

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

Thursday September 20, 2018 – 6:00pm

Councilors:

Vice-President James Crocker, Precinct 5 (CHAIR)  
Councilor Jessica Rapp Grasseti, Precinct 7  
Councilor Paula K. Schnepf, Precinct 12  
Councilor Matthew Levesque, Precinct 10  
Councilor Deborah Dagwan, Precinct 8  
Member at large Hank Farnham

**MEETING MINUTES**

**PRESENT:** Chair of Committee, Vice-President James Crocker Jr.; Councilor Jessica Rapp Grasseti; Councilor Paul Neary; Councilor Matthew Levesque; Hank Farnham, Member at large; **ALSO IN ATTENDANCE:** Elizabeth Jenkins, Planning and Development Director; Paul Wackrow, Principal Planner, Planning & Development Department; Ruth Weil, Town Attorney; Mary Barry, Chair, Planning Board; Steven Helman, member of Planning Board; **ABSENT:** Councilor Paula Schnepf; Councilor Debra Dagwan; **MEMBERS FROM THE PUBLIC:** Marcel Poyant

Chair opened the meeting at 6:03pm will Roll Call: There was no Public Comment. Continued discussions with Elizabeth Jenkins, Director of Planning and Development; and the members of the Planning Board Sub-Committee regarding suggested changes to the definitions; continued discussion with Elizabeth Jenkins, Director of Planning and Development; and the members of the Planning Board Sub-Committee on Chapter H and the proposed thresholds which include minimum square feet of 10,000 up to 40,000 square feet; continued discussion with the Elizabeth Jenkins, Director of Planning and Development; and the members of the Planning Board Sub-Committee regarding regulations with setbacks.

The following documents were introduced by Elizabeth Jenkins and discussion regarding the DRAFT changes proposed.

Ms. Jenkins explained the documents before the Committee and asked if there was any feedback that needed to be considered before a final document was drafted. Modification to reflect a new drive through uses would be permitted by special permit only, so the drive thru's were clarified as conditional uses issued y special permit only. Updates to the minimum lot areas and setbacks were also adjusted due to the recommendations and discussions from this committee. Then the design performance standards and the changes as recommended by this Committee as well.

**§240-25 HB Business District.**

**A. Purpose.** The proposed amendments to the Highway Business District strive to encourage investment in Barnstable's aging commercial corridors and respond to current market demands, while promoting an increase in property values, appropriate protection for adjacent residential land uses, and Barnstable's unique character and exceptional quality of life.

**B. Principal Permitted Uses.** The following uses are permitted in the HB Business District:

- (1) Art Galleries
- (2) Artisan, Craftspersons, and Makers
- (3) Artists' Lofts
- (4) Bank <sup>1</sup>
- (5) Bed & Breakfasts, subject to the provisions of § 240-11C(6)
- (6) Business Support Services
- (7) Contractor Service Establishments <sup>2,3</sup>
- (8) Dwelling, single-family
- (9) Dwelling, two-family
- (10) Dwelling, multi-family
- (11) Educational institutions
- (12) Fraternal or Social Organizations
- (13) Health Club
- (14) Mixed Use Development
- (15) Movie Theatre
- (16) Museums
- (17) Office, Business and Professional
- (18) Office, Dental or Medical
- (19) Performing Arts Facilities
- (20) Personal Service Establishments
- (21) Recreational Establishment
- (22) Research and development, technological and computer research, software development and data processing including computer operations services
- (23) Restaurant and other food establishment <sup>1</sup>
- (24) Retail and wholesale <sup>1</sup>
- (25) Self-storage Facility <sup>2</sup>
- (26) Senior Living, Assisted Living
- (27) Senior Living, Nursing Homes
- (28) Veterinary Hospital/Clinic <sup>2</sup>

<sup>1</sup> Drive-throughs shall be permitted accessory to such use, subject to the issuance of a Special Permit pursuant to subsection 240-25 (C) herein.

<sup>2</sup> The landscape setback from all residential property lines shall be 15 feet. Within the landscape buffer, existing mature trees shall be retained and shall be supplemented with plantings that will provide dense year-round screening, or a solid fence with landscape plantings on the residential side

<sup>3</sup> Parking areas for commercial vehicles and any exterior areas used for loading or storage shall be screened from view from the public way

**C. Conditional Uses.** The following uses are permitted as conditional uses in the HB District, provided that a special permit is first obtained from the Zoning Board of Appeals subject to the provisions of §240-125C herein and subject to the specific standards for such conditional uses as required in this section, and to a finding that such uses do not substantially adversely affect the public health, safety, welfare, comfort or convenience of the community:

- (1) Auto service and repair shops <sup>1</sup>
- (2) Building, sale, rental, storage and repair of boats <sup>1</sup>
- (3) Car rental services <sup>1</sup>
- (4) Contractors' yards <sup>1,2</sup>
- (5) Funeral Home or Mortuary <sup>1</sup>
- (6) Hotel & Motel, subject to the provisions in 240-22(F).<sup>1</sup>
- (7) Manufacturing, light and industrial uses <sup>1,2</sup>
- (8) Retail, gasoline or diesel <sup>1</sup>
- (9) Warehouse or distribution <sup>1,2</sup>
- (10) Drive-throughs for banks, retail uses, and restaurants and other food service establishments

<sup>1</sup> The landscape setback from all residential property lines shall be 10 feet. Within the landscape buffer, existing mature trees shall be retained and shall be supplemented with plantings that will provide dense year-round screening, or a solid fence with landscape plantings on the residential side

<sup>2</sup> Parking areas for commercial vehicles and any exterior areas used for loading or storage shall be screened from view from the public way

## **E. District-Wide Design & Performance Standards**

### **1. Applicability**


Design and performance standards for the Highway Business District are provided in this subsection. The design and performance standards herein shall only apply to new development. New development is new construction on a vacant lot; or demolition and re-construction on a lot with existing structure(s). These standards shall not apply to the construction of new principal structures on lots already improved with a principal structure.

### **2. Building Design Standards.**

- a. In addition to the Site Plan Review submittal requirements of Section 240-102, architectural elevations shall be submitted.
- b. Building façades.
  - i. Building facades shall not contain blank wall areas that exceed 25 linear feet, measured parallel to the street.
  - ii. New development shall vary the building footprint so that there are pronounced changes in the wall planes and building mass as defined herein. For every 50 linear feet of facade, at least 10 feet projection or setback in the facade should be accommodated. The recess or projection can be split into several components, but changes in the facade line of 10 feet or greater are most likely to reduce the visual impact of the building mass.
- c. Building Entries.
  - i. All buildings shall have an orientation to and entrance from the sidewalk along the primary building frontage. Entrances shall be visually distinctive from the remaining portions of the façade along which they are located.
- d. Roof.
  - i. Parapet walls along the roof shall feature three-dimensional cornice treatments or other shadow-creating details.
- e. Building materials.
  - i. The following building materials are prohibited on any façade:
    - a) Plain concrete block
    - b) Glass block
    - c) Exposed aggregate (rough finish) concrete wall panels

**D. Bulk Regulations**

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Minimum Lot Width (feet)	Minimum Yard Setbacks (Feet)			Maximum Building Height (feet)	Maximum Lot Coverage as % of Lot Area
				Front	Rear	Side		
HB	15,000	20	100	20 <sup>1,2</sup>	20	10	38 <sup>3</sup>	30

added 38 - was 30  


<sup>1</sup> Forty feet along Route 28 and Route 132

<sup>2</sup> The front yard setback shall be a landscape setback in which existing trees and shrubs shall be retained within and supplemented with other landscape materials in accordance with accepted landscape practices. Where natural vegetation cannot be retained, the front yard landscape setback shall be landscaped with a combination of grasses, trees and shrubs commonly found on Cape Cod. A minimum of one street tree with a minimum caliper of three inches shall be provided per 30 feet of road frontage and distributed throughout the front yard landscape setback area. No plantings shall obscure site entrance and exit drives and/or road intersections. All landscape areas shall be continuously maintained substantially in accordance with Article IX herein.

<sup>3</sup> Or three stories, whichever is lesser.

d) Plastic

ii. The following building materials are prohibited on any façade; however, such materials may be used as decorative or detail elements for up to 25% of the façade:

a) Corrugated metal

f. Multi-Tenant Centers. Multi-tenant retail centers shall comply with the following additional design standards.

i. A cohesive character is required through the use of coordinated building design, hardscape treatment (special paving materials, lighting, etc.) and landscaping.

### **3. Parking Lot Design Standards.**

a. All new development shall comply with Section 240-54 - Location of parking lot in relation to buildings, which states: "Parking lots shall be located to the rear or side of a building unless such location would have an adverse environmental impact or is infeasible due to configuration of the site."

### **4. Site Design Standards.**

a. Sites shall incorporate safe pedestrian access to the building(s) from the public right-of-way and safe pedestrian circulation within the development. Where pedestrian connections cross primary vehicular driveways or aisles, the walkways shall be designed to clearly show the space is dedicated to pedestrian traffic through the use of raised or alternative surfaces.

b. Parking areas shall include provisions for the "parking" of bicycles in bicycle racks in locations that are safely segregated from automobile traffic and parking. For parking areas of 10 or more spaces, bicycle racks facilitating locking shall be provided to accommodate one bicycle per 20 parking spaces or fraction thereof.

### **5. Screening.**

a. Storage areas, loading docks, rooftop equipment, utility buildings and similar features shall be screened so as not to be visible to a pedestrian from within the right-of-way of a street abutting the property containing the building. The screening shall complement the design of the building through the use of similar materials, colors, finishes and architectural details. Plant materials may be used for ground level screening.

**b. Access.**

Driveways on Route 28, Route 132 and West Main Street shall be minimized. All driveways and changes to driveways shall:

- a. Provide the minimum number of driveways necessary to provide safe and convenient vehicular and emergency vehicle access.
- b. Provide shared access with adjacent development where feasible.
- c. Provide a driveway interconnection between adjacent parcels to avoid short trips and conflicts on the main road.

**F. Definitions.** The following terms are defined for the purpose of the HB and shall not be construed to apply to other regulations:

**ARTISAN, CRAFTSPERSONS AND MAKERS** – A small-scale use employing people who practice manual skills to produce ornamental or functional works in limited quantities. A key feature of works produced by artisans, craftspeople or makers is the high degree of manual or specialized technical expertise involved. Examples include artists or makers in a variety of mediums, designers, and art conservation.

**ARTIST'S LOFT** – A place designed to be used as both a dwelling and a place of work by an artist, artisan, or craftsman, including persons engaged in the application, teaching, or performance of fine arts, such as drawing, vocal or instrumental music, painting, sculpture, photography, graphics, media arts, and writing. The work activities shall not adversely impact the public health, safety, and welfare, or the livability, functioning, and appearance of adjacent property.

**AUTO SERVICE AND REPAIR SHOPS** – A facility for the general repair and maintenance of motor vehicles, including motor vehicle inspections and car washes. This definition shall exclude vehicle dismantling or salvage.

**CONTRACTOR SERVICE ESTABLISHMENTS** – Wholesale sales and distribution of building materials including plumbing, carpentry, lumber, electrical, heating and air conditioning, and other similar service or repair businesses; associated showrooms and sales/display space customarily accessory to such uses.

**CONTRACTORS' YARDS** – Landscaping, construction and site preparation, and other similar service businesses, provided that all outdoor storage of building materials, trucks and landscaping equipment and materials, are screened from view from public ways.

**EDUCATIONAL INSTITUTIONS** – A public or private facility that offers in-classroom instruction at the K-12 or post-secondary levels. The institution may also have research facilities and/or professional schools that grant master and doctoral

degrees. Educational Institutions also include facilities that offer in-classroom vocational instruction in industrial, clerical, computer, managerial, automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a school for general educational development or driving school.

**FRATERNAL OR SOCIAL ORGANIZATIONS** – A building or land used for the activities of an association of persons for the promotion of some nonprofit common objective, such as literature, science, politics, and good fellowship (not accessory to, or operated as, or in connection with a tavern, eating place, or other place open to the public), which meets periodically and may be limited to members.

**FUNERAL HOME OR MORTUARY** – An establishment providing services such as preparing the human dead for burial and arranging and managing funerals, and may include limited caretaker facilities. This classification excludes cemeteries, crematoriums, and columbariums.

**HEALTH CLUB** – A facility for the purpose of physical exercise or wellness open only to members and guests or open to the public for a fee. It shall include health and fitness clubs, and specialty fitness uses, such as yoga studios or cross-fit facilities and may include customary accessory uses.

**MIXED USE DEVELOPMENT** – Development including at least one residential unit and at least one nonresidential use on a single lot or several nonresidential uses on a single lot.

**MUSEUMS** – A public or private facility, including an aquarium, established for preserving and exhibiting artistic, historical, scientific, natural or man-made objects of interest, designed to be used by members of the public for viewing, with or without an admission charge. Such activity may include, as an accessory use, the sale of memorabilia, crafts work and artwork, and the holding of meetings and social events.

**OFFICE, DENTAL OR MEDICAL** – A building or portion of a building in which the primary use is the provision of health-care services to patients or clients by an appointment only. Such services may include the following: medical, dental, psychiatric, psychological, chiropractic, dialysis, acupuncture, reflexology, mental health professional, physical and/or occupational therapy, related medical services, or a laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists.

**PERFORMING ARTS FACILITY** – An enclosed space suitable for a variety of cultural arts performances, permanently available for the primary principal use of public performing arts presentations, such as plays, dances, and concerts, although incidental use for private meetings, exhibits and presentations shall be permitted. Such space may also include studios, classrooms, and galleries.



PERSONAL SERVICE ESTABLISHMENT – An establishment engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, barbershop, beauty shop, dry cleaner, tailor, or other similar services.

RECREATIONAL ESTABLISHMENT – An establishment engaged in the provision of public recreational services, including bowling and billiards.

RETAIL, GASOLINE AND/OR DIESEL – A facility where gasoline, diesel or any other automotive engine fuel is stored only in underground tanks and offered for sale directly to the public on the premises. Retail, gasoline and/or diesel shall be subject to the requirements of Section 240-35 Groundwater Protection Overlay Districts.

SELF-STORAGE FACILITY – A facility for the storage of personal property where individual renters control and access individual storage spaces. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included.

SENIOR LIVING, ASSISTED LIVING – A combination of housing, ancillary support services and personalized care that is designed to respond in a homelike setting to the individual needs of adults requiring help with activities of daily living, but who do not require the skilled medical care provided in a nursing home.

SENIOR LIVING, NURSING HOMES – A facility, including for the aged or chronically ill, providing bed-care and in-patient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services.

VETERINARY HOSPITAL/CLINIC – A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases and injuries. Use as a kennel shall be limited to short-term boarding and shall be only incidental to such hospital use.



**Town of Barnstable**  
**Planning & Development Department**  
[www.townofbarnstable.us/planninganddevelopment](http://www.townofbarnstable.us/planninganddevelopment)



**Chapter H - Narrative Rationale**

The Town of Barnstable is seeking approval from the Cape Cod Commission to raise Development of Regional Impact (DRI) project thresholds in Economic Centers and Industrial Service & Trade Areas outside of the Growth Incentive Zone. The change would increase the DRI thresholds for proposed developments from 10,000 square feet for commercial/industrial to the following:

Regional Land Use Vision Map – RPP Mapped Areas	Economic Centers (EC) <i>Blue Area on Map</i>	Industrial Service & Trade Areas (ISTA) <i>Red Areas</i>
Commercial/Industrial	15,000 sq.ft <i>proposed 20,000 sq.ft</i>	40,000 sq.ft *light industrial/ R&D uses only

As part of its ongoing economic development efforts, The Town of Barnstable is seeking to raise the DRI thresholds in order to stimulate and attract economic development opportunities to the region’s commercial center. The Town of Barnstable desires to increase its efforts to encourage planned and appropriate private investment to economic centers and industrial development areas. The Town believes that by raising the thresholds in these areas it will provide for greater creative development potential that will be more cost effective and predictable for private developers and businesses. The resulting impacts of the additional square footage allowable under this modest request for revised thresholds will have minimal impact on the local or regional infrastructure, natural resources, or other systems.

**Economic Centers:**

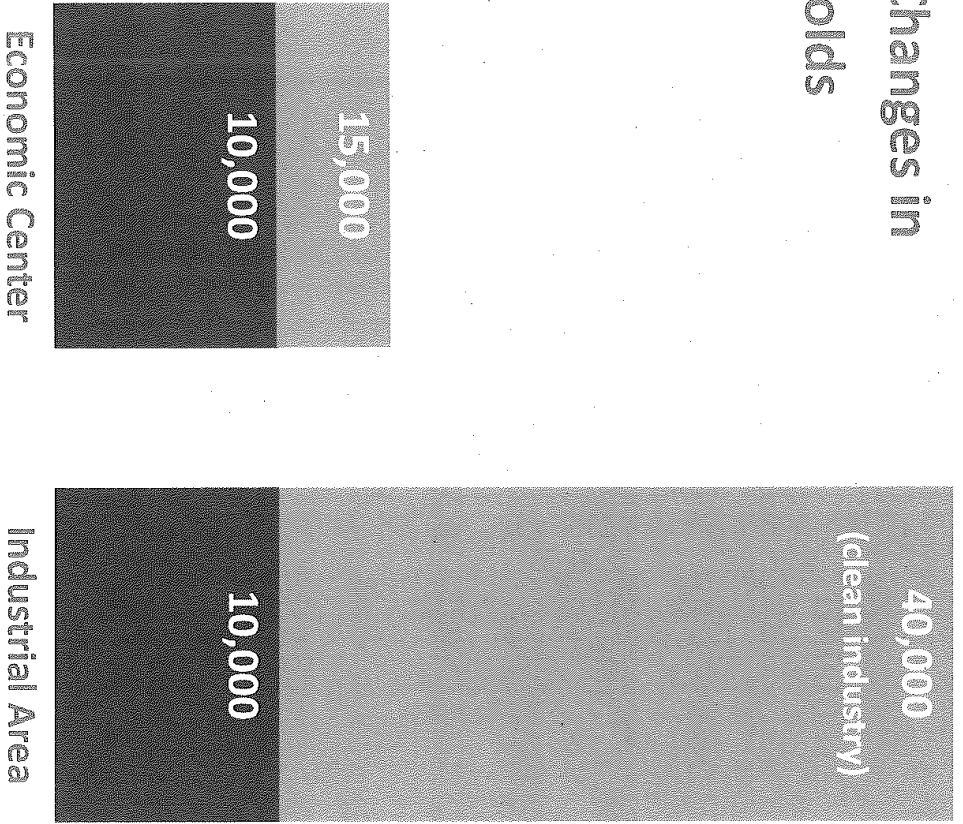
**Route 132 Regional Commercial Center** – The Barnstable Local Comprehensive Plan defines this area as designated for redevelopment and infill.

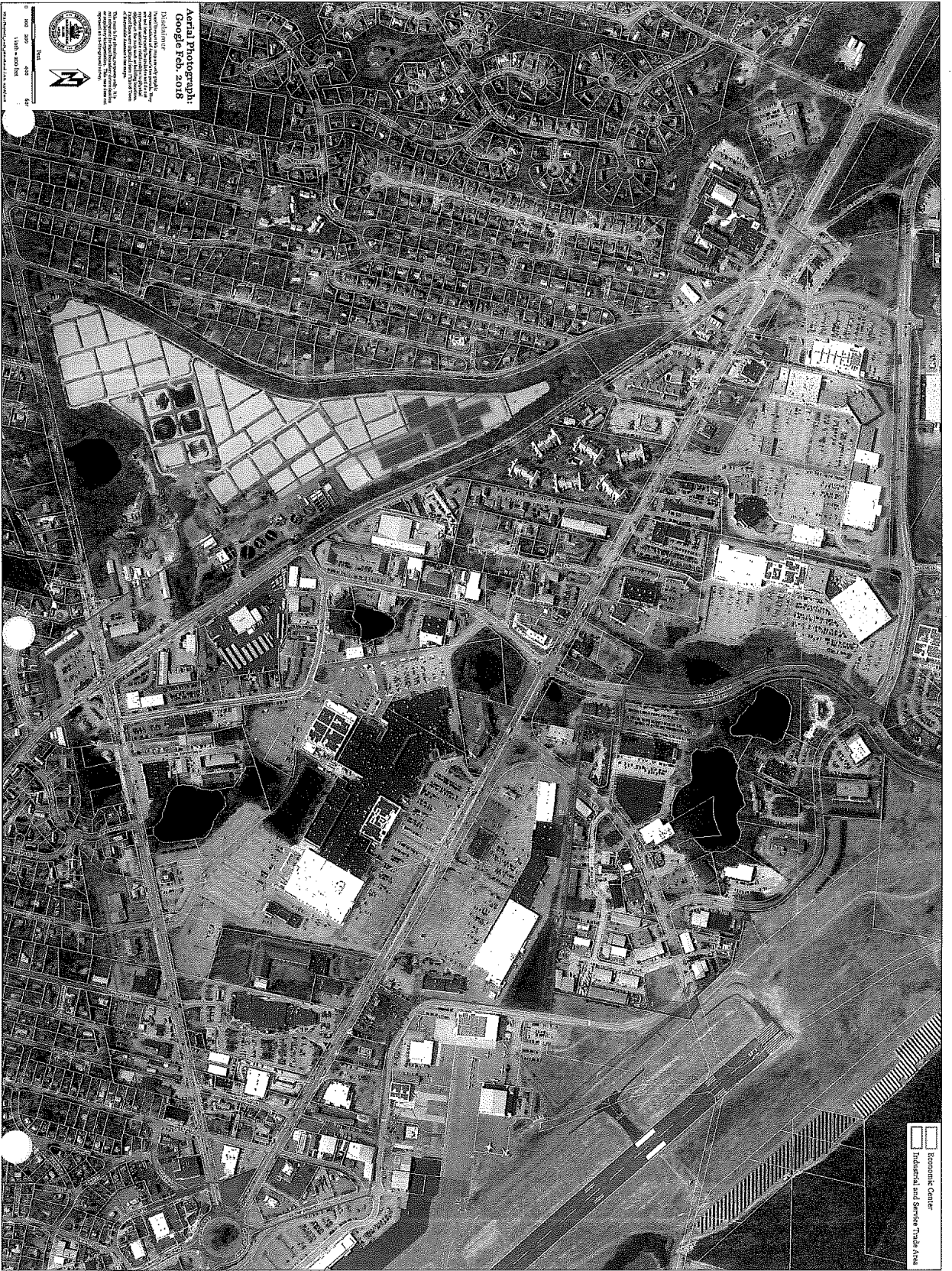
The overall growth management strategy for Barnstable encourages new investment and redevelopment in locations where dense development is appropriate and viable because of available infrastructure and has minimal impact on the community’s valuable open space and sensitive natural resources. Promoting compact infill development and redevelopment of existing commercial areas is the preferred form of growth in Barnstable.

The “Economic Centers” designated on the Cape Cod Commission’s Land Use Vision Map that are the focus of this request represent an existing, almost completely built-out area that provides essential goods and services for the town and the region. The Route 132 corridor accommodates the type and scale of businesses not always suitable for the Growth Incentive Zone, but that nevertheless play an important role in the region’s commercial landscape. It includes five regional retail centers, six hotels, four car dealerships, and approximately 220 residential units.

The area is well-served by regional transportation infrastructure and municipal water and sewer. It falls almost entirely within the Town’s Groundwater and Wellhead Protection overlay zoning districts, which

# Proposed Changes in DRI Thresholds





Blue - Economic

Red - Industrial

Area that the town can propose A's

**Aerial Photograph:**  
Google Feb. 2018

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Scale: 1:100,000  
North Arrow

Economic Center  
Industrial and Service Trade Area



**The Zoning and Regulatory Committee made the following motion:**

**The Committee recommends the Highway Business rewrite with a correction on page 2: (Future Drive Thru's by special permit only)**

**This motion was made by Councilor Matthew Levesque and seconded by Councilor Paul Neary, all members voted in favor of the Highway Business rewrite as corrected and rewritten.**

Councilors:

Vice-President James Crocker, Precinct 5 (CHAIR)	yes
Councilor Jessica Rapp Grassetti, Precinct 7	yes
Councilor Matthew Levesque, Precinct 10	yes
Councilor Paul C. Neary	yes
Member at large Hank Farnham	yes

**The Committee members recommend the following as it pertains to the Thresholds:**

**Suggested that the Thresholds of the Highway Business increase the Economic portion from 15,000 to 20,000**

**This motion was made by Councilor Matthew Levesque and seconded by Councilor Paul C. Neary; all members present voted the following:**

Councilors:

Vice-President James Crocker, Precinct 5 (CHAIR)	yes
Councilor Jessica Rapp Grassetti, Precinct 7	yes
Councilor Matthew Levesque, Precinct 10	yes
Councilor Paul C. Neary	yes
Member at large Hank Farnham	yes

**Chair of Committee, Vice President James Crocker Jr asked for a motion to adjourn, Councilor Jessica Rapp Grassetti made the motion to adjourn; this was seconded by Councilor Paul C. Neary, all members voted in favor of adjournment**

**ADJOURN: 6:56pm**