

Town of Barnstable- Town Council- 367 Main Street Hyannis, MA 02601

TOWN COUNCIL
Committee to Review Zoning and Permitting Regulations
Selectmen's Conference Room, 2nd Floor Barnstable Town Hall

Thursday August 16, 2018 – 6:00pm

Councilors:

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

MEETING MINUTES

PRESENT: Chair of Committee, Vice-President James Crocker Jr.; Councilor Jessica Rapp Grasseti; Councilor Paul Neary; Councilor Paula Schnepf; Councilor Debra Dagwan; Councilor Matthew Levesque(6:50pm)

ALSO IN ATTENDANCE: Councilor Beedenbender; Town Attorney Ruth Weil; Elizabeth Jenkins, Planning and Development Director; Paul Wackrow, Principal Planner, Planning & Development Department; Mary Barry, Chair, Planning Board; Steven Helman, member of Planning Board; Jeffrey Swartz, member of Planning Board **ABSENT:** Hank Farnham, Member at large;

Chair opened the meeting at 6:03pm will Roll Call: Chair of the Planning Board opened up the sub Committee of the Planning Board consisting of three members as listed above in attendance. Ms. Barry, Chair of the Planning Board asked for a motion to open the public portion of the Planning Board, this motion was made by Stephen Helman, Vice Chair of the Planning Board and seconded by Jeffrey Swartz. Members of the Planning Board introduced themselves. Chair of the Zoning and Regulatory Committee asked for Public Comment, seeing none. Vice President Crocker explained to the Committee and the Planning Board Sub Committee regarding the Items on the Agenda for discussion as being one that the President of the Council asked the Chair to take up tonight which may delay the discussion on the Highway Business, Vice President Crocker apologized to both Ms. Jenkins and Mr. Wackrow if the Committee did not get to the discussion of Highway Business, but that these Items were on the Agenda for the Town Council tonight and input from this Committee since it handles Zoning would be helpful.

Chair of the Committee asked the members of the Committee to look at the following documents distributed for discussion regarding Town Council Agenda Item **2019-015 (see below)**

2019-015 Amending Chapter 240, the Zoning Ordinances to add regulations for establishing and operating registered recreational marijuana cultivators, research facilities and independent testing laboratories and prohibiting all other non-medical marijuana establishments

A. OLD BUSINESS (Joint Public Hearing with Planning Board)
(Roll Call 2/3 vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2019-015
INTRO: 08/09/2018, 08/16/18

2019-015 AMENDING CHAPTER 240, THE ZONING ORDINANCES TO ADD REGULATIONS FOR ESTABLISHING AND OPERATING REGISTERED RECREATIONAL MARIJUANA CULTIVATORS, RESEARCH FACILITIES AND INDEPENDENT TESTING LABORATORIES AND PROHIBITING ALL OTHER NON-MEDICAL MARIJUANA ESTABLISHMENTS

ORDERED:

Section 1.

That Chapter 240, Article III, Section 240.24.1.4 MS Medical Services District of the Zoning Ordinance is hereby amended as follows:

1. Add a new Special Permit use to Section 240-24.1.4B as follows:
(3) Registered Recreational Marijuana Cultivators, Research Facilities and Independent Testing Laboratories, subject to compliance with the provisions of Article XII herein.

Section 2.

That Chapter 240, Article III, Section 240.24.1.9.1 GM Gateway Medical District of the Zoning Ordinance is hereby amended as follows:

1. Add a new Special Permit use to Section 240-24.1.9.1B as follows:
(2) Registered Recreational Marijuana Cultivators, Research Facilities and Independent Testing Laboratories, subject to compliance with the provisions of Article XII herein.

Section 3.

That Chapter 240, the Zoning Ordinance be amended by renumbering the existing Article XII (Administration and Enforcement) to Article XIII and by sequentially renumbering each Article thereafter and by substituting in place of the existing ARTICLE XII the following:

“ARTICLE XII Registered Recreational Marijuana Cultivators, Research Facilities and Testing Laboratories.

§240-122.1 Registered Recreational Marijuana Cultivators, Research Facilities and Testing Laboratories.

A. Purpose; applicability; use; prohibited marijuana establishments

- (1) Purpose. To provide for the location of Registered Recreational Marijuana Cultivators, Research Facilities and Independent Testing Laboratories, as defined herein, in accordance with Chapter 55 of the Acts of 2017 and M.G.L. c.94G, the Humanitarian Medical Use of Marijuana Act, G. L. c.94C, App. §1-1, et seq., as amended by Chapter 55 of the Acts of 2017, G.L. c. 94I, to be enacted pursuant to Chapter 55 of the Acts of 2017, and Cannabis Control Commission Regulations 935 CMR 500.00 governing Adult Use of Marijuana, in locations within the MS Medical Services District and the GM Gateway Medical District suitable for lawful Marijuana Cultivation, Research and Independent Testing

and to minimize adverse impacts of Marijuana Cultivation, Research Facilities and Independent Testing Laboratories on adjacent properties, residential neighborhoods, historic sites, schools and other locations where minors congregate by regulating the siting, design, placement, security, modification and removal of Marijuana Cultivators, Research Facilities and Independent Testing Laboratories.

(2) Applicability. The cultivation, processing, packaging, and transfer of marijuana products; conducting of research regarding marijuana products; and testing of marijuana or cannabis is prohibited unless licensed by all applicable Massachusetts licensing authorities and permitted under this Article.

(3) Use. Within the MS Medical Services District and GM Gateway Medical District, a licensed Marijuana Cultivator, Research Facility or Independent Testing Laboratory may be permitted as a conditional use, provided a special permit is first obtained from the Planning Board. All special permits granted under this Article shall be subject to the provisions of §240-125C and §240-24.1.2E herein and subject to all additional standards and conditions of this Article.

(4) Prohibition of All Other Non-Medical Marijuana Establishments. Except for licensed Marijuana Cultivators, Research Facilities and Independent Testing Laboratories permitted as a conditional use in the MS Medical Services District and GM Gateway Medical District, subject to all the requirements of this Article, all other types of non-medical “marijuana establishments” as defined in G.L. c. 94G §1, including marijuana product manufacturers, marijuana retailers or any other types of licensed related businesses are prohibited.

B. Definitions. Any term not specifically defined herein shall have the meaning as defined in Massachusetts General Laws Chapter 94G, §1, and the Cannabis Control Commission Regulations 935 CMR 500.00 governing Adult Use of Marijuana.

CANNABIS OR MARIJUANA OR MARIHUANA - All parts of any plant of the genus Cannabis, not excepted in 935 CMR 500.002: Cannabis or Marijuana or Marihuana (a) through (c) and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; clones of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in M.G.L. c. 94G, § 1; provided that cannabis shall not include:

- (a) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination;
- (b) hemp; or
- (c) the weight of any other ingredient combined with cannabis or marijuana to prepare topical or oral administrations, food, drink or other products.

CRAFT MARIJUANA COOPERATIVE – A Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.

RECREATIONAL MARIJUANA ESTABLISHMENT, INDEPENDENT TESTING LABORATORY – A laboratory that is licensed by the Cannabis Control Commission and is:

- (a) accredited to the International Organization for Standardization 17025 (ISO/IEC 17025: 2017) by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Cannabis Control Commission;
- (b) independent financially from any Medical Marijuana Treatment Center, Marijuana Establishment or licensee for which it conducts a test; and
- (c) qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34.

RECREATIONAL MARIJUANA ESTABLISHMENT, MARIJUANA CULTIVATOR – An entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers. A Craft Marijuana Cooperative is a type of Marijuana Cultivator.

RECREATIONAL MARIJUANA ESTABLISHMENT, MARIJUANA RESEARCH FACILITY – An entity licensed to engage in research projects by the Cannabis Control Commission.

C. Requirements for allowed Marijuana Cultivators, Research Facilities and Independent Testing Laboratories. Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall comply with the following requirements:

(1) General

- a) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall comply with applicable State and local laws, regulations, ordinances, codes, conditions and agreements with the Town, including, but not limited to, Chapter 55 of the Acts of 2017 and M.G.L. c.94G, the Humanitarian Medical Use of Marijuana Act, M.G. L. c.94C, App. §1-1, et seq., as amended by Chapter 55 of the Acts of 2017 and M.G.L. c. 94I, to be enacted pursuant to Chapter 55 of the Acts of 2017, Cannabis Control Commission Regulations 935 CMR 500.00 governing Adult Use of Marijuana, the Town of Barnstable’s General Ordinances, the Town of Barnstable’s Zoning Ordinances, all applicable Town building, fire prevention, police, and health codes, regulations and standards, any conditions imposed on licenses and permits held by the Marijuana Cultivators, Research Facilities and Independent Testing Laboratories (including, but not limited to, the Town’s Planning Board special permit), and agreements between the Marijuana Cultivator, Research Facility or Independent Testing Laboratory and the Town, including host community agreements.
- b) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall maintain all permits and licenses required by State and local laws. Any voiding of the Cannabis Control Commission’s license by operation of law (including due to cessation of operations, failure to become operational within the permitted time, or relocation without Cannabis Control Commission approval), and any revocation or suspension of the Marijuana Cultivators, Research Facilities and Independent Testing Laboratories’ Cannabis Control Commission license shall result in an automatic suspension of the special permit pending hearing or the opportunity therefore afforded to the Marijuana Cultivator, Research Facility or Independent Testing Laboratory and pending further determination by the Planning Board.
- c) All taxes and charges owed to the Town must be paid on a current basis. Failure to pay all taxes and charges shall be subject to the provisions of Chapter 121 of the Barnstable Code and all other available legal remedies.
- d) An approved Host Community Agreement shall be required prior to granting a Special Permit for a Marijuana Cultivator, Research Facility or Independent Testing Laboratory.
- e) Dimensional requirements. Except where it is explicitly stated otherwise in this Article, Marijuana Cultivator, Research Facilities and Independent Testing Laboratories shall conform to the dimensional requirements applicable within the underlying and other overlaying zoning districts.
- f) Parking. The required number of parking spaces for Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be one space for every 700 square feet of gross floor area. The Planning Board shall also rely on the recommendation of Site Plan Review.
- g) Loading. The Planning Board may require loading bays based on the recommendation of site plan review and/or based on the needs of the proposed use.
- h) Landscaping. Landscape requirements in the underlying zoning district shall apply.
- i) Landscape Buffers. The landscape setback from any residential property line shall be 20 feet. Landscape buffers shall be densely landscaped with a combination grasses, tress, and shrubs providing year-round screening.
- j) Signage. The signage requirements of the underlying zoning district pursuant to Article VII of this chapter shall apply. The Planning Board may impose additional restrictions on signage, as appropriate, to mitigate any aesthetic impacts.

- k) Groundwater Protection. Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be subject to the requirements of Section 240-35 Groundwater Protection Overlay Districts as applicable.

(2) Operational Requirements

- (a) All Marijuana Cultivators', Research Facilities' and Independent Testing Laboratories' licensed operations shall be conducted within a building at a fixed location.
- (b) No Marijuana Cultivators, Research Facilities or Independent Testing Laboratories shall allow research, testing, cultivation, processing, packaging, manufacturing, or display of Marijuana or Marijuana Products to be visible to the public without the use of binoculars, aircraft, or other optical aids.
- (c) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories may cultivate, process, package, or conduct research and testing on Marijuana or Marijuana Products as licensed by the Cannabis Control Commission only within an area that is enclosed and secured in a manner that prevents access by persons not permitted by the Marijuana Cultivator, Research Facility or Independent Testing Laboratory to access the area.
- (d) The hours of operation for a Marijuana Cultivator, Research Facility or Independent Testing Laboratory shall be those conditioned by the Marijuana Cultivator's, Research Facility's or Independent Testing Laboratory's special permit.
- (e) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall ensure that their hours and methods of transportation of product shall not be a detriment to the surrounding area and nearby uses.
- (f) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall not permit any disorder, disturbance, or illegality under State or local law of any kind on the premises.
- (g) Marijuana Cultivators', Research Facilities' and Independent Testing Laboratories' operations shall not result in illegal redistribution under State or local law of Marijuana obtained from the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, or in use of Marijuana in any manner that violates State or local law.
- (h) Marijuana Cultivators, Research Facilities or Independent Testing Laboratories operations shall not create nuisance conditions in parking areas, sidewalks, streets and areas surrounding its premises and adjacent properties.
- (i) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall equip the premises and otherwise conduct their operations in such a manner that (a) no pesticides or other chemicals or products are dispersed into the outside atmosphere, or into a wastewater treatment system or in any other manner that may contaminate the groundwater and (b) no odor of Marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of any adjoining use or property.
- (j) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be required to remove all Marijuana and Marijuana Products by the earlier of: prior to surrendering its State-issued license; or within six (6) months of ceasing operations.
- (k) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories must display a sign legible from the exterior of the building in which the Marijuana Cultivator, Research Facility or Independent Testing Laboratory is located either by posting on the building exterior in close proximity to the entrance or by placement in a window in close proximity to the entrance with the text facing and legible from the exterior, which states: "Must be 21 years or older and show identification to enter this establishment."
- (l) Solid and liquid waste, including waste composed of or containing marijuana, finished marijuana, Marijuana-Infused Product, or byproducts of marijuana processing shall be stored, secured, managed, and disposed of in accordance with State Law and all other applicable statutes and ordinances and regulations of the Town.

(3) Security-Specific Requirements

- (a) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall submit and receive the approval of the Barnstable Police Department for its required security and emergency procedures, including a disaster plan, which plan shall include measures relating to alarms, fencing, gates, limited access areas, delivery procedures, police details, specification of video and lighting locations, notifications to the Police Department in the event of any known or suspected violation of criminal law that has taken place on or near the location of the establishment.
- (b) Lighting shall be designed and maintained so as to protect adjacent properties from intrusive lighting; however, in accordance with State Law, the exterior perimeter of Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be sufficiently lit to facilitate surveillance.
- (c) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall secure every entrance so that access to areas containing the storage of Marijuana products are restricted to employees and others permitted by the Marijuana Cultivator, Research Facility or Independent Testing Laboratory to access the area and to Cannabis Control Commission or state and local law enforcement officers, agents and emergency personnel.
- (d) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall secure their inventory and equipment during and after operating hours to deter and prevent theft of Marijuana, Marijuana Products and Marijuana accessories.
- (e) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall file an emergency procedures, including a disaster plan, with the Town's Fire, Police and Health Departments and share with these Departments their security plan and procedures and any updates to them in the event they are modified.
- (f) Landscaping shall be in compliance with the requirements set forth herein, except that in accordance with State Law, Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall maintain trees, bushes, and other exterior vegetation so that they do not allow for a person or persons to conceal themselves from sight.

(4) Access to Premises and Information/Reporting/Record-Keeping

- (a) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be subject to unannounced, unscheduled, periodic inspections of its premises by the Building Commissioner or designee, including an agent from the Building, Health, Police and applicable Fire Department on week-days between 8:00 a.m. to 5:00 p.m. to determine the Marijuana Cultivator, Research Facility or Independent Testing Laboratory's compliance with the requirements of applicable state and local laws, regulations, codes, license and permit conditions, and this Article. In addition, routine inspections may be made on week-days during regular Town business hours by authorized inspectional departments to determine compliance with applicable state and local laws, regulations, codes and license and permit conditions. Inspections by the authorized inspectional departments may be made at other times to investigate complaints or suspected non-compliance issues. Inspections may include all areas occupied, used or controlled by the Marijuana Cultivator, Research Facility or Independent Testing Laboratory. Facilities requiring re-inspection are subject to applicable re-inspection fees. Inspections shall be conducted in conformity with applicable federal, state and local law.
- (b) Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall cooperate and comply with requests for information made by the Building Commissioner or designee, including agents from the Planning & Development, Building, Health, Police, Fire and Public Works Departments.
- (c) Within twenty-four (24) hours of receipt of notice of it, Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall file with the Town Manager, Director of Public Health and the Building Commissioner any summary cease and desist order, cease and desist order, quarantine order, suspension order, revocation order, order limiting sales, deficiency statement, plan of correction, notice of a hearing, notice of any other administrative process or legal action, denial of a license, denial of a renewal of a license, or final action issued by a state or federal agency (including, but not limited to, the Cannabis

Control Commission) regarding the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, or the Cannabis Control Commission license.

(5) Additional Location Requirements for Marijuana Cultivators, Research Facilities and Independent Testing Laboratories,

- (a) No Marijuana Cultivator, Research Facility and Independent Testing Laboratory shall be located within 500 feet, as measured from each lot line of the subject lot, of the following preexisting uses: K-12 educational use; childcare center; or children's camp.

D. Site Plan Review for Marijuana Cultivators, Research Facilities and Independent Testing Laboratories.

Marijuana Cultivators, Research Facilities and Independent Testing Laboratories shall be subject to Article IX, Site Plan Review, Section 240-102.

E. Special Permits. The following apply to special permits to operate a Marijuana Cultivator, Research Facility or Independent Testing Laboratory.

(1) Application requirements: Applicants shall include with their special permit application:

- (a) Copies of any required licenses and permits relating to the operation of the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, or, if an application for a required license or permit is pending, a copy of the application.
- (b) Evidence of the applicant's right to use the proposed site as a Marijuana Cultivator, Research Facility or Independent Testing Laboratory, such as a deed, lease or purchase and sales agreement.
- (c) A copy of the Site Plan Review Approval.
- (d) A description of the security measures, required by this Article, approved by Barnstable Police Department and Cannabis Control Commission for the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, as applicable.
- (e) A copy of emergency procedures, including a disaster plan with procedures to be followed in case of fire or other emergencies, approved by the Cannabis Control Commission for the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, as applicable.
- (f) A copy of the policies and procedures for the transfer, or acquisition of marijuana between Marijuana Cultivators, Research Facilities and Independent Testing Laboratories and other Recreational Marijuana Establishments, as applicable.
- (g) A copy of proposed waste disposal procedures.
- (h) Proof of liability insurance that is in accordance with 105 CMR 725.105(Q) or any applicable regulations promulgated by the Cannabis Control Commission.
- (i) Any waivers from Cannabis Control Commission regulations issued for the Marijuana Cultivator, Research Facility or Independent Testing Laboratory, as applicable.
- (j) A copy of the Community Host Agreement.
- (k) Any other materials requested by the Special Permit application form, as well as any other additional materials the Planning and Development Department determines is necessary for review, such as Department reports or transportation studies or a license application.

(2) Special permit criteria, The Planning Board, subject to the provisions of §240-125C and §240-24.1.2E. shall not approve any application for a special permit unless it finds that in its judgment all of the following conditions are met:

- (a) That the Marijuana Cultivator, Research Facility or Independent Testing Laboratory has demonstrated compliance with or the ability to comply where the requirements are prospective with all of the General Requirements set forth in this Article.
- (b) That the Marijuana Cultivator, Research Facility or Independent Testing Laboratory has an approved Host Agreement.
- (c) That the Marijuana Cultivator, Research Facility or Independent Testing Laboratory has security and emergency procedures, including a disaster plan, approved by the Barnstable Police Department.
- (d) The location is compliant with this Article in its entirety.

- (e) The site is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, cyclists and public transportation users.
- (f) Traffic generated by client trips, employee trips, and deliveries to and from the Marijuana Cultivator, Research Facility or Independent Testing Laboratory shall not create a substantial adverse impact on nearby residential uses.
- (g) A special permit granted under this Article shall have a term limited to the duration of the applicant's ownership or lease of the premises for a Marijuana Cultivator, Research Facility or Independent Testing Laboratory, as licensed by the applicable Massachusetts licensing authority. Any new license for an existing Marijuana Cultivator, Research Facility or Independent Testing Laboratory location or transfer of an existing license to a new owner shall require a new Special Permit pursuant to the Barnstable Zoning Ordinance.

F. Implementation

This Article shall not be implemented in a manner that conflicts or interferes with the operation of M.G.L. c. 94G, 94I or the regulations promulgated thereunder, including 935 CMR 500.

G. Severability

The provisions of Article XII, §240-122.1 are severable. If any provision shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect.”

Section 4.

That the Zoning Ordinance, Chapter 240, Article I, Prohibited Uses, §240-10, is hereby amended by adding a new paragraph E as follows:

“E. All types of non-medical “marijuana establishments” as defined in G.L. c. 94G §1, including marijuana product manufacturers, marijuana retailers or any other types of licensed related businesses except for licensed Marijuana Cultivators, Research and Independent Testing Laboratory Facilities permitted as a conditional use in the MS Medical Services District and GM Gateway Medical District, subject to all the requirements of Article XII, §240-122.1 herein.”

SPONSORS: Eric R. Steinhilber, Town Council President, Town Council, James Crocker Jr. Vice President

Ms. Jenkins explained the proposal as limited to three establishments only research and independent and cultivation which includes crafting as well; these are the land uses and are allowed under special permit. The land is located in the growth incentive zone which is the medical zoning areas of the Town. Retail at this time is not allowed under this ordinance.

The legislation written as is was designed to get small business involved in the craft portion of this business, and to entice farmers if there was land available in this district to grow and cultivate. The proposed area of zoning is a zone that is already zoned for medical uses and this ordinance puts a light on the area and may have to get creative on how they will actually establish enough square footage to accomplish what they would need and have to, some individuals had come before the Council and spoke about vertical growing, and all sorts of different ways of growing the small business if the zoning is allowed in this area. It's an area that we as a Council and the Zoning Board of Appeals has tried to re-zone this area several times to get growth established and business in this area started and were asked to revert back to the prior zoning as it existed. Chair of the Planning Board Ms. Barry asked if this Ordinance was crafted after another town or area that has already implemented this, or was this crafted here first. Mr. Wackrow, Assistant Planning and Development stated that he looked at the model in Brookline, MA that had crafted something similar, so he had an idea of where it should start. The other concern that was discussed was traffic, if a warehouse decided to go in, was traffic of a larger scale considered, trucks hauling, and product. Ms. Jenkins answered with the special permit required that would be a requirement under that permit to have a traffic study done.

Councilor Neary stated that the advantage we have is that we meet often so if something needs to be done, this ordinance prevents us from ignoring the issue, and the medical testing portion is right by the hospital,

and it seems that it is a good middle ground. Councilor Dagwan said we need to consider the traffic in an area that is already congested with traffic and ambulances have access at all times to the hospital.

Councilor Beedenbender asked if she was holding a license that said she could have grows and my neighbor is a bake, and we can combine those two licenses and make a business work in this area. Ms. Jenkins stated that there are research lab and cultivation is good in this area, all other permitted categories are not allowed unless they belong in the three just mentioned. The license is issued to the Cooperation, and under the Cooperation exist all the other areas under that. Councilor Beedenbender asked her concerns are about if the crafter who wants to make a small business and craft a product, under this ordinance it seems like it limits the crafter from doing this unless they are under a Cooperative that holds this license. Chair of the Committee answered it has to fall under the license of manufacturer and would have to pair up. So Mr. and Mrs. Smith who want to make edibles can't do it unless they fall under the Cooperative. The other concern Councilor Beedenbender had was that the amount of cultivation facilities she has seen and toured have not been vertical growing, so this area is not design friendly. Vice President Crocker said that this ordinance is not perfect, but it is a start in right direction or starting the process, it may need to be looked at and revisited. Councilor Beedenbender asked if this ordinance can be looked at and changed again at some point or are we going to vote on this and it is permanent. Councilor Beedenbender said she is looking at this ordinance as an economic development asset, or are we spinning our wheels and this means nothing and we are stifling the small business. Vice President Crocker said we have tried t change this area time and time again and nothing has brought any business in this area in each tome we have tried to change it, so now we have another opportunity to grow business in this area and revitalize it, so it is a start in the right direction, however it is not perfect, and we can re visit again at any point.

Attorney Ruth Weil will get clarification on he points of a cooperative and who can do what function under the three types of licensees and will report back. Chair of the Zoning and Regulations Committee wanted to make sure that the members are aware that we can't change the legislation at all, the only Item we are looking at is the Zoning Item before us, not the Cannabis Control Commission language, and we have no control, over that. The definitions are as written and we as a town have to craft the ordinance around that language, we are not here to change their language. We are ultimately looking for new growth dollars and our decision is whether or not this location of zoning is either a good area or not a good area. Councilor Schnepf offered that it is a Cooperative that has the license, and they can operate somewhere else and the mom and pop store front could operate in this zone if they were under the cooperative license, so it does not have to be located in the same area.

Chair of the Zoning and Regulatory Committee asked if there were any other questions regarding this ordinance, and thanked both Ms. Jenkins and Mr. Wackrow for their work on this, as well as the Town Attorney Ruth Weil.

Councilor Debra Dagwan made a motion to accept the Ordinance as written; this motion was seconded by Councilor Paul Neary, all members voted as follows:

Councilor Jessica Rapp Grassetti	yes
Vice President James Crocker Jr	yes
Councilor Paul Neary	yes
Councilor Debra Dagwan	yes
Councilor Paula Schnepf	yes
Councilor Matthew Levesque	abstain

Chair of Committee Vice President James Crocker Jr. introduced Elizabeth Jenkins for a brief overview of the Highway Business

§240-25 HB Business District.


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

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

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

D. Bulk Regulations

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

added 38 - was 30


¹ Forty feet along Route 28 and Route 132

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

³ Or three stories, whichever is lesser.

- d) Plastic
- ii. The following building materials are prohibited on any façade; however, such materials may be used as decorative or detail elements for up to 25% of the façade.
 - a) Corrugated metal
- f. Multi-Tenant Centers. Multi-tenant retail centers shall comply with the following additional design standards.
 - i. A cohesive character is required through the use of coordinated building design, hardscape treatment (special paving materials, lighting, etc.) and landscaping.

3. Parking Lot Design Standards.

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

4. Site Design Standards.

- a. Sites shall incorporate safe pedestrian access to the building(s) from the public right-of-way and safe pedestrian circulation within the development. Where pedestrian connections cross primary vehicular driveways or aisles, the walkways shall be designed to clearly show the space is dedicated to pedestrian traffic through the use of raised or alternative surfaces.
- b. Parking areas shall include provisions for the "parking" of bicycles in bicycle racks in locations that are safely segregated from automobile traffic and parking. For parking areas of 10 or more spaces, bicycle racks facilitating locking shall be provided to accommodate one bicycle per 20 parking spaces or fraction thereof.

5. Screening.

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

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

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

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

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

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

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

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

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

Committee asked the members of the Committee to look at the documents prepared and at the next meeting answer any questions that the member may have.

Chair of Committee asked for a motion to adjourn: Councilor Jessica Rapp Grassetti made the motion; Councilor Matthew Levesque seconded the motion. All members voted in favor of adjournment.

ADJOURN: 6:55pm