. Most of the furniture is oversized by today's standards and designed for desktop computers. Physical and security improvements to the space are now complete, but consolidation efforts require new furniture to fit the number of employees into the space that are now planned. No funding was appropriated for office consolidation, thus this request.

ANALYSIS: New appropriately sized furniture is required for the Assessor's Office in order to fit the required number of employees into the space.

FISCAL IMPACT: Funding for this transfer will be provided from existing vacancy savings within the General Fund Personnel Budget of the Department of Public Works. The department has experienced turnover in several positions and currently has 13 vacancies. As a result of the turnover and current vacancies the estimated personnel savings to date is in excess of \$450,000. A portion of this savings is requested to fund this one-time expense.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this budget increase.

STAFF ASSISTANCE: Mark Marinaccio, Town Architect, Mark A. Milne, Director of Finance

B. NEW BUSINESS (May be acted upon) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

**ITEM# 2023-054
INTRO: 11/03/2022**

**2023-054 RESOLVE AUTHORIZING THE TOWN MANAGER TO COMMENCE
NEGOTIATIONS WITH COMMONWEALTH WIND LLC FOR A NEW HOST
COMMUNITY AGREEMENT**

RESOLVED: That the Town Council does hereby authorize the Town Manager to commence negotiations with Commonwealth Wind LLC, a wholly owned subsidiary of Avangrid Renewables LLC, for a new Host Community Agreement (“HCA 3”) between the Town of Barnstable and Commonwealth Wind LLC, which agreement is designed to mitigate the impacts of the Commonwealth Wind Project selected by the Commonwealth of Massachusetts and Electric Distribution Companies within Massachusetts under M.G.L. c. 83C on December 17, 2021, as described in section S-4.1.6 of the June update of the federal Construction and Operation Plan filed at the Bureau of Ocean Energy Management, which project includes cable landings in Osterville and underground cables connecting the landfall with a substation and with Eversource’s existing West Barnstable substation.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2023-054
INTRO: 11/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Karen L. Nober, Town Attorney; Charles S. McLaughlin, Senior Counsel
DATE: November 03, 2022
SUBJECT: Resolve authorizing the Town Manager to commence negotiations with Commonwealth Wind LLC for a new host community agreement

RATIONALE: The third phase of offshore wind development to be called “Commonwealth Wind” is currently being permitted by the U.S. Department of the Interior. As with Park City Wind, which is owned by Avangrid Renewables LLC, Commonwealth Wind is also wholly owned by Avangrid Renewables LLC. Commonwealth Wind proposes to bring its cables ashore in Osterville and route them underground to the Oak Street Eversource substation in order to connect to the regional electric grid. The Town Manager seeks the Council’s authorization to commence negotiations with Commonwealth Wind regarding the impacts of the project and the resulting mitigation measures that will be integral to a successful project within the Town.

STAFF SUPPORT: Karen L. Nober, Town Attorney; Charles S. McLaughlin, Senior Counsel

B. NEW BUSINESS (May be acted upon) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

**ITEM# 2023-055
INTRO: 11/03/2022**

2023-055 A RESOLUTION THAT THE TOWN COUNCIL PETITION THE COUNTY COMMISSIONERS OF BARNSTABLE COUNTY TO FORMALLY DISCONTINUE A SECTION OF COUNTY HIGHWAY, NAMELY, MOTHER’S PARK ROAD, AS DESCRIBED IN THE COMMISSIONERS’ JANUARY 9, 1912 TAKING NO. 642 OF PHINNEY’S LANE AND NORTH MAIN STREET AND MOTHER’S PARK ROAD IN BARNSTABLE

RESOLVED: That the Town Council petition the County Commissioners of Barnstable County (“Commissioners”) to formally discontinue a section of county highway, namely, Mother’s Park Road, as described in the Commissioners’ January 9, 1912 taking No. 642 of Phinney’s Lane and North Main Street and Mother’s Park Road in Barnstable described in the Written Taking Books at Volume 9, Page 81 and also described in an order of taking by the Commissioners recorded in the Barnstable County Registry of Deeds in Book 479, Page 284, for which the plan of the 1932 County layout of Phinney’s Lane in Plan Book 47 Plan 45, depicting the original January 9, 1912 Highway layout by the Commissioners is on file in the Office of the Town Council, and that pursuant to M.G.L. c. 82, § 5, said petition shall request that said discontinued section of said county highway remain a public way, and that the Town Manager be authorized to execute any documents on behalf of the Town necessary to effectuate this resolve.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2023-055
INTRO: 11/03/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Charles McLaughlin, Senior Counsel
DATE: November 03, 2022
SUBJECT: A resolution that the Town Council Petition the County Commissioners of Barnstable County to formally discontinue a section of county highway, namely, Mother's Park Road, as described in the Commissioners' January 9, 1912 Taking No. 642 of Phinney's Lane and North Main Street and Mother's Park Road in Barnstable

BACKGROUND: Mother's Park Road in Barnstable was laid out as a county road in 1932 in Plan Book 47 Plan 45, depicting the original January 9, 1912 highway layout. Mother's Park Road has not been maintained by the County for generations, and, to accommodate the Town's sewer expansion program, it is necessary to request that the County abandon it and that the Town take the road over as a public road and that the Town agree to maintain it as such.

ANALYSIS: Mother's Park Road in Barnstable is a vital route for sewer lines that will be installed by the Town. G.L. c. 82, § 5 establishes a clear procedure for obtaining this discontinuance via petition by a town to a county requesting that the county discontinue a county way (or a section thereof). A county way discontinued by following this procedure automatically becomes a town way, and, if requested, remains a public way.

FISCAL IMPACT: The Town has operated for years in the belief that Mother's Park Road in Barnstable was owned by the Town. The Town has maintained the road and has budgeted accordingly. There is no impact on the general fund operating budget resulting from the legal formality of transferring this road from the County to the Town's control or from petitioning that this way remain a public way.

STAFF SUPPORT: Charles McLaughlin, Senior Counsel; Griffin Beaudoin, Town Engineer; Shane Brenner, Town Surveyor

B. NEW BUSINESS (May be acted upon) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

**ITEM# 2023-056
INTRO: 11/03/2022**

2023-056 TRANSFER ORDER IN THE AMOUNT OF \$19,000 FOR THE PLANNING AND DEVELOPMENT DEPARTMENT FISCAL YEAR 2023 OPERATING EXPENSE BUDGET FOR THE PURPOSE OF FUNDING THE COSTS OF PRINT MATERIALS ASSOCIATED WITH OUTREACH FOR THE LOCAL COMPRHENSIVE PLAN

ORDERED: That the amount of **\$19,000** be transferred from the Planning and Development Department’s Fiscal Year 2023 Personnel Budget to the Planning and Development Department’s Operating Expense Budget for the purpose of funding expenses related to creating and distributing print materials for public outreach for the Local Comprehensive Plan, including costs related to printing and mailing postcards, posters, and signs.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2023-056
INTRO: 11/17/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth S. Jenkins, Planning & Development Director
DATE: November 03, 2022
SUBJECT: Transfer Order in the amount of **\$19,000** for the Planning and Development Department Fiscal Year 2023 Operating Expense Budget for the purpose of funding the costs of print materials associated with outreach for the Local Comprehensive Plan

BACKGROUND: The Local Comprehensive Planning Committee, (LCPC) supported by Planning & Development Department staff, is in the process of conducting extensive community-wide outreach in connection with the first phase of the Local Comprehensive Plan. This outreach is associated with evaluating existing conditions within the Town and developing a vision statement that expresses the shared values of the community for future growth and development and resource protection.

ANALYSIS: This supplemental appropriation request is from the Planning & Development Department and was supported by the LCPC by a unanimous vote taken at their meeting on October 27, 2020. The participation plan for this project outlines a framework for overarching inclusion so that all people and groups in the Town of Barnstable may impact the process. The Committee stated that they would like to try to reach all of the Town's residents to make them aware of this process and offer the opportunity to participate.

Outreach efforts have taken many forms, including group meetings, "tabling" events, and other opportunities to "meet people where they are." The first major survey associated with this effort launched November 1st and is now being publicized through many channels. One of these channels is through a mailed postcard, informing people of how they participate in the planning process by taking the survey. This supplemental appropriation request supports the cost of that town-wide mailer, as well as printed posters, postcards and signs to be distributed within the community by LCPC and Planning & Development Department staff.

FISCAL IMPACT: Funding for this transfer will be provided from existing vacancy savings within the General Fund personnel budget of the Planning and Development Department. The department has experienced turnover in several positions and currently has 2 vacancies. As a result of the turnover and current vacancies the estimated personnel savings to date is in excess of \$100,000. A portion of this savings is requested to fund this one-time expense. This is a one-time cost and the appropriation will not be added to the department's base budget for Fiscal Year 2024 budget planning purposes.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this budget increase.

STAFF ASSISTANCE: Planning & Development Department Staff