

LEGAL DEPARTMENT, TOWN OF BARNSTABLE INTER-OFFICE MEMORANDUM

DATE: FEBRUARY 1, 2021

TO: Ann Quirk, Town Clerk

FROM: Karen L. Nober, Town Attorney
Charles S. McLaughlin, Jr., Senior Town Counsel
Kathleen Connolly, Assistant Town Attorney

RE: Ecode 360 REVISION
Removal of Section 240-24.1.10 Hyannis Parking Overlay District (HPOD)
Revisions Pertaining to renumbering of former Sections 240-24.1.10
through 240-24.1.12 as sections 240-24.1.11 through 240-24.1.13,
respectively

Our File No.: Reference PENN v. Town of Barnstable

Dear Ann,

With the PENN v. Town of Barnstable Appeal of the Town Council's Vote to Approve Item No. 2016-166, the Appeals Court found that, as a matter of law, this Item number was fundamentally and essentially the same as #2016-54 and the Town Council's rejection of Item #2016-54 precluded it from considering Item No. 2016-166 for two years.

The vote on Item No 2016-166 therefore came too soon, and the judge was right to annul it. JUDGMENT AFFIRMED.

*(Court Decision Attached)

With that the Town needs to withdraw Chapter 240, Article III. District Regulations, Section 240-24.1.10 Hyannis Parking Overlay District (HPOD) in its entirety.

*(Ecode added 7-21-2016 Attached)

NOTE: This Item No. 2016-166 also provided for the renumbering of former Sections 240-24.1.10 through 240-24.1.12 as Sections 240-24.1.11 through 240-24.1.13 respectively. This Section would need to be returned to its original numbering.

*(Ecode Editor's Note regarding renumbering Attached)