



# Town of Barnstable Town Council

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## **MEETING AGENDA TOWN HALL HEARING ROOM July 21, 2016 7:00 PM**

### Councillors:

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Vice President  
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Precinct 10

Philip N. Wallace  
Precinct 11

John T. Norman  
Precinct 12

Jennifer L. Cullum  
Precinct 13

Administrator:  
Cynthia A. Lovell

Administrative  
Assistant:  
Kelly Crahan

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. PUBLIC COMMENT**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. TOWN MANAGER COMMUNICATIONS**
- 7. ACT ON MINUTES (Including Executive Session)**
- 8. COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements**
- 9. ORDERS OF THE DAY**
  - A. Old Business**
  - B. New Business**
- 10. ADJOURNMENT**

**NEXT REGULAR MEETING: August 11, 2016**

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**A. OLD BUSINESS**

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	Barnstable, as a member with a term expiring 6/30/17; <b>Kathy Spirtes</b> , 244 Santuit Rd, Cotuit, as a member with a term expiring 6/30/17; <b>Laurie Young</b> , 142 Great Bay Road, Osterville, as a member with a term expiring 6/30/17. <b>(First reading)</b> .....	26
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Approve Minutes – June 16, 2016

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**Please Note:** The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than they appear on this agenda. Persons interested are advised, that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice. Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

**A. OLD BUSINESS (May be acted upon) (Roll call 2/3 vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2015-005**

**INTRO: 08/07/14, 09/18/14, 01/22/15, 05/21/15, 10/01/15, 01/21/16, 07/21/16**

**2015-005 APPROVAL OF THE CHANGE IN CARE, CUSTODY, MANAGEMENT CONTROL AND PURPOSE OF TWO PARCELS OF LAND, NAMELY A ±16.3 ACRE PORTION OF TRACT I OF THE WEST BARNSTABLE CONSERVATION AREA SHOWN ON ASSESSORS MAP 86 AS PARCEL 1 AND A ±17 ACRE PARCEL SHOWN ON ASSESSORS MAP 314 AS PARCEL 027001**

**ORDERED: SECTION 1:** That, having received notice that the conservation commission determined that the following parcel of land is no longer needed for the purposes set forth in section 8C of chapter 40 of the General Laws of Massachusetts, the care, custody, management and control of said parcel be transferred to the Town Manager to be held for general municipal purposes, namely a 16.3 acre, more or less, portion of Tract I of the West Barnstable Conservation Area having a street address of 875 Service Road shown on Assessors Map 86 as Parcel 1 taken by eminent domain pursuant to chapter 79 for purposes of said section 8C by order dated December 21, 1978 and recorded in the Barnstable County Registry of Deeds Book 2846, Page 129, which said 16.3 acres are further described on plan entitled “Plan of Land in Barnstable (West Barnstable ) MA Prepared for the town of Barnstable Prepared By: the Town of Barnstable - D. P. W. Survey Division Date: July 28, 2014 Scale: 1” = 80””on file with the Town Clerk; and

**SECTION 2:** That, having received notice that the Town Manager determined that the following parcel of land containing 17 acres, more or less, is no longer needed for general municipal purposes, the care, custody, management and control of said parcel be transferred to the conservation commission to be held for the purposes set forth in section 8C of chapter 40 of the General Laws of Massachusetts, namely the land having a street address of 145 Breed’s Hill Road shown on Assessors Map 314 as Parcel 027001 acquired by deed dated May 15, 1986 and recorded in said Registry in Book 5077 Page 300; and

**SECTION 3:** That the aforesaid transfers take effect upon recording of an instrument or instruments by the Town Manager in the Barnstable County Registry of Deeds following the effective date of legislation enacted by the General Court approving the transfer under section 1 of this order.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
08/07/14	<u>Continued to 09/18/14</u>
09/18/15	<u>Continued to 01/22/15</u>
01/22/15	<u>Continued to 05/21/15</u>
05/21/15	<u>Continued to 10/01/15</u>
10/01/15	<u>Continued to 01/21/16</u>
01/21/16	<u>Continued to 07/21/16</u>

- Read Item
- Rationale
- Council Discussion
- Move/Vote

**A. OLD BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2015-006**

**INTRO: 08/07/14, 09/18/14, 01/22/15, 05/21/15, 10/01/15, 01/21/16, 07/21/16**

**2015-006 ORDER TO PETITION THE GENERAL COURT OF THE COMMONWEALTH TO ENACT SPECIAL LEGISLATION APPROVING THE CHANGE IN CARE, CUSTODY, MANAGEMENT CONTROL AND PURPOSE OF TWO PARCELS OF LAND, NAMELY A ±16.3 ACRE PORTION OF TRACT I OF THE WEST BARNSTABLE CONSERVATION AREA SHOWN ON ASSESSORS MAP 86 AS PARCEL 1 AND A ±17 ACRE PARCEL SHOWN ON ASSESSORS MAP 314 AS PARCEL 027001**

**ORDERED:** That the Town Manager submits a petition to the General Court of the Commonwealth for a special act approving the change in care, custody, management, control and purpose of two parcels of land in the Town as follows.

“AN ACT AUTHORIZING THE TOWN OF BARNSTABLE TO TRANSFER TWO PARCELS OF LAND.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

**SECTION 1:** The conservation commission of the town of Barnstable shall transfer the care, custody, management and control to the Town Manager for general municipal purposes of a certain 16.3 acre portion, more or less, of a larger parcel of land identified on assessors' map 5 as parcel 4, which was acquired by the town and held by the conservation commission for conservation purposes pursuant to section eight “C” of chapter forty of the General Laws and has been declared by the conservation commission to no longer be appropriate to be held by the conservation commission for such purposes. Upon the transfer as provided in Section 3 the Town of Barnstable shall be authorized to use the 16.3 acres, more or less, for general municipal purposes. The 16.3 acres more or less declared surplus in order to be transferred as provided in this section 1 are also shown on a plan entitled “Plan of Land in Barnstable (West Barnstable) MA Prepared for the town of Barnstable Prepared By: the Town of Barnstable -D. P. W. Survey Division Date: July 28, 2014 Scale: 1” = 80’” on file in the office of the town clerk.

**SECTION 2:** To ensure a no net loss of lands protected for conservation purposes under section 1, the Town Manager of the town of Barnstable shall transfer the care, custody, management and control to the conservation commission for conservation purposes pursuant to section eight “C” of chapter forty of the General Laws of a certain 17 acre, more or less, parcel of land identified on assessors' map 314 as parcel 027001, which was acquired by the town and held for general municipal purposes and has been declared by the Town Manager to no longer be appropriate to be held by the Town Manager for such purposes. The parcel contains wetland, upland and other significant natural features as well as potential for passive recreational use and is bounded on the Southeast by public water supply land. Upon the transfer as provided in Section 3 the parcel described herein shall be preserved as conservation land in accordance with said section eight “C”. The 17 acres more or less declared surplus in order to be transferred as provided in this section 2 are further described as Lot 1 on plan of land recorded in the

Barnstable County Registry of Deeds in Plan Book 417, Page 18 and was acquired by the Town by deed dated May 15, 1986 and recorded in said Registry in Book 5077 Page 300.

**SECTION 3:** The Town Manager may execute and record any instruments necessary on behalf of the Town to effectuate the transfers under sections 1 and 2 following passage of this act.

**SECTION 4:** This act shall take effect upon its passage.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>08/07/14</u>	<u>Continued to 09/18/14</u>
<u>09/18/14</u>	<u>Continued to 01/22/15</u>
<u>01/22/15</u>	<u>Continued to 05/21/15</u>
<u>05/21/15</u>	<u>Continued to 10/01/15</u>
<u>10/01/15</u>	<u>Continued to 01/21/16</u>
<u>01/21/16</u>	<u>Continued to 07/21/16</u>

- Read Item
- Rationale
- Council Discussion
- Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM # 2015-006**

**INTRO: 08/07/14, 09/18/14, 01/22/15, 05/21/15, 10/01/15, 01/21/16, 07/21/16**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**DATE:** August 4, 2014  
**SUBJECT:** Approval of the change in care, custody, management control and purpose of two parcels of land, namely a ±16.3 acre portion of Tract I of the West Barnstable Conservation area shown on assessors map 86 as parcel 1 and a ±17 acre municipal parcel shown on assessors map 314 as parcel 027001

**BACKGROUND:** On December 11, 2012 the West Barnstable Shooting Range was closed following notification from the Town's insurance carrier that the Town no longer had coverage under its existing policy. The Town commenced a multifaceted process involving the Massachusetts Department of Conservation Services (DCS), Barnstable Conservation Commission, Town staff and Town Council examining all aspects of reopening the shooting range. One issue that arose following a letter from DCS to Barnstable Conservation Commission on September 23, 2013 involved removing the range from 8C jurisdiction. Subsequent meetings between DCS, Barnstable Conservation Committee, Town staff and Town Councilors resulted in the Town proceeding with said removal.

**ANALYSIS:** It was recommended that the Town proceed with the process of removing the shooting range parcel (±16.3 acres) from 8C jurisdiction. The Conservation Commission voted to remove the shooting range from 8C on June 24, 2014. The Town Manager offers the 17 acre municipal parcel for placement under 8C in exchange (provided the use of the Breeds Hill parcel for the "swap" does require DCS review and approval). A two-thirds vote of the Town Council and both branches of the State Legislature are needed to remove the range parcel from 8C purposes. The Town Council would also need a 2/3 vote to change the purpose of the 17 acre parcel Breed's Hill parcel from general municipal purposes to §8C purposes.

**FISCAL IMPACT:** The fiscal impacts of this action are minimal and limited to associated administrative costs.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends that the Town Council approve the action proposed by this order.

**STAFF ASSISTANCE:** Ruth Weil, Town Attorney

**A. OLD BUSINESS (Public hearing) (Roll call 2/3 vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2016-154  
INTRO: 05/05/16, 07/21/16**

**2016-154 AMEND ZONING ORDINANCE, ARTICLE V ACCESSORY USES § 240-43 BY ADDING SECTION 243-43.1 AND AMEND SECTION 240-46 SECTION B. (12)**

**ORDERED: Section 1 of the Order.** That the Zoning Ordinance, Article V Accessory Uses be amended by adding new section 240-43.1 to Section 240-43 as follows:

**240-43.1 Commercial Vehicles Accessory to Principal Residential Use**

The continued and regular parking of one (1) commercial vehicle owned or operated by a resident of the premises is permitted by right in all zoning districts.

- A. Only one (1) commercial vehicle is allowed per lot.
- B. All such commercial vehicles shall be parked in a driveway or an enclosed structure. In no case shall such vehicles be parked on the street.
- C. For the purposes of this section, permitted Commercial Vehicles shall not include tractor trailers, or construction vehicles including but not limited to backhoes, bulldozers and dump trucks.
- D. Overnight storage of multi-passenger commercial vehicles is prohibited.
- E. Vehicles temporarily on the premises due to permitted building or site work that is continuing in good faith are allowed.
- F. Nothing in this section shall be construed as authorization for the conducting of a business on the premises

**Section 2 of the Order.** That the Zoning Ordinance, Article V Accessory Uses 240-46, Section B. (12) Home Occupation be amended a follows:

Add new sentence at the end of the section as follows: “In no case shall there be more than one commercial vehicle per lot.”

So that the amended Section 240-46, section B. (12) reads:

B.(12) There are no commercial vehicles related to the customary home occupation, other than one van or one 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 customary home occupation. **In no case, shall there be more than one commercial vehicle per lot.**

**SPONSOR:** Councilor William Crocker Jr.

DATE	ACTION TAKEN
05/05/16 _____	<u>Refer to Planning Board</u>

06/13/16 _____	<u>Planning Board voted unanimously in favor of supporting Item #2016-154</u>
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- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close public hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote



# **BARNSTABLE TOWN COUNCIL**

**ITEM# 2016-154**

**INTRO: 05/05/16, 07/21/16**

## **SUMMARY**

**TO:** Town Council  
**THROUGH:** Mark S. Ells, Town Manager  
**FROM:** Jo Anne Miller Buntich, Growth Management Director  
**DATE:** May 5, 2016  
**SUBJECT:** Zoning Ordinance Amendment Commercial Vehicle Storage in Residential Areas

### **BACKGROUND:** Section 1

This is a proposed amendment to the Zoning Ordinance, Article V Accessory Uses by adding new section 240-43.1 to Section 240-43. This new section allows the overnight parking of one commercial vehicle to accommodate the transportation needs of working people in neighborhoods. The new section then prohibits other types and numbers of commercial vehicles on lots in residential areas.

### **ANALYSIS:** Section 2

Adds information to the existing Home Occupation ordinance to clarify commercial vehicle storage for this use and make this section relate better to the new section 240-43.1 described herein.

**STAFF ASSISTANCE:** Ruth J. Weil, Town Attorney; Paul Roma, Interim Building Commissioner

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2016-166  
INTRO: 06/16/16, 07/21/16**

**2016-166 AMENDING THE CODE PART I GENERAL ORDINANCES, CHAPTER 240 ZONING OF THE TOWN OF BARNSTABLE TO INCLUDE A HYANNIS PARKING OVERLAY DISTRICT**

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

**SECTION 1**

By amending Section 240-6 the Zoning Map, to create a new overlay zoning district known as “Hyannis Parking Overlay District” which includes the area shown on the reference map entitled “Hyannis Parking Overlay District”, dated November 30, 2015, prepared by the Town of Barnstable GIS Department.

**SECTION 2**

By amending Section 240-5, Establishment of Districts, by adding under the heading “Overlay Districts” the term “Hyannis Parking Overlay District”

**SECTION 3**

Re-numerate sections as follows:

240-24.1.10 to 240-24.1.11

240-24.1.11 to 240-24.1.12

240-24.1.12 to 240-24.1.13

**SECTION 4**

These amendments are adopted pursuant to and in furtherance of the provisions of Chapter 240, Article II of the Zoning Ordinance, Section 240-24.10, Hyannis Parking Overlay District

**240-24.1.10 Hyannis Parking Overlay District (HPOD)**

**240-24.1.10 Purposes and Intent.**

- A. This section allows as of right permitting for land located south of Main Street in Hyannis which land has some legal pre-existing nonconforming status or was licensed as of May 1, 2014 as an open air parking lot involving the temporary storage of vehicles. The scope of such uses would otherwise have to be clarified through a quasi-judicial or regulatory process. The purpose of this section is to:

- (1) Clarify this land use and create as of right permitting for land now used as open air parking lots and located south of Main Street in Hyannis;

- (2) Protect the safety of the users of the lot and the general public through site development standards providing constant access for emergency responders;
- (3) Ensure safe access to structures for emergency responders;
- (4) Protect adjacent property from nuisance which may result from the operation of cars and parking off streets;
- (5) Enhance and protect the visual quality of the Hyannis harbor area;
- (6) Reduce congestion on lot access streets which also serve residential areas; and
- (7) Contribute to traffic safety by ensuring orderly access to and egress from such lots.

#### **240-24.1.10.2 Relationship to underlying districts and regulations.**

A. The Hyannis Parking Overlay District (HPOD) shall overlay all underlying districts so that any parcel of land lying in the HPOD shall also lie in the zoning district or districts in which it is otherwise classified by this chapter.

B. All regulations of the underlying zoning district(s) shall apply within the HPOD to the extent that they are not inconsistent with the specific provisions of this section 240-24.10. To the extent the provisions of this section 240-24.10 are in conflict with or are inconsistent with other provisions of this chapter, the provisions of this section 240-24.10 shall govern and prevail even if such other provisions are more restrictive than those set forth in this section 240-24.10.

#### **240-24.1.10.3 Definitions**

**Aisle** - An aisle is that portion of the Commercial Surface Parking Lot circulation area providing safe and constant access for emergency responders and access to parking spaces for lot patrons. Aisle area is calculated exclusive of any other area on the lot such as driveway, parking stalls, and attendant areas.

**Commercial Surface Parking Lot** - The commercial parking of vehicles where parking is a principal use on the property. Commercial surface parking lots shall not include structures, fully or partially enclosed, that accommodate vehicle parking spaces. Non-commercial trucks, vans and other vehicles not exceeding 7.5 feet may use a Commercial Surface Parking Lot.

**Emergency Access Aisles and Fire Lanes** – Aisles, unobstructed at all times, for the safe and immediate access of emergency response vehicles. At no time shall any portion of a designated Emergency Access Aisle be used for parking or storing vehicles for any length of time no matter how short.

**Kiosk** – A structure, which may be temporary or seasonal, located on the Commercial Surface Parking Lot from which parking transactions are conducted.

**Parking Attendant** – An employee of the Commercial Surface Parking Lot available to customers to park and retrieve vehicles within the licensed lot.

**Remote Parking Sites** – Sites accommodating excess parking for HPOD parking lots that are located in another area of Hyannis where such parking use is allowed. Such remote parking lots shall be permitted and licensed only in connection with the HPOD parking lot.

**Second Principal Use** – A second principal use, lawfully permitted and established at the time of the adoption of this ordinance, may share a parcel with a Commercial Surface Parking Lot.

**Stacked Parking:** Parking of vehicles in a line or stack that may be up to three vehicles deep at a Commercial Surface Parking Lot. The lot operator shall have an attendant present to move vehicles out of the stack at all times that the lot is open for vehicle pick-up by vehicle owners.

#### **240-24.1.10.4 Permitted Uses**

##### **A. Principle Uses.**

Commercial Surface Parking Lot

#### **240-24.1.10.5 Site Development Standards**

##### **(A) Access Management**

- (1) Entrance and exit driveways shall be a minimum of fourteen (14) feet wide for one-way use only and a minimum of twenty (20) feet wide for two-way use and shall be delineated.
- (2) Driveways shall be located so as to minimize conflict with traffic on public streets and where good visibility and sight distances are available to observe approaching pedestrian and vehicular traffic.

##### **(B) Parking Spaces**

###### **(1) Computation**

- (a) Within the property boundaries the number of parking spaces is limited only by the required dimensions for parking spaces, aisles, emergency access aisles, and fire lanes.
- (b) Where another principal use, lawfully permitted and established at the time of the adoption of this ordinance, is located on the same parcel as the Commercial Surface Parking Lot the number of parking spaces required to support that use shall be deducted from the number of spaces for the Commercial Surface Parking Lot use; provided that the number of Commercial Surface Parking spaces shall not exceed the number determined as of the effective date of this ordinance, even if any other principal use is subsequently discontinued.
- (c) Where another principal use not located on the same parcel as the Commercial Surface Parking Lot uses some of the Lot's spaces as shared parking for the off lot use, those spaces shall be deducted from the zoning and licensing number of spaces for the Commercial Surface Parking Lot; provided that the number of Commercial Surface Parking spaces shall not exceed the number determined as of the effective date of this ordinance, even if any shared parking use is subsequently discontinued.
- (d) Up to 10% of parking spaces may be designed for and allocated to compact spaces.
- (e) Parking facilities shall provide specially designated parking spaces according to 521 CMR the Architectural Access Board.

###### **(2) Dimensions**

- (a) Non-compact spaces 9' X 18'
- (b) Compact spaces 6' x 14'

###### **(3) Demarcation**

- (a) The lot owner shall submit to the Building Commissioner a plan of the Commercial Surface Parking lot drawn and stamped by a Registered Professional Land Surveyor, known as the "record parking plan." Any changes to the lot boundaries or internal configuration shall require that a new record parking plan be prepared and filed in the same manner. All property lines and Emergency Access Aisles and Fire Lanes shall be marked as shown on the record parking plan. In addition to showing the number of spaces that can be accommodated according to the dimensions herein, such plan shall depict demarcations for emergency access aisles through a method permanently affixed to the ground and approved by the Building Commissioner and Fire Safety Official.

(b) Wheel stops and/or striping shall be installed and maintained to mark each permitted parking space. Stacked parking spaces shall be marked using ground mounted delineators or other demarcation.

(c) Property boundaries for properties abutting other separately owned properties shall be marked with fencing or other means as may be approved by the Building Commissioner.

### **B. Stacked Parking**

- (1) Stacked parking in compliance with Section 240-24.10.4 B. may be permitted subject to the approval of the Building Commissioner and the Fire Safety Official.
- (2) Lots using stacked parking configurations shall have a full-time attendant supervising the lot and to enable owner access to vehicles at all times.

### **C. Aisle Width**

- (1) Unless otherwise provided for in this section, parking lots shall be designed so that each motor vehicle is able to proceed to and from the parking space provided without requiring the moving of any other motor vehicle.
- (2) All angle parking shall have one way circulation with an aisle width of at least 14 feet.
- (3) Fire lanes and emergency access aisles shall be provided as required by the Building Commissioner and the Fire Safety Official.

### **D. Lot Circulation**

- (1) Dead end aisles including but not limited to emergency access aisles, and fire lanes are prohibited.

### **E. Landscaping and Fencing**

- (1) Parking lots shall install perimeter landscaping area along street frontages.
- (2) Fencing other than split rail fencing is prohibited.

**F. Lighting** - Lighting shall not cause glare for motorists, pedestrians or neighboring premises. Full cut-off light fixtures shall be used in which no more than 2.5% of the total output is emitted at 90° from the vertical pole or building wall on which it is mounted.

**G. Signage** – Signage provisions rely on the requirements of the underlying zoning district or on rights that may be vested in the property as determined by the Building Commissioner.

### **H. Accessory Structures**

- (1) Parking Lot Kiosk - A kiosk for parking lot attendants and/or business needs may be allowed. Kiosks are typically located at the main entrance(s) to or exit(s) from the lot. Each kiosk shall not exceed 150 SF in gross floor area and shall be located so as not to interfere with fire lanes, emergency access aisles, or site circulation. Kiosks shall include temporary sanitary facilities for employees. In no case shall the temporary sanitary facility be visible from any public way. Such structures shall be subject to applicable code or other permitting requirements and shall not host other principal or accessory uses such as retail without the required approvals.
- (2) Trash receptacles – all lots shall provide accommodations for client and employee trash. Trash receptacles and/or dumpsters shall be located near each Parking Lot Kiosk as may be required by the Building Commissioner and the Fire Safety Official. In no case shall the receptacles be visible from any public way.

**Section 5**

Amend Section 240-51 Location of Parking Spaces by deleting the words , "except that in the MA-1 Business District, parking spaces may be located on another lot within 500 feet of the use, provided that no parking lot shall be created by the demolition of buildings within the MA-2 Business District, OR Office Residential District, or buildings with frontage on Main Street in the MA-1 Business District"

from existing Section 240-51:  
By re-numerating Section 240-51 to Section 240-51 A, and  
By adding new Section 240-51 B. as follows:

**Section 240-51 Location of Parking Spaces**

- A. All off-street parking spaces required by this article shall be located on the same lot as the use for which such spaces are required, except that in nonresidential districts, parking spaces may be located on another lot within 300 feet of, and in the same zoning district as, the use for which such spaces are required.
- B. Parking facilities, including those governed by Sections 240-24.1.11 (as re-numerated herein). Site Development Standards Subsection A.(4) [4] [d] and Section 240-24.1.10 Hyannis Parking Overlay District may operate parking lots in other locations and propose shuttle service to transport patrons from these remote lots to their desired destination. Such proposals shall be subject to Site Plan Review.

**Section 6**

Amend Section 240-128 Definitions by adding the following definition:

**Shuttle Service** – Use of a multi-passenger vehicle to shuttle parking lot patrons between remote parking lots, parking facilities, and transportation terminals.

**SPONSORS:** Town Council Parking Committee

DATE	ACTION TAKEN
<u>06/16/16</u>	<u>Refer to Joint Public hearing with Planning Board 07/21/16</u>

- |                                     |                               |
|-------------------------------------|-------------------------------|
| <hr style="width: 100%;"/>          | <hr style="width: 100%;"/>    |
| <input type="checkbox"/>            | Read item                     |
| <input type="checkbox"/>            | Motion to Open Public Hearing |
| <input type="checkbox"/>            | Rationale                     |
| <input type="checkbox"/>            | Public Hearing                |
| <input type="checkbox"/>            | Close Public Hearing          |
| <input type="checkbox"/>            | Council Discussion            |
| <input checked="" type="checkbox"/> | Move/Vote                     |

# BARNSTABLE TOWN COUNCIL

**ITEM# 2016-166**

**INTRO: 06/16/16, 07/21/16**

## SUMMARY

**TO:** Town Council  
**THROUGH:** Mark S. Ells, Town Manager  
**FROM:** Jo Anne Miller Buntich, Growth Management Director  
**DATE:** June 16, 2016  
**SUBJECT:** Hyannis Parking Overlay District (HPOD)

**RATIONALE:** This ordinance results from the work of the Town Council Parking Subcommittee which organized and met to learn about and address existing permitting issues surrounding “open air parking” land uses located near Hyannis Harbor.

This zoning ordinance, using the overlay zoning technique, allows Commercial Surface Parking Lots as a principal use only on lots shown on the Hyannis Parking Overlay District Map. This ordinance organizes the permitting process for these lots in better coordination with Licensing and more clearly adds this as a permitted use for these specific lots, details requirements to ensure safe access for fire and emergency vehicles, and sets out a process for customer vehicle retrieval.

After public hearings on the first version of this ordinance it was determined to incorporate concerns expressed during those hearings in a revised version of the ordinance. Those concerns were that parking structures could be permitted in advance of careful planning for these uses – that concern is addressed with a revision to the Definition of Commercial Surface Parking Lot. A second concern was that lots with shared parking arrangements for multiple principal uses could increase the number of Commercial Surface Parking Lot spaces – again in advance of careful planning - with the demolition of other principal uses on the Lot. This concern is addressed in the Site Development Standards Section, (B) Parking Spaces (1) Computation with revisions to Subsections b. and c.

These revisions ensure that the lots included in the HPOD will benefit from the clarity and straightforward permitting pathway defined in the ordinance amendment while keeping the uses stable until further changes are deemed warranted.

Sections 5 and 6 of this Order add a provision for shuttle service from any licensed principal parking lot and any licensed accessory parking lot remote from the principal parking lot.

**FISCAL IMPACT:** Neutral

**STAFF ASSISTANCE:** Ruth J. Weil, Town Attorney; Charles McLaughlin, Assistant Town Attorney  
Richard Scali, Regulatory Services Director; Elizabeth Hartsgrove, Consumer  
Affairs Supervisor; Paul Roma, Interim Building Commissioner; Dean  
Melanson, Hyannis Fire Department Deputy Chief

**A. OLD BUSINESS (Public hearing) (Roll call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-167**

**INTRO: 06/16/16, 07/21/16**

**2016-167 APPROPRIATION ORDER IN THE AMOUNT OF \$6,425.00 COMMUNITY PRESERVATION FUNDS FOR SOUTH CONGREGATIONAL CHURCH, CENTERVILLE HISTORICAL BURYING GROUND, 565 MAIN STREET, CENTERVILLE, MA PRESERVATION, RESTORATION AND CONSERVATION**

**ORDERED:** That pursuant to the provisions of the Community Preservation Act, G.L. c.44B, the sum of Six Thousand Four Hundred Twenty-Five and NO/100 (\$6,425.00) Dollars be appropriated and transferred from the amount set aside in the Community Preservation Fund, for a grant to South Congregational Church for the professional preservation, restoration and conservation of 33 of 140 church burying ground headstones most in need; and that the Town Manager is authorized to contract for and expend the appropriation made available and execute and record documents on behalf of the Town for this purpose, subject to the oversight by the Community Preservation Committee.

**SPONSOR:** Councilor Frederick Chirigotis, Precinct 4

DATE	ACTION TAKEN
<u>06/16/16</u>	<u>Refer to Public hearing 07/21/16</u>

\_\_\_\_\_

- \_\_\_ Read item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote



# **BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-167**  
**INTRO: 06/16/16, 07/21/16**

## **SUMMARY**

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Lindsey Counsell, Chair, Community Preservation Committee  
**DATE:** June 16, 2016  
**SUBJECT:** Appropriation Order in the amount of **\$6,425.00** Community Preservation Funds for South Congregational Church, Centerville Historical Burying Ground Preservation, Restoration and Conservation located at 565 Main Street, Centerville, MA

**RATIONALE:** The South Congregational Church is seeking approval from the Town Council through the Town Manager for CPA unreserved funds in the amount of **\$6,425** for the professional preservation, restoration and conservation of 33 of 140 church burying ground headstones most in need. This amount represents a portion of the funds for the entire project with **\$1,000** to be provided through contributions and in-kind labor of church members and Boy Scouts provided to clean the remaining 107 stones that do not require professional services. The burying ground is listed in the Mass Cultural Resource Information System and is identified on the map of Centerville Historic District Area 2010 Preservation Plan. The burying ground contains many prominent Cape Cod family names from years 1823 through 1977. Restoration of the burying ground preserves an essential part of the character of the town by conserving the legacy of past generations where current and future generations can view it.

**VOLUNTEER STAFF ASSISTANCE:** Lindsey Counsell, Chairman, Community Preservation Committee

**A. OLD BUSINESS (Public hearing) (Roll call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-168**  
**INTRO: 06/16/16, 07/21/16**

**2016-168 APPROPRIATION ORDER \$125,000 COMMUNITY PRESERVATION FUNDS FOR PROPOSED BARNSTABLE LITTLE LEAGUE BASEBALL FIELD FENWAY CAPE COD, 165 BEARSE’S WAY, HYANNIS, MA**

**ORDERED:** That pursuant to the provisions of the Community Preservation Act, G.L. c.44B, the sum of One Hundred Twenty-Five Thousand and NO/100 (**\$125,000.00**) Dollars be appropriated and transferred from the amount set aside in the Community Preservation Fund for a grant to Barnstable Little League to help support the construction of a new regulation Little League field for their 6-8 year old instructional Farm League children located at the Lyndon Paul Lorusso Baseball Complex on Bearse’s Way, Hyannis, MA (**Fencing needs to be open (chain link, etc.)**); and that the Town Manager is authorized to contract for and expend the appropriation made available and execute and record documents on behalf of the Town for this purpose, subject to the oversight by the Community Preservation Committee.

**SPONSOR:** Councilor Debra S. Dagwan, Precinct 8

DATE                      ACTION TAKEN  
06/16/16                      Refer to Public hearing 07/21/16

- \_\_\_\_\_
- \_\_\_\_\_ Read item
- \_\_\_\_\_ Motion to Open Public Hearing
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM # 2016-168**  
**INTRO: 06/16/16, 07/21/16**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Lindsey Counsell, Chair, Community Preservation Committee  
**DATE:** June 16, 2016  
**SUBJECT:** Appropriation Order **\$125,000** Community Preservation Funds for proposed Barnstable Little League Baseball Field Fenway Cape Cod located at 165 Bearnse's Way, Hyannis, MA

**RATIONALE:** The Barnstable Little League is seeking approval from the Town Council for CPA funding in the amount of **\$125,000** to help support the construction of a new regulation Little League field for their 6-8 year old instructional Farm League children located at the Lyndon Paul Lorusso Baseball Complex on Bearnse's Way, Hyannis, MA. The new field will provide some excitement in learning the game as a replica of Fenway Park. The project helps to centralize Little League games and necessary resources, and enhance the quality and capability of the Little League field area of the HYCC and surrounding location. The project has the support of the Recreation Committee and Barnstable School Committee. The total estimated cost of the project is **\$310,000** and additional funds will be provided through direct private funding, in-kind donations and ongoing fundraising. This new field together with the existing fields will provide a consolidated, safe environment for youth baseball in the Town of Barnstable.

**VOLUNTEER STAFF ASSISTANCE:** Lindsey Counsell, Chairman, Community Preservation Committee

**A. OLD BUSINESS (Public hearing) (Roll call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-169**  
**INTRO: 06/16/16, 07/21/16**

**2016-169 APPROPRIATION ORDER IN THE AMOUNT OF \$200,000.00 COMMUNITY PRESERVATION FUNDS FOR HABITAT FOR HUMANITY OF CAPE COD AFFORDABLE HOUSING, 536 RIVER ROAD, MARSTONS MILLS, MA**

**ORDERED:** That, pursuant to the provisions of the Community Preservation Act, G.L. c. 44B, the sum of Two Hundred Thousand and NO/100 (**\$200,000.00**) Dollars be appropriated and transferred from the amount set aside for community resources in the Community Preservation Fund, for a grant to Habitat for Humanity, Inc. for the acquisition, creation and support of up to four single-family, 3 bedroom homes in a proposed new Habitat neighborhood of affordable homes on a 5.9 acre locus at 536 River Road, Marstons Mills, MA; and that the Town Manager is authorized to contract for and expend the appropriation made available and execute and record documents on behalf of the Town for this purpose to be secured by grant agreements, regulatory agreements, deed riders, title insurance policies, notes and mortgages, subject to the oversight of the Community Preservation Committee.

**SPONSOR:** Councilor John Norman, Precinct 12

DATE	ACTION TAKEN
<u>06/16/16</u>	<u>Refer to Public hearing 07/21/16</u>

- 
- \_\_\_ Read item
  - \_\_\_ Motion to Open Public Hearing
  - \_\_\_ Rationale
  - \_\_\_ Public Hearing
  - \_\_\_ Close Public Hearing
  - \_\_\_ Council Discussion
  - \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM # 2016-169**  
**INTRO: 06/16/16, 07/21/16**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Lindsey Counsell, Chair, Community Preservation Committee  
**DATE:** June 16, 2016  
**SUBJECT:** Appropriation Order in the amount of **\$200,000.00** Community Preservation Funds for Habitat for Humanity, INC. of Cape Cod Affordable Housing at 536 River Road, Marstons Mills, MA Map 061, Parcel 002

**RATIONALE:** Habitat for Humanity, INC. of Cape Cod is seeking approval from the Town Council through the Town Manager for CPA Community Housing funding in the amount of up to **\$200,000** representing **\$50,000** per unit to offset infrastructure and construction costs for four single-family 3-bedroom homes in a proposed new 5.9 acre Habitat neighborhood of affordable homes located at 536 River Road, Marstons Mills. The homes will be affordable in perpetuity and protected by a Department of Housing and Community Development Local Initiative Program Deed Rider and will count on Barnstable's DHCD Subsidized Housing Inventory. The homes will be affordable to very-low income households; households earning between 45% and 65% of Area Median Income. The home sale price will be approximately \$140,250 with a zero percent mortgage offered directly from Habitat resulting in a monthly payment including principal, interest, taxes and insurance of approximately \$700 per month. Permitting of these homes will be accomplished under MGL Chapter 40B which allows certain waivers to local bylaws for lot size. The project will not require any Board of Health waivers.

The total budget for the project is **\$1,479,470**; matching funds from other grants have been committed in the amount of **\$655,305**. Additionally, **\$624,165** is to be provided through private fundraising and developer equity. Selected purchaser-families partner with Habitat and devote 250 to 500 hours building their homes alongside community volunteers. Sweat equity and pre-purchase workshops have proven to be key elements in fostering successful homeownership. Barnstable residents are being priced out of the homeownership market. This project is meeting a housing need by creating additional homeownership opportunities for low and moderate income residents.

**STAFF ASSISTANCE:** Lindsey Counsell, Chairman, Community Preservation Committee

**A. OLD BUSINESS (Public hearing) (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-170  
INTRO: 06/16/16, 07/21/16**

**2016-170 APPROPRIATION ORDER IN THE AMOUNT OF \$68,035.00 COMMUNITY PRESERVATION FUNDS FOR COTUIT LIBRARY ASSOCIATION (GATEWAY II ACCESSIBILITY PROJECT) , 871 MAIN STREET, COTUIT, MA**

**ORDERED:** That pursuant to the provisions of the Community Preservation Act, G.L. c.44B, the sum of Sixty Eight Thousand Thirty-Five and NO/100 (**\$68,035.00**) Dollars be appropriated and transferred from the amount set aside in the Community Preservation Fund representing a portion of the total cost of **\$215,147.00**, for a grant to the Cotuit Library Association for the restoration of a chimney; installation of an American Disability Act (ADA) complaint Garaventa Genesis Vertical Lift; ADA complaint access, and ADA complaint restrooms.; and that the Town Manager is authorized to contract for and expend the appropriation made available and execute and record documents on behalf of the Town for this purpose, subject to the oversight by the Community Preservation Committee.

**SPONSOR:** Jessica Rapp Grassetti, Town Council President, Precinct 7

DATE	ACTION TAKEN
<u>06/16/16</u>	<u>Refer to Public hearing 07/21/16</u>

- \_\_\_\_\_ Read item
- \_\_\_\_\_ Motion to Open Public Hearing
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM # 2016-170**  
**INTRO: 06/16/16, 07/21/16**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Lindsey Counsell, Chair, Community Preservation Committee  
**DATE:** June 16, 2016  
**SUBJECT:** Appropriation Order in the amount of **\$68,035.00** Community Preservation Funds for Cotuit Library Association Gateway II Accessibility Project located at 871 Main Street, Cotuit, MA

**RATIONALE:** Cotuit Library Association is seeking approval from the Town Council through the Town Manager for CPA unreserved funding in the amount of **\$68,035.00** representing a portion of the total cost of **\$215,147** for this phase, with **\$109,803** in matching funds having been raised or committed. The Cotuit Library is a non-profit organization that has sponsored 580 different programs last year with **44,000** people participating. Currently, Cotuit Library provides the only public restroom in Cotuit; however it is located on the upper level making access difficult for people with mobility issues. Also, the majority of the adult reading collection and program space is not located on the main floor of the library making these areas inaccessible to those in wheelchairs or with significant mobility impairment. The entry doorway is proposed to be made ADA compliant and the installation of a lift is proposed to allow access to all three levels of the library. The addition of an ADA compliant bathroom on the first floor along with upgrading the existing bathroom to ADA compliance on the upper level is proposed. To maintain the historic integrity of the library, one of the library chimneys requires repair. The original library building was built in 1830 as a schoolhouse and in 1894 it was acquired by the Cotuit Library Association for a permanent library. An addition to the front of the building was constructed in 1901 with subsequent additions in 1963 and 1977. The Cotuit Library is a contributing building to the National Historic Register's Cotuit Historic District. As a private, non-profit, the library provides services to the community that a municipal institution would, and has done so since 1894. The project has received the support of many individuals, associations and committees and would protect and preserve the library's significant resources by ensuring that the present structure can serve its community for the foreseeable future.

**STAFF ASSISTANCE:** Lindsey Counsell, Chairman, Community Preservation Committee

**A. OLD BUSINESS (Public hearing) (Roll call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-171  
INTRO: 06/16/16, 07/21/16**

**2016-171 APPROPRIATION ORDER IN THE AMOUNT OF \$137,528 COMMUNITY PRESERVATION FUNDS FOR TOWN-WIDE COMPREHENSIVE RECREATION FIELDS EVALUATION**

**ORDERED:** That pursuant to the provisions of the Community Preservation Act, G.L. c.44B, the sum of One Hundred Thirty-Seven Thousand Five Hundred Twenty-Eight and NO/100 (\$137,528.00) Dollars be appropriated and transferred from the amount set aside in the Community Preservation Fund for open space for the acquisition, creation, rehabilitation and restoration of land for active recreational use; and that the Town Manager is authorized to contract for and expend the amount appropriated under the direction of the Department of Public Works for a Twenty (20) year strategic plan to determine the needs for outdoor active recreation, the types of outdoor facilities suitable to meet the needs, the relationship of current outdoor facilities to the projected needs, and the types of any future land acquisitions desirable to meet the projected needs, subject to oversight by the Community Preservation Committee.

**SPONSOR:** Councilor Will Crocker Jr., Precinct 6

DATE	ACTION TAKEN
<u>06/16/16</u>	<u>Refer to Public hearing 07/21/16</u>

- 
- Read item
  - Motion to Open Public Hearing
  - Rationale
  - Public Hearing
  - Close Public Hearing
  - Council Discussion
  - Move/Vote



# **BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-171**

**INTRO: 06/16/16, 07/21/16**

## **SUMMARY**

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Dan Santos, Director, Department of Public Works  
**DATE:** June 16, 2016  
**SUBJECT:** Appropriation Order in the amount of **\$137,528** Community Preservation Funds for town-wide comprehensive recreation fields' evaluation

**RATIONALE:** The Department of Public Works through the Town Manager is seeking approval from the Town Council for CPA funding in the amount of **\$137,528** to hire a consultant to perform a Town-wide comprehensive recreation field evaluation. The purpose of the evaluation is to determine the types, quantities, and ideal locations of athletic fields that will be needed in the Town of Barnstable. The information will then be compared to the inventory and condition of the existing fields and an assessment of available parcels for future acquisition, creation and preservation of land for recreational field development will be completed. That comparison will result in a 20-year Strategic Plan for Town Recreational Facilities that will include recommendations regarding required capital expenditures, and future field development.

**STAFF ASSISTANCE:** Dan Santos, Director, Department of Public Works

**B. NEW BUSINESS (First Reading)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-001  
INTRO: 07/21/16**

**2017-001 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council appoint the following individuals to a multiple-member board/committee/commission:

**LIBRARY COMMITTEE: Lois Cronin**, 484 Whistleberry Drive, Marstons Mills, as a member with a term expiring 6/30/17; **Chrystal LaPine**, 1135 Service Road, West Barnstable, as a member with a term expiring 6/30/17; **Patricia Lawlor**, 410 High Street, West Barnstable, as a member with a term expiring 6/30/17; **Emily Mezzetti**, 43 Snow Creek Drive, Hyannis, as a member with a term expiring 6/30/17; **Elena Schuck**, 56 Cinderella Terrace, Marstons Mills, as a member with a term expiring 6/30/17; **Fred Schilpp**, 115 Rendezvous Lane, Barnstable, as a member with a term expiring 6/30/17; **Kathy Spirtes**, 244 Santuit Rd, Cotuit, as a member with a term expiring 6/30/17; **Laurie Young**, 142 Great Bay Road, Osterville, as a member with a term expiring 6/30/17.

**SPONSOR:** Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

**B. NEW BUSINESS (First Reading)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-002  
INTRO: 07/21/16**

**2017-002 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED:** That the Town Council appoint the following individuals to a multiple-member board/committee/commission:

**LIBRARY COMMITTEE:** **Mark Cote**, 1745 South County Road, Osterville, as a member with a term expiring 6/30/17; **Suzanne Kelly**, 3941 Route 6A, Barnstable, as a member with a term expiring 6/30/17; **Ed Maddox**, 244 School Street, as a member with a term expiring 6/30/17; **Karen Rezendes**, 121 Great Marsh Road, Centerville, as a member with a term expiring 6/30/17; **Lili Seely**, 33 Candlewick Lane, Hyannis, as a member with a term expiring 6/30/17.

**SPONSOR:** Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

**B. NEW BUSINESS (Refer to Public hearing 08/11/16)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-003  
INTRO: 07/21/16**

**2017-003 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$180,000  
PURSUANT TO TEMPORARY REPAIR TO PRIVATE ROADS PROGRAM  
REGARDING BLUE HERON DRIVE AND QUAIL LANE IN OSTERVILLE.**

**ORDERED:** That the sum of **\$180,000** be appropriated for the purpose of making temporary repairs to Blue Heron Drive and Quail Lane in Osterville, a private road within the Town of Barnstable, and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, be authorized to borrow **\$180,000** in accordance with Chapter 174 of the Acts of 1994 as amended by Chapter 350 of the Acts of 2014, and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose, and that betterments be assessed, and the Town Manager is further authorized to accept any grants and/or gifts in relation thereto.

**SPONSOR:** James H. Crocker, Jr. Precinct 5

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM # 2017-003**

**INTRO: 07/21/16**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**DATE:** July 16, 2016  
**SUBJECT:** Appropriation and Loan Order in the amount of \$180,000 pursuant to Temporary Repair to Private Roads Program regarding Blue Heron Drive and Quail Lane in Osterville.

**BACKGROUND:** The successful passage of Chapter 174 of the Acts of 1994 and the passage of House Bills 4409 and 4410 by the State Legislature of Home Rule legislation authorized the Town to expend funds to repair private roads. Under this Program the abutters to roads being repaired can be charged betterment assessments for 100% of the actual costs of repairs which they can elect to pay in one lump sum or over a period of up to 20 years (with interest). None of these roads will be taken by the Town of Barnstable and will remain private roads. A majority of the property abutters to Blue Heron Drive and Quail Lane in Osterville have expressed an interest in having repairs made to their private road and 79% of the abutters have signed a Consent and Acknowledgement Agreement for Betterment Assessment. The proposed work is the removal and replacement of the existing pavement, cleaning of existing drainage, and installation of additional drainage structures.

The cost of improvements: Estimated as \$180,000 with a cost per 14 abutters, distributed as 14 shares, not to exceed \$12,850 per abutter share.

**FISCAL IMPACT:** There is no cost to the Town, as all costs will be covered by betterments assessed on the abutters. The town will issue a bond to cover the cost of the repairs and use the revenue collected from the betterment assessments to make the annual loan repayments on the bond.

**TOWN MANAGER RECOMMENDATION:** The Town Manager requests favorable action by the Town Council.

**STAFF ASSISTANCE:** Roger D. Parsons, P.E., Town Engineer

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-004**

**INTRO: 7/21/16**

**2017-004 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$1,742 TO THE BARNSTABLE SENIOR SERVICES DIVISION FROM THE GAY AND LESBIAN EQUITY (GALE) FUND TO SUPPORT LESBIAN, GAY, BISEXUAL, TRANSGENDER (LGBT) PROGRAMMING AT THE BARNSTABLE SENIOR CENTER**

**RESOLVED:** That the Town of Barnstable hereby accepts a grant of **\$1,742** from the Gay and Lesbian Equity (GALE) Fund to support the Lesbian, Gay, Bisexual, Transgender (LGBT) programming at the Barnstable Senior Center and does hereby authorize the Town Manager to contract for and expend said funds for that purpose.

**SPONSOR:** Councilor Paul Hebert, Precinct 3

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council discussion

\_\_\_ Move / Vote

# BARNSTABLE TOWN COUNCIL

**ITEM # 2017-004**

**INTRO: 7/21/16**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Lynne M. Poyant, Director of Community Services  
**DATE:** July 8, 2016  
**SUBJECT:** Acceptance of a grant in the amount of \$1,742 from the Gay and Lesbian Equity (GALE) Fund to the Senior Services Division

**RATIONALE:** Last year, the Barnstable Senior Center received funding from the Gay and Lesbian Equity Fund (GALE) to initiate programming for LGBTQ older adults in our community. We are pleased to report that over the past year significant efforts have been taken to create a safe and welcoming environment for LGBTQ older adults, including a cultural competency training for staff and board members, a presentation on the anniversary of the Stonewall riots, hosting a focus group on housing issues faced by the LGBT community, screening the documentary “Gen Silent” to raise awareness of issues faced by LGBTQ elders, participating in a regional LGBTQ older adult coalition, hosting a monthly LGBTQ caregiver support group, and regularly scheduled social programs through the “LGBT Mid-Cape Seniors” group. Thanks to our success to date, the GALE fund has kindly agreed to award funding of \$1,742 to sustain programs and services for LGBTQ elders throughout the coming year.

The Barnstable Senior Center remains deeply committed to providing a welcoming, safe and inclusive environment for LGBT elders. We are extremely grateful for the generous support of the GALE Fund and look forward to our continued partnership as we collectively work to better serve the needs of LGBT elders in our community.

**FISCAL IMPACT:** There is no immediate financial impact to the Town’s operating budget as a result of accepting this grant. However, additional grant funds will be required to continue the program once this grant has been exhausted. Otherwise, the service may have to be eliminated.

**STAFF ASSISTANCE:** Madeline Noonan, Director of Senior Services; Donna Marie Burns, Assistant Director of Senior Services

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-005  
INTRO: 07/21/16**

**2017-005 RESOLVE ALLOWING MARK S. ELLS, TOWN MANAGER TO  
CONTINUE TEACHING AT CAPE COD COMMUNITY COLLEGE  
UNDER SECTION 8 OF THE TOWN MANAGER CONTRACT.**

**RESOLVED:** That pursuant to Section 8 of the Town Manager Contract Agreement between the Town of Barnstable and Mark S. Ells, the Barnstable Town Council does hereby provide its approval for Mark S. Ells to continue to teach at Cape Cod Community College for the period from July 1, 2016 through June 30, 2017.

**SPONSOR:** Jessica Rapp Grasseti, Town Council President, Precinct 7

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council discussion
- Move / Vote



**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2017-006  
INTRO: 07/21/16**

**2017-006 APPROVE THE CONSERVATION RESTRICTION BETWEEN BARNSTABLE LAND TRUST, INC. (GRANTORS) AND THE COMPACT OF CAPE COD CONSERVATION TRUSTS (GRANTEE) LOCATED AT 0 SLATE LANE, BARNSTABLE, MA, 1.87 ACRES, MAP 317 PARCEL 043 LOT 002**

**RESOLVED**, that the Town Council approve the Conservation Restriction between Barnstable Land Trust, Inc. (grantors), and The Compact of Cape Cod Conservation Trusts (grantee), over approximately 1.87 acres of land on 0 Slate Lane, Barnstable Ma, Map 317 Parcel 043 Lot 002, for the purposes of preserving open space, water quality, and rare species habitat.

**SPONSOR:** Councilor John Flores, Precinct 1

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council discussion
- Move / Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2017-006**

**INTRO: 07/21/16**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**DATE:** July 21, 2016  
**SUBJECT:** Conservation Restriction to be held by The Compact of Cape Cod Conservation Trusts over approximately 1.87 acres of land owned by Barnstable Land Trust at 0 Slate Lane, Barnstable MA.

**SUMMARY:** This item has been placed on the agenda for the Council's approval of a conservation restriction (CR) to be granted by Barnstable Land Trust, Inc. (BLT) and held by the Compact of Cape Cod Conservation Trusts covering 1.87 acres, more or less, on 0 Slate Lane in Barnstable MA.

**BACKGROUND:** This conservation restriction preserves both upland and wetland. The land lies wholly within a state-designated Priority Habitat for Rare Species, the Statewide Land Conservation Plan, and a Resource Protection Area of the Cape Cod Commission's Land Use Vision Map for the Town of Barnstable. The 2009 Regional Policy Plan designates it as a Significant Natural Resources Area for rare wetland wildlife habitat and as a priority site for rare species. The area to be preserved is also falls within the Old Kings Highway Regional Historic District.

BLT's conveyance of this CR to the Compact of Cape Cod Conservation Trusts will enhance the adjoining 78 acre Barnstable County Farm, which is permanently protected by a conservation restriction. It will also preserve important wildlife habitat and protect freshwater wetlands. The current owner has been deemed eligible to receive a Conservation Land Tax Credit (CLTC) for the donation of this land to BLT. The CLTC program requires that a conservation restriction be placed on the property.

**ANALYSIS:** This proposed conservation restriction conforms to the Open Space Policy of the Town, adopted in 1981, which "encouraged...grants of conservation restrictions" which yielded "benefits to the Town," and furthers the Town of Barnstable's 2005 Update to its Open Space Plan. Specifically, the Doe Conservation Restriction on Cobbs Hill offers the following public benefits and will:

- prevent disturbance of wetlands,
- preserve open space,
- link to other conservation land,
- preserve important natural habitats of fish, wildlife or plants,
- prevent construction on land of natural resource value

**APPROVALS:** The Conservation Commission voted its approval on March 8, 2016. Land Acquisition and Preservation Committee voted to recommend the Conservation Restriction to Town Council on April 11, 2016.

**FISCAL IMPACT:** The 1.87 acre parcel is assessed at \$80,100 with annual Town and District taxes of \$1,010 (including CPA). The property will become tax exempt once it is donated to Barnstable Land Trust (June 2016). Therefore, this CR does not affect the tax valuation since the land will already be exempt as owned by conservation non-profit for its charitable purpose.