Town Council Zoning and Regulatory Committee
Selectmen's Conference Room 2nd Floor Town Hall Building
367 Main Street Hyannis, MA 02601

Councilor Betty Ludtke Chair
Councilor William Crocker Jr.
Councilor John Crow
Councilor Charles Bloom
Vice President Kris Clark
Jake Dewey, Chair, Zoning Board of Appeals
Stephen Robichaud, Chair Planning Board

July 30, 2026
5:30pm

MEETING MINUTES

Chair of Committee opened the meeting by announcing the following:

Good afternoon, it's 5:30 on July 30, 2026. This meeting is being recorded and will be rebroadcast on the Town of Barnstable Government Access Channel in accordance with Massachusetts General Laws, Chapter 30A, Section 20. The chair must inquire whether anyone else is recording this meeting, and if so, please make their presence known. This meeting will be replayed via Xfinity Channel 8 or high-definition Channel 1072.It may also be accessed via the Government Access Channel live video-on-demand archives on the Town of Barnstable website. Let's begin with the roll call, please. Administrator to the Town Council took Roll Call: Committee members

Stephen Robichaud	here
Jake Dewey	here
Councilor Crow	absent
Councilor Ludtke	here
Councilor Bloom	here
Councilor Clark	here
Councilor Crocker	absent

Chair of Committee asked for any public comment: Roberta Mock, Greenwood Ave., Hyannis.

I've been thinking a lot as I've been driving around town to bring up what I think is a bucket list that needs to be attended to, and I'm sure there's others that we'll add to, and I'm probably not in the right place to start this bucket list, but I felt like since I'm on vacation this week, I should start. I'm really concerned about the black holly berry trees that have been cut down in our village, because I found out from Mass Audubon, because I've had seven wild bluebirds come to my property. I have black holly berry trees. The trees that were cut, Starbucks left not one twig on that, because I went around that property, and there was a lot of beautiful trees. One of them was a huge black holly berry tree, and the reason I bring that up to zoning is that, I mean, things overlap. All of Cape Cod, I feel, is a critically endangered wildlife corridor. The whole Cape is, and let's face it, we're under attack by those that have profit. Their priority is out of order, all of us here in this room, and those who are listening, have in our heart to protect the home of Cape Cod for our wildlife. It's why we live here. It's because we're part of, and we, as I have said before, are stewards of this land, and we need to really, I don't know why anyone is doing this, but we need to work together, and that means we have to work harder. We need to work harder to protect the Cape right now, because we're going through an enormous growth spurt, and the outcome depends on us protecting our critically endangered wildlife corridor, on Cape Cod.

What else have I on my bucket list is pulling out from when I happen to shop. I like to shop locally. I shop at Bradford's now, I wonder, as I was brushing my teeth, I was wondering what kind, in the old days, when the Christmas tree shop was gifted the location that they are, which has a terrible parking lot, by the way, because I've had a friend who's been hit going to Trader Joe's there. They had to, we held developers to, you know, give something to the town in order to get a curb. Right. What are

we doing now? Are we being too lenient with these developers? I feel like we've created a health risk at this end of town. What, I mean, what kind of traffic study have we done for that enormous building that just goes on as far as my eyes can, see? I hesitate to go to Bradford's because I know taking a left-hand turn on Cape Cod is the most dangerous thing. Right. I've been told by the police it's the most dangerous thing you can do on Cape Cod is take a left-hand turn; and it is your fault if someone hits you,
even if you're stopped in the State of Massachusetts, so we really need to take a better look at the traffic study before we allow developers to profit at our expense, our health, our risk. That means we have to work even harder than we have to protect our citizens of the Cape. How are we going to deal with this now that we have this problem, health risk, safety risk? We're going to have to do something about that corner because it is very dangerous to pull out of there. There's no light with traffic in that area; it increases road rage. So that was one of the things on my bucket list. I don't know. I would like people to think about what I have to say and comment and let this grow our bucket list of what we need to attend to because obviously we're under a lot of pressure here on each of our committees, and I'm grateful for the work you do because it isn't easy. I would, my hat's off to Mark Ells because it cannot be easy to be him. With all that we have to deal with.
Thank you very much.

Sharon Harrison from Osterville.

I am just following up on the meeting that took place at the High School to find out, you know, where we're going with that and I am more than willing to help work; so, I want to say that as well.

Chair of Committee answered, Okay?

Ms. Harrison continued: You're looking at me, Betty, like.

Chair of Committee: I'm assuming you're talking about the Zoning Board of Appeals meeting.

Ms. Harrison: Yes.

Chair of Committee: You're willing to work on helping to resolve a problem.

Ms. Harrison: I'm saying to me, I, as a person, in the community, that location is not correct for a shelter. That's what I said at the meeting and I gave my reasons and they were because I was a school nurse in Boston and I worked down the street from Melina Cass and Mass Ave. and so I know what congestion looks like from homeless and how things just kind of, you know, think they're going to go places and they kind of go places. I said that we had a big problem and I'm not working now. So, I don't know what the problem, how it is now, but needles were in the playgrounds of the schools that nurses had to go out and look for and the custodians. Additionally, the homeless would, make their evening resident in the entryways of the schools and in the morning, our custodian would have to then pick up defecations that were left by the people that were there. So, there's so many different things that go on and I also pointed out that now, I mean, the schools, of course, the children being there, but you have the Dunkin' Donuts, you have now the new Wendy's, you know, I'd come to work and I'd see tent city going all the way down Melina Cass to me going to work. Their behavior is not such that they can stay in the shelter, and then 50 people also, you know, lodging in that area. It's just so many reasons, but I do believe that they need a new home, you know, and they need a new place and that is what I said that I am willing to work with, you know, on a committee or whatever you want to be able to look for something else, but not in that location.

Chair of Committee asked members if they had any comments from public comment:
Chair of Committee: *I think it's appropriate for you to speak here, Ms. Mach, I think what you bring forward, is a very broad argument and our broader arguments and what I will say, and I don't know if Vice President Clark can comment or if you and president Tamish have spoken about it, but there was a*

citizen petition started, I signed it for a meeting of the voters to discuss just what you brought up, which is these broader questions on what can happen going forward, which takes it out and beyond the strict legal arguments that we saw at the Zoning Board of Appeals. I don't know if you have an update on when we might be thinking about having that meeting of the voters, but that would be an excellent time to address and for you to come forward and participate in that venue. There is something that I've been working on with Jim Kupfer, our representative of the Cape Cod commission, Kathy Ledec, brought forward a policy and it's being worked through the staff, to look at landscape specifically because you brought that up and I think that that's getting some traction, and we should be seeing that, perhaps come through this committee, perhaps not, we will have to see.

Roberta Mach: *I'm so sorry, I forgot one, a big one on my bucket list was, when they agreed to tear down Cape Cod Bank and Trust, they had asked whether or not they wanted to do it together to demolition separate or not. I think that the Council was surprised, and it wasn't. I think that that's an essential thing is that we have much stricter, demolition. We need to work on demolition. It needs to be more strict as to, materials, being repurposed and historical we need to re revisit, demolition. It needs to be a lot stronger in this town. I know other states like Rhode Island they handle things a lot more in detail than we have been and we need to improve on that.*

Chair of Committee: *Thank you for your comment; as far as the traffic study is concerned, I think traffic studies are critical for every project. I know we've got the Great Streets project going on and Mr. Kupfer gave a presentation on that. That's pressing ahead. I don't know that it goes down quite as far as, as you would like to Bradford's and there will be a lot more traffic in that area, but I would, I think the two way on South Street would alleviate some of what you're talking about because you can now make a right turn, well, not now, but when it's enacted, you could make a right turn on in the other direction and head down to the West on South Street. Am I correct? Is, Pleasant Street is a two way, isn't it? So, you could do that, Ms. Mach.*

I know what you're saying a lot of people haven't hit on left turn. I know, but it's going to be a two-way street, is that correct, Mr. Kupfer? That two way is going to go past the five-way intersection all the way to the hospital. So, you're going to have some relief there.

Chair of Committee thanked everyone who came for public comment, they were really good comments and moved on to the topics for discussion.

- Review of potential amendments to Chapter 240 Zoning, Article V Accessory Uses, Section 24046, Home Occupation

Chair of Committee welcomed Mr. Kupfer and mentioned that this has been worked on for quite a while. some of the work that came through the Planning Board, there were some tours that Mr. Kupfer organized. There were some new ways to review it; Some of went to Brian Florence's office and listened to one of the Friday sessions where they review these home occupations. It gave those a little bit more of an in-depth look into the process that Mr. Florence and his staff do every Friday. Hopefully everybody has had a chance to look at this, and we'll be able to comment.

Jim Kupfer, Director of Planning and Development: In your package this evening and posted online is a memo dated June 29th, 2026, and it's titled:

"Proposed Home Occupation Ordinance."

The first page kind of gives a rundown of where we've been, where we are now just as, Councilor Lutke mentioned and as a reminder at the last meeting where we discussed this, the committee, had requested a

discussion of making the existing Home Occupation Ordinance into more of a three-prong approach; and so,

the first is:

- by right,

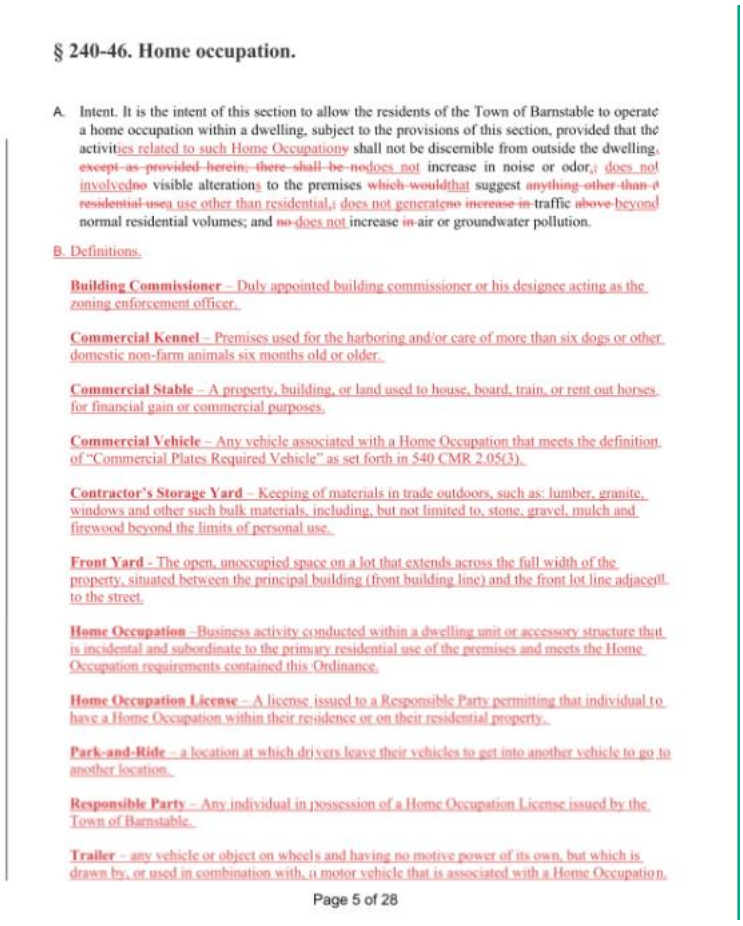
second is

- what we had been discussing as a Site Plan review structure; and then a special permit structure

third is

- going to the Zoning Board as it does now, but as of right now, the existing zoning ordinance simply has a by right and a special permit.

So, we discussed adding that third layer into it so that there's additional review being had here, in your package, you have, starting on page five of the package, an ordinance that includes what we're proposing for site plan review.



§ 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 provisions of this section, provided that the activities related to such Home Occupation~~y~~ shall not be discernible from outside the dwelling, ~~except as provided herein, there shall be no~~does not increase in noise or odor,; does not involved~~no~~ visible alteration~~s~~ to the premises ~~which would~~that suggest ~~anything other than a residential use~~a use other than residential,; does not generate~~no increase in~~ traffic ~~above~~ beyond normal residential volumes; and ~~no~~ does not increase ~~in~~ air or groundwater pollution.

B. Definitions.

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

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

Commercial Stable – A property, building, or land used to house, board, train, or rent out horses for financial gain or commercial purposes.

Commercial Vehicle – Any vehicle associated with a Home Occupation 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.

Front Yard - The open, unoccupied space on a lot that extends across the full width of the property, situated between the principal building (front building line) and the front lot line adjacent to the street.

Home Occupation –Business activity conducted within a dwelling unit or accessory structure that is incidental and subordinate to the primary residential use of the premises and meets the Home Occupation requirements contained this Ordinance.

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.

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.

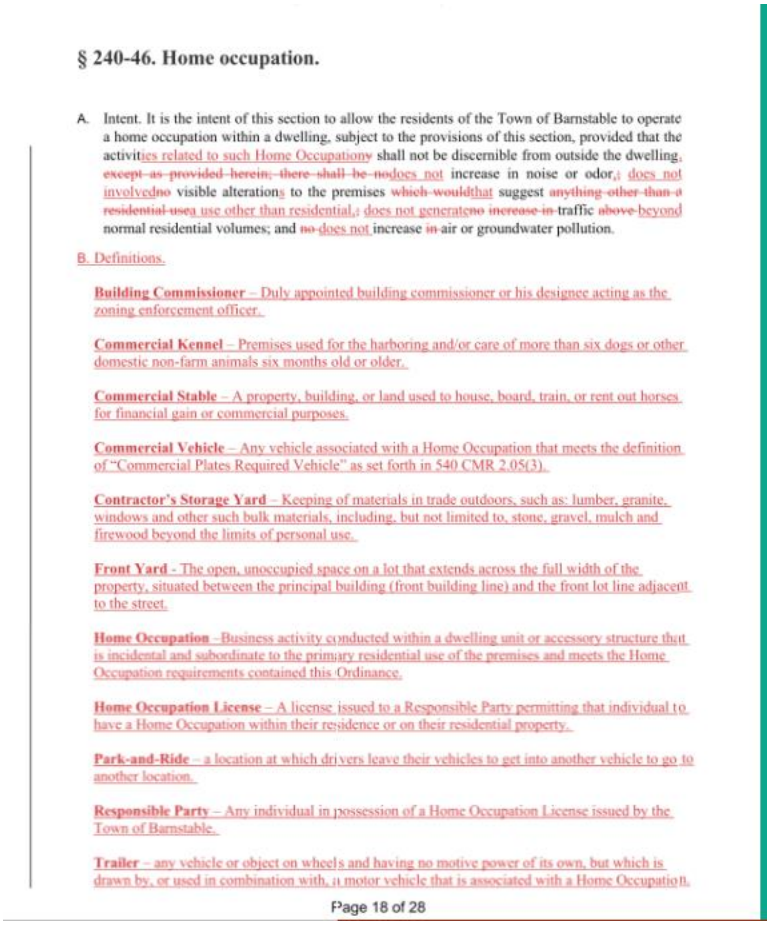
Trailer – any vehicle or object on wheels and having no motive power of its own, but which is drawn by, or used in combination with, a motor vehicle that is associated with a Home Occupation.

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Now, this basically takes the by-right structure in the existing ordinance and breaks it up into those areas that we felt are minimal to nonexistent in terms of impacts, so someone who needs a business certificate and so needs an address, uses this home occupation as that excuse, maybe works remotely and is on a computer in their dining room or something. You would never know that they have a home occupation from the outside looking in. We tried to move that to what is currently by-right. Then we took items that may have limited to minimal impact, but you could tell maybe from the outside that there's a home occupation that exists in there.

Maybe they have some slight storage of materials behind a fence or something like that then lastly, anything that begins to be even remotely impactful to the neighborhood, we shift to special permit.

Leaving that last meeting, that was the request, so we provide that for you in this packet. I do know a number of you did have an opportunity to speak with Commissioner Florence as he was reviewing his weekly review of home occupation applications and there certainly was some concern raised by Commissioner Florence about adding this Site Plan Review criteria, as he does have a fairly robust process for site plan review in existence today, understanding that, staff also would like to provide you, and it's in your packages this evening, starting on page 18.



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This begins to take the existing ordinance and build off of that and separate it out and then we're going to take a look at the existing ordinance and build off that and separate it out, so I think that's the two steps.

I'd like to return back to two sections, by right and special permit but you'll see in this, and I think you may agree, that the by right section is far more limited, only those that have very minimal to no impact to the neighborhood and shifting the burden to special permit, any time there is a home occupation that is being requested, and there is any kind of resemblance of a business in a residential neighborhood, you have to go to the Zoning Board of Appeals for review first.

Mr. Kupfer concluded his presentation and asked if the Committee had any direction to take for himself and his staff, asking the members which you would prefer to review first?

Chair of Committee asked the Committee members for their comments:

Mr. Dewey: I mean, I didn't hear Commissioner Florence's direct comments. His concern was just that it would potentially bottleneck the Site Plan Review process because we'd have so many of them. Is that an issue, or was it more that it would put too high of a bar on these home occupations?

Mr. Kupfer: I know he talked directly to some of the members, but to me, at least, he stated that there's very specific requirements in the Site Plan Review and Home Occupation for a lot of these may not rise to that levels, and so kind of clogging up site plan review process with somewhat benign requests perhaps, he didn't feel rose to that level, and at least expressed to me was that even with the by-right process, there's a lot of review of that and eyes on it, but I know he spoke to you all as well.

Councilor Ludtke: What I did is I looked up in our current Code, Site Plan Review, and there's a lot of, and I know he spoke to you all as well. You made a great point. It's extremely onerous for to ask a resident to do that if you read it; I don't know if we could pull it up so people could see that it's a very, very, heavy lift and I know when we talked about we're trying to use existing processes but this one you know I don't want to use a process that is designed for something else and then try to morph it or try to fit something into it that's not going not work and put a lot of burden on people. I don't know has anybody else looked at site plan review I think it's very onerous

Mr. Robichaud: The only thing I'll add is I absolutely agree with Mr. Dewey's recommendation to include Site Plan Review as a kind of layer to this after sitting through the presentation by Mr. Florence kind of walked away with the you know comfort zone level that a good level of review is currently taking place already for any potential business license within town whether it's within a home or not within a home so I was kind of pleased to see that process one thing that I wanted I don't think Brian ended up sending this out remember we asked for kind of a checklist like what are did we get that.

Mr. Kupfer: yes, I think you did but it's not included in your package tonight.

Mr. Robichaud: All right, you know that that would be a good material to see for exactly what they're going through so I walked away from that with a feeling that there was a very thorough solid review that was going on and that you know kind of taking it to the site plan review step might be a little bit too much and I do have a good understanding of Site Plan Review because what the Planning Board looks at so it is pretty intense as you mentioned so yeah that's my thoughts. I think there was a recommendation from somebody I can't remember where that maybe additional members or member is added to that review that we observed you know sometimes additional minds in the room experts can be helpful Mr. Schulte had some comments that maybe adding a person to that existing process would be better than changing the process altogether.

Mr. Dewey: I think one thing to ask too is do we do we then trigger it for the Special Permit as part of the requirement for the Special Permit are we saying they then go to the site plan review before they come to the ZBA that would be one question there, and then right now there's no abutters notice unless they're going for a Special Permit, right, you know I think that's just something we need to consider should a Home Occupation trigger some level of abutters notice for them to be able to make comment. I have no preference either way, I'm not sort of either way on it, but you know you can go to Town Hall and look it up but you know if you're going to buy a property or something it's nice to know what's happening next door you know what the complaints are what the whatever is and so it's the same thing. If you're living next door and someone wants to open a shop that you get to speak up and say no this is more, it's been happening for the past five years and it's not you know not what they're describing.

Vice President Clark: I think the abutter notice is fair; I think that if, especially if it's a new proposed business coming into a residential area that there should be could be some awareness that the context of your community is changing regarding the business. I thank you for making that extra time and trouble to visit with Commissioner Florence but I'm of the mind that somebody who works in in the building department and he and his colleagues are trained and certified for reviewing things in in a way

that as a citizen, I'm not and I have to have a level of trust for those who have that expertise and training and authority to review the nuances of zoning so I have trust with Mr. Florence's point of view

Chair of Committee asked Vice President Clark: What about your position on Site Plan Review, do you want to hear about the option with the Site Plan Review.

Vice President Clark: Yes, I do

Councilor Bloom: I didn't get a chance to talk to Commissioner Florence and I'm looking at both of these versions here the clean version with the Site Plan Review and the version without the Site Plan Review and they're virtually identical, except for that one section that is eliminated. I'd like somebody to tell me why the Building Commissioner does not want the Site Plan Review as part of the process.

Mr. Kupfer: I'm happy to try and tackle that, so on the screen is Site Plan Review requirements as Councilor Ludtke had requested.

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There is quite a bit to it in terms of contents of site plans. So contents of plan, there's a lot that is required to be submitted, you know, lighting plan, landscaping plan, site development standards, adequate illumination, cetera, et cetera, and to Mr. Dewey's point, someone can go through all this process and not really have, or does not have to notify abutters; so if you wanted someone to go through this type of process and also trigger notification to the public, the Zoning Board of Appeals would be a better venue for that; and then the discussion of, well, it's something that may, not be necessary to go through all of these, maybe it is something that is simply a computer in a dining room and isn't really impacting anybody. They're not going to have lighting fixtures, they're not going to have new landscaping, and other to consider. That might not need to go to site plan review either. That might need to be in that other direction. That might be the buy right, so based on the conversation with Commissioner Florence and hearing the discussion from last time and tonight, I think maybe the discussion would be directed towards without Site Plan Review. Where is that line? Should we be moving that, the buy right to a much smaller section and the special permit a much longer section of requirements perhaps? That's obviously for you guys to discuss. The procedures and process for site plan review, Brian had mentioned, he felt it was a little bit redundant. He does a lot of that administrative review already. Site plan review is administrative it wouldn't achieve the intent of having that public hearing, I believe, is kind of what he was looking at.

Councilor Bloom: I did have a couple other small questions, One about some of the differences between the two different versions.

A: home occupation, there's A, intent
B: definitions, and then right after that, there's
C: and there's a whole list of different things then number 11 here says all supplies, materials, and equipment associated with home occupations should be stored in an enclosed structure in a commercial vehicle trailer allowed on the premises And it stops right there. It's a little bit longer in the second version, and I'm wondering why is it longer in the second version?

Mr. Kupfer: In the first version, what you have there is a buy right that's shrunk, the buy right in the first section with including site plan review is much smaller than anything, so for instance, supply, review of exterior supplies would be a Site Plan Review, it's not necessarily just by right. In the first version, you have Site Plan Review. Now you have three-pronged test here is you have a, okay, is it a benign use that
has no exterior impacts whatsoever? Is it a rather benign use but has some exterior impact, that's Site Plan Review. Then it is something that is moving towards, you might have some impacts
to the neighborhood, so we need you to go to a public hearing at the Zoning Board of

Appeals. The second section says, okay, the by right is longer because there's no Site Plan Review, but that doesn't necessarily mean it has to stay longer. That's would be for this committee to discuss, but the by right is a little bit longer. Then the special permit section is a little bit longer where we're saying, okay, we're moving that line now to more special permit applications to the Zoning Board and more by right. It's up to this committee, I think, to give a recommendation about where that line is. Where do we want to begin to say, okay, you need to go to the Zoning Board of Appeals? Now one thing I do want to leave with you, I think that that line is very important because we had these discussions maybe six or seven years ago when we last updated this, that a special permit, it's expensive. It's a couple hundred dollars just to get in the door, a lot of times you need an attorney, you might need some plans so we're talking about probably a couple thousand dollars at the end of the day and so where is that line is very important. We don't want to; I don't think we want to harm individuals trying to do just a home business that has no impact whatsoever but also being mindful that any business that could have impact should have that scrutiny.

Councilor Bloom: Because of that, we've added number 18 at the discretion of the Building Commissioner, if the commissioner wants to, and if the Commissioner determines that the proposed use is unclear and or impacts of use cannot clearly be defined at time of home occupation, then this special permit is required.

Mr. Kupfer: Exactly right, that was the thought there. It was, okay, you know, we're not going to capture everything and so if there is something that rises to the level that may technically fit into the box of by right, but you know, it might be unique and the Building Commissioner deals with unique circumstances all the time, he has that discretion to say, I'm sorry, this, you know, this could be impactful to your neighborhood. We're going to really need to send this to the Zoning Board for further review and he's done that from time to time on many other types of applications. The Building Commissioner has reviewed that and felt comfortable with that language.

Councilor Bloom: Okay, I think I like this.

Councilor Ludtke: I prefer the second version because again, if you're doing Site Plan Review per our regulations, you shouldn't be anywhere near a residential neighborhood. I think if you look at that, what it's geared towards, I mean, that's just, a level of craziness, I think but again, I really appreciate, you know, the idea of leveraging our existing processes. We have a few people who want to pursue that, so I think we should talk it through more and see if we can leverage that and see if there is a place. I have a problem, I think, just from the get-go with by right that we put home occupation by right in a residential neighborhood is really saying that we, I don't know if we value the quality of a residential neighborhood by doing that. Although when we get to things that are very benign, I mean, in this day and age, you know, stay-at-home work on a computer is very accepted but I think when you start to get into vehicles, maybe that's the trigger for a special permit. I know in Site Plan Review, although there is public comment, it's not really public comment because you have to just know that the thing is being heard, like look at the agendas and stuff. That's why I love the Zoning Board of Appeals because you require that.

I did ask Commissioner Florence about, you know, let's have some public input in his Friday session he was, he did not like that idea at all, didn't want to muddy the waters with that and again, it goes back because it's by right. Maybe we need to have a little bit of discussion about the by right. I like what Jim is saying, you know, that's a lever that can move and maybe we need to adjust that, you know, way down because a person at a computer, an influencer, these types of folks that are at these types of jobs today maybe they're by right, but if you start to have maybe even any vehicles, and again, I look to, I know we had those tours, but one of the things we didn't tour is something in my precinct, which how it ever got approved, it violates so many of these things that it's in our regulations right now. It's crazy. It sounds like we have two of us that would like the second version, but three of us wanted to look at the

Site Plan Review, so let's do that we'll take a look at that, Jim, and talk through and see what we want to do with that.

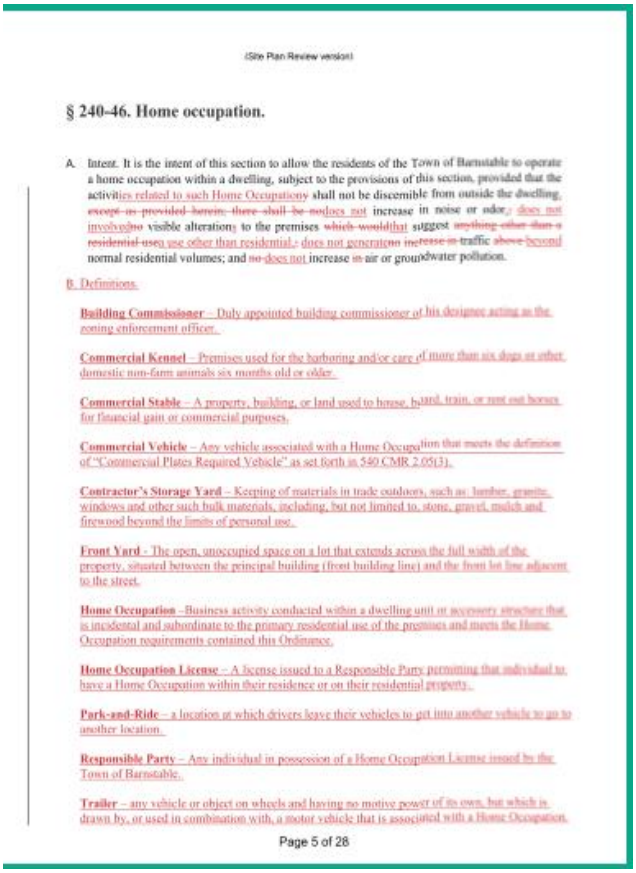
Mr. Kupfer handed out to the members a red-line version of what was in the meeting material for a better understanding of what is in question.

Jake Dewey: Councilor Ludtke, are you proposing that we first look at where the, by right, line?

Councilor Ludtke: Well, do you want to do that? I mean, that would be, that would apply to both of them if we want to have a discussion about that.

Jake Dewey: I think it's sort of important that we kind of set that line of where that is and then, everything that falls over that line, how do we handle, is that two buckets, one bucket?

Councilor Ludtke: I think that that's good because that would apply to both. Are you guys okay with that? Well, why don't we look at the by right? because that seems to be triggering most of this.



(Site Plan Review version)

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B. Definitions.

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

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

Commercial Stable – A property, building, or land used to house, board, train, or rent out horses for financial gain or commercial purposes.

Commercial Vehicle – Any vehicle associated with a Home Occupation 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.

Front Yard - The open, unoccupied space on a lot that extends across the full width of the property, situated between the principal building (front building line) and the front lot line adjacent to the street.

Home Occupation –Business activity conducted within a dwelling unit or accessory structure that is incidental and subordinate to the primary residential use of the premises and meets the Home Occupation requirements contained this Ordinance.

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.

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 that is associated with a Home Occupation.

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Steve Robichaud: Why isn't he Building Commissioner here? Did we invite him to this meeting, or can we invite him to the next one? He really needs to be here for this discussion.

Mr. Kupfer: I will reach out and invite him to the next meeting. We begin to start, obviously, the intent definition, this doesn't change too much from the original adjustments that were being made. Alot of these that aren't shifting from by rights to special permit to site plan are clean up that we originally did between the Building Department, so, for instance, the very next section B, we tried to add as many definitions as we thought were prudent for this. We didn't have a lot of definitions in the original version, so we made sure to add as many that would make sense here and help with reinforcing what the intent of the ordinance is. For instance, front yard definition, normally we wouldn't call that out, but

you'll see that that applies later on in the section, or in a later section. Talking about where you can place a vehicle, these are all important definitions.

Councilor Ludtke: I just wanted to say something about that front yard, and I'm not going to give the address, but in my precinct, the roads are very tight, and in this particular case where this is just incredibly intense on the neighbors here, the individual property abuts two roads, so the front yard has been enclosed by a fence and then the backyard is completely opened, and if you will, it really looks like a contractor's yard; so front yard, in all cases, doesn't necessarily apply, so we might need to look at that because there are some very tight neighborhoods, particularly in Hyannis.

Mr. Kupfer: In terms of meaning the use is not necessarily in the front yard. I mean, yes, it fronts on both, but if you look at this, I believe it talks about the front of the principal building as well, so that would be, for your example, that would be a front yard and a rear yard, but you're saying the rear yard has more impact.

Councilor Ludtke: The rear yard is on a street where all the impact is it's not a corner lot. They're so tight that the front and back of these properties are on two roads and the back road, I mean, the road in the back is all the impact and that's where all the contract, it's in the backyard maybe we should have put it on our tour.

Mr. Kupfer: So, for zoning, yes, that is two front yards, for this, we're spelling out front yard in a different way in which you're not dumping. Like for the normal example you know, putting out just some material and landscape areas and parking it all in the front yard as opposed to being fenced in in your backyard. Your example, I think, is one of those extremes where I might disagree that it maybe extends beyond home occupation and is actually a contractor's yard. That's something that I think we should discuss as well at some point about where that ends as a home occupation. It begins with something else.

Councilor Ludtke: Right, and again, to Jake's point, if the definition of a front yard if you front two streets, maybe you have two front yards maybe you don't have a backyard.

Mr. Kupfer: We can certainly could do that. That wouldn't be captured in this definition, though, I would say you would need to modify this definition if you wish to do that because yes, in normal zoning, you can have two front yards; you could potentially have three front yards if you really wanted. This is meant to achieve something else, this is meant to essentially hide your vehicles behind the building so, you know, with a lot of the tight yards, you got a little driveway to the side, a house, you want to put it just beyond the front facade, essentially, so that it limits the visual impact. That's what's intended here.

Steve Robichaud: I had the same exact thought as you, when looking at the word open related to front yard, you know, if somebody did put up a max height fence, could they then be outside of this definition because that open word is used? So, I didn't know if we wanted to try and adjust the wording slightly to avoid people being able to use that as kind of a loophole.

Councilor Ludtke: I agree, because a lot of people do, Steve, put up very high fences all along their front yard. It's very common now. It's becoming more and more common. I mean, you drive down Pitcher's Way, and it's just giant fence after giant fence.

Steve Robichaud: Contractor storage yard, you know, keeping up materials in trade outdoors such as stone, gravel, mulch, firewood, beyond the limits of personal use. That is, again, something that many different folks could interpret differently. How far do you go beyond the limits of personal use? If the way I heat my home is with firewood, I might have a really giant, big firewood mountain that I need to keep warm. I think we want to avoid definitions that can be interpreted in many different ways by

many different folks. I don't know how you would further define that. I'd just like to keep pointing that out. I don't really have a suggestion on how to overcome that. I just know that I keep a lot of mulch and gravel and, you know, wood and stuff.

Jake Dewey: It does say in trade, so that would mean that it was available for sale. Is that what that means? That's how I would read that.

Mr. Kupfer: It's meant to be that it's being utilized for, I mean, I guess, retail purposes in terms of, like, a landscaper taking a trailer of mulch from their yard and bringing it to a job site or something like that. I think that's the intent here, but absolutely, to your point, it can mean a lot of different things to a lot of different people, as it's already meant three different things between the five of us here.

Steve Robichaud: Well, if that's what the phrase in trade means, then I have no issues.

Councilor Ludtke: Yeah, so, you know, maybe we should start, and I know, Steve, you did this at the Planning Board, start at the top. I mean, the first paragraph, the intent, and I think I'm okay.

Jake Dewey: I have one comment there, about visible alterations to the premises. I don't know if we need to have a definition of that, you know, and that's not just the structure, right? That would be any landscaping modification, I don't know if we just need to define that for the Building Department to say that it would include any changes to the parking layout or no change to the exterior.

Councilor Ludtke: Yeah, I also think that is rather nebulous. It does not involve visible alterations to the premises, at what point in time, to me it's too subjective. I think Jake's right, I think it's way too subjective. I'm not sure what it means. This is all open to interpretation, I think it means it looked like a house, and then you did something to make it not look like a house. I think that's what it's trying to say, but it's open to interpretation of what a house looks like, what a residence looks like.

Councilor Bloom: The alterations are something that suggests a use other than residential. It does not generate traffic beyond normal residential volumes; So, I guess I'm comfortable with that phrase, **does not involve visible alterations** that suggest a use other than residential, but, but if you feel that it needs to be changed lets discuss it.

Councilor Ludtke: What do you think, Jake?

Jake Dewey: I would welcome it.

Seve Robichaud: Is there some other language? I mean, I think the other part's fine. I just worry about just that alteration of what triggers an alteration, you know, if they change their driveway layout because they need to accommodate a second car, is that a visible alteration to the premises, you know, they cut in the gravel kind of thing to fit in the landscape. I think we saw that on our tour. We see that a lot where the whole lawn has been turned into gravel. I think any visible alteration to the premises would be considered, I mean, you could add the phrase, **does not involve visible alterations to the premises in the establishment of the home occupation, so as the home occupation is established, no visible alterations.**

Councilor Ludtke: I like that, Jim. Can you put that in, in the establishment of?

Mr. Kupfer: Yes.

Councilor Ludtke: I think Steve has a good, good point there.

Jake Dewey: By definition, premises is the whole property, right? Jim, not just the, the structure.

Mr. Kupfer: That's correct.

Councilor Ludke: Should we say property instead of premises? Are premises some sort of broad term? To me, when I think about premises, I think of the structure but maybe I'm being too limited. Maybe premises means more.

Steve Robichaud: Property does sound more all-encompassing.

Councilor Ludtke: I like property. Want to go with property, Jim?

Mr. Kupfer: Okay.

Vice President Clark: Just, you know, premises is in the definition for commercial kennel, so it's used beyond that. The word premises, I'm just saying that, and then in commercial, it says property. Stable is a property; front yard uses is a property.

Steve Robichaud: Maybe we just try to change all premises to property to keep it consistent. Are there potential issues with that, Jim, do you think?

Mr. Kupfer: There could be potential issues. I'll, I'll look into it a little bit further but noted.

Councilor Ludtke: Just an overview and overall idea, as we look at this home occupation, we have a lot of multi-family residences, I would think this would apply to them as well. I mean, not that you're going to do things, by right? Doesn't someone in an apartment building, I mean, what if they create odor if they're, you know, aren't they the same way if they have a business that they're doing? Making soap or candles. I mean, do they get a pass on this if you're in an apartment building?

Mr. Kupfer: No, they have to adhere to the same, same regulations as everyone else.

Jake Dewey: So maybe that's why we need to leave it as premise, because property would imply the entire parcel.

Mr. Kupfer: Could also do property / premise.

Councilor Ludtke: Why don't we do both of them? We will leave it to you and Legal to decide.

Mr. Kupfer: Yeah, we'll work on that language with Legal and get back to you.

Vice President Clark: For what it's worth, I looked up premise. The word premises means land and buildings together as a property.

Councilor Ludtke: All right, then I think we're all pretty good with the intent of this. We're trying to let people have a business within their residential property, wherever that property may be, or premise, without altering it to make it not look like a residential property. I like the definition section.

I think that's good. That was good add to this.

Jake Dewey: Is there anything we think we need to add to other definitions?

Councilor Ludtke: Well, that's what I'm kind of wondering, like the kennel one was good, it used to be in the language and the body, it talked about, you know, six animals. I think the commercial kennel definition is good.

Jake Dewey: The commercial vehicle, because I know that came up in the public discussion when this originally came forward is 540 CMR, is that just the state, anything that requires a commercial tag? Is there a weight limit to that, or that's like a number of wheels or truck or size?

Mr. Kupfer: It's the average size for a commercial vehicle that I believe are all inclusive for their definition. I believe it's weight, size, wheels, et cetera. We directed it back to that so that, because commercial vehicle tag or a license is through the state, so, as they amend theirs, this would follow suit.

Jake Dewey: I guess the question would be the cleaning companies, their cars, you know, a little sedan has a commercial plate on it because they have their lettering on it or whatever, or for tax reasons they chose to register it as a commercial vehicle. Are we going to be hurting them too much with this?

Councilor Ludtke: I know, and this was, you know, if we go back to Steve's meeting, this was very controversial when we talked about these commercial vehicles. That's what brought out the ire of a lot of folks, and I want to be respectful of our, you know, fishermen and, you know, folks that have larger properties, probably out in the Marstons Mills and in West Barnstable that can have these larger vehicles. I don't want to go against a shell fisherman, they're not a home occupation, are they? This wouldn't even apply to them. We really are taking these separately, right?

Mr. Kupfer: Aquaculture is permitted very differently than this. This is specific to home occupations themselves. If you have a commercial vehicle, you take it home from a business, let's say, and park it in your driveway, but you don't have a home occupation on site. The section doesn't apply to that. That's treated differently. That's treated, if you remember, after, whenever we get through this, that's that next subject is commercial vehicle parking.

Councilor Ludtke: And a lot of people do that. They bring their vehicles home, so to Jake's point, I mean, I don't want to be burdensome because we do have a lot of cleaning services and it's just a little, you know, sedan or smaller.

Mr. Kupfer: They wouldn't be impacted unless their business is operated out of their house, if their home occupation is there and they have, even if it's a little sedan or a pickup truck, if it's a commercial vehicle associated with the home occupation, that's what this is talking about.

Councilor Ludtke: When we went over to see one like this on Fridays, didn't one of the ones that he was looking at, wasn't it a cleaner?

Steve Robichaud: So that is considered a home occupation, although their work is not happening in the home. When they're using their home as their address for their business. They do the billing there. They do estimating there.

Mr. Kupfer: The cleaning was going on anywhere but their own home. Just like a landscaper is doing landscape anywhere other than their own home and a plumber. A lot of business, a lot of home occupations that are utilizing their business for business certificate purposes and may just have a vehicle in their driveway, and so that's the discussion really for you all. Where does that lie?

Councilor Ludtke: But that's where I think this commercial vehicle aspect becomes a trigger.

I think, when we looked at what the Building Commissioner, Brian Florence saw, he needed to know the make and model and that triggered in him, and we had some discussions about that and what would trigger an inspection or question that you're doing something more if you have that kind of a vehicle. I think Jake's onto something. I think this is a trigger and we ought to maybe come back to it and look at it as when you're crossing over from by right to something else if you're starting to be too intense.

Jake Dewey: I think there was discussion at your meeting about a 2500 or a 250 truck is like where you start to become a commercial, I think those trucks you can't even register without a commercial plate no matter what you're using it for but that's another issue, you know, that sort of triggers there. I don't know how we sort of handle it, if that's the right way to define it or whether it should be that it is a commercial vehicle and business.

Vice President Clark: I think you're right Jake, It's like a dump trunk with a commercial plate that's different from the cleaning person and the sedan. It's a different impact to the community.

Councilor Ludtke: What is this citation? What does it say, Jim? Who came up with this definition?

Mr. Kupfer: It was the collaboration of Legal, Building and myself referring back to the State. It's the state's definition of a commercial vehicle is simply all it is. It's everything that needs a commercial vehicle plate because again, we don't license those. That's the state's function.

Councilor Ludtke: Maybe we need a more nuanced definition here. I don't think that's going to cut it. I think it's too broad. What do you guys think?

Jake Dewey: I think it's too broad. I think we're going to run into problems with it. That's why I brought it up that, you know, there'll be someone that has a commercial plate parked in the yard for whatever reason and then you know, someone calls Brian about it.

Mr. Kupfer: I think the question though is, what is the intent here? What are you trying to achieve? The complaints received are multiple commercial vehicles in a driveway and they're not dump trucks. There's just three little pickup trucks in a driveway.

Councilor Ludtke: It's two aspects. I think it's the number and the size. I think there's two measurements that need to be looked at.

Steve Robichaud: I don't know how we start, It's all about where we want to deal with it. If you want to deal with it in subsequent sections, then you can simply **limit commercial vehicle to any vehicle associated with home occupation**, period, and then deal with how you regulate that further on because you know this is going to be our hardest part, the vehicles. This was what we heard from the public at my meetings and it's going to be really, really, really difficult. My brain is torn between two things, and one is we've seen so many sites around town that are brutal. We saw some on ours, but then we don't want to burden somebody that's just trying to run a business out of their sedan, you know what I mean? So, we have to find some sort of balance between those two things.

Jake Dewey: There are multiple definitions of it, could be small commercial vehicle, commercial truck, or commercial car, commercial truck too, and I don't know if that makes it too complicated.

Councilor Bloom: Is there a limit to the number of wheels a commercial vehicle can have in home occupation?

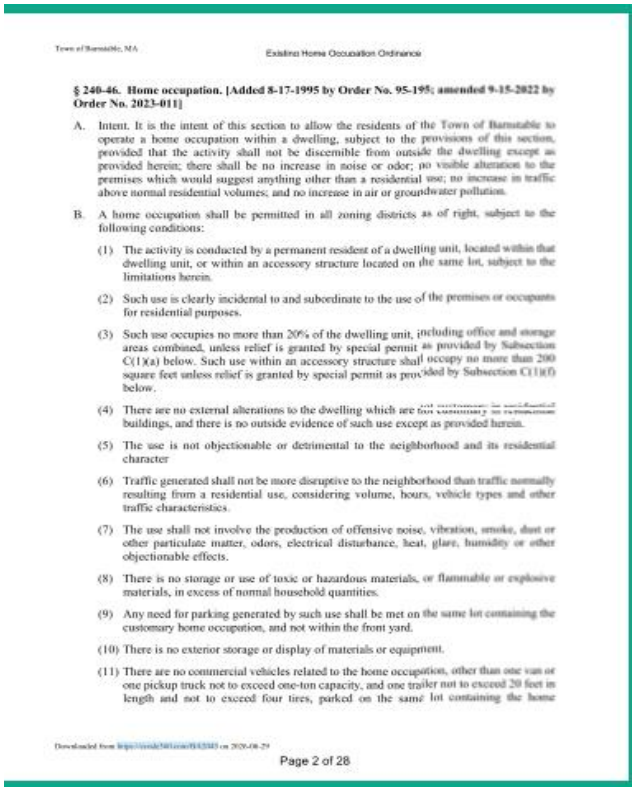
Mr. Kupfer: So again, as described right now is we're only defining how many commercial vehicles one can have on a lot. If you have a commercial vehicle period, then it triggers it can be by right. Right now, we're saying one potentially could be by right and anything more than that, you have to go to the Zoning Board of Appeals. If you want to bifurcate that and separate out certain commercial vehicles go to special permit and some commercial vehicles are by right, you certainly can discuss that, and we can figure a way in which we can categorize that. I think this is cleaner in that there's a State license that is granted. Brian can go out and say, there's a commercial license plate there. You got one, and then discovers there's two on this lot, you need a special permit. I mean the impact of a sedan versus a pickup truck personally to me is benign. You know, I live next to a number of people who have pickup trucks.

Jake Dewey: What if it's an 18-wheeler or like some people who don't like a diesel truck with a backup beeper that at 6am is beep, beep, beep, beep.

Mr. Kupfer: But again, once you have something like an 18-wheeler or a dump truck, shouldn't we be discussing whether that's leaving home occupation and moving to a contractor's yard? I think that's that secondary discussion that maybe we need to build into this intent perhaps I think that could assist the Building Department because when we discuss home occupation, when we did our drive about, I didn't really see too many that were a giant dump truck. We may have had one that was kind of trying to tuck one away but aside from that, I think that's a good point. More so than just a truck or a load truck that you have that's not moving but aside from that, it was, you know, the, the van or the pickup truck, and then, yeah, there's like big examples like the one Councilor Ludtke had mentioned that that in my mind probably leaves home occupation and moves to a use that's not residential, like when there's a bucket truck.

Steve Robichaud: Can you remind us of what is currently on the books related to home occupation vehicles.

Mr. Kupfer: It is referenced in page 2-4 So that's the existing now.



Town of Barnstable, MA Existing Home Occupation Ordinance

§ 240-46. Home occupation. [Added 8-17-1995 by Order No. 95-195; amended 9-15-2022 by Order No. 2023-011]

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 provisions of this section, provided that the activity shall not be discernible from outside the dwelling except as provided herein; there shall be no increase in noise or odor; no visible alteration to the premises which would suggest anything other than a residential use; no increase in traffic above normal residential volumes; and no increase in air or groundwater pollution.

B. A home occupation shall be permitted in all zoning districts as of right, subject to the following conditions:

(1) The activity is conducted by a permanent resident of a dwelling unit, 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 use of the premises or occupants for residential purposes.

(3) Such use occupies no more than 20% of the dwelling unit, including office and storage areas combined, unless relief is granted by special permit as provided by Subsection C(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 C(1)(f) below.

(4) There are no external alterations to the dwelling which are [illegible] buildings, and there is no outside evidence of such use except as provided herein.

(5) The use is not objectionable or detrimental to the neighborhood and its residential character

(6) 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.

(7) The use shall not involve the production of offensive noise, vibration, smoke, dust or other particulate matter, odors, electrical disturbance, heat, glare, humidity or other objectionable effects.

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

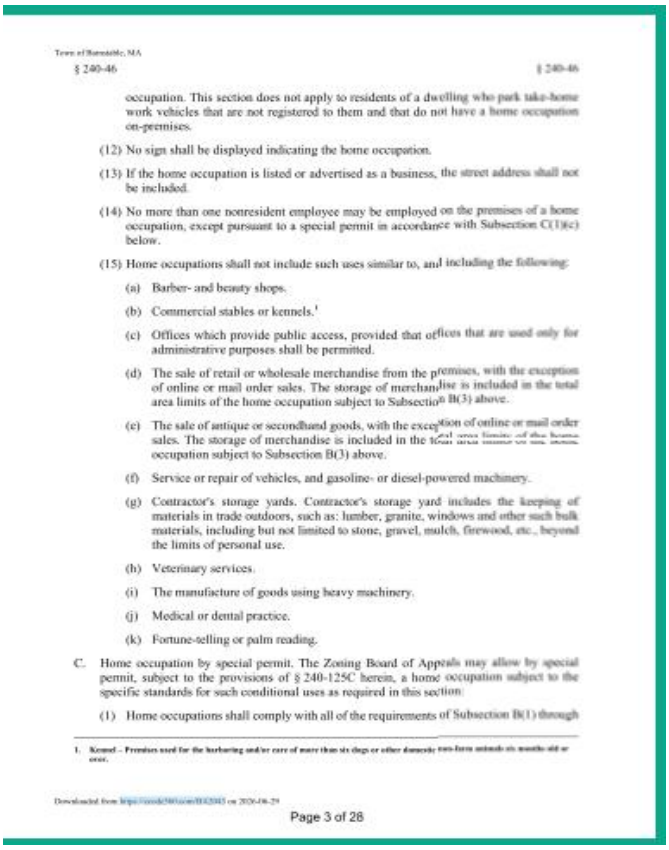
(9) Any need for parking generated by such use shall be met on the same lot containing the customary home occupation, and not within the front yard.

(10) There is no exterior storage or display of materials or equipment.

(11) There are no commercial vehicles related to the home occupation, other than one van or one pickup truck 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 same lot containing the home

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occupation. This section does not apply to residents of a dwelling who park take-home work vehicles that are not registered to them and that do not have a home occupation on-premises.

(12) No sign shall be displayed indicating the home occupation.

(13) If the home occupation is listed or advertised as a business, the street address shall not be included.

(14) No more than one nonresident employee may be employed on the premises of a home occupation, except pursuant to a special permit in accordance with Subsection C(1)(c) below.

(15) Home occupations shall not include such uses similar to, and including the following:

(a) Barber- and beauty shops.

(b) Commercial stables or kennels.[1]

(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 B(3) 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 B(3) above.

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

(g) Contractor's storage yards. Contractor's storage yard includes the keeping of materials in trade outdoors, such as: lumber, granite, windows and other such bulk materials, including but not limited to stone, gravel, mulch, firewood, etc., beyond the limits of personal use.

(h) Veterinary services.

(i) The manufacture of goods using heavy machinery.

(j) Medical or dental practice.

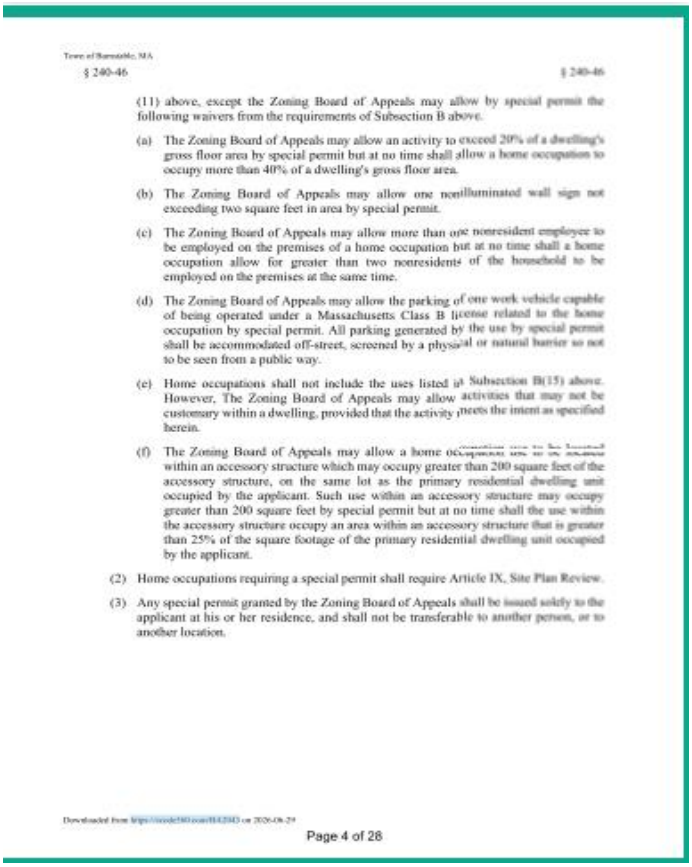
(k) Fortune-telling or palm reading.

C. 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 B(1) through

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

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Town of Barnstable, MA

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(11) above, except the Zoning Board of Appeals may allow by special permit the following waivers from the requirements of Subsection B above.

(a) The Zoning Board of Appeals may allow an activity to exceed 20% of a dwelling's gross floor area by special permit but at no time shall allow a home occupation to occupy more than 40% of a dwelling's gross floor area.

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

(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 greater than two nonresidents of the household to be employed on the premises at the same time.

(d) The Zoning Board of Appeals may allow the parking of one work vehicle capable of being operated under a Massachusetts Class B license related to the home occupation by special permit. All parking generated by the use by special permit shall be accommodated off-street, screened by a physical or natural barrier so not to be seen from a public way.

(e) Home occupations shall not include the uses listed in Subsection B(15) 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.

(f) The Zoning Board of Appeals may allow a home occupation use 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 primary residential dwelling unit occupied by the applicant. Such use within an accessory structure may occupy greater than 200 square feet by special permit but at no time shall the use within the accessory structure occupy an area within an accessory structure that is greater than 25% of the square footage of the primary residential dwelling unit occupied by the applicant.

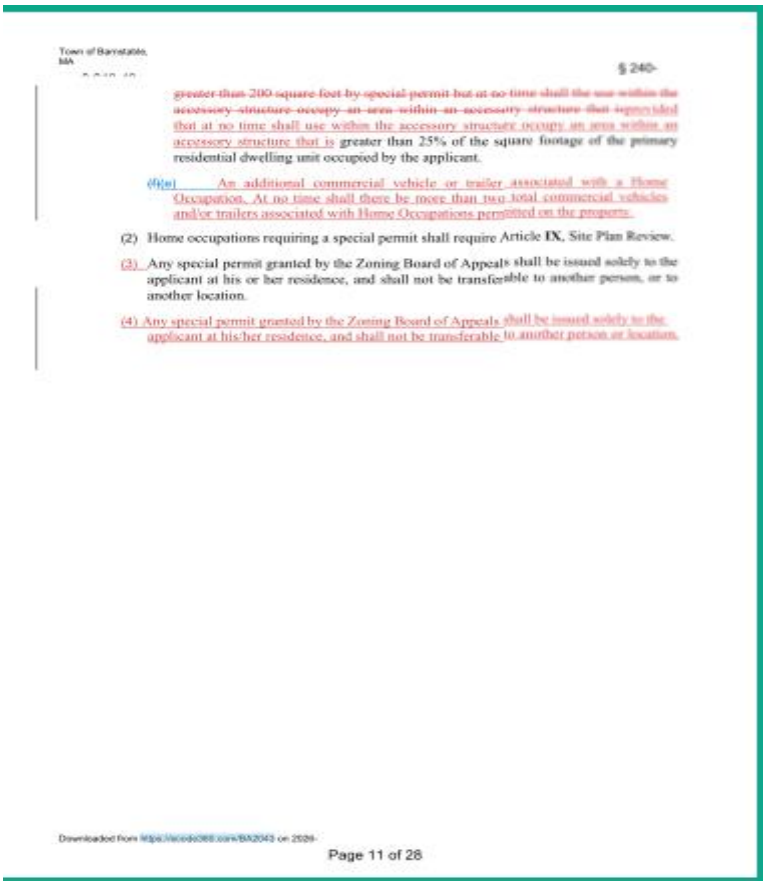
(2) Home occupations requiring a special permit shall require Article IX, Site Plan Review.

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

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Jake Dewey: There are no commercial vehicles related to the home occupation other than one van or one pickup truck not to exceed one ton capacity.

Councilor Ludtke: Yeah, it's number 11



Town of Barnstable, MA

§ 240-

~~greater than 200 square feet by special permit but at no time shall the use within the accessory structure occupy an area within an accessory structure that supercedes that at no time shall use within the accessory structure occupy an area within an accessory structure that is~~ greater than 25% of the square footage of the primary residential dwelling unit occupied by the applicant.

~~(f)(e) An additional commercial vehicle or trailer associated with a Home Occupation. At no time shall there be more than two total commercial vehicles and/or trailers associated with Home Occupations permitted on the property.~~

(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, and shall not be transferable to another person, or to another location.

~~(4) Any special permit granted by the Zoning Board of Appeals shall be issued solely to the applicant at his/her residence, and shall not be transferable to another person or location.~~

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Steve Robichaud: This is something that I always want to come back to is what is allowed now. And I would hate to see us go much stricter than that. It's interesting, though. How do I phrase this? If you do have a cleaning company you're operating out of a Toyota Camry. That doesn't need commercial plates, under page two, number 11, there are no commercial vehicles. Technically, that is not a commercial vehicle, it could have passenger plates, just normal plates. You know what I mean? it's not a van or a pickup truck. I really lean towards the **definition of commercial vehicle just being any vehicle associated with the home occupation.**

Jake Dewey: I think the issue is that it's not a commercial vehicle. How does Brian enforce that? It's really hard for him to enforce that. If this definition goes, commercial vehicle, it's really easy for him to say that's a commercial plate.

Steve Robichaud: Okay, yes, I will say that one thing that we saw with his review on that Friday was that when you try to get your license, you have to state what vehicle or vehicles you will be using for that license. He would have a record of what that would be, but you're saying if they were using vehicles outside of that didn't have commercial plates, how could he enforce that?

Jake Dewey: I think it's why Jim and Brian and Legal came up with this was because it's very cut and dry. They can just probably pull up their registration and see if the vehicles are registered to the property too.

Steve Robichaud: Even this definition though: Any vehicle associated with the home occupation that meets the definition of commercial plate is required. Many home occupations in town are using vehicles that do not have that requirement. It's just a sedan.

Jake Dewey: It's a pickup truck. You know what I mean? But technically it is required. They're just not doing it.

Steve Robichaud: Well, not necessarily, because some, there's a threshold like my pickup truck. I actually, could have got commercial or passenger, believe it or not.

Jake Dewey: If we put lettering on it, we have to go commercial, right?

Steve Robichaud: Not always, believe it or not. It depends on if the vehicle is going to be used for personal use, a certain percentage, it doesn't necessarily trigger the threshold for commercial plates required. And again, if somebody has a home occupation that they're only doing say on weekends and the rest of the time that vehicle is used for personal use. It's tricky.

Councilor Ludtke: I will say when, when we did that review with Brian, he showed us that he came back to the existing regulations. And that's why he relied on that number 11. If that's not in there anymore, he has nothing to fall back on. There's absolutely nothing, so to do that, I'm not going to say that I'm not going to do that and to Jake's point it's completely wide open so if we don't have a further definition there's absolutely nothing because remember he kept saying you know now I go back and I look at this and this gives me my guidance on what's okay and what's not.

Steve Robichaud: This is why having Brian Florence, Building Commissioner, here is so critical because I would be very curious to see what he would think about removing the phrase that meets the definition of commercial plates required see what see what he would think about that.

Vice President Clark: I'm sorry to make things even more complicated do it but do we have a different tolerance for property that's under an acre and more tolerance if it's over an acre is there more space between houses to accommodate.

Jake Dewey: I think that should be when you get to the special permit portion. I don't think in the definitions it states this.

Vice President Clark: I think that there should be some accommodation made for space because it's more annoying when you're on top of each other and less, so when there is room. I think that's where the rub comes and that's where the complaints are driven.

Councilor Ludtke: What I'd like to do is, so we don't get too stuck here because we don't have Brian here. Brian could clear up a lot of this stuff; why don't we keep moving, I'd like to put a hard stop at 7pm if that's okay with everyone. Let's press ahead and let's make our notes of what we need to revisit, but I'd like to get through the definitions and into at least the next section, so we have some things for Jim to chase down.

Stever Robichaud: I wanted to just offer one thing if you don't mind, if we don't make it all the way through this potentially, we could think about maybe adding a meeting for August only because if we did that it wouldn't necessitate more work by staff; this is ready you know what I mean so I just wanted to throw that out there.

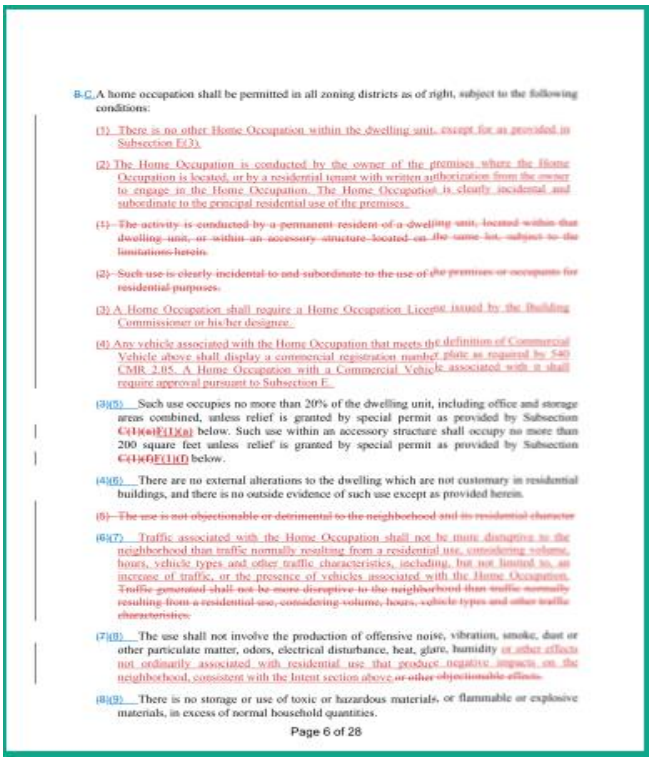
Councilor Ludtke: I think that's a great idea, remember we did miss our meeting in June, we gave that up so that would that's a great idea because I just don't want to you know have this meeting go too long and again, I think we're going to be much more productive if we have Commissioner Florence here.

Steve Robichaud: Jake, you had mentioned is there any definitions that aren't here that maybe we should think about I wrote two down they might be silly but the two I wrote down were **materials** just kind of putting a definition to how materials are defined according to this talk and then the other one is **screening** just how we would define screening as it associates to this topic and again those might be silly but just want to throw them out there to consider.

Councilor Ludtke: I think that's good, anybody else have any others that they think we need to think about as we move forward from definitions.

Jake Dewey: **Parking** I don't know if parking needs to be defined like what you know when we say something has to be parked in a certain way or place; do we need to define what it's potentially someone can just park on the grass because it's behind the building or do they need to have a specific surface or something?

Councilor Ludtke: I think that's worth pursuing Jim if you can take notes on those and I wonder since we do talk about front yard can we talk about backyard since that seems to be where we want to do everything right, you want everything to be in the backyard; Is there a definition of backyard? and that could get into some of the Zoning Board of Appeals (ZBA) stuff with some of the setbacks and things. Let's go to Section C



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

(1) There is no other Home Occupation within the dwelling unit, except for as provided in Subsection E(3).

(2) The Home Occupation is conducted by the owner of the premises where the Home Occupation is located, or by a residential tenant with written authorization from the owner to engage in the Home Occupation. The Home Occupation is clearly incidental and subordinate to the principal residential use of the premises.

~~(1) The activity is conducted by a permanent resident of a dwelling unit, 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 use of the premises or occupants for residential purposes.~~

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

(4) Any vehicle associated with the Home Occupation that meets the definition of Commercial Vehicle above shall display a commercial registration number plate as required by 540 CMR 2.05. A Home Occupation with a Commercial Vehicle associated with it shall require approval pursuant to Subsection E.

(3)(5) Such use occupies no more than 20% of the dwelling unit, including office and storage areas combined, unless relief is granted by special permit as provided by Subsection ~~C(1)(a)F(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 ~~C(1)(b)F(1)(f)~~ below.

(4)(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.

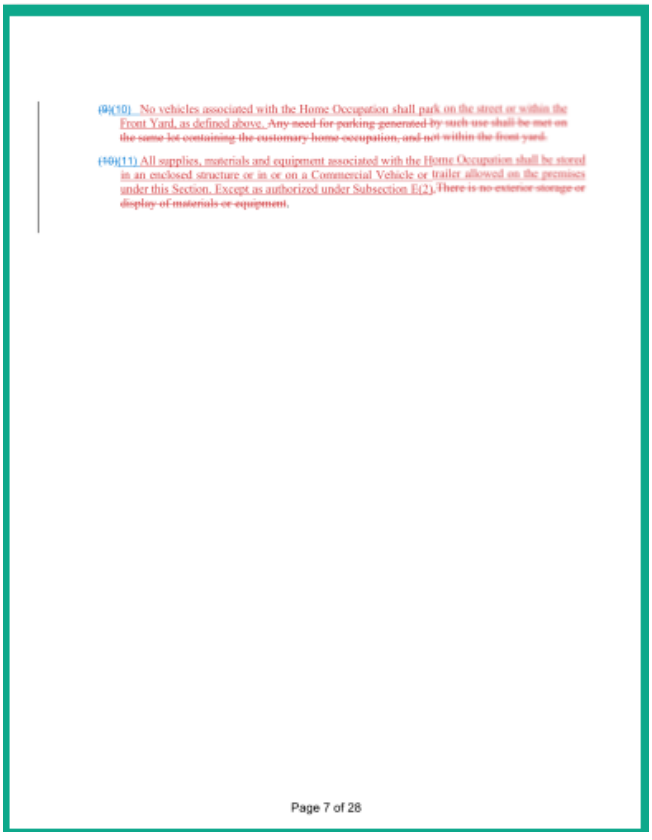
~~(5) The use is not objectionable or detrimental to the neighborhood and its residential character~~

(6)(7) Traffic associated with the Home Occupation 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, or the presence of vehicles associated with the Home Occupation. ~~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.~~

(7)(8) The use shall not involve the production of offensive noise, vibration, smoke, dust or other particulate matter, odors, electrical disturbance, heat, glare, humidity or other effects not ordinarily associated with residential use that produce negative impacts on the neighborhood, consistent with the Intent section above ~~or other objectionable effects.~~

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

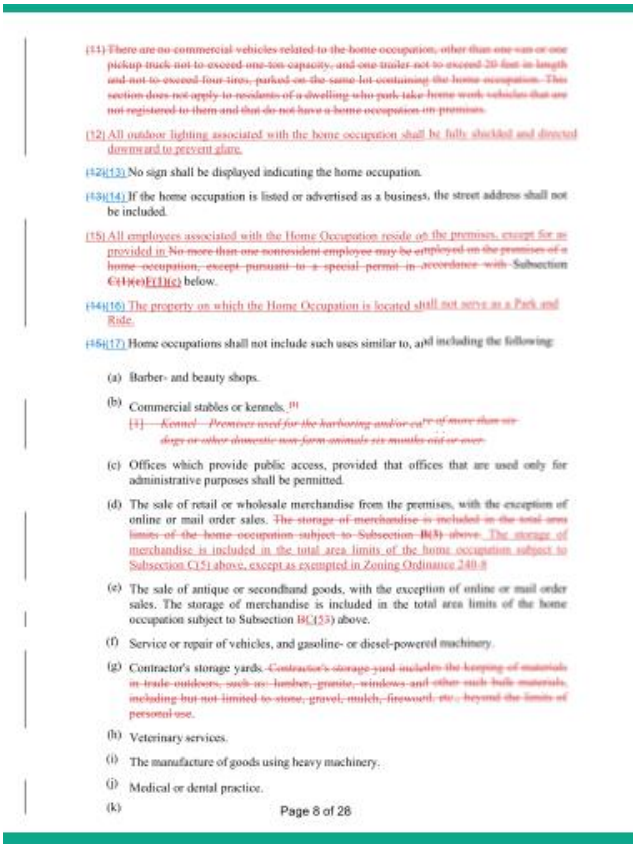
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(9)(10) No vehicles associated with the Home Occupation shall park on the street or within the Front Yard, as defined above. ~~Any need for parking generated by such use shall be met on the same lot containing the customary home occupation, and not within the front yard.~~

(10)(11) All supplies, materials and equipment associated with the Home Occupation shall be stored in an enclosed structure or in or on a Commercial Vehicle or trailer allowed on the premises under this Section. Except as authorized under Subsection E(2).~~There is no exterior storage or display of materials or equipment.~~

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(11) There are no commercial vehicles related to the home occupation, other than one van or one pickup truck 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 same lot containing the home occupation. This section does not apply to residents of a dwelling who park take-home work vehicles that are not registered to them and that do not have a home occupation on premises.

(12) All outdoor lighting associated with the home occupation shall be fully shielded and directed downward to prevent glare.

(12)(13) No sign shall be displayed indicating the home occupation.

(13)(14) If the home occupation is listed or advertised as a business, the street address shall not be included.

(15) All employees associated with the Home Occupation reside on the premises, except for as provided in No more than one nonresident employee may be employed on the premises of a home occupation, except pursuant to a special permit in accordance with Subsection C(1)(e)F(1)(c) below.

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

(15)(17) Home occupations shall not include such uses similar to, and including the following:

(a) Barber- and beauty shops.

(b) Commercial stables or kennels. [1]

[1] *Kennel – Premises used for the harboring and/or ca[illegible]r of more than six dogs or other domestic non-farm animals six months old or over.*

(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 B(3) above. The storage of merchandise is included in the total area limits of the home occupation subject to Subsection C15 above, except as exempted in Zoning Ordinance 240-8

(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 B(15) above.

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

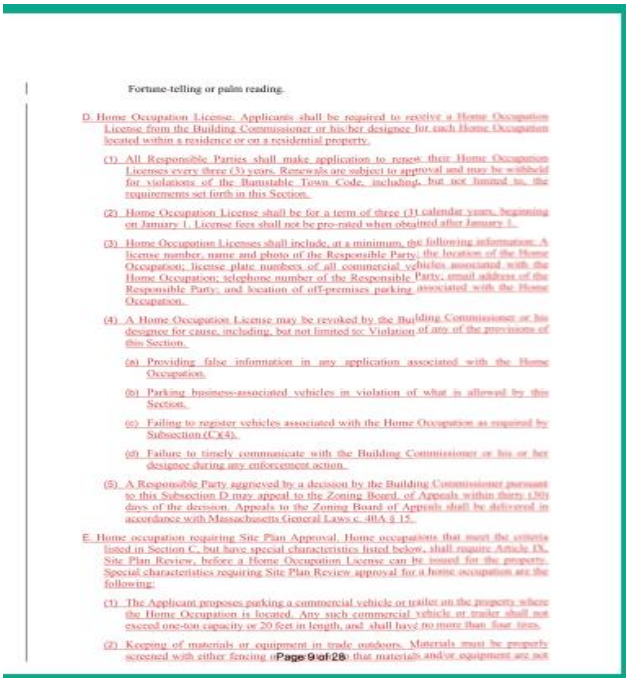
(g) Contractor's storage yards. Contractor's storage yard includes the keeping of materials in trade outdoors, such as: lumber, granite, windows and other such bulk materials, including but not limited to stone, gravel, mulch, firewood, etc., beyond the limits of personal use.

(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/her designee for each Home Occupation located within a residence or on a residential property.

(1) All Responsible Parties shall make application to renew their Home Occupation Licenses every three (3) years. 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.

(2) Home Occupation License shall be for a term of three (3) calendar years, beginning on January 1. License fees shall not be pro-rated when obtained after January 1.

(3) 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.

(4) A Home Occupation License may be revoked by the Building Commissioner or his designee for cause, including, but not limited to: Violation of any of the provisions of this Section.

(a) Providing false information in any application associated with the Home Occupation.

(b) Parking business-associated vehicles in violation of what is allowed by this Section.

(c) Failing to register vehicles associated with the Home Occupation as required by Subsection (C)(4).

(d) Failure to timely communicate with the Building Commissioner or his or her designee during any enforcement action.

(5) 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 requiring Site Plan Approval. Home occupations that meet the criteria listed in Section C, but have special characteristics listed below, shall require Article IX, Site Plan Review, before a Home Occupation License can be issued for the property. Special characteristics requiring Site Plan Review approval for a home occupation are the following:

(1) The Applicant proposes parking a commercial vehicle or trailer on the property where the Home Occupation is located. Any such commercial vehicle or trailer shall not exceed one-ton capacity or 20 feet in length, and shall have no more than four tires.

(2) Keeping of materials or equipment in trade outdoors. Materials must be properly screened with either fencing or [illegible] that materials and/or equipment are not

Mr. Kupfer: This says home occupation shall be permitted in all zoning districts as of right. This is our by right section, subject to the following conditions, and we go through, it actually goes all the way to page nine. It slightly spills onto page nine with all the different conditions there. This one tries to spell out as much as possible that could be by right, and that's because again, this first section also has Site Plan Review in there. There's a lot that points to Site Plan Review as well.

Steve Robichaud: With Site Plan Review, is Site Plan Review going to be kind of the middle tier?

Mr. Kupfer: Correct. That starts on page nine on this version.

Councilor Ludtke: I like everything here, I like the changes. Number 4, I think maybe we could, work on our vehicle, again, by right. Maybe this is where we get more granular on the size of the vehicle by right. I think this would be the place to put that.

Steve Robichaud: The current code states that somebody may have one commercial vehicle and one trailer, anything beyond that, they need to get a special permit. What's proposed here in this, if you've jumped to subsection E, it seems to indicate that any commercial vehicle, subsection E says kind of any.

Mr. Kupfer: That's referring to site plan review here for this update to say, because that was one of the bigger things that folks said had concerns on. So, another level of review in this version, we move any commercial vehicle to first site plan review and then additional vehicles to special permit. In the subsequent section, we, I believe, allow for one by right and then special permit beyond that.

Steve Robichaud: I mean, my initial gut reaction to that is that it just is a bit burdensome and may kind of hamper some of our small business owners as opposed to what's in place right now. I will also add that I was very impressed by Brian's review that he did at that Friday meeting that we attended. I kind of grilled him a little bit on vehicles and how he determines, you know, if somebody put in Chevy Silverado, that can be a 1500 up to a 4500, whatever you want to say. He put me at ease that he digs pretty deep into the vehicle to determine if it's passing a threshold that's comfortable. So, I think that that level of review is there.

Councilor Ludtke: I was very impressed with that as well the way he did that. I think that's where we need his language in here because that's where he needs it. It needs to be in here for him to back up his decisions. He can't just come up with them.

Steve Robichaud: I'm all for formalities and checklists and all that, to me, that Friday review that he does, it needs a name, you know, we have a name called Site Plan Review. It needs a name, some sort of review, and then it needs a checklist. I think we've seen a draft of that checklist, but if you have that checklist with a checklist name.

Councilor Ludtke: I don't recall seeing it, but I think that needs to be available to the public. I think they need to know exactly what they're going to be reviewed on and the parameters of that review. I think you need to be very open about that. You're right. It needs a name.

Steve Robichaud: Because we could then add language for subject to building department XYZ review and the review checklist or review process.

Vice President Clark: I think that's fair, because if you were just embarking on a new business and you were considering what vehicle to buy, you could select one that had a lesser impact based on the consequences that you have in that review. If there was a checklist that was available to the public, it would be easier for the applicant.

Steve Robichaud: Full transparency.

Councilor Ludtke: Jim, why don't we put that as an action item that if Brian, before our next meeting, which I agree with Steve, we should have one in August. We probably do have one in August. Maybe we need two in August. I say go for two. Let's have that as an action item that we need the details of:

1. We need some proposed names or a name of his process on Fridays

2. a checklist

3. some sort of public-facing document that talks about Brian's process

because I don't think it's defined anywhere, he has it very well defined in his head but it's not anywhere else. We absolutely need that.

Councilor Bloom: Can a take-home vehicle, work vehicle, be something pretty big and objectionable to neighbors? A take-home work vehicle, not a home occupation vehicle.

Mr. Kupfer: So right now, we don't regulate that, that's a secondary subject matter that we're going to, I think, tackle after home occupation is commercial vehicle parking. That was something that I think we, or the Planning Board struggled with, and I think that will be a pretty robust discussion about where that line sits. That wouldn't apply to this.

Councilor Bloom: The Planning Board and the ZBA probably run across this in the past, but I could see that, you know, somebody running a home business, you know and their neighbor has a six-wheel car or truck over there, you know, a 350 and it's huge and it's ugly and how come he can get away with it? And I've got to stick with a small vehicle or a smaller vehicle.

Jake Dewey: The intent would be that he has a business location elsewhere at a proper commercial location. The business isn't operating from there, whereas the home-op person isn't paying for a contractor bay in the industrial park or et cetera. They're trying to make it all happen in their house.

Councilor Ludtke: And I see number 6 here, I mean, it's the same thing we talked about in the intent. Is there a reason it's, you know, addressed?

Mr. Kupfer: I think it's important to have in the actual ordinance, the intent really doesn't give any teeth to anything. It's just kind of a summary of the document.

Councilor Ludtke: I think it's very important with the parking and with the, you know, putting gravel everywhere and that kind of thing. I think, Jim, it needs to be more than the dwelling.

Steve Robichaud: And then again, you could lead #6 with in the establishment of the home occupation.

Councilor Ludtke: There you go. If you can clean that one up, Jim, I think Kris actually read that definition where you had building and properties. It needs to be more than the dwelling. I mean, I think that also puts us back up to 5 here too, a little bit. Where the, I mean, again, I don't know what the numbers are, what the percentages are, but we're just talking interior. That's referring to the inside for 5. Maybe 5 is okay for the interior and maybe 6 has to broaden it out to the larger property. Premises property. If we can word that, Jim, to be more expansive.

Steve Robichaud: One issue I just found with what I said is it should be in the establishment and operation of the home occupation because it's not just in the establishment. It's also in the ongoing operation of it.

Jake Dewey: Does that push someone to go and clear cut their lot and gravel it over before they come in for their review?

Steve Robichaud: So really quick, page 7, number 11, again, I know screening comes up later, but number 11, I do have an issue with only because I don't feel like shall be stored in an enclosed structure or in a trailer or vehicle. That's something that I think could be a little bit too restrictive only because there are folks out there in town that store supplies, materials, and equipment outdoors and do a

wonderful job of screening it from their neighbors and the general public. I think that they are subscribing to the intent of what we're trying to accomplish, and I don't think that they should be further burdened.

Jake Dewey: Don't you think that that's a situation where it should come to the ZBA to determine if they're on a .08 acre lot and they're trying to do it whatever versus they're in Marstons Mills and there's 200 feet between a butter?

Steve Robichaud: Yes, I agree with that.

Councilor Ludtke: Yeah, I think this is going beyond by right. If you're starting to store stuff, now you're going above and beyond, I think.

Steve Robichaud: Well, again, if it's properly screened, but I agree with Jake, let ZBA get eyes on that and review, make a site visit, look at photos and the if needed notify abutters.

Councilor Bloom: What about the 11 that's on page 25?

Steve Robichaud: That one does speak to proper screening.

Councilor Ludtke: Yeah, I like that one much better.

Steve Robichaud: I do like that.

Councilor Bloom: Does that get at everything you wanted to get at?

Steve Robichaud: It does, although I do. I don't think we want to by right let people store stuff.

Councilor Ludtke: It shouldn't be buy right.

Jake Dewey: Again, the ZBA can condition it, you know, based on the, you know, how it feels for that neighborhood, how the neighbors react, and again, if it's five acres in Marstons Mills, it's very different than 0.2 in Hyannis.

Steve Robichaud: Right, so I would say that if it's needing to be stored outside and screened, then it should get ZBA special permit.

Jake Dewey: I think we can leave 11 kind of how it is then, right?

Steve Robichaud: yes

Councilor Ludtke: You think it should be buy right?

Jake Dewey: No, we leave it the way it is in the by right section. We leave page seven. What we've written here, what Jim has written is saying that by right it has to be in the trailer or on the truck that are allowed.

Steve Robichaud: And beyond that?

Jake Dewey: Beyond that, it's just going to be ZBA If they want piles of stuff and whatnot and pallets.

Steve Robichaud: That's the right move.

Councilor Ludtke: If as long as it's A, I mean, you could start having a number of trailers, a number of storage.

Jake Dewey: Well, it says what's authorized under the section. So, it goes back to us of what we're allowing, right? We're telling trailer and one truck.

Steve Robichaud: Is number 12 sufficient there on page 8. All outdoor lighting associated with the home occupation shall be fully shielded and or directed downward.

Councilor Ludtke: Well, again, I don't know when we start getting into stuff like this, it's like, is this really what we want by right? Are we having to put exterior lighting for what purpose? For security purposes that we have so much stored out here? I think we've moved beyond what you would expect in a normal residence.

Steve Robichaud: Does our normal ordinance just for a normal property owner have outdoor lighting specification?

Mr. Kupfer: No, not residential.

Stever Robichaud: I think it is just adding a layer of protection for the abutters.

Jake Dewey: One other thing that's not on here, to sort of go back, but maybe we need a definition of equipment. We don't really ever recognize equipment. Like whether it's a snowplow that's not on the truck, an excavator, you know, things that, it's not a trailer, it's not a, but it's, I don't know.

Councilor Ludtke: You make a good point, because again, this example that I know of, that's exactly what's going on at this place. There's all sorts of stuff like that. Like they take the sanding body off the truck and put it in the backyard, and the snowplows, and that. Yeah, it's full of that stuff.

Steve Robichaud: So,15, I struggle with again, we go back to that conversation we had about a cleaning company. So15 says all employees associated with a home occupation reside on the premises, except for as provided in F1C. So, can we look at F1C really quickly? E-F1C.The zoning board may allow one or more non-residents to be employed on the premises of home occupation. I think about, again, a cleaning company where the owner of the cleaning company lives on that property, has a Toyota Camry and three employees ride their bikes to the house in the morning, and they all go off to work. So, it's like maybe you just add... **If work is being performed on site, the only employees that should be performing that work are those that live there.** Isn't that kind of the intent we're going for? Am I missing anything?

Mr. Kupfer: I think it's also what Councilor Ludtke was mentioning in that someone who lives on site and then they essentially convene a meeting at their house in the morning to give orders or whatever, and that goes back to things like traffic impacts and others that it would be like a residential purpose, so we're not adding additional burden to the neighborhood. So, it's meant to be that even if you own the business and you have others, you're not convening work onsite on the premises. You're the only one that, if you live on the premises as a home occupation and anyone additional, It can't occur onsite.

Jake Dewey: On our excluded list, is that unless a special permit is granted, or is that just excluded period? We're just not allowing any of those uses anywhere ever?

Mr. Kupfer: These are the prohibited uses. I don't believe we make any exceptions elsewhere. Really what we targeted there are things that again would impact things like you shouldn't have clients coming to the site, you shouldn't have additional trips, things like that kind of stuff, we tried to target as many uses as we could that would make sense for a home occupation.

Jake Dewey: Do we need to specify daycare that's taken care of in our separate daycare ordinance?

Mr. Kupfer: Daycare technically may fall under educational uses, so that could have some exemptions.

Steve Robichaud: No fortune telling or palm reading.

Councilor Ludtke: Do we want to, since we did want to talk about the home occupation, do we want to just take 10 minutes and talk, or the site plan? because if you did, what was the theory on this? If you do site plan review, again, I'm trying to get the abutters into this, and they're not in site plan. If you do site plan and you pass that, you're done? Or do you have to go to ZBA as well?

Mr. Kupfer: No.

Councilor Ludtke: How did you foresee this?

Mr. Kupfer: For every other permit, so we were kind of running along those same thought, the same thought there was, you go to site plan review, and if it's defined as by right, or if there's any other requirements as described in site plan review, and you meet those requirements, that's the last step. Then you can go get a building permit or proceed on. Now in site plan review, typically what comes to light during site plan review is, hey, you don't meet X, Y, and Z, and therefore you need to go to get a special permit, or this ordinance specifically prescribes that you need a special permit, at site plan review, it does allow for additional eyes on it that would bring up any other issues that might come to light. Then direct you to the correct path of permitting, which might be simply proceed on or go to the Zoning Board of Appeals. We do have in the special permit criteria that you do, are required to go to Site Plan Review, however, so that might be covered within that.

Jake Dewey: We have the by right. If it's not by right, then site plan review is ZBA, but we have to make sure that the by right has, I don't know, just the right criteria for Brian and his team to know this needs to go for a special permit.

Steve Robichaud: You've got by right, you've got special permit, however, every single one goes through a new home occupation review. Right. Which is what Brian's doing now and what we do is we all, you know, I mean, as I watched that, I did think of a couple things that could be added to that. I think we could think of a person or two that could be added to that. We could, as a team, develop what that home occupation review could look like involving the public, involving the abutters.

Councilor Ludtke: I think that was a piece of it that was missing for me and Jim, if you could ask Brian on this, I want to see some sort of an abutter notification for his process. He did not like that idea, but that to me is what's the missing link in here. I think people in a residential area have a right to know that somebody's doing a home occupation as benign or maybe not benign it is. I think they have a right to know that. I think there should be some sort of abutters process. Right now, you're not getting abutter notification until you get to the ZBA, because it really doesn't apply to Site Plan Review.

Jake Dewey: But there wouldn't be public comment probably, right, Jim?

Mr. Kupfer: There wouldn't be public comment, but then they'd at least know.

Councilor Ludtke: If you can suggest that then an abutter notification after, which puts the abutters on notice that this is what has been granted and it's up to them to complain or not complain. Then they would have instructions. They can call town hall and review the permit. And that would help in terms of the enforcement. We are complaint based, I mean, that's what we ask people to do.

Chair of Committee asked for a motion to accept the meeting minutes of May 21, 2026, Jake Dewey had one correction from sower to sewer, Councilor Bloom made the motion to accept the meeting minutes with the correction made, this was seconded by Vice President Clark, all members voted in favor of accepting the meeting minutes of May 21, 2026

Committee members asked Mr. Kupfer to invite the Building Commissioner to the August 13, 2026 meeting as an additional meeting added on to go over the definitions. Next regular meeting August 27, 2026 at 5:30pm in the Hearing Room

Chair of Committee asked for a motion to adjourn: Councilor Bloom made the motion, this was seconded by Steve Robichaud, a roll call vote was taken:

Committee members.

Steve Robichaud	Yes
Jake Dewey	Yes
Councilor Ludtke	Yes
Councilor Bloom	Yes
Councilor Clark	Yes

You are adjourned at 7:40 pm.