



Town of Barnstable
Town Council
James H. Crocker Jr. Hearing Room
367 Main Street, 2nd floor,
Hyannis, MA 02601
Office 508.862.4738 • Fax 508.862.4770
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TOWN COUNCIL MEETING

January 29, 2026

6:00 pm

AMENDED 01-23-26

**MISSING PAGES ON ORIGINAL
POSTING**

Councilors:

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President
Precinct 4

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Vice President
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Precinct 3

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Precinct 8

Charles Bloom
Precinct 9

Matthew P. Levesque
Precinct 10

Barry Sheingold
Precinct 12

Felicia Penn
Precinct 13

The January 29, 2026 Meeting of the Barnstable Town Council shall be conducted in person at 367 Main Street 2nd Floor James H. Crocker Jr. Hearing Room, Hyannis, MA. The public may attend in person or participate remotely in Public Comment or during a Public Hearing via the Zoom link listed below.

1. The meeting will be televised live via Xfinity Channel 8 or 1070 or High-Definition Channel 1072 or may be accessed via the Government Access Channel live stream on the Town of Barnstable's website: <http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Written Comments that will be distributed to the entire Town Council may be submitted to: <https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/Town%20Council/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://townofbarnstable-us.zoom.us/j/83980339417> US Toll-free 1-888-475-4499
Meeting ID: 839 8033 9417

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 (Pre-Recorded and available on Video on Demand
on the Town website)**

7. MINUTES

- **ACT ON PUBLIC SESSION MINUTES: January 08, 2026**

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

- **Opioid Settlement Funds Grant Recipients**

9. ORDERS OF THE DAY

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

Administrator:
Cynthia A. Lovell
Cynthia.lovell@barnstable.gov

EXECUTIVE SESSION

The Town Council will enter Executive Session pursuant to G.L. c. 30A, sec. 21(a)(6) to consider the purchase, exchange, lease or value of real property, specifically, the property located at 0, 167 and 177 Pleasant Street in Hyannis, since a discussion in open session may have a detrimental effect on the negotiating position of the Town and Town Council.

10. ADJOURNMENT

NEXT REGULAR MEETING: February 12, 2026

ITEM NO.	INDEX TITLE	PAGE
A.	OLD BUSINESS	
2026-003	Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article III Section 24.1.5(c) Table 2, to modify the required parking for residential or artist live/work (per du), modify the calculation for minimum parking spaces, and establish minimum dimensional standards for parking spaces (Public Hearing) (Roll Call 2/3 Full Council)	5-16
2026-005	Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article III District Regulations, to modify building height requirements in the Downtown Main Street District and Downtown Village District (Public Hearing) (Roll Call 2/3 Full Council)	17-26
2026-006	Amending the code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning to repeal the Downtown Village District and amend the zoning map to replace the Downtown Village District with the downtown neighborhood zoning district (Public Hearing) (Roll Call 2/3 Full Council)	27-51
2026-007	Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning to amend the area in the Downtown Main Street District where ground floor commercial space is required (Public Hearing) (Roll Call 2/3 Full Council)	52-57
2026-008	Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article V Accessory Uses, by repealing and replacing Section 240-46, Home Occupation with a new Section 240-46 Home Occupation that adds definitions, licensing requirements and makes certain other revisions (Public Hearing) (Roll Call 2/3 Full Council)	58-63
2026-012	Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning Article V Accessory Uses, by repealing Section 240-45 Off-street storage of trailers and replacing with a new section 240-45 Off-street parking and storage of commercial vehicles, trailers and mobile homes (Public Hearing) (Roll Call 2/3 Full Council)	64-67
B.	NEW BUSINESS	
2026-081	Vote on the Merits of a Group Petition Requesting That the Town Change the Division of Costs of Group Insurance Premiums for Retirees to 30% to be Paid by the Retirees and 70% to be Paid by the Town, Commencing in Fiscal Year 2027 (Public Hearing) (Majority Vote)	68-69
2026-082	Approval of the Appointments to the Appointments Committee (May be acted upon) (Majority vote) (Roll Call Majority Vote)	70-71
2026-083	Authorization to contract for and expend a Fiscal Year 2026 Cultural District Investment Grant in the amount of \$15,000 from the Massachusetts Cultural Council's Cultural District Investment Grant Program for the Hyannis HyArts Cultural District (May be acted upon) (Majority Vote)	72-73
2026-084	Authorization to contract for and expend a Fiscal Year 2026 Cultural District Investment Grant in the amount of \$15,000 from the Massachusetts Cultural Council's Cultural District Investment Grant Program for the Barnstable Village Cultural District (May be acted upon) (Majority Vote)	74-75
2026-085	Resolve establishing a gift account for the Shellfish Program (May be acted upon) (Majority Vote)	76-77

2026-086	Authorization to expend a Fiscal Year 2026 Grant in the amount of \$10,000 from Elder Services of Cape Cod and the Islands, Inc. to support the expansion of the transportation program offered through the Barnstable Adult Community Center (May be acted upon) (Majority Vote) 78-79
2026-087	Authorizing the grant of an easement for gas facilities on Town-owned land at 790 Iyannough Road in Hyannis (First Reading) (Refer to Second Reading 02/12/2026) 80-82

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 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# 2026-003
INTRO: 07/17/2025, 08/21/2025, 01/29/2026

2026-003 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE III DISTRICT REGULATIONS, SECTION 240-24.1.5 STANDARDS FOR ALL DISTRICTS TO MODIFY THE REQUIRED PARKING FOR RESIDENTIAL OR ARTIST LIVE/WORK AND ESTABLISH A PARKING SPACE DIMENSIONAL STANDARD

ORDERED: That the Code of the Town of Barnstable, Part I, General Ordinances, Chapter 240 Zoning, Article III District Regulations, Section 240-24.1.5, Standards for all Districts, Subsection (C) Parking Standards, be amended as follows:

SECTION 1

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

SECTION 2

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

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

SECTION 3

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

SECTION 4

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

SPONSOR: Craig A. Tamash, Town Council President, Precinct 4

DATE **ACTION TAKEN**

07/17/2025 No action taken

08/21/2025 First Reading Refer to Planning Board

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

BARNSTABLE TOWN COUNCIL

ITEM# 2026-003
INTRO: 07/17/2025, 08/21/2025, 01/29/2026

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: James Kupfer, Director, Planning & Development Department
DATE: June 30, 2025
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article III Section 24.1.5(c) Table 2, to modify the required parking for residential or artist live/work (per du), modify the calculation for minimum parking spaces, and establish minimum dimensional standards for parking spaces.

BACKGROUND: The proposed zoning amendments follow discussions by the Town Council Ad-Hoc Subcommittee regarding necessary updates to Chapter 240 Zoning Ordinance. The Committee has recommended that Town Council consider the proposed amendment to Chapter 240 §24.1.5.C Table 2 Minimum Required Accessory Parking Spaces to increase the minimum required parking for “Residential or artist live/work (per DU)” from one space per unit in all districts to a parking ratio of a minimum of 1.5 space per dwelling unit up to no more than two spaces per dwelling unit.

The Committee further recommended that when calculating required parking spaces that the mandated handicap parking spaces not be included in this count (which would make those spaces additional requirements). And finally the committee recommended establishing minimum parking dimension standards of 9' x 18' per space and a minimum of a 20' drive aisle between spaces.

Zoning amendments are processed in accordance with Massachusetts General Law (MGL) Chapter 40A, Section 5. Adoption or change of zoning ordinances may be initiated by the submission to the Town Council of a proposed zoning ordinance by different parties, including the Town Council itself.

ANALYSIS: The proposed changes will increase the total parking required per residential dwelling unit as well as provide specific parking dimensional requirements.

FISCAL IMPACT: There is no significant fiscal impact associated with this item.

STAFF SUPPORT: James Kupfer, Director, Planning & Development Department

§ 240-24.1.5. Standards for all Districts.

A. Building standards.

1. Frontage types.
 - (a) Buildings must have at least one frontage type except if otherwise specified. Buildings on corner lots must have two frontage types, one for each frontage.
 - (b) Frontage types are permitted as specified by Table 11.¹
 - (c) Multiple frontage types may exist for buildings that have more than one principal entrance.
2. Buildings must have at least one principal entrance located on the facade.
 - (a) Multistory buildings with ground floor commercial space(s) must have one 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 story, except that a single ground story over 18 feet in height is counted as two stories.
 - (d) Each upper story is counted as one additional story, except that any upper story over 16 feet is counted as two stories.
 - (e) Basements are not counted as one story unless the finished floor of the ground story is five feet or more above the average ground level of the lot.
 - (f) Habitable space located directly under a pitched roof is counted as a 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 two 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.

1. Editor's Note: See § 240-24.1.13, Tables.

- (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 uppermost story.
5. Non-habitable architectural features including, but not limited to, mechanical and 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 12.²
7. Facades must have fenestration as specified for each district, as applicable.
 - (a) Fenestration is calculated as a percentage of the area of a facade.
 - (b) For buildings with ground story commercial spaces, ground story fenestration is measured between two feet and 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 60% Visible Light Transmittance (VLT) and no more than 15% Visible Light Reflectance (VLR) as indicated by the manufacturer.
 - (b) For upper story fenestration, glazing must have a minimum of 40% VLT and no more than 15% VLR as indicated by the manufacturer.

B. 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.

2. Editor's Note: See § 240-24.1.13, Tables.

- (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 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.
- (c) Accessory uses are permitted as set forth in Article V of the Barnstable Zoning Ordinance.

Table 1.

Use Category Specific Use	DMS	DV	DN	DH	HH	TC	HC
Commercial services (except as follows)	P	P	N	P	P	P	P
Automobile maintenance and repair	N	N	N	N	N	N	N
Boat storage and repair	N	N	N	N	P	N	N
Contractor services	N	N	N	N	N	N	N
Funeral services	N	N	N	N	N	N	N
Marina	N	N	N	N	P	N	N
Commercial parking	N	N	N	N	N	P	SP
Public transportation maintenance	N	N	N	N	N	SP	N
Recreational facility	SP	SP	N	SP	SP	SP	SP
Self-storage facility	N	N	N	N	N	N	SP
Veterinary services	SP	SP	N	N	N	N	P
Cultural services (as specified below)	—	—	—	—	—	—	—
Arts and culture establishments	P	P	N	N	P	P	P
Fraternal and social organizations	P	P	N	N	P	P	P
Performing arts and theaters	P	P	N	N	P	P	P
Artist live/work	P	P	P	N	P	P	N

Table 1.

Use Category Specific Use	DMS	DV	DN	DH	HH	TC	HC
Food and beverage services (except as follows)	L	L	N	SP	L	L	SP
Brewery/distillery	L	N	N	N	N	N	N
Hospital	N	N	N	P	N	N	N
Office (except as follows)	P	P	L	P	P	P	P
Health care clinic	P	P	L	P	P	N	P
Research and development	P	P	N	P	P	N	P
Residential (as specified below)	—	—	—	—	—	—	—
Multiunit dwelling	L	L	L	N	L	L	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	SP	L	L	SP
Boat sales	N	N	N	N	SP	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	N	P	N	P
Bed-and-breakfast	N	P	P	N	P	N	N

P Permitted by right

SP Special permit

N Not permitted

L Permitted with limitations (see district)

C. 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, but excluding accessible parking spaces required by the Massachusetts Architectural Access Board regulations at 521 CMR 23.00.

- (i) Commercial parking uses are exempt from Table 2.
- (ii) Parking space dimensions shall be a minimum of 9 feet by 18 feet and the drive aisle between spaces shall be a minimum of 20 feet.

(b) Relief from the parking requirements of Table 2 and the parking standards found in subsection (C)(2)(a)(ii) 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 square feet)	0	4	N/A	4	4	4	4	Reduce by 50% the required spaces for commercial services where mixed with residential uses on the same lot
Cultural services (per 1,000 square feet)	0	4	4	4	N/A	4	4	Reduce by 20% the required spaces for cultural services where mixed with residential uses on the same lot
Food and beverage services (per 1,000 square feet)	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 square feet)	3	3	3	3	3	3	3	Reduce by 50% the required spaces for office where mixed with residential uses on the same lot
Residential or artist live/work (per DU)	1. 5	1. 5	1. 5	N/A	1. 5	1. 5	N/A	—

Table 2.
Minimum Required Accessory Parking Spaces

Use Category	DMS	DV	DN	DH	HH	TC	HC	On Site Shared Parking Adjustment¹
Retail sales (per 1,000 square feet)	0	4	N/A	4	4	4	4	Reduce by 20% the required spaces for retail sales where mixed with residential uses on the same lot
Visitor accommodations (per room)	1.25	1.25	1.25	N/A	1.25	N/A	1.25	—

D. Site standards.

1. Forecourts.

- (a) Driveways and passenger drop-offs are permitted in forecourts by special permit.
 - (i) Real property 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 14 feet in height or three inches in caliper when planted.
- (c) New understory trees must be at least 10 feet in height or 1.5 inches in caliper when planted.
- (d) New evergreen trees must be at least six 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 for development or modifications that meet or exceed the thresholds established in § 240-24.1.3B2(b)(i) must submit a landscape plan(s) signed and stamped by a MA registered landscape architect.
- (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 150% of the estimated cost of installation of the landscaping.

- (k) All development and/or modifications that meet or exceed the thresholds established in § 240-24.1.3B2(b)(i) shall provide financial security for 150% of the estimated cost of plant installation for the duration of three years after planting has been installed and must be provided prior to issuance of any certificate of occupancy in a form acceptable to the Town Attorney's Office. The cost estimate shall be prepared by a qualified professional and submitted to the Director of Planning and Development for approval. Upon completion of planting, the applicant must request an inspection. The three-year maintenance period commences upon approved inspection. Partial release of the security may be authorized after approved inspection, not to exceed 50%. The full security shall be returned to the applicant or their successors after three years upon final inspection by the Director of Planning & Development. The Town reserves the right upon noncompliance with this section to pursue all available legal and equitable remedies to compel compliance.
- (l) 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 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 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 90° and a beam cutoff of less than 75°. Attached building or wall pack lighting should be screened by the building's architectural features or contain a 45° cutoff shield.

- (c) Electrical service for lighting on posts or poles must be located underground.

6. Fences.

- (a) Fences greater than four feet in height in the frontage area and seven 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 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 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.

E. 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 21 or more parking spaces that increases the number of parking spaces by five or more.

2. General.

(a) 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.

(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 three-inch minimum caliper low-water-use, low-maintenance tree must be provided for every five parking spaces and must be located within 10 feet of the parking lot. Trees shall be maintained and irrigated as necessary and planted within at least 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 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 50 linear feet:

- (i) One canopy tree.
- (ii) One understory or evergreen tree.
- (iii) Five medium shrubs and five small shrubs or a fence or wall a maximum of four feet in height.

(c) A side/rear landscaped buffer at least six feet wide must be provided between any side or rear lot line and any parking lot with five or more parking spaces, excluding any vehicular connections to abutting parking lots and must include the following features over the span of 50 linear feet:

- (i) Two understory or evergreen trees.
- (ii) Three large shrubs and five small shrubs or a fence or wall at least six feet in height.

(d) A landscaped buffer at least 10 feet wide must be provided between any building and any parking lot with 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 50 linear feet:

- (i) Two understory or evergreen trees.

- (ii) Four medium shrubs.
- (iii) Six small shrubs.
- (e) At least 10% of any parking lot with 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 feet in width and the same length as the parking spaces. Each island must include one three-inch minimum caliper, low-water-use, low-maintenance tree.
- (g) Landscape islands abutting a double row of parking spaces must be at least eight feet in width and the same length as the parking spaces. Each island must include two three-inch minimum caliper, low-water-use, low-maintenance trees.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2026-005
INTRO: 07/17/2025, 08/21/2025, 01/29/2026

**2026-005 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I
GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE III DISTRICT
REGULATIONS, TO MODIFY BUILDING HEIGHT REQUIREMENTS IN THE
DOWNTOWN MAIN STREET DISTRICT AND DOWNTOWN VILLAGE
DISTRICT**

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

SECTION 1

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

SECTION 2

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

SECTION 3

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

SECTION 4

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

SECTION 5

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

SECTION 6

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

SECTION 7

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

SECTION 8

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

SPONSOR: Craig A. Tamash, Town Council President, Precinct 4

DATE	ACTION TAKEN
<u>07/17/2025</u>	<u>No action taken</u>
<u>08/21/2025</u>	<u>First Reading Refer to Planning Board</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2026-005

INTRO: 07/17/2025, 08/21/2025, 01/29/2026
SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: James Kupfer, Director, Planning & Development Department
DATE: June 30, 2025
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article III District Regulations, to modify building height requirements in the Downtown Main Street District and Downtown Village District

BACKGROUND: These proposed zoning amendments follow discussions by the Town Council Ad-Hoc Subcommittee regarding necessary updates to Chapter 240 Zoning Ordinance. The Committee has recommended revising height restrictions in the Downtown Main Street District and Downtown Village District to better align with surrounding neighborhoods and prevent a "canyon effect" along Main Street. The amendments eliminate the fourth-story step-back requirement while lowering the overall maximum building height.

Zoning amendments are processed in accordance with Massachusetts General Law (MGL) Chapter 40A, Section 5. Adoption or change of zoning ordinances may be initiated by the submission to the Town Council of a proposed zoning ordinance by different parties, including the Town Council itself.

ANALYSIS: The proposed changes will reduce maximum allowable building heights within the Downtown Main Street District and Downtown Village District to ensure development remains compatible with existing structures and neighborhood character. The amendment may encourage a more varied and nuanced approach to building height regulations based on location and surrounding properties.

FISCAL IMPACT: There is no significant fiscal impact associated with this item.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, supports this item.

STAFF SUPPORT: James Kupfer, Director, Planning & Development Department

§ 240-24.1.6. Downtown Main Street District (DMS).

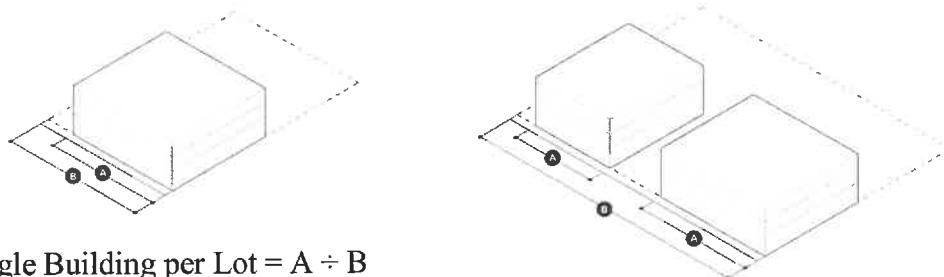
A. Intent.

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 (two- to three and one half-story four) 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 facade buildout by Table 3.
 - (a) Facade buildout 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 facade buildout.
 - (c) The SPGA may provide relief from the facade buildout requirements; the Board must find the issuance of the special permit is consistent with the design and infrastructure plan.

Facade Build Out



Single Building per Lot = $A \div B$

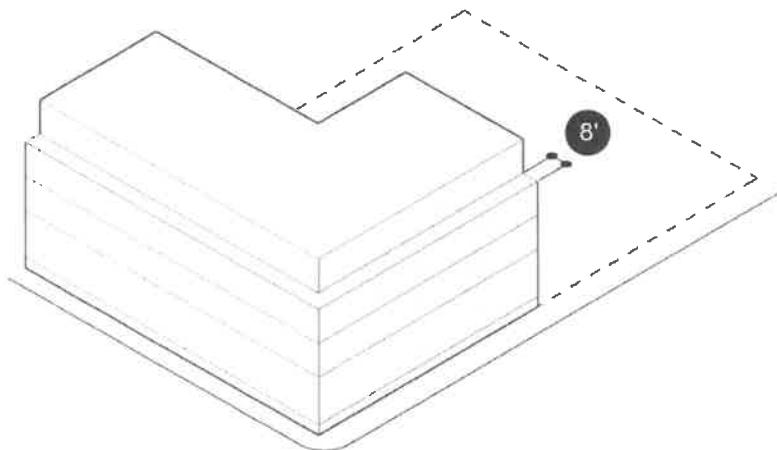
Multiple Buildings per Lot = $(A + A) \div B$

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 facade(s) must be built parallel to any primary front lot line, at or

between the minimum and maximum front setbacks.

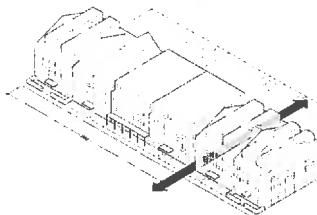
4. Any building contributing toward the frontage buildout for any lot fronting Main Street between Ocean Street and Sea Street must provide ground story commercial space that is at least 20 feet in depth for 100% of the total width of the building, excluding lobby entrances and other means of egress 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 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 third and one half story of any building must be recessed ("stepped back") from the facade of the stories below at least eight feet.



7. Mechanical and 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 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 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-story passage through a building.

E. Use provisions.

1. Limitations.

- (a) Occupation of a single commercial space greater than 5,000 square feet by any food and beverage service or retail sales use requires a special permit.
- (b) The maximum number of dwelling units permitted for any multiunit 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.

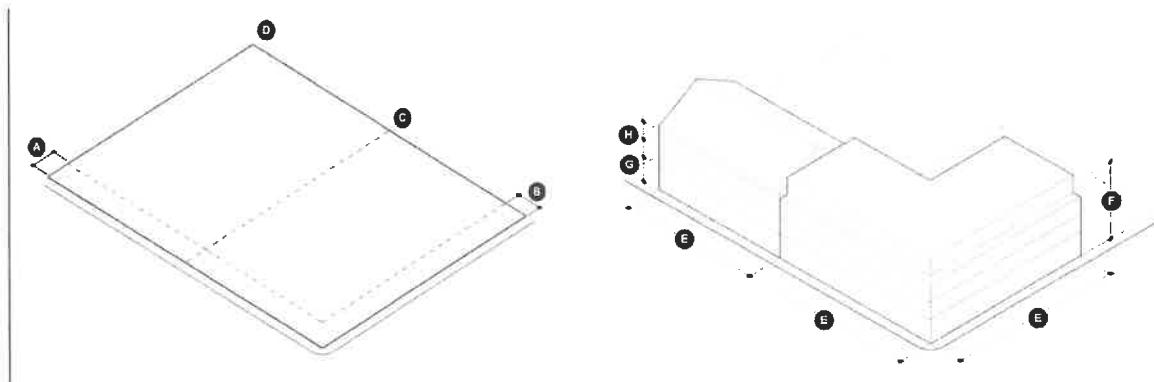
1. Driveways, vehicular entrances to parking lots or structures, and curb cuts may be no wider than 24 feet.

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 canopy tree to be planted every 30 feet of frontage of the property.
2. A side or rear landscaped area at least six 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 50 linear feet:
 - (a) Two understory or evergreen trees.
 - (b) Three medium shrubs and three small shrubs or a fence or wall at least six 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 feet minimum	E - Building width 180 feet maximum
Lot coverage	100% maximum	F - Number of stories 3.5 or 4 maximum ¹
Facade buildout (minimum)	—	G - Ground story height —
Primary frontage	80% minimum	Commercial 14 feet minimum
Secondary frontage	40% minimum	Residential 10 feet minimum
Setbacks - Principal Buildings	Building Features	
A - Primary front setback	0 foot minimum 15 feet maximum	Ground story fenestration —
B - Secondary front setback	0 foot minimum 15 feet maximum	Primary frontage 60% minimum
C - Side setback	0 foot minimum	Secondary frontage 15% minimum
D - Rear setback	0 foot minimum	Upper story fenestration 15% minimum
		Blank wall 20 feet maximum
		Commercial space depth 20 feet minimum

¹ See § 240-24.1.6C6 (fourth third and one half story step-back).

§ 240-24.1.7. Downtown Village District (DV).

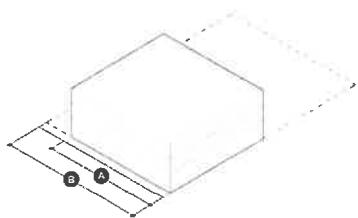
A. Intent.

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 (two- to three and one half-four-story) single-use buildings and detached and semi-detached residential buildings.

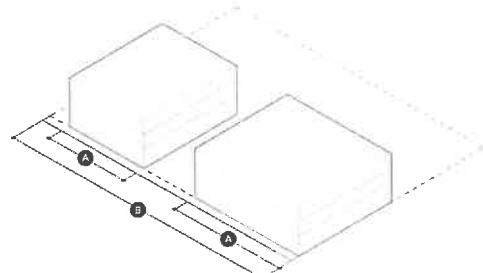
B. Lot standards.

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 facade buildout on Table 4.
 - (a) Facade buildout 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 facade buildout.
 - (c) The SPGA may provide relief from the facade buildout requirements; the Board must find the issuance of the special permit is consistent with the design and infrastructure plan.

Facade Build Out



Single Building per Lot = A ÷ B



Multiple Buildings per Lot = (A + A) ÷ 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 facade(s) must be built parallel to any primary front lot line, at or between the minimum and maximum front setbacks.
4. The fourth third and one half story of any building must be recessed ("stepped back") from the facade of the stories below at least eight feet.
5. Mechanical and stairwell penthouses and building systems equipment must be set back 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 5,000 square feet by any food and beverage service or retail sales use requires a special permit.
- (b) The maximum number of dwelling units permitted for any multiunit 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 2.¹

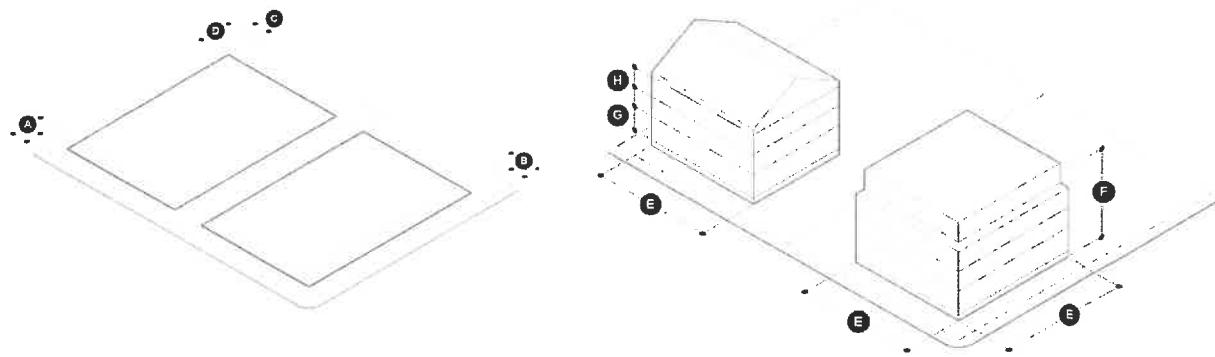
E. Site standards.

1. Driveways, vehicular entrances to parking lots or structures, and curb cuts may be no wider than 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 canopy tree to be planted every 30 feet of frontage of the property.

Table 4. DV Dimensional Standards



Lot

Building Form

1. Editor's Note: See § 240-24.1.5, Standards for all Districts.

Lot width	30 feet minimum	E - Building width	120 feet maximum
Lot coverage	80% maximum	F - Number of stories	3.5 or 4 maximum ¹
Facade buildout (minimum)	—	G - Ground story height	—
Primary frontage	80% minimum	Commercial	14 feet minimum
		Residential	10 feet minimum
Setbacks - Principal Buildings		Upper story height	10 feet minimum
A - Primary front setback	0 foot minimum 15 feet maximum	Building Features	
B - Secondary front setback	0 foot minimum 15 feet maximum	Ground story fenestration	—
C - Side setback	0 foot minimum	Primary frontage	15% minimum
D - Rear setback	0 foot minimum	Secondary frontage	15% minimum
		Upper story fenestration	15% minimum
		Blank wall	20 feet maximum
		Commercial space depth	20 feet minimum

¹ See § 240-24.1.7C4 (fourth third and one half story step-back).

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

BARNSTABLE TOWN COUNCIL

ITEM# 2026-006
INTRO: 07/17/2025, 08/21/2025, 01/29/2026

**2026-006 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I
GENERAL ORDINANCES, CHAPTER 240 ZONING TO REPEAL THE
DOWNTOWN VILLAGE DISTRICT AND AMEND THE ZONING MAP TO
REPLACE THE DOWNTOWN VILLAGE DISTRICT WITH THE DOWNTOWN
NEIGHBORHOOD ZONING DISTRICT**

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

SECTION 1

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

SECTION 2

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

SECTION 3

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

SECTION 4

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

SECTION 5

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

SECTION 6

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

SPONSOR: Craig A. Tamash, Town Council President, Precinct 4

DATE	ACTION TAKEN
<u>07/17/2025</u>	<u>No action taken</u>
<u>08/21/2025</u>	<u>First Reading Refer to Planning Board</u>
<input type="checkbox"/> Read Item	
<input type="checkbox"/> Motion to Open Public Hearing	
<input type="checkbox"/> Rationale	
<input type="checkbox"/> Public Hearing	
<input type="checkbox"/> Close Public Hearing	
<input type="checkbox"/> Council Discussion	
<input type="checkbox"/> Vote	

BARNSTABLE TOWN COUNCIL

ITEM# 2026-006

INTRO: 07/17/2025, 08/21/2025, 01/29/2026

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: James Kupfer, Director, Planning & Development Department
DATE: June 30, 2025
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning to delete the Downtown Village District and to amend the zoning map to expand the Downtown Neighborhood Zoning District in all locations Downtown Village District exists and to delete the Downtown Village District

BACKGROUND: These proposed zoning amendments follow discussions by the Town Council Ad-Hoc Subcommittee regarding necessary updates to Chapter 240 Zoning Ordinance. The Committee has recommended revising the outer extents of the Downtown Hyannis Zoning Districts to limit density, heights, lot coverage and increase setbacks. The subcommittee determined that Downtown Neighborhood District better aligns with surrounding neighborhoods. The amendments eliminate the Downtown Village District and expand the Downtown Neighborhood District.

Zoning amendments are processed in accordance with Massachusetts General Law (MGL) Chapter 40A, Section 5. Adoption or change of zoning ordinances may be initiated by the submission to the Town Council of a proposed zoning ordinance by different parties, including the Town Council itself.

ANALYSIS: The proposed changes will reduce maximum allowable building heights, limit overall density, limit lot coverage and increase setbacks to seek more compatible development with existing structures and neighborhood character. The proposed amended zoning district boundaries may be necessary to reflect appropriate height and density transitions.

FISCAL IMPACT: There is no significant fiscal impact associated with this item.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, supports this item.

STAFF SUPPORT: James Kupfer, Director, Planning & Development Department

§ 240-5. Establishment of districts. [Amended 7-15-1999; 10-26-2000; 2-1-2001; 11-18-2004 by Order No. 2004-113; 1-20-2005 by Order No. 2005-038; 1-20-2005 by Order No. 2005-039; 7-14-2005 by Order No. 2005-100; 5-10-2007 by Order No. 2007-101; 2-28-2008 by Order No. 2008-077; 2-28-2008 by Order No. 2008-090; 4-3-2008 by Order No. 2008-091; 6-17-2010 by Order No. 2010-122; 10-7-2010 by Order No. 2010-159; 9-8-2011 by Order No. 2011-138; 2-6-2014 by Order No. 2014-050; 4-27-2017 by Order No. 2017-100; 10-21-2021 by Order No. 2022-007; 2-2-2023 by Order No. 2022-1442-2-2023 by Order No. 2022-146]

In order to carry out the purpose of this chapter, the following districts are hereby established:

Residential Districts

RB	Residence B District
RC	Residence C District
RC-1	Residence C-1 District
RC-2	Residence C-2 District
RC-2C	Residence 2-C (Pond Village District)
RD	Residence D District
RD-1	Residence D-1 District
RF	Residence F District
RF-1	Residence F-1 District
RF-2	Residence F-2 District
RG	Residence G District
RAH	Residence AH District
MAH	Multi-Family Affordable Housing MAH District

Office Districts

HO	Highway Office District
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Commercial Districts

B	Business District
BA	Business A District
MB-A1	Marine Business A1 District
MB-A2	Marine Business A2 District
MB-B	Marine Business B District
VB-A	Village Business A District
HB	Highway Business District

Commercial Districts

UB	Urban Business District
S&D	Service and Distribution District SD-1
Service and Distribution District MMV	Marston
Mills Village District	
WBVBD	West Barnstable Village Business District

Downtown Hyannis Zoning District DMS

DMS	Downtown Main Street	
DV	Downtown Village	
DN	Downtown Neighborhood	
HH	Hyannis Harbor	
TC	Transportation Center HC	
Highway	Commercial	DH
Downtown Hospital		

Industrial Districts

IND LIMITED	Industrial Limited District
IND	Industrial District

Overlay Districts

GP	Groundwater Protection Overlay District
AP	Aquifer Protection Overlay District
WP	Well Protection Overlay District
	Shopping Center Redevelopment Overlay District
	Adult Use Overlay District
RPOD	Resource Protection Overlay District
DOD	Dock and Pier Overlay District
	Medical Services Overlay District
	Mixed-Use Subzone of the Medical Services Overlay District
FG-5	Former Grade 5 School Planned Unit Development Overlay District
SCCRC	Senior Continuing Care Overlay District
	Recreational Shellfish Area and Shellfish Relay Area Dock and Pier Overlay District

Town of Barnstable, MA

§ 240-5

Overlay Districts

Medical Marijuana Overlay District

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

§ 240-24.1.5. Standards for all Districts.

A. Building standards.

1. Frontage types.
 - (a) Buildings must have at least one frontage type except if otherwise specified. Buildings on corner lots must have two frontage types, one for each frontage.
 - (b) Frontage types are permitted as specified by Table 11.¹
 - (c) Multiple frontage types may exist for buildings that have more than one principal entrance.
2. Buildings must have at least one principal entrance located on the facade.
 - (a) Multistory buildings with ground floor commercial space(s) must have one 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 story, except that a single ground story over 18 feet in height is counted as two stories.
 - (d) Each upper story is counted as one additional story, except that any upper story over 16 feet is counted as two stories.
 - (e) Basements are not counted as one story unless the finished floor of the ground story is five feet or more above the average ground level of the lot.
 - (f) Habitable space located directly under a pitched roof is counted as a 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 two feet above the finished floor of the half story.
 - (g) Nonhabitable 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.

1. Editor's Note: See § 240-24.1.13, Tables.

- (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 uppermost story.
- 5. Non-habitable architectural features including, but not limited to, mechanical and 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 12.²
- 7. Facades must have fenestration as specified for each district, as applicable.
 - (a) Fenestration is calculated as a percentage of the area of a facade.
 - (b) For buildings with ground story commercial spaces, ground story fenestration is measured between two feet and 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 60% Visible Light Transmittance (VLT) and no more than 15% Visible Light Reflectance (VLR) as indicated by the manufacturer.
 - (b) For upper story fenestration, glazing must have a minimum of 40% VLT and no more than 15% VLR as indicated by the manufacturer.

B. 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.

2. Editor's Note: See § 240-24.1.13, Tables.

- (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 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.
- (c) Accessory uses are permitted as set forth in Article V of the Barnstable Zoning Ordinance.

Table 1.

Use Category Specific Use	DMS	DV	DN	DH	HH	TC	HC
Commercial services (except as follows)	P	P	N	P	P	P	P
Automobile maintenance and repair	N	N	N	N	N	N	N
Boat storage and repair	N	N	N	N	P	N	N
Contractor services	N	N	N	N	N	N	N
Funeral services	N	N	N	N	N	N	N
Marina	N	N	N	N	P	N	N
Commercial parking	N	N	N	N	N	P	SP
Public transportation maintenance	N	N	N	N	N	SP	N
Recreational facility	SP	SP	N	SP	SP	SP	SP
Self-storage facility	N	N	N	N	N	N	SP
Veterinary services	SP	SP	N	N	N	N	P
Cultural services (as specified below)	—	—	—	—	—	—	—
Arts and culture establishments	P	P	N	N	P	P	P
Fraternal and social organizations	P	P	N	N	P	P	P
Performing arts and theaters	P	P	N	N	P	P	P
Artist live/work	P	P	P	N	P	P	N

Table 1.

Use Category Specific Use	DMS	DV	DN	DH	HH	TC	HC
Food and beverage services (except as follows)	L	L	N	SP	L	L	SP
Brewery/distillery	L	N	N	N	N	N	N
Hospital	N	N	N	P	N	N	N
Office (except as follows)	P	P	L	P	P	P	P
Health care clinic	P	P	L	P	P	N	P
Research and development	P	P	N	P	P	N	P
Residential (as specified below)	—	—	—	—	—	—	—
Multiunit dwelling	L	L	L	N	L	L	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	SP	L	L	SP
Boat sales	N	N	N	N	SP	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	N	P	N	P
Bed-and-breakfast	N	P	P	N	P	N	N

P Permitted by right

SP Special permit

N Not permitted

L Permitted with limitations (see district)

C. 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 square feet)	0	4	N/A	4	4	4	4	Reduce by 50% the required spaces for commercial services where mixed with residential uses on the same lot
Cultural services (per 1,000 square feet)	0	4	4	4	N/A	4	4	Reduce by 20% the required spaces for cultural services where mixed with residential uses on the same lot
Food and beverage services (per 1,000 square feet)	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 square feet)	3	3	3	3	3	3	3	Reduce by 50% the required spaces for office where mixed with residential uses on the same lot
Residential or artist live/work (per DU)	1	4	1	N/A	1	1	N/A	—

Table 2.
Minimum Required Accessory Parking Spaces

Use Category	DMS	DV	DN	DH	HH	TC	HC	On Site Shared Parking Adjustment ¹
Retail sales (per 1,000 square feet)	0	4	N/A	4	4	4	4	Reduce by 20% the required spaces for retail sales where mixed with residential uses on the same lot
Visitor accommodations (per room)	1.25	1.25	1.25	N/A	1.25	N/A	1.25	—

D. Site standards.

1. Forecourts.

- (a) Driveways and passenger drop-offs are permitted in forecourts by special permit.
 - (i) Real property 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 14 feet in height or three inches in caliper when planted.
- (c) New understory trees must be at least 10 feet in height or 1.5 inches in caliper when planted.
- (d) New evergreen trees must be at least six 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 for development or modifications that meet or exceed the thresholds established in § 240-24.1.3B2(b)(i) must submit a landscape plan(s) signed and stamped by a MA registered landscape architect.
- (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 150% of the estimated cost of installation of the landscaping.

(k) All development and/or modifications that meet or exceed the thresholds established in § 240-24.1.3B2(b)(i) shall provide financial security for 150% of the estimated cost of plant installation for the duration of three years after planting has been installed and must be provided prior to issuance of any certificate of occupancy in a form acceptable to the Town Attorney's Office. The cost estimate shall be prepared by a qualified professional and submitted to the Director of Planning and Development for approval. Upon completion of planting, the applicant must request an inspection. The three-year maintenance period commences upon approved inspection. Partial release of the security may be authorized after approved inspection, not to exceed 50%. The full security shall be returned to the applicant or their successors after three years upon final inspection by the Director of Planning & Development. The Town reserves the right upon noncompliance with this section to pursue all available legal and equitable remedies to compel compliance.(l)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 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 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 90° and a beam cutoff of less than 75°. Attached building or wall pack lighting should be screened by the building's architectural features or contain a 45° cutoff shield.

- (c) Electrical service for lighting on posts or poles must be located underground.

6. Fences.

- (a) Fences greater than four feet in height in the frontage area and seven 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 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 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.

E. 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 21 or more parking spaces that increases the number of parking spaces by five or more.

2. General.

- (a) 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.
- (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 three-inch minimum caliper low-water-use, low-maintenance tree must be provided for every five parking spaces and must be located within 10 feet of the parking lot. Trees shall be maintained and irrigated as necessary and planted within at least 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 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 50 linear feet:
 - (i) One canopy tree.
 - (ii) One understory or evergreen tree.
 - (iii) Five medium shrubs and five small shrubs or a fence or wall a maximum of four feet in height.
- (c) A side/rear landscaped buffer at least six feet wide must be provided between any side or rear lot line and any parking lot with five or more parking spaces, excluding any vehicular connections to abutting parking lots and must include the following features over the span of 50 linear feet:
 - (i) Two understory or evergreen trees.
 - (ii) Three large shrubs and five small shrubs or a fence or wall at least six feet in height.
- (d) A landscaped buffer at least 10 feet wide must be provided between any building and any parking lot with 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 50 linear feet:
 - (i) Two understory or evergreen trees.

- (ii) Four medium shrubs.
- (iii) Six small shrubs.
- (e) At least 10% of any parking lot with 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 feet in width and the same length as the parking spaces. Each island must include one three-inch minimum caliper, low-water-use, low-maintenance tree.
- (g) Landscape islands abutting a double row of parking spaces must be at least eight feet in width and the same length as the parking spaces. Each island must include two three-inch minimum caliper, low-water-use, low-maintenance trees.

~~§ 240-24.1.7. Downtown Village District (DV)~~

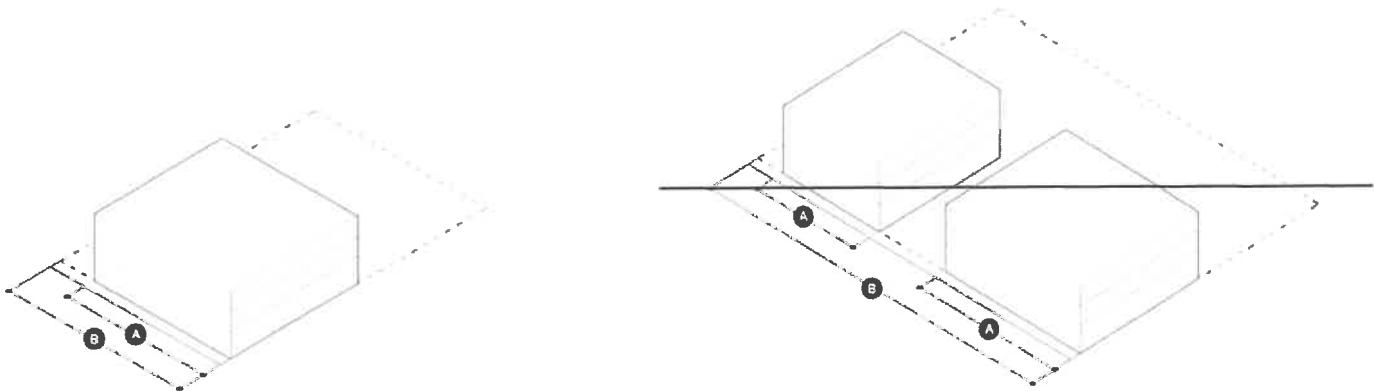
A. Intent.

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 (two- to four-story) 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 facade buildout on Table 4.
 - (a) Facade buildout 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 facade buildout.
 - (c) The SPGA may provide relief from the facade buildout requirements; the Board must find the issuance of the special permit is consistent with the design and infrastructure plan.

Facade Build Out



~~Single Building per Lot = A ÷ B~~ ~~Multiple Buildings per Lot = (A + A) ÷ B~~

C. Building standards.

1. Multiple principal buildings are permitted per lot.
2. Principal buildings are permitted as specified by Table 4.

§ 240-24.1.7

(a) Additional principal buildings are exempt from the required maximum front setback.

3. Principal building facade(s) must be built parallel to any primary front lot line, at or between the minimum and maximum front setbacks.

4. The fourth story of any building must be recessed ("stepped back") from the facade of the stories below at least eight feet.

5. Mechanical and stairwell penthouses and building systems equipment must be set back from any exterior wall a distance that is equal to their height.

D. Use provisions.

1. Limitations.

(b) Occupation of a single commercial space greater than 5,000 square feet by any food and beverage service or retail sales use requires a special permit.

(c) The maximum number of dwelling units permitted for any multiunit 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 2.4

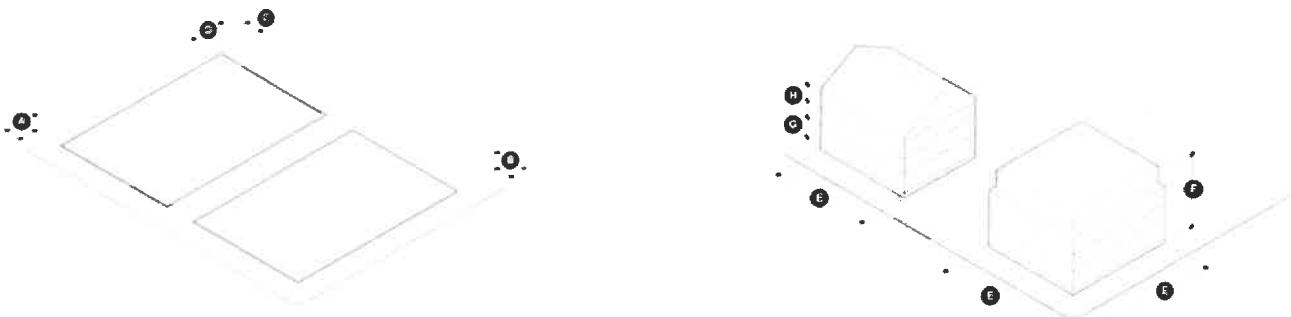
E. Site standards.

1. Driveways, vehicular entrances to parking lots or structures, and curb cuts may be no wider than 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 canopy tree to be planted every 30 feet of frontage of the property.

Table 4. DV Dimensional Standards



Lot**Building Form**

1. Editor's Note: See § 240-24.1.5, Standards for all Districts.

Table 4. DV Dimensional Standards

Lot width	30 feet minimum	E - Building width	120 feet maximum
Lot coverage	80% maximum	F - Number of stories	3.5 or 4 maximum ¹
Facade buildout (minimum)	—	G - Ground story height	—
Primary frontage	80% minimum	Commercial	14 feet minimum
Setbacks - Principal Buildings		Residential	10 feet minimum
		Upper story height	10 feet minimum
A - Primary front setback		0 foot minimum	Building Features
B - Secondary front setback	0 foot minimum	15 feet maximum	—
C - Side setback	0 foot minimum	Ground story fenestration	15% minimum
D - Rear setback	0 foot minimum	Primary frontage	15% minimum
		Secondary frontage	15% minimum
		Upper story fenestration	20 feet maximum
		Blank wall	20 feet minimum
		Commercial space depth	

¹ See § 240-24.1.7C4 (fourth story step back).

Chapter 240. Zoning
Article III. District Regulations
§ 240-24.1.13. Tables.

Table 10. Dimensional Standards Summary Table

	DMS	DV	DN	DH	HH	TC	HC
A. Lot							
Lot width	30 feet minimum	30-feet minimum	20 feet minimum	50 feet minimum	20 feet minimum	50 feet minimum	50 feet minimum
Lot coverage	100% maximum	80-% maximum	50% maximum	100% maximum	90% maximum	65% maximum	80% maximum
Facade buildout	—	—	—	—	—	—	—
Primary frontage	80% minimum	80-% minimum	—	—	—	—	—
Secondary frontage	40% minimum	—	—	—	—	—	—
B. Setbacks - Principal Building							
Primary front setback	0 foot minimum	0-foot minimum	10 feet minimum	20 feet minimum	20 feet minimum	20 feet minimum	60 feet maximum
	15 feet maximum	15-feet maximum	20 feet maximum				
Lots fronting Route 28	—	—	—	—	—	50 feet minimum	20 feet minimum
Secondary front setback	0 foot minimum	0-foot minimum	10 feet minimum	20 feet minimum	20 feet minimum	20 feet minimum	20 feet minimum
	15 feet maximum	15-feet maximum	20 feet maximum				
Side setback	0 foot minimum	0-foot minimum	10 feet minimum				
Rear setback	0 foot minimum	0-foot minimum	20 feet minimum	10 feet minimum	10 feet minimum	10 feet minimum	10 feet minimum
C. Setbacks - Outbuilding							
Primary front setback	—	—	60 feet minimum	—	—	—	—
Secondary front setback	—	—	—	—	—	—	—
Side setback	—	—	3 feet minimum	—	—	—	—
Rear setback	—	—	3 feet minimum	—	—	—	—
D. Building Form							
Building width	180 feet maximum	120-feet maximum	—	—	—	—	—
Number of stories	—	—	—	—	—	—	—
Principal building	3.5 or 4 maximum ¹	3-5-or 4-maximum-2	3 maximum3	6 maximum	2.5 maximum	3 maximum	3 maximum4
Outbuilding	—	—	—	—	—	—	—
Ground story height	—	—	10 feet minimum	—	—	—	—
Commercial	14 feet minimum	14-feet minimum	—	—	—	—	—

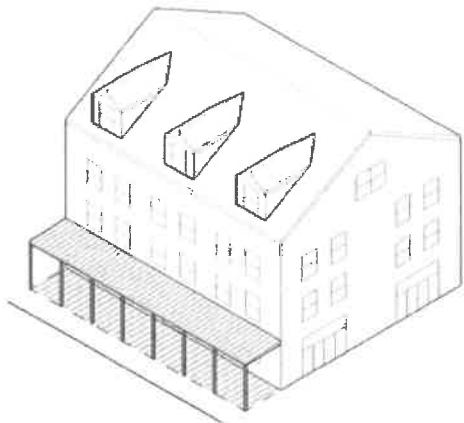
Table 10. Dimensional Standards Summary Table

	DMS	DV	DN	DH	HH	TC	HC
Residential	10 feet minimum	10 feet minimum	—	—	—	—	—
Upper story height	10 feet minimum	10 feet minimum	10 feet minimum	—	—	—	—
Building height	—	—	—	85 feet maximum	35 feet maximum ⁵	40 feet maximum	40 feet maximum
E. Building Features							
Ground story fenestration	—	—	—	—	—	—	—
Primary frontage	60% minimum	15% minimum	—	—	—	—	—
Secondary frontage	15% minimum	15% minimum	—	—	—	—	—
Upper story fenestration	15% minimum	15% minimum	—	—	—	—	—
Blank wall	20 feet maximum	20 feet maximum	—	—	—	—	—
Commercial space depth	20 feet minimum	20 feet minimum	—	—	—	—	—

- 1 See § 240-24.1.6C6 (fourth Story Step-back).
- 2 See § 240-24.1.7C4 (fourth Story Step-back).
- 3 See § 240-24.18C2(a).
- 4 See § 240-24.1.12C2(a).
- 5 See § 240-24.1.10C2(a).

Table 11. Frontage Types

P - Permitted	N - Not Permitted	DMS	DV	DN	DH	HH	TC	HC
		P	P	N	N/A	P	P	P



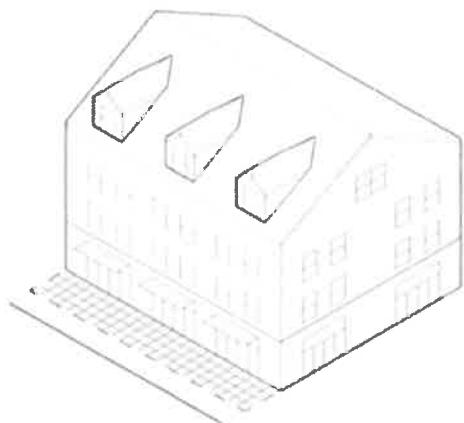
A frontage type consisting of a storefront(s) and an attached colonnade with a roof, open pergola, or balcony overhanging a paved sidewalk.
A gallery may wrap around the corner of a building to create a veranda-like gallery.

Storefront

P P N N/A P P P

Table 11. Frontage Types

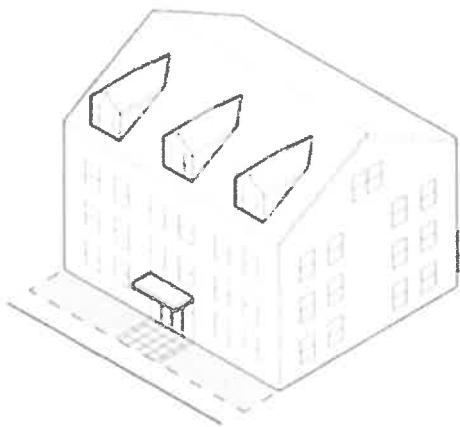
P - Permitted	N - Not Permitted	DMS	DV	DN	DH	HH	TC	HC
		P	P	N	N/A	P	P	P



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.

Common Lobby

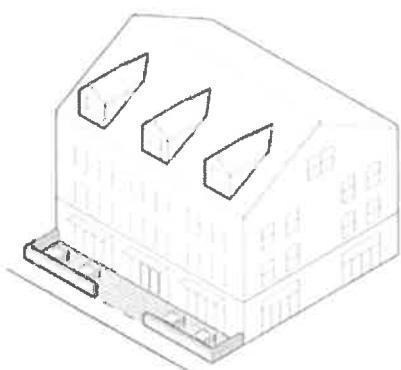
P P N N/A P P P



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.

Dining Patio

P P N N/A P P P



A frontage type consisting of a storefront(s) and outdoor cafe seating in the frontage area.

Entry Plaza

P P N N/A P P P

Table 11. Frontage Types

P - Permitted

N - Not Permitted

DMS

DV

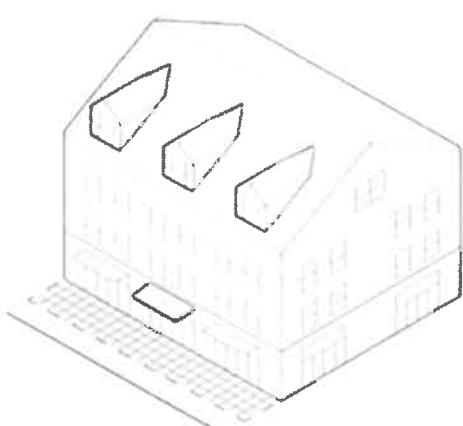
DN

DH

HH

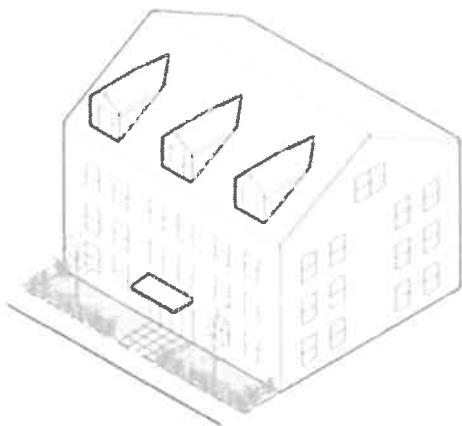
TC

HC



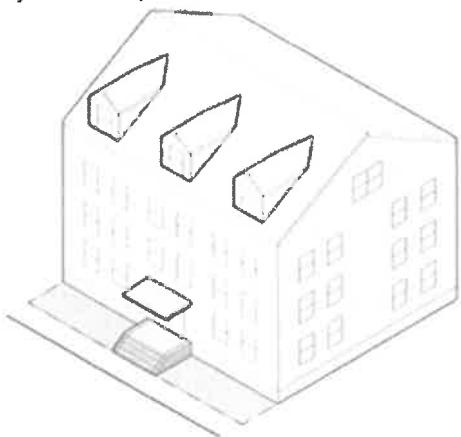
A frontage type consisting of a storefront(s) and a highly paved frontage area. An entry plaza may be combined with a common lobby frontage type.

Front Garden	N	N	P	N/A	N	N	N
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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.

Dooryard or Stoop	N	N	P	N/A	N	N	N
-------------------	---	---	---	-----	---	---	---



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.

Table 11. Frontage Types

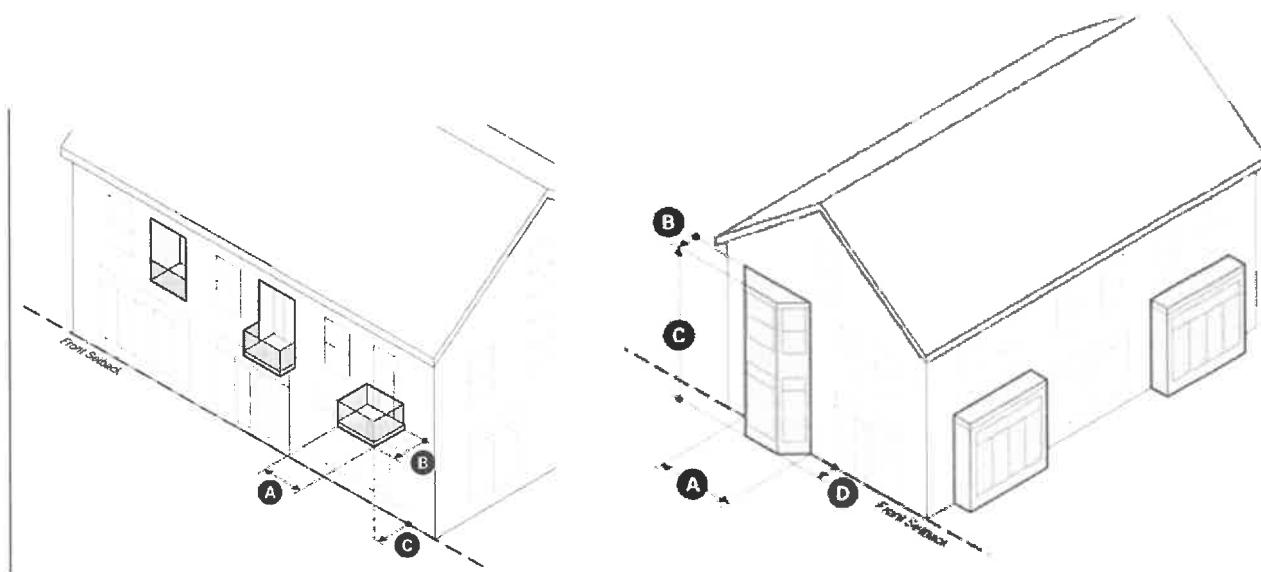
P - Permitted	N - Not Permitted	DMS	DN	DH	HH	TC	HC
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A frontage type consisting of a raised platform with a roof supported by columns, piers, or posts; an area for seating; and an optional set of stairs with a landing that provides access to the entrance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

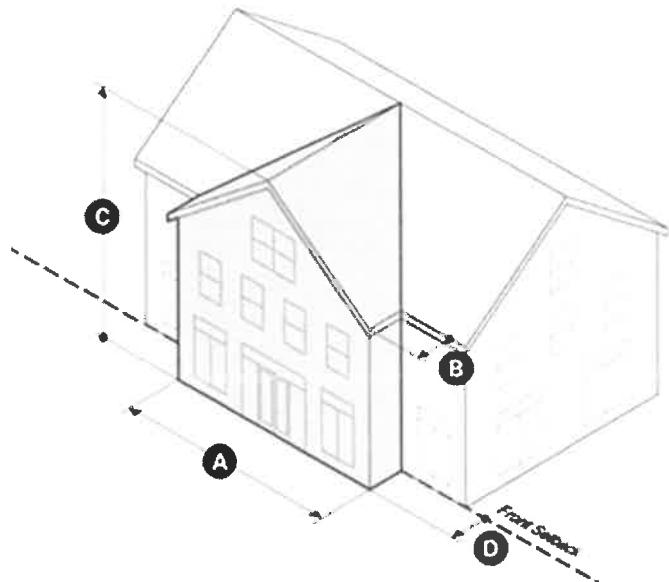
Table 12. Building

A. Balcony

B. Bay or Oriel Window



A	Width (minimum)	5 feet	A	Single bay width (maximum)	16 feet
B	Depth (minimum)	4 feet		Cumulative bay width (maximum)	50% of the width of the exterior wall from which the bays project
C	Area (minimum)	20 square feet	B	Projection (maximum)	3 feet
	Front setback encroachment (maximum)	5 feet	C	Stories (maximum)	Same as the principal building
			D	Front setback encroachment	3 feet
Design standards:					
Balconies may attach to any exterior wall of a principal building.					
Balconies may be recessed, projecting, a combination of the two, or terraced as part of the roof of a permitted building component.					
C.	Dormer		D.	Cross Gable	
E.	Projecting Gable				



A	Width (maximum)	Equal to the shortest side of the attached primary massing
B	Projection (maximum)	6 feet
C	Height (minimum)	Height of building in stories
D	Front setback encroachment (maximum)	6 feet

Design standards:

A projecting gable may attach only the facade of a principal building.

The roof ridge of a projecting gable must be perpendicular to the main roof ridge of the principal building.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2026-007
INTRO: 07/17/2025, 08/21/2025, 01/29/2026

**2026-007 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I
GENERAL ORDINANCES, CHAPTER 240 ZONING TO AMEND THE AREA IN
THE DOWNTOWN MAIN STREET DISTRICT WHERE GROUND FLOOR
COMMERCIAL SPACE IS REQUIRED**

ORDERED: That the Code of the Town of Barnstable, Part I, General Ordinances, Chapter 240 Zoning, Article III District Regulations, Section 240-24.1.6 Downtown Main Street District (DMS) be amended by deleting in subsection C.4. the words “Ocean Street” and inserting the words “Pleasant Street” in their place.

SPONSOR: Craig A. Tamash, Town Council President, Precinct 4

DATE	ACTION TAKEN
<u>07/17/2025</u>	<u>No action taken</u>
<u>08/21/2025</u>	<u>First Reading Refer to Planning Board</u>
<input type="checkbox"/> Read Item	
<input type="checkbox"/> Motion to Open Public Hearing	
<input type="checkbox"/> Rationale	
<input type="checkbox"/> Public Hearing	
<input type="checkbox"/> Close Public Hearing	
<input type="checkbox"/> Council Discussion	
<input type="checkbox"/> Vote	

BARNSTABLE TOWN COUNCIL

ITEM# 2026-007

INTRO: 07/17/2025, 08/21/2025, 01/29/2026

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: James Kupfer, Director, Planning & Development Department
DATE: June 30, 2025
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240
Zoning to revise the Downtown Main Street District by amending the area where ground-floor commercial space is required

BACKGROUND: These proposed zoning amendments follow discussions by the Town Council Ad-Hoc Subcommittee regarding necessary updates to Chapter 240 Zoning Ordinance. The Committee has recommended revising the area where ground-floor commercial space is required along Hyannis Main Street.

Zoning amendments are processed in accordance with Massachusetts General Law (MGL) Chapter 40A, Section 5. Adoption or change of zoning ordinances may be initiated by the submission to the Town Council of a proposed zoning ordinance by different parties, including the Town Council itself.

ANALYSIS: The proposed changes will change the area within the Downtown Main Street (DMS) District where ground-floor commercial space is required from lots fronting Main Street between Ocean Street and Sea Street, to lots fronting on Main Street between Pleasant Street and Sea Street.

FISCAL IMPACT: There is no significant fiscal impact associated with this item.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, supports this item.

STAFF SUPPORT: James Kupfer, Director, Planning & Development Department

§ 240-24.1.6. Downtown Main Street District (DMS).

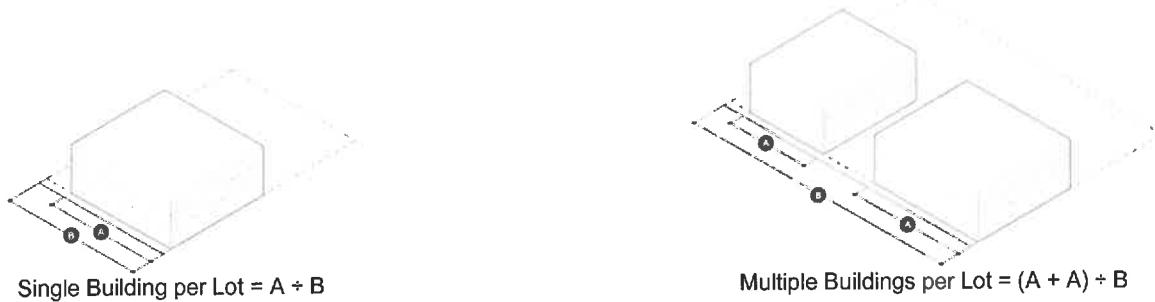
A. Intent.

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 (two- to four-story) 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 facade buildout by Table 3.
 - (a) Facade buildout 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 facade buildout.
 - (c) The SPGA may provide relief from the facade buildout requirements; the Board must find the issuance of the special permit is consistent with the design and infrastructure plan.

Facade Build Out

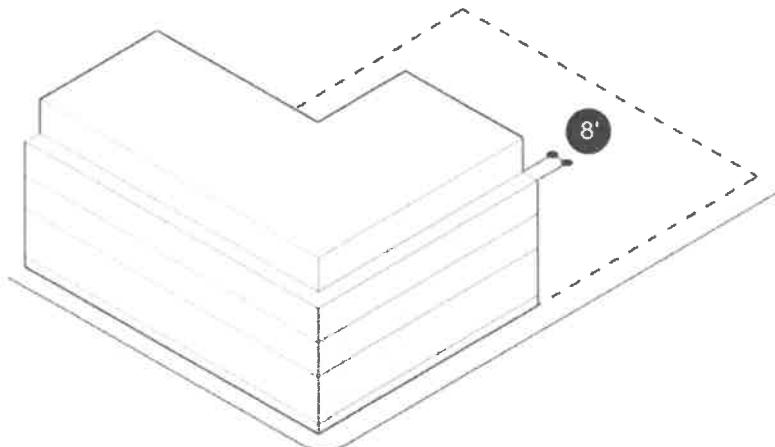


C. Building Standards

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 facade(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 Pleasant Street and Sea Street must provide ground story commercial space that is

at least 20 feet in depth for 100% of the total width of the building, excluding lobby entrances and other means of egress associated with the use of upper stories.

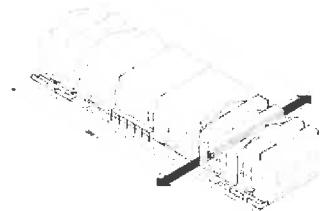
5. Awnings, canopies, signs, balconies, and nonhabitable architectural features of a building may project over the public sidewalk but must provide at least eight feet of clearance and a license from the Town Manager in accordance with Barnstable General Ordinances, Part 1, Chapter 121, § 121-6J is required.
6. The fourth story of any building must be recessed ("stepped back") from the facade of the stories below at least eight feet.



7. Mechanical and 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 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 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-story passage through a building.

E. Use provisions.

1. Limitations.

- (a) Occupation of a single commercial space greater than 5,000 square feet by any food and beverage service or retail sales use requires a special permit.
- (b) The maximum number of dwelling units permitted for any multiunit 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 24 feet.

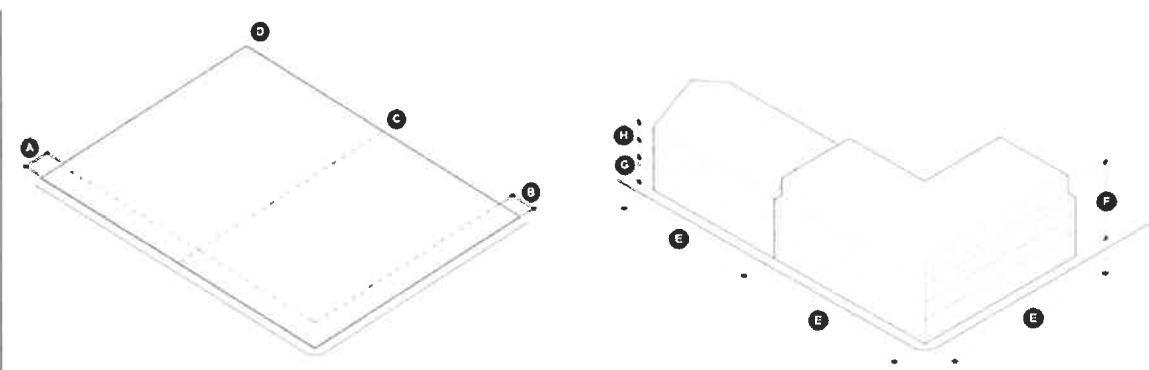
G. Landscape standards.

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 canopy tree to be planted every 30 feet of frontage of the property.
2. A side or rear landscaped area at least six 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 50 linear feet:
 - (a) Two understory or evergreen trees.
 - (b) Three medium shrubs and three small shrubs or a fence or wall at least six feet in height.

H. Parking standards.

3. 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 feet minimum	E - Building width	180 feet maximum
Lot coverage	100% maximum	F - Number of stories	3.5 or 4 maximum ¹
Facade buildout (minimum)	—	G - Ground story height	—
Primary frontage	80% minimum	Commercial	14 feet minimum

Secondary frontage 40% minimum

Residential 10 feet minimum

Setbacks - Principal Buildings

A - Primary front setback 0 foot minimum 15 feet maximum

H - Upper story height 10 feet minimum

B - Secondary front setback 0 foot minimum 15 feet maximum

Building Features

C - Side setback 0 foot minimum

Ground story fenestration

D - Rear setback 0 foot minimum

Primary frontage 60% minimum

Secondary frontage 15% minimum

Upper story fenestration 15% minimum

Blank wall

Commercial space depth 20 feet maximum

—

20 feet minimum

20 feet minimum

¹ See § 240-24.1.6C6 (fourth story step-back).

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

BARNSTABLE TOWN COUNCIL

ITEM# 2026-008
INTRO: 07/17/2025, 08/21/2025, 01/29/2026

**2026-008 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I
GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE V ACCESSORY
USES, BY REPEALING AND REPLACING SECTION 240-46, HOME
OCCUPATION WITH A NEW SECTION 240-46 HOME OCCUPATION THAT
ADDS DEFINITIONS, LICENSING REQUIREMENTS AND MAKES CERTAIN
OTHER REVISIONS**

It is hereby **ORDERED** as follows:

SECTION 1

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

“§ 240-46 Home Occupation

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

B. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Barber and beauty shops.

(b) Commercial stables or kennels.

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

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

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

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

(g) Contractor's storage yards.

(h) Veterinary services.

(i) The manufacture of goods using heavy machinery.

(j) Medical or dental practice.

(k) Fortune-telling or palm reading.

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

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

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

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

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

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

(e.) A Responsible Party aggrieved by a decision by the Building Commissioner pursuant to this Subsection D may appeal to the Zoning Board of Appeals within thirty (30) days of the decision. Appeals to the Zoning Board of Appeals shall be delivered in accordance with Massachusetts General Laws c. 40A § 15.

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

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

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

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

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

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

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

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

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

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

SECTION 2

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

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>07/17/2025</u>	<u>No action taken</u>
<u>08/21/2025</u>	<u>First Reading Refer to Planning Board</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2026-008
INTRO: 07/17/2025, 08/21/2025, 01/29/2026

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: James Kupfer, Director, Planning & Development Department
DATE: July 17, 2025
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article V Accessory Uses, by repealing and replacing Section 240-46, Home Occupation with a new Section 240-46 Home Occupation that adds definitions, licensing requirements and makes certain other revisions

RATIONALE: The Town Manager's office has established a Town of Barnstable Quality of Life working group. This working group has been established to discuss and improve enforcement matters as it relates to policies, procedures, and communication to the community. The working group meets monthly and is made up of various applicable departments. The working group has begun to refine recommendations and next steps to improve enforcement matters in the Town of Barnstable.

One priority identified by the working group is the desire to limit commercial activity in residential neighborhoods. The recommended approach to improve this concern is an amendment to Chapter 240 Zoning Article V Section 240-46, Home Occupation.

This amendment seeks to improve enforcement policy and procedures by establishing a required home occupation license for all home occupations and refine certain conditions to limit home occupations that may create a nuisance in a residential neighborhood.

The intent of the proposed zoning amendment is to improve compliance of all home occupations and limit impacts of a home occupation in residential zones in order to prevent the disruption of traffic and to maintain the character and appearance of residential neighborhoods.

FISCAL IMPACT: The enforcement of this proposed ordinance will require additional staffing for the Inspectional Services Department along with funding for equipment and operating expenses. The estimated budget is approximately \$175,000 annually (excluding benefits), which includes two full-time staff: one administrative position and one field Inspector. A new annual licensing fee will be proposed to cover the cost of enforcing this ordinance. Not including existing home occupation businesses, which are estimated to be in the thousands, Barnstable receives between 500 and 1,000 new home occupation applications each year. An annual license fee of \$200 could provide funding for the direct operating costs of enforcing this proposed ordinance. These funding requests will be brought forward as separate agenda items.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, supports this item.

STAFF SUPPORT: Andy Clyburn, Assistant Town Manager, James Kupfer, Director of Planning and Development; Brian Florence, Building Commissioner; Karen L. Nober, Town Attorney; Allison Cogliano, Assistant Town Attorney

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

BARNSTABLE TOWN COUNCIL

ITEM# 2026-012
INTRO: 08/21/2025, 01/29/2026

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

ORDERED: That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article V Accessory Uses, is hereby amended by deleting Section 240-45, Off-street storage of trailers, in its entirety and inserting the following new Section 240-45, Off-street parking and storage of commercial vehicles, trailers and mobile homes, in its place:

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

A. Purpose and Intent

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

B. Definitions

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

a. Residential Lot

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

b. Mobile Home or Recreational Vehicle

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

c. Trailer

Any vehicle or object on wheels and having no motive power of its own, but which is drawn by, or used in combination with, a motor vehicle, provided that Trailer shall not include Mobile or Recreational Vehicle.

d. Commercial Vehicle

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

f. Driveway

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

g. Prohibited Vehicles

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

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

a. Permitted uses as of right in all zoning districts

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

b. Permitted uses requiring a special permit

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

c. Prohibited uses

- i. Trailers of twenty (20) feet or more in length or having more than four (4) tires and construction vehicles, including, but not limited to, backhoes, bulldozers and dump

trucks, are prohibited from being parked or stored on a residential lot; provided that such vehicles temporarily on the premises due to ongoing permitted building or site work at the premises are allowed.

- ii. Commercial Vehicles and Trailers shall not be parked on grass, lawn or landscaping, except that a Mobile Home may be parked on grass on the rear half of a lot, subject to the provisions of subsection C(a)(i) above.
- iii. Prohibited Vehicles shall not be parked on a residential property.”

SPONSOR: Mark S. Ells, Town Manager

DATE ACTION TAKEN

08/21/2025 Refer to Planning Board

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

BARNSTABLE TOWN COUNCIL

ITEM# 2026-012

INTRO: 08/21/2025, 01/29/2026

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: James Kupfer, Director, Planning & Development Department
DATE: August 21, 2025
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning Article V Accessory Uses, by repealing Section 240-45 Off-street storage of trailers and replacing with a new section 240-45 off-street parking and storage of commercial vehicles, trailers and mobile homes

RATIONALE: The Town Manager's office has established a Town of Barnstable Quality of Life working group. This working group has been established to discuss and improve enforcement matters as it relates to policies, procedures, and communication to the community. The working group meets monthly and is made up of various applicable departments. The working group has begun to refine recommendations and next steps to improve enforcement matters in the Town of Barnstable.

One priority identified by the working group is the desire to limit commercial activity in residential neighborhoods. The recommended approach to improve this concern is an amendment to Chapter 240 Zoning Article V Section 240-45.

This amendment seeks to improve enforcement policy and procedures by establishing definitions for a commercial vehicle, trailer and mobile home and by defining uses that are permitted as of right, uses that require a Special Permit and uses that are prohibited.

The intent of the proposed zoning amendment is to limit commercial vehicle, trailer and mobile home parking and storage in residential zones in order to reduce safety hazards, prevent the disruption of traffic and to maintain the character and appearance of residential neighborhoods. Specifically, this amendment limits the parking of certain types of commercial vehicles, i.e., those which detract from the residential character and appearance of the neighborhood, to a maximum of two at a residential property, with a provision for a special permit from the Zoning Board of Appeals for more than two. Such limits would include any commercial vehicles allowed pursuant to the Town's proposed Home Occupation Ordinance.

FISCAL IMPACT: There is no significant fiscal impact associated with this item.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, supports this item.

STAFF SUPPORT: Andy Clyburn, Assistant Town Manager, James Kupfer, Director of Planning and Development; Brian Florence, Building Commissioner; Karen L. Nober, Town Attorney; Allison Cogliano, Assistant Town Attorney

B. NEW BUSINESS (Public Hearing) (Majority Vote)

BARNSTABLE TOWN COUNCIL

**ITEM# 2026-081
INTRO: 01/29/2026**

2026-081 VOTE ON THE MERITS OF A GROUP PETITION REQUESTING THAT THE TOWN CHANGE THE DIVISION OF COSTS OF RETIREE GROUP INSURANCE PREMIUMS TO 30% TO BE PAID BY THE RETIREES AND 70% TO BE PAID BY THE TOWN, COMMENCING IN FISCAL YEAR 2027

RESOLVED: That the Town Council does hereby find that the group petition submitted to it on October 14, 2025, requesting that the Town government take all actions to change the division of the costs of premiums for group health insurance for retirees to 70% paid by the Town and 30% paid by the retiree, beginning in fiscal year 2027, in order to match the current fiscal year 2026 and beyond division of 70-30 for active town employees, as set forth in the petition attached hereto and incorporated herein, has merit.

SPONSOR: Kris Clark, Town Council Vice President

DATE	ACTION TAKEN
_____	_____
_____	_____
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2026-081
INTRO: 01/29/2026

SUMMARY

TO: Town Council
FROM: Karen L. Nober, Town Attorney
DATE: January 29, 2026
SUBJECT: Vote on the Merits of a Group Petition Requesting That the Town Change the Division of Costs of Group Insurance Premiums for Retirees to 30% to be Paid by the Retirees and 70% to be Paid by the Town, Commencing in Fiscal Year 2027

BACKGROUND: On October 14, 2025, a Group Petition was submitted to the Town Clerk pursuant to Section 8-7(b) of the Town Charter, requesting that the Town take action to change the division of costs of group insurance premiums for retirees to 30% to be paid by the retirees and 70% to be paid by the Town, commencing in Fiscal Year 2027, to match the percentage contribution of active Town employees, as set forth in the petition attached hereto. Currently, retirees pay 50% of the group insurance premiums, with the Town paying the remaining 50%.

The Town Clerk has certified that the petition contains the signatures of at least 150 registered voters of the Town, as required by the Charter.

Under Section 8-7(b) of the Charter, the Council is required to hold a public hearing on the petition and take a vote on the merits of the petition. The action to be taken by the Council is simply a vote on whether the request has merit. It is not a vote to approve the request as written. If the Council concludes that the request has merit, then it will be up to Council leadership and the full Council to consider what, if any, actions it may wish to take. To ensure compliance with the Open Meeting Law, any action by the Council, other than the vote on the merits, should take place at a future Town Council meeting so that it may be properly noticed on that meeting's agenda.

STAFF SUPPORT: Karen L. Nober, Town Attorney

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2026-082
INTRO: 01/29/2026**

2026-082 APPROVAL OF THE APPOINTMENTS TO THE APPOINTMENTS COMMITTEE

RESOLVED: That the Town Council does hereby approve the Town Council President's appointments of Councilor Seth Burdick, Precinct 7; Councilor John Crow, Precinct 5; Councilor Charles Bloom, Precinct 9; Councilor Thomas Keane, Precinct 2; Councilor Gordon Starr, Precinct 1 as members of the standing Appointments Committee of the Town Council.

SPONSOR: Craig Tamash, Town Council President

DATE	ACTION TAKEN
_____	_____
_____	_____

<input type="checkbox"/> Read Item
<input type="checkbox"/> Rationale
<input type="checkbox"/> Council Discussion
<input type="checkbox"/> Vote

BARNSTABLE TOWN COUNCIL

**ITEM# 2026-082
INTRO: 01/29/2026**

SUMMARY

TO: Town Council
FROM: Craig Tamash, Council President
DATE: January 29, 2026
SUBJECT: Approval of the Appointments to the Appointments Committee

BACKGROUND: The Appointments Committee is a standing committee of the Town Council which consists of five members. Section 37-3 of Chapter 37 of the Code of the Town of Barnstable provides as follows:

The Councilors serving on the Appointments Standing Committee will be appointed by the President of the Council from a list of names of those Councilors who wish to serve on the Appointments Committee. The total Council will be apprised of the names of those Councilors who are willing to serve. The full Council will have the final vote on all appointments to the Appointments Committee.
The following Councilors have indicated their interest in serving on the Appointments Committee:

Councilor Seth Burdick, Precinct 7; Councilor John Crow, Precinct 5; Councilor Charles Bloom, Precinct 9; Councilor Thomas Keane, Precinct 2; Councilor Gordon Starr, Precinct 1

After consideration and subject to approval of the full Council, I am appointing the following Councilors to the Appointments Committee: Councilor Seth Burdick, Precinct 7; Councilor John Crow, Precinct 5; Councilor Charles Bloom, Precinct 9; Councilor Thomas Keane, Precinct 2; Councilor Gordon Starr, Precinct 1

STAFF SUPPORT: Karen L. Nober, Town Attorney

B. NEW BUSINESS (May be acted upon) (Majority vote)

BARNSTABLE TOWN COUNCIL

**ITEM# 2026-083
INTRO: 01/29/2026**

2026-083 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2026 CULTURAL DISTRICT GRANT IN THE AMOUNT OF \$15,000 FROM THE MASSACHUSETTS CULTURAL COUNCIL'S CULTURAL DISTRICT INVESTMENT GRANT PROGRAM FOR THE HYANNIS HYARTS CULTURAL DISTRICT

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2026 Cultural District Investment Grant in the amount of **\$15,000** from the Massachusetts Cultural Council's Cultural District Investment Grant program for the purpose of providing financial assistance in support of programming and marketing efforts in the Hyannis HyArts Cultural District.

SPONSOR: Mark S. Ells, Town Manager

DATE **ACTION TAKEN**

- Read Item
- Rationale
- Council Discussion
- Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2026-083
INTRO: 1/29/2026

SUMMARY

TO: Town Council
FROM: James S. Kupfer, Director of Planning & Development
DATE: January 29, 2026
SUBJECT: Authorization to contract for and expend a Fiscal Year 2026 Cultural District Grant in the amount of **\$15,000** from the Massachusetts Cultural Council's Cultural District Investment Grant Program for the Hyannis HyArts Cultural District

BACKGROUND: The Town of Barnstable, through its Planning & Development Department, has been awarded a \$15,000 grant in support of the Hyannis HyArts Cultural District from the Massachusetts Cultural Council (MCC) Cultural District Investment Grant.

Grant funds will support programming and marketing efforts in the Hyannis HyArts Cultural District as well as support placemaking projects with a particular focus on the Hyannis HyArts Campus, from the corner of South and Pearl Street to Hyannis Main Street. Grant funds to support these efforts will lead to increased revenue for the creative community, provide additional attractions to generate excitement and interest in our vibrant downtown, and enhance connectivity throughout the Hyannis HyArts Cultural District.

The MCC requires communities with more than one cultural district to propose projects that will take place in each district. Barnstable has two cultural districts, Barnstable Village Cultural District and the Hyannis HyArts Cultural District. These funds are in line with the goals of the state's Cultural District Initiative, and with the district-specific objectives identified in the year-end annual report to the MCC. This funding is allocated in support of Cultural District activities and goals and at the direction of the entity's management team. The MCC encourages projects or programs that institute a practice of access, equity, or inclusion and are in alignment with the Hyannis HyArts Cultural District's audience and mission.

These activities support the following cultural district goals:

SENSE OF PLACE: Support programming efforts creating active and engaging moments in the heart of the Hyannis HyArts Cultural District.

CREATIVE ECONOMY: Facilitate opportunities for the public to interact with members of the creative economy; support programs that engage the public and profit artists.

CULTURAL DESTINATION: Market the district to increase year round visitation; strengthen visual identity with consistent, repetitive branding in marketing efforts.

HYANNIS HYARTS ARTS CAMPUS: Operate and expand opportunities for creatives; further cultivation of programming partnership to reinforce as a must stop destination, year-round.

FISCAL IMPACT: No funding match is required for this grant award. No general funds will be expended on this program.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, supports this item.

STAFF ASSISTANCE: Melissa Chartrand, Arts & Culture Coordinator, Planning & Development; Alice Marcus Krieg, Grants Coordinator, Planning & Development

B. NEW BUSINESS (May be acted upon) (Majority vote)

BARNSTABLE TOWN COUNCIL

**ITEM# 2026-084
INTRO: 01/29/2026**

2026-084 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2026 CULTURAL DISTRICT INVESTMENT GRANT IN THE AMOUNT OF \$15,000 FROM THE MASSACHUSETTS CULTURAL COUNCIL'S CULTURAL DISTRICT INVESTMENT GRANT PROGRAM FOR THE BARNSTABLE VILLAGE CULTURAL DISTRICT

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Cultural District Investment Grant in the amount of **\$15,000** from the Massachusetts Cultural Council's Cultural District Investment Grant program in support of programming and marketing efforts in the Barnstable Village Cultural District.

SPONSOR: Mark S. Ells, Town Manager

- Read Item
- Rationale
- Council Discussion
- Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2026-084
INTRO: 01/29/2026

SUMMARY

TO: Town Council
FROM: James S. Kupfer, Director of Planning & Development
DATE: January 29, 2026
SUBJECT: Authorization to contract for and expend a Fiscal Year 2026 Cultural District Investment Grant in the amount of **\$15,000** from the Massachusetts Cultural Council's Cultural District Investment Grant Program for the Barnstable Village Cultural District

BACKGROUND: The Town of Barnstable, through its Planning & Development Department, has been awarded a \$15,000 grant in support of the Barnstable Village Cultural District from the Massachusetts Cultural Council (MCC) Cultural District Investment Grant. The MCC requires communities with more than one cultural district to propose projects that will take place in each district.

Grant funds will support programming and marketing efforts in the Barnstable Village Cultural District. Grant funds to support cultural district efforts will lead to increased revenue for the creative community and cultural organizations, provide additional attractions to generate excitement and interest along historic Route 6A, and encourage connectivity throughout the village.

These funds are in line with the goals of the state's Cultural District Initiative, and with the District-specific objectives identified in the year-end annual report to the MCC. Funding is allocated in support of Cultural District activities and goals and at the direction of the entity's management team. The MCC encourages projects or programs that institute a practice of access, equity, or inclusion and are in alignment with the Barnstable Village Cultural District's audience and mission.

These activities support the following cultural district goals:

SENSE OF PLACE: Support programming efforts creating active and engaging moments in Barnstable Village Cultural District leveraging the district's heritage and seaside locations to express its unique character.

CREATIVE ECONOMY: Facilitate opportunities for the public to interact with members of the creative economy; support programs that engage the public and profit artists during several special events throughout the year.

CULTURAL DESTINATION: Market the district to increase year round visitation; strengthen visual identity with consistent, repetitive branding in marketing efforts. Offer more self-guided outdoor opportunities

FISCAL IMPACT: No funding match is required for this grant award. No general funds will be expended on this program.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, supports this item.

STAFF ASSISTANCE: Melissa Chartrand, Arts & Culture Coordinator, Planning & Development; Alice Marcus Krieg, Grants Coordinator, Planning & Development

B. NEW BUSINESS (May be acted upon) (Majority vote)

BARNSTABLE TOWN COUNCIL

**ITEM# 2026-085
INTRO: 01/29/2026**

**2026-085 RESOLVE ESTABLISHING A GIFT ACCOUNT FOR THE SHELLFISH
PROGRAM**

RESOLVED: That the Town Council, pursuant to the provisions of G.L. c. 44 § 53A, hereby establishes a dedicated account for the purpose of accepting monetary gifts to augment the Shellfish Revolving Fund and authorizes the Town Manager or his designee to approve the expenditure of funds from said gift account for the purpose of the gift or if no stated purpose for the benefit of the Shellfish Program without further appropriation.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Vote

BARNSTABLE TOWN COUNCIL

**ITEM# 2026-085
INTRO: 01/29/2026**

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Derek Lawson, Director of Marine and Environmental Affairs
SUBJECT: Resolve establishing a gift account for the Shellfish Program.

BACKGROUND: Recreational shellfish harvesting in Barnstable has been a valued tradition for Cape Cod residents and visitors for centuries. The Town of Barnstable's shellfish program supports not only local food resources but also the overall quality of life within the community. Given the program's popularity, residents and local businesses frequently express interest in contributing funds to support propagation and outreach initiatives. Establishing a designated gift account would enable the efficient and timely acceptance and management of donated funds, ensuring that monetary contributions can be effectively utilized to enhance the shellfish program.

ANALYSIS: This gift account will allow the Director of Natural Resources to accept monetary gifts to further enhance the shellfish program.

BOARD AND COMMISSION RECOMMENDATION: The Shellfish Committee voted on May 14th, 2025, to endorse the concept of a shellfish gift account.

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

STAFF ASSISTANCE: Nina Z. Coleman, Director of Natural Resources; Derek Lawson, Director of Marine and Environmental Affairs

B. NEW BUSINESS (May be acted upon) (Majority vote)

BARNSTABLE TOWN COUNCIL

**ITEM# 2026-086
INTRO: 01/29/2026**

2026-086 AUTHORIZATION TO EXPEND A FISCAL YEAR 2026 GRANT IN THE AMOUNT OF \$10,000 FROM ELDER SERVICES OF CAPE COD AND THE ISLANDS, INC. TO SUPPORT THE EXPANSION OF THE TRANSPORTATION PROGRAM OFFERED THROUGH THE BARNSTABLE ADULT COMMUNITY CENTER

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2026 Elder Services of Cape Cod and the Islands, Inc. grant in the amount of **\$10,000** to support and expand the transportation program for older adults offered through the Barnstable Adult Community Center.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2026-086
INTRO: 01/29/2026

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Chris Gonnella, Director of Community Services
DATE: January 29, 2026
SUBJECT: Authorization to expend a Fiscal Year 2026 Grant in the amount of **\$10,000** from Elder Services of Cape Cod and the Islands, Inc. to support the expansion of the transportation program offered through the Barnstable Adult Community Center.

BACKGROUND: Elder Services of Cape Cod and the Islands has generously awarded a grant to provide funds for the expansion of the current transportation program offered at the Barnstable Adult Community Center. This grant will enable the Barnstable Adult Community Center to add two additional days that are not currently offered and expand our transportation offerings to five days per week. Our current program runs Tuesdays, Wednesdays, and Thursdays from 9:00-2:00. We have experienced great ridership since we implemented transportation and have had countless requests to expand.

We are grateful to Elder Services of Cape Cod and the Islands for their continued support.

FISCAL IMPACT: There is no immediate financial impact to the Town's operating budget as a result of accepting this grant. Any additional expenses required would come from formula grant funding.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, supports this item.

STAFF ASSISTANCE: Chris Gonnella, Director of Community Services, Kelly Howley, Council on Aging Director

**B. NEW BUSINESS (First Reading) (Refer to Second Reading
02/12/2026)**

BARNSTABLE TOWN COUNCIL

**ITEM# 2026-087
INTRO: 01/29/2026**

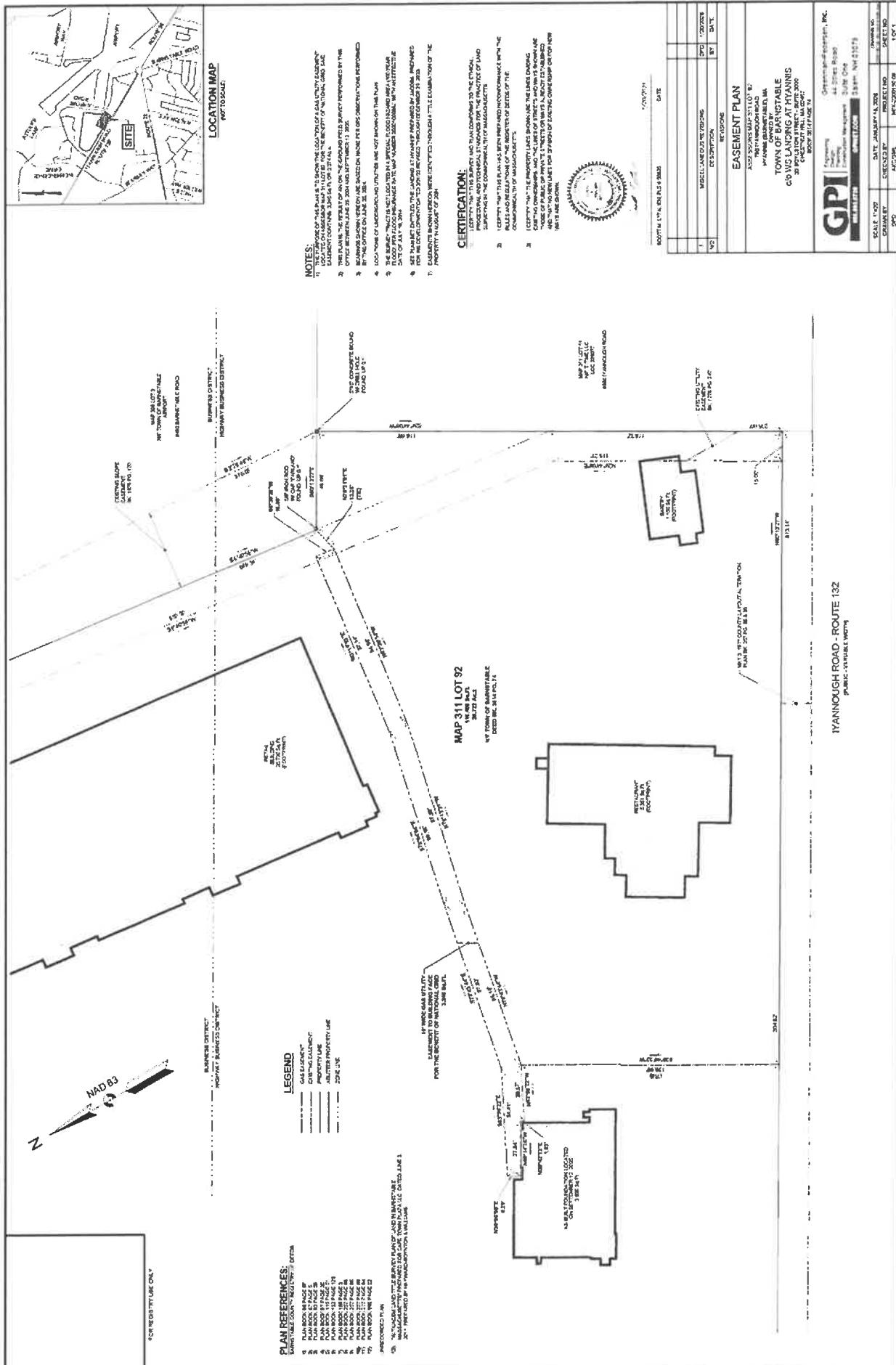
**2026-087 AUTHORIZING THE GRANT OF AN EASEMENT FOR GAS FACILITIES ON
TOWN-OWNED LAND AT 790 IYANNOUGH ROAD IN HYANNIS**

ORDERED: That the Town Council hereby authorizes the Airport Commission, on behalf of the Town, as part of a negotiated transaction and for nominal monetary consideration, to grant a perpetual easement to National Grid or one of its related entities, including the Boston Gas Company, for the installation and operation of natural gas facilities to serve the Town-owned land located at 790 Iyannough Road in Hyannis and described in an Order of Taking recorded at the Barnstable County Registry of Deeds in Book 587, Page 271. The easement area consists of 3,245± square feet located on the Town-owned land and is shown as "10' Wide Gas Utility Easement to Building Face for the Benefit of National Grid" on a plan captioned "Easement Plan, Assessors Map 311 Lot 92, 790 Iyannough Road, Hyannis (Barnstable), MA", prepared by Greenman-Pedersen, Inc., dated January 16, 2026, and attached hereto. The Airport Commission is authorized to negotiate, accept, sign, deliver and record any documents, and may make minor modifications to the easement area and the plan as necessary to effectuate this Order and complete this transaction.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Vote



BARNSTABLE TOWN COUNCIL

ITEM# 2026-087
INTRO: 01/29/2026

SUMMARY

TO: Town Council
FROM: Thomas J. LaRosa, First Assistant Town Attorney
THROUGH: Mark S. Ells, Town Manager
DATE: January 29, 2026
SUBJECT: Authorizing the grant of an easement for gas facilities on Town-owned land at 790 Iyannough Road in Hyannis

BACKGROUND: As part of the development of “The Landing at Hyannis” located at 790 Iyannough Road in Hyannis, the Airport Commission’s ground lessee, WS Development / WS Landing at Hyannis, has constructed two buildings and related infrastructure. The development will require gas service from National Grid to one of the buildings, which is the proposed relocation of Panera Bread. Before agreeing to install gas service to a property, National Grid requires the grant of an easement to National Grid or one of its related entities, which would provide them with the right to install and maintain their gas service on the property. The authorization requested from the Town Council would allow the Airport Commission, on behalf of the Town, to grant such an easement to National Grid or one of its related entities, including the Boston Gas Company.

The proposed easement would allow National Grid to extend a gas service line from an existing underground gas line on the east edge of the property, which would run underground in a westerly direction to the future Panera Bread restaurant. National Grid will install both the new underground gas line and provide metered gas service for the restaurant.

The easement area consists of 3,245± square feet located on the Town’s airport property and is shown as “10’ Wide Gas Utility Easement to Building Face for the Benefit of National Grid” on a plan captioned “Easement Plan, Assessors Map 311 Lot 92, 790 Iyannough Road, Hyannis (Barnstable), MA.” The vote would authorize the Airport Commission to make minor changes to easement area, which could be needed based on the final requirements of National Grid.

FINANCIAL IMPACT: The Town would receive nominal monetary consideration (\$1.00) for granting the easement.

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

STAFF ASSISTANCE: Thomas J. LaRosa, First Assistant Town Attorney; Michael Nelson, Manager, Cape Cod Gateway Airport