



## Town Council Meeting

January 29, 2026

A quorum being duly present, President Craig Tamash called the January 29, 2026, Town Council meeting to order at 6:01 P.M.

An announcement was made by President Tamash regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 8 or Channel 1072.

**PRESENT:** Charles Bloom, Seth Burdick, Kristine Clark, William Crocker, Jr., John Crow, Lisa DaLuz, Matthew Levesque, Betty Ludtke, Barry Sheingold, Gordon Starr, Craig Tamash

**ZOOM:** Felicia Penn **ABSENT:** Thomas Keane

Councilor Ludtke introduced and welcomed, veteran Laura Russo to lead the pledge of allegiance followed by President Tamash who asked all to remain standing for a Moment of Silence for all that have served our country and those near and dear to us.

### **PUBLIC COMMENT:**

President Tamash asked all who would like to comment, to sign in, wait to be recognized by the presiding officer, and direct your comments to the Town Council.

Laura Cronin spoke about the Housing Assistance parcel located at 460 West Main Street, Hyannis. She inquired about the homeless shelter move and about improved safety, as there were issues with this move to 460 West Main Street, Hyannis address.

Rick Brigham supported the shelter program's move to 460 West Main Street. He felt this shelter needed to be opened 24 hours open not just open 16 hours. He added that the shelter is magnetic for other cape people, besides Barnstable and off cape people as Housing Assistance Corporation (HAC) refers to this shelter as a regional one.

Bob Schulte felt there was not enough relevant information regarding agenda item 2026-005 to vote on this item. He noted there was nothing online, no memos or reports on the four zoning agenda items. He urged Town Council to continue this matter.

Debbie Lavoie spoke about the Marstons Mills Scholarship fund and its annual Ham and Beans Supper on January 31, 2026, from 4 pm to 6 pm. She invited all to come out and celebrate the event.

Karen McGuire spoke about the Riverview School and its ownership of the complex located at 35 Scudder Avenue, Hyannis. She mentioned there was a meeting on Tuesday, February 3<sup>rd</sup>, 2026, to discuss the great opportunity and urged community engagement.

Larry Morin (**Exhibit A**) spoke about agenda items 2026-082 and 2026-039. He explained there were issues and confusion dealing with Appointments Committee. He felt the committee always had two seats for the public. He noted the meeting minutes from October 23, 2025, specifically added two members of the public to this committee.

Chris Kuhn spoke about the building at 307 Main Street, Hyannis. He said the Building Commissioner was reviewing the permit. He explained zoning by law required a ten-foot landscape buffer between the parking lot and the building. He noted the Cascade underground vehicle parking has no buffer. He felt if the new building had this 10-foot buffer, the building would be completely different.

Eric Schwaab spoke about the improper use of the Town's stationary to solicit funds. He noted the Town of Orleans brought the letter to its attorney and it was problematic.

Aaron Webb spoke about the 460 West Main Street, Hyannis facility. He discussed the movement of Saint Joseph's facility to the new address. He questioned HAC asking for funds to renovate this building. He felt the Town of Barnstable needs the funds not HAC.

John Julius spoke about the usage of the Town stationary to solicit funds and felt it was a fireable offense. He noted the new building located at 460 West Main Street; Hyannis was within an 1/8 mile of the school. He questioned the Conservation Law Foundation (CLF) lawsuit regarding affluent discharge going out to the ocean.

John Richmond supported the Ad Hoc Committee and felt the need to ratify their changes in Downtown Hyannis Zoning. He noted each apartment should have two parking spaces per unit, as this is common sense. He added the Great Marsh project is a warning that it's not just Hyannis where this is happening.

Brian Hughes supported the approval of the zoning ordinances, as written, at tonight's meeting. He questioned how housing projects will fit into Hyannis Village. He said changes that do not work themselves must be changed.

Ken Altman endorsed the Planning Board's items. He felt even if there were issues with the language there was ample time to fix the language. He felt the Town was doing a good job with providing housing and making it easier for housing development.

Jeffrey DaLuz felt residential buildings in the Hyannis Downtown area should be less than 4 stories. He urged Town Council to keep the Downtown area residential; and protect the wetlands at the same time.

**ZOOM** (no one)  
Close public Comment

**COUNCIL RESPONSE TO PUBLIC COMMENT:**

President Tamash stated emails/letters sent to the Council, were shared with all Council members and will be posted by Council date, on the Council website page, under Letters to the Town Council.

(Ludtke) felt there needed to be more information about the clarification of the landscape buffer. She was outraged at HAC and felt Town Council needed to come up with a Town Council position letter. She agreed there should be seven people in the Appointment Committee. (Tamash) Explained the vote for the Appointments Committee was for seven members with five Councilor members and two members from the public. (Starr) Asked for HAC to come to a council meeting and explain why HAC is soliciting for Community Preservation Committee (CPC) money to fix the new building located on 460 West Main Street, Hyannis. (DaLuz) Questioned when the public can apply for the positions on the Appointments Committee. (Tamash) Explained tonight, we would approve the board then we will have the next Appointments Committee meeting, (Crow) There should be sanctions from this council regarding this letter. HAC has never come to the Council. (Levesque) The letter in question is a letter I wrote as a councilor from Precinct 10, and it was sent to MassDevelopment. He was hopeful that Neighbors in Need could assist with the 460 West Main Street, Hyannis project. He felt there was a need for shelters for single moms and family shelters. He noted that Faith Family Kitchen was always looking for volunteers to help with the Monday, Wednesday, and Friday food drives.

Councilor DaLuz left the dais, and the meeting at approximately 7:13 pm.

**TOWN MANAGER'S COMMUNICATIONS: (Pre-Recorded)** The Town Manager's report has been pre-recorded and is available to the Town Council and the public. The report will be prepared in written form and posted on the Town Manager's website. The Town Manager and staff will be available to answer any questions regarding the report as presented. **(Exhibit B)**

- Budget Action Calendar – fiscal policy workshop
- Cape Cod and Islands Water Protection Fund (CCIPF) Management Board annual report
- Massachusetts Municipal Association Annual meeting
- Cape Cod Managers - Sagamore and Bourne bridge projects
- Executive Office of Energy and Environmental Affairs (EEOEA) - letter update

**Discussion:**

(Ludtke) Could the Town Manager please speak about the interchange regarding the monitoring of the cables. (Ells) It was a good conversation. There will be another report on safety and compliance, and we are waiting for their letter which will have more relevant information about the monitoring to share with the public. (Ludtke) felt the state should be doing this (Ells) We will be continuing to do this requesting information on this project.

**MINUTES:**

Upon a motion duly made and seconded, it was voted to accept the minutes of January 8, 2026, as presented.

Councilor Crocker temporarily stepped off the dais.

**VOTE: PASSES 10 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LEVESQUE, LUDTKE, PENN, SHEINGOLD, STARR, TAMASH**

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

• **Opioid Settlement Funds Grant Recipients**

Lynne Poyant, Director of Communications, introduced the two most recent recipients from our Opioid Settlement Funds Grants. Atlantic Hill Nursing and Wellness, co-founder Karen Maloney gave an update **(EXHIBIT C)** and thanked the Council for the grant. Brazilian Resource Center, founder Michael Mecenas gave an update and thanked the Councilor for the grant. President Tamash handed the grant checks to the individuals. We are waiting for signed contracts with a company to take over the granting process. Grants going forward will probably be in the \$150,000 range for an annual basis.

Councilor DaLuz returned to the dais, and the meeting at approximately 7:25 pm.

**Discussion:**

(Ludtke) was astounded that some companies have not given any money. (Sheingold) Infrastructure and Energy looking for volunteers please apply, (Clark) Thanked the Department of Public Works for their excellent work during the challenging weather.

Taken out of Order 2026-081

**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 INTRO: 01/29/2026**

Town Council President Tamash and Councilor Levesque recused themselves for Agenda Item 2026-081. Town Council Vice-president Clark took over running the meeting.

Open Public Hearing

**VOTE: PASSES 10 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROCKER, CROW, DALUZ, LUDTKE, PENN, SHEINGOLD, STARR**

Karen Nober, Town Attorney, gave the rationale. She explained this was a vote on the merits of the petition.

Patti Machado, noted as a former employee, she had worked on this issue since 1988. The issue was the unions as you had to have 100 percent of the union voting in favor of it.

Thomas Twomey supported the petition and mentioned he was a retired Barnstable police officer. He spoke about vacancies in the town due to the 50/50 split and hoped the 70/30 split would mean more people will apply for the positions. He added that the retirees who are on a fixed income did not have the 70/30 split and were losing money out of their pensions. He said the Town needs to do the right thing and respect the retirees.

Debbie Lavoie supported the petition and urged Council to change the retiree's percentage for insurance. She felt this action would be a statement of values where Barnstable looks after its own.

John Julius felt the insurance petition was a no brainer. He felt the retirees deserved it and urged Council to support the retirees.

Jeff Jackson current Sergeant Barnstable Police felt that after serving the Town the retirees earned to have their split. He noted the split would also help the retirees as they have physically and mentally given all for their jobs.

**Discussion:**

(Ludtke) supports this petition as it needs to be done. 100 percent yes on this item. (Sheingold) will vote yes on this item and suggested looking at other Towns practices to see what they are doing for their retirees.

Councilor Penn was temporarily off zoom.

Close public hearing

**VOTE: PASSES 9 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROCKER, CROW, DALUZ, LUDTKE, SHEINGOLD, STARR**

Upon a motion duly made and seconded it was

**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.

**VOTE: PASSES 10 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROCKER, CROW, DALUZ, LUDTKE, PENN, SHEINGOLD, STARR**

**Break – 7:55 pm – 8:15 pm**

Council President Tamash discussed the possible potential conflicts of interest with the Councilors and the four zoning agenda items. He suggested moving the items to the February 12<sup>th</sup> meeting. He read aloud the Conflict-of-Interest statement. (Nober) explained that if you need ethics information please contact me and I will give you the contact information.

Upon a motion duly made and seconded, it was to open and continue agenda items 2026-003; 2026-005; 2026-006; and 2026-007 to the February 12<sup>th</sup>, 2026, Town Council meeting.

**Discussion:**

(Burdick) Why are you continuing these items. (Tamash) Want to be certain that none of the Councilors have a conflict. (Nober) Want to make certain if there is any property ownership in any of areas of the zoning districts. (Ludtke) Is there map to help educate the public about the zoning areas. (DaLuz) Yes, a map would be helpful. (Bloom) Regarding agenda item 2026-003 which increases the parking spaces – how does a resident benefit from that zoning item. (Tamash) Need to verify if a Councilor is an owner or has an interest in that property.

**2026-003 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I  
GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE III DISTRICT REGULATIONS,  
SECTION 240-24.1.5 STANDARDS FOR ALL DISTRICTS TO MODIFY THE REQUIRED PARKING  
FOR RESIDENTIAL OR ARTIST LIVE/WORK AND ESTABLISH A PARKING SPACE  
DIMENSIONAL STANDARD INTRO: 07/17/2025, 08/21/2025, 01/29/2026**

Upon a motion duly made and seconded it was

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

**SECTION 1**

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

**SECTION 2**

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

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

**SECTION 3**

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

**SECTION 4**

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

**VOTE: OPEN AND CONTINUE TO PUBLIC HEARING ON 02/12/2026 - PASSES 12 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROCKER, CROW, DALUZ, LEVESQUE, LUDTKE, PENN, SHEINGOLD, STARR, TAMASH**

**2026-005 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I  
GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE III DISTRICT REGULATIONS, TO  
MODIFY BUILDING HEIGHT REQUIREMENTS IN THE DOWNTOWN MAIN STREET DISTRICT  
AND DOWNTOWN VILLAGE DISTRICT INTRO: 07/17/2025, 08/21/2025, 01/29/2026**

Upon a motion duly made and seconded it was

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

## **SECTION 1**

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

## **SECTION 2**

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

## **SECTION 3**

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

## **SECTION 4**

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

## **SECTION 5**

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

## **SECTION 6**

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

## **SECTION 7**

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

## **SECTION 8**

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

**VOTE: OPEN AND CONTINUE TO PUBLIC HEARING ON 02/12/2026 - PASSES 12 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROCKER, CROW, DALUZ, LEVESQUE, LUDTKE, PENN, SHEINGOLD, STARR, TAMASH**

**2026-006 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I  
GENERAL ORDINANCES, CHAPTER 240 ZONING TO REPEAL THE DOWNTOWN VILLAGE  
DISTRICT AND AMEND THE ZONING MAP TO REPLACE THE DOWNTOWN VILLAGE DISTRICT  
WITH THE DOWNTOWN NEIGHBORHOOD ZONING DISTRICT INTRO: 07/17/2025, 08/21/2025,  
01/29/2026**

Upon a motion duly made and seconded it was

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

## **SECTION 1**

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

## **SECTION 2**

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

## **SECTION 3**

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

## **SECTION 4**

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

## **SECTION 5**

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

## **SECTION 6**

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

**VOTE: OPEN AND CONTINUE TO PUBLIC HEARING ON 02/12/2026 - PASSES 12 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROCKER, CROW, DALUZ, LEVESQUE, LUDTKE, PENN, SHEINGOLD, STARR, TAMASH**

**2026-007 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING TO AMEND THE AREA IN THE DOWNTOWN MAIN STREET DISTRICT WHERE GROUND FLOOR COMMERCIAL SPACE IS REQUIRED INTRO: 07/17/2025, 08/21/2025, 01/29/2026**

Upon a motion duly made and seconded it was

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

**VOTE: OPEN AND CONTINUE TO PUBLIC HEARING ON 02/12/2026 - PASSES 12 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROCKER, CROW, DALUZ, LEVESQUE, LUDTKE, PENN, SHEINGOLD, STARR, TAMASH**

Upon a motion duly made and seconded it was to withdraw agenda item 2026-008 and agenda item 2026-012.

**2026-008 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE V ACCESSORY USES, BY REPEALING AND REPLACING SECTION 240-46, HOME OCCUPATION WITH A NEW SECTION 240-46 HOME OCCUPATION THAT ADDS DEFINITIONS, LICENSING REQUIREMENTS AND MAKES CERTAIN OTHER REVISIONS INTRO: 07/17/2025, 08/21/2025, 01/29/2026**

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 a Home Occupation to occupy more than 40% of a dwelling's gross square footage.

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

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

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

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

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

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

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

## **SECTION 2**

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

**VOTE: WITHDRAWN - PASSES 12 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROCKER, CROW, DALUZ, LEVESQUE, LUDTKE, PENN, SHEINGOLD, STARR, TAMASH**

**2026-012 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING ARTICLE V ACCESSORY USES, BY REPEALING SECTION 240-45 OFF-STREET STORAGE OF TRAILERS AND REPLACING WITH A NEW SECTION 240-45 OFF-STREET PARKING AND STORAGE OF COMMERCIAL VEHICLES, TRAILERS AND MOBILE HOMES INTRO: 08/21/2025, 01/29/2026**

Upon a motion duly made and seconded it was

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

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

### A. Purpose and Intent

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

### B. Definitions

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

#### a. **Residential Lot**

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

#### b. **Mobile Home or Recreational Vehicle**

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

#### c. **Trailer**

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

#### d. **Commercial Vehicle**

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

#### f. **Driveway**

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

#### g. **Prohibited Vehicles**

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

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

#### a. Permitted uses as of right in all zoning districts

- i. Mobile Homes – mobile homes may be stored in a driveway, garage or other accessory building or on the rear half of a lot owned or occupied by the owner of the mobile home; provided that if the mobile home is parked on the rear half of a lot, it shall not encroach upon the minimum yard setback requirements of the zoning district in which it is located.

- ii. Trailers - one trailer that does not exceed twenty (20) feet in length and does not have more than four (4) tires may be parked on a residential lot at any given time.
- iii. Commercial Vehicles – a maximum of two Commercial Vehicles may be parked at any given time on a residential property. If any Commercial Vehicles are authorized in connection with a duly licensed Home Occupation under Section 240-46, such Commercial Vehicles shall count towards the maximum of two allowed hereunder.
- iv. Unregistered Vehicles – a maximum of one unregistered motor vehicle may be parked or stored on a residential lot at any given time; provided that such vehicle is parked or stored in an enclosed structure or is otherwise screened so that it is not visible from the street.
- v. Notwithstanding any provisions herein to the contrary, vehicles temporarily on the premises due to ongoing permitted building or site work at the premises are allowed.

b. Permitted uses requiring a special permit

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

c. Prohibited uses

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

**VOTE: WITHDRAWN - PASSES 12 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROCKER, CROW, DALUZ, LEVESQUE, LUDTKE, PENN, SHEINGOLD, STARR, TAMASH**

**2026-082 APPROVAL OF THE APPOINTMENTS TO THE APPOINTMENTS COMMITTEE  
INTRO: 01/29/2026**

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby approve the Town Council President's appointments of Councilor Charlie Bloom; Councilor Seth Burdick; Councilor John Crow; Councilor Tom Keane; and Councilor Gordon Starr as members of the standing Appointments Committee of the Town Council.

**VOTE: PASSES 11 YES 1 NO (DALUZ)**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROCKER, CROW, LEVESQUE, LUDTKE, PENN, SHEINGOLD, STARR, TAMASH**

**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 INTRO: 01/29/2026**

Jim Kupfer, Director of Planning and Development, gave the rationale.

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2026 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.

**VOTE: PASSES 12 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROCKER, CROW, DALUZ, LEVESQUE, LUDTKE, PENN, SHEINGOLD, STARR, TAMASH**

**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 INTRO: 01/29/2026**

Jim Kupfer, Director of Planning and Development, gave the rationale.

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby authorize the Town Manager to contract for and expend a 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.

**VOTE: PASSES 12 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROCKER, CROW, DALUZ, LEVESQUE, LUDTKE, PENN, SHEINGOLD, STARR, TAMASH**

**2026-085 RESOLVE ESTABLISHING A GIFT ACCOUNT FOR THE SHELLFISH PROGRAM INTRO: 01/29/2026**

Derek Lawson , Director of Marina and Environmental Affairs, gave the rationale.

Upon a motion duly made and seconded it was

**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.

**VOTE: PASSES 12 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROCKER, CROW, DALUZ, LEVESQUE, LUDTKE, PENN, SHEINGOLD, STARR, TAMASH**

**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 INTRO: 01/29/2026**

Chris Gonnella, Director of Community Services, gave the rationale. He introduced Kelly Howley from the Barnstable Adult Community Center explaining she was available for questions.

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2026 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.

**VOTE: PASSES 12 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROCKER, CROW, DALUZ, LEVESQUE, LUDTKE, PENN, SHEINGOLD, STARR, TAMASH**

Upon a motion duly made and seconded it was to refer to a second reading on 02/12/2026 for agenda item 2026-087 and agenda item 2026-089.

**2026-087      AUTHORIZING THE GRANT OF AN EASEMENT FOR GAS FACILITIES ON TOWN-OWNED LAND AT 790 IYANNOUGH ROAD IN HYANNIS INTRO: 01/29/2026**

Upon a motion duly made and seconded it was

**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.

**VOTE: REFER TO SECOND READING ON 02/12/2026 – PASSES 12 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROCKER, CROW, DALUZ, LEVESQUE, LUDTKE, PENN, SHEINGOLD, STARR, TAMASH**

**2026-089      ORDER APPROVING AMENDMENTS TO THE TOWN COUNCIL RULES INTRO: 01/29/2026**

Upon a motion duly made and seconded it was

**ORDERED:** That the Town Council does hereby amend the Town Council Rules, as most recently amended by Item No. 2025-143, as approved on July 17, 2025, by inserting at the end of Section B a new second paragraph as follows:

Official Town Council stationery, listing all of the members of the Town Council, shall only be used for correspondence that sets forth the position of the Town Council as a body, as approved by vote of the Town Council, and which is signed on behalf of the Town Council by the Council President or, in his or her absence, the Council Vice President. In addition, such stationery may be used by the Town Council President for communications on ministerial matters involving the Town Council, such as, for example, inviting an individual or an organization to make a presentation at a Town Council meeting. Individual Town Councilor stationery may be used by a Councilor for their official communications but may not be used to speak on behalf of, or to represent the views of, the Town Council as a body. The Council President shall set a uniform format for Individual Town Councilor stationery.

and by further amending t said Section B by striking the heading of said section and inserting in place thereof the following new heading: **"USE OF TOWN PHONES, EMAIL AND OFFICIAL LETTERHEAD".**

**VOTE: REFER TO SECOND READING ON 02/12/2026 – PASSES 12 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROCKER, CROW, DALUZ, LEVESQUE, LUDTKE, PENN, SHEINGOLD, STARR, TAMASH**

**2026-088 APPROVAL OF THE APPOINTMENTS TO THE ZONING AND REGULATORY COMMITTEE INTRO: 01/29/2026**

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby approve the Town Council President's appointments of Councilor Charlie Bloom; Councilor Kris Clark; Councilor Will Crocker; Councilor John Crow; and Councilor Betty Lutke as members of the standing Zoning and Regulatory Committee of the Town Council.

**VOTE: PASSES 11 YES 1 NO (DALUZ)**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROCKER, CROW, LEVESQUE, LUDTKE, PENN, SHEINGOLD, STARR, TAMASH**

President Tamash moved to go into 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. The Town Council will not return to public session after the executive session.

Town Councilors Crocker and Levesque recused themselves from the Executive Session.

**VOTED TO ADJOURN:**

**VOTE: PASSES 9 YES**

**ROLL CALL: BLOOM, BURDICK, CLARK, CROW, LUDTKE, PENN, SHEINGOLD, STARR, TAMASH**

**Adjourn at 8:41 PM**

Respectfully submitted,

Janet E. Murphy  
Assistant Town Clerk

**NEXT MEETING: February 12, 2026**

**Exhibits:**

- A. Larry Morin notes**
- B. Town Manager report**
- C. Atlantic Hill Nursing and Wellness information**