



# Town of Barnstable Town Council

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## MEETING AGENDA TOWN HALL HEARING ROOM November 1, 2018 7:00 PM

### Councilors:

Eric R. Steinhilber  
President  
Precinct 2

James H. Crocker Jr.  
Vice President  
Precinct 5

John G. Flores  
Precinct 1

Paul Hebert  
Precinct 3

Britt Beedenbender  
Precinct 4

Paul C. Neary  
Precinct 6

Jessica Rapp Grassetti  
Precinct 7

Debra S. Dagwan  
Precinct 8

James M. Tinsley  
Precinct 9

Matthew Levesque  
Precinct 10

Philip N. Wallace  
Precinct 11

Paula Schnepf  
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**
  - Annual Joint Meeting-School Committee & Town Council
  - Acceptance of the Town Council 2019-2020 Strategic Plan
- 9. ORDERS OF THE DAY**
  - A. Old Business**
  - B. New Business**
- 10. ADJOURNMENT**

**NEXT REGULAR MEETING: November 15, 2018**

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### Approve Minutes –October 18, 2018

**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 (Joint Public Hearing with the Planning Board) (Roll Call 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2019-032  
INTRO: 10/04/18, 11/01/18**

**2019-032 AMENDING ARTICLE V, CHAPTER 240, SECTION 25 OF THE ZONING ORDINANCE TO REVISE REGULATIONS FOR THE HIGHWAY BUSINESS DISTRICT**

**ORDERED:**

**Section 1.**

That Chapter 240, Article III, Section 240-25 of the Zoning Ordinance, is hereby amended by striking the existing Section 240-25 HB Business District in its entirety and substituting in its place the following:

**“§ 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<sup>1</sup>
- (5) Bed & Breakfasts, subject to the provisions of § 240-11C(6)
- (6) Business Support Services
- (7) Contractor Service Establishments<sup>2,3</sup>
- (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 <sup>1</sup>
- (24) Retail and wholesale <sup>1</sup>
- (25) Self-storage Facility <sup>2</sup>
- (26) Senior Living, Assisted Living
- (27) Senior Living, Nursing Homes
- (28) Veterinary Hospital/Clinic <sup>2</sup>

<sup>1</sup> Drive-throughs shall be permitted accessory to such use, subject to the issuance of a Special Permit pursuant to subsection 240-25 (C) herein.

<sup>2</sup> The landscape setback from all residential property lines shall be 10 feet. Within the landscape buffer, existing mature trees shall be retained and shall be supplemented with plantings that will provide dense year-round screening, or a solid fence with landscape plantings on the residential side

<sup>3</sup> Parking areas for commercial vehicles and any exterior areas used for loading or storage shall be screened from view from the public way

**C. Conditional Uses.** The following uses are permitted as conditional uses in the HB District, provided that a special permit is first obtained from the Zoning Board of Appeals subject to the provisions of §240-125C herein and subject to the specific standards for such conditional uses as required in this section, and to a finding that such uses do not substantially adversely affect the public health, safety, welfare, comfort or convenience of the community:

- (1) Auto service and repair shops <sup>1</sup>
- (2) Building, sale, rental, storage and repair of boats <sup>1</sup>
- (3) Car rental services <sup>1</sup>
- (4) Contractors' yards <sup>1,2</sup>
- (5) Funeral Home or Mortuary <sup>1</sup>
- (6) Hotel & Motel, subject to the provisions in 240-22(F) <sup>1</sup>
- (7) Manufacturing, light and industrial uses <sup>1,2</sup>
- (8) Retail, gasoline or diesel <sup>1</sup>
- (9) Warehouse or distribution <sup>1,2</sup>
- (10) Drive-throughs for banks, retail uses, and restaurants and other food service establishments

<sup>1</sup> The landscape setback from all residential property lines shall be 10 feet. Within the landscape buffer, existing mature trees shall be retained and shall be supplemented with plantings that will provide dense year-round screening, or a solid fence with landscape plantings on the residential side

<sup>2</sup> Parking areas for commercial vehicles and any exterior areas used for loading or storage shall be screened from view from the public way

**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 <sup>1,2</sup>	20	10	38 <sup>3</sup>	30

<sup>1</sup> Forty feet along Route 28 and Route 132

<sup>2</sup> 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.

<sup>3</sup> Or three stories, whichever is lesser.

**E. District-Wide Design & Performance Standards**

**1. Applicability**

Design and performance standards for the Highway Business District are provided in this subsection. The design and performance standards herein shall only apply to new development. New development is new construction on a vacant lot; or demolition and re-construction on a lot with existing structure(s). These standards shall not apply to the construction of new principal structures on lots already improved with a principal structure.

**2. Building Design Standards.**

- a. In addition to the Site Plan Review submittal requirements of Section 240-102, architectural elevations shall be submitted.
- b. Building façades.
  - i. Building facades shall not contain blank wall areas that exceed 25 linear feet, measured parallel to the street.
  - ii. New development shall vary the building footprint so that there are pronounced changes in the wall planes and building mass as defined herein. For every 50 linear feet of facade, at least 10 feet projection or setback in the facade should be accommodated. The recess or projection can be split into several components, but

changes in the facade line of 10 feet or greater are most likely to reduce the visual impact of the building mass.

c. **Building Entries.**

- i. All buildings shall have an orientation to and entrance from the sidewalk along the primary building frontage. Entrances shall be visually distinctive from the remaining portions of the façade along which they are located.

d. **Roof.**

- i. Parapet walls along the roof shall feature three-dimensional cornice treatments or other shadow-creating details.

e. **Building materials.**

- i. The following building materials are prohibited on any façade:
  - a) Plain concrete block
  - b) Glass block
  - c) Exposed aggregate (rough finish) concrete wall panels
  - 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.

b. Access.

Driveways on Route 28, Route 132 and West Main Street shall be minimized. All driveways and changes to driveways shall:

- a. Provide the minimum number of driveways necessary to provide safe and convenient vehicular and emergency vehicle access.
- b. Provide shared access with adjacent development where feasible.
- c. Provide a driveway interconnection between adjacent parcels to avoid short trips and conflicts on the main road.

**F. Definitions.** The following terms are defined for the purpose of the HB and shall not be construed to apply to other regulations:

**ARTISAN, CRAFTSPERSONS AND MAKERS** – A small-scale use employing people who practice manual skills to produce ornamental or functional works in limited quantities. A key feature of works produced by artisans, craftspeople or makers is the high degree of manual or specialized technical expertise involved. Examples include artists or makers in a variety of mediums, designers, and art conservation.

**ARTIST'S LOFT** – A place designed to be used as both a dwelling and a place of work by an artist, artisan, or craftsman, including persons engaged in the application, teaching, or performance of fine arts, such as drawing, vocal or instrumental music, painting, sculpture, photography, graphics, media arts, and writing. The work activities shall not adversely impact the public health, safety, and welfare, or the livability, functioning, and appearance of adjacent property.

**AUTO SERVICE AND REPAIR SHOPS** – A facility for the general repair and maintenance of motor vehicles, including motor vehicle inspections and car washes. This definition shall exclude vehicle dismantling or salvage.

**CONTRACTOR SERVICE ESTABLISHMENTS** – Wholesale sales and distribution of building materials including plumbing, carpentry, lumber, electrical, heating and air conditioning, and other similar service or repair businesses; associated showrooms and sales/display space customarily accessory to such uses.

**CONTRACTORS' YARDS** – Landscaping, construction and site preparation, and other similar service businesses, provided that all outdoor storage of building materials, trucks and landscaping equipment and materials, are screened from view from public ways.

**EDUCATIONAL INSTITUTIONS** – A public or private facility that offers in-classroom instruction at the K-12 or post-secondary levels. The institution may also have research facilities and/or professional schools that grant master and doctoral 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 columbarium's

**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 development including 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

**PERSONAL SERVICE ESTABLISHMENT** – An establishment engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, barbershop, beauty shop, dry cleaner, tailor, or other similar services

**RECREATIONAL ESTABLISHMENT** – An establishment engaged in the provision of public recreational services, including bowling and billiards

**RETAIL, GASOLINE AND/OR DIESEL** – A facility where gasoline, diesel or any other automotive engine fuel is stored only in underground tanks and offered for sale directly to the public on the premises. Retail, gasoline and/or diesel shall be subject to the requirements of Section 240-35 Groundwater Protection Overlay Districts



SELF-STORAGE FACILITY – A facility for the storage of personal property where individual renters control and access individual storage spaces. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included.

SENIOR LIVING, ASSISTED LIVING – A combination of housing, ancillary support services and personalized care that is designed to respond in a homelike setting to the individual needs of adults requiring help with activities of daily living, but who do not require the skilled medical care provided in a nursing home.

SENIOR LIVING, NURSING HOMES – A facility, including for the aged or chronically ill, providing bed-care and in-patient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services and including Skilled Nursing Care Facilities

VETERINARY HOSPITAL/CLINIC – A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases and injuries. Use as a kennel shall be limited to short-term boarding and shall be only incidental to such hospital use.

**SPONSOR: Zoning and Permitting Regulatory Committee:** James Crocker, Town Council Vice President, Precinct 5; Councilor Jessica Rapp-Grassetti, Precinct 7, Councilor Debra Dagwan, Precinct 8; Councilor Paul Neary, Precinct 6; Councilor Matthew Levesque, Precinct 10 At Large Member, Hank Farnham

DATE	ACTION TAKEN
<u>10/04/18</u>	<u>Refer to a Joint Hearing with the Planning Board on 11/01/18</u>

\_\_\_\_\_

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

# BARNSTABLE TOWN COUNCIL

ITEM# 2019-032  
INTRO: 10/04/18, 11/01/18

## SUMMARY

**TO:** Town Council  
**THROUGH:** Mark S. Ells, Town Manager  
**FROM:** Town Council Zoning & Permitting Regulatory Committee through Elizabeth S. Jenkins, Planning & Development Director  
**DATE:** October 04, 2018  
**SUBJECT:** Amending the regulations pertaining to the Highway Business District

**RATIONALE:** The Highway Business (HB) District includes some of the most intensively-used commercial corridors in Barnstable, including portions of Route 28, Route 132, and West Main Street. The only two principal permitted uses allowed by-right in the HB District are offices (not including medical offices) and banks. Any new development or business use other than an offices and bank may require an application to the Zoning Board of Appeals.

The proposed amendment to HB District regulations revises the list of principal permitted uses to allow many uses already in existence within the district, creating more flexibility for owners and reducing what must be reviewed by the Zoning Board of Appeals by special permit or variance. The revised regulations include new language describing the purpose of HB District Regulations, expressing the intent to encourage investment in Barnstable's commercial corridors in light of current market demands.

The amendment proposes to revise bulk regulations to better reflect existing conditions within the district as well as the changing nature of nonresidential use. The amendment proposes to decrease the minimum lot area, lot width, and setbacks, and increase maximum building height from 30 ft. to 38 ft. (or three stories).

The amendments also include design and performance standards for new development. The purpose of these standards is to ensure that development resulting from the introduction of new by-right uses complements the character of existing structures and encourages a pedestrian-friendly environment. Building design standards include measures related to building orientation and materials, and site design standards emphasize pedestrian access and bicycle accommodations.

The proposed amendments to the district received a unanimous favorable recommendation from the Town Council Zoning and Regulatory Subcommittee members who were in attendance at the meeting on September 20, 2018.

**STAFF ASSISTANCE:** Paul Wackrow, Principal Planner

**A. OLD BUSINESS (Public Hearing)(Roll Call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2019-038**  
**INTRO: 10/18/2018, 11/01/18**

**2019-038 SUPPLEMENTAL APPROPRIATION REQUEST OF \$75,400 FOR THE BARNSTABLE POLICE DEPARTMENT FISCAL YEAR 2019 OPERATING BUDGET FOR THE PURPOSE OF FUNDING THE HIRING OF FIVE CURRENT PATROL OFFICER VACANCIES**

**ORDERED:** That the sum of **\$75,400** be added to the Fiscal Year 2019 Police Department General Fund Operating Expense Budget for the purpose of funding Fiscal Year 2019 expenses related to hiring and training new officer set-up expenses.

DATE	ACTION TAKEN
<u>10/18/18</u>	<u>Refer to Public Hearing 11/01/18</u>

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

# BARNSTABLE TOWN COUNCIL

ITEM # 2019-038

INTRO: 10/18/2018, 11/01/18

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Matthew K. Sonnabend, Chief of Police  
**DATE:** October 18, 2018  
**SUBJECT:** Supplemental appropriation request of **\$75,400** for the Barnstable Police Department Fiscal Year 2019 Operating Budget for the purpose of funding the hiring of five current patrol officer vacancies

**BACKGROUND:** The department has 5 patrol officer vacancies and would like to begin the hiring process and enroll the 5 new recruits in the next available Police training academy in April 2019 conducted by the Massachusetts Criminal Justice Training Council. At the time of the preparation and finalization of the Fiscal Year 2019 budget, the Police Department did not have confirmation on the number of retirements to take place nor the availability of police academy seats that would be available. The costs to hire and secure these 5 academy seats relative to recruiting costs, training and outfitting of these recruits requires a supplemental appropriation to the Police Department's Fiscal Year 2019 Operating Budget in the amount of **\$75,400** as outlined below for costs not allocated in the original approved budget:

<u>Expense Item</u>	<u>Unit</u>	<u>Total -5 Recruits</u>
Medical Exams (x 5)	\$800	\$4,000
Psychological Assessment (x 5)	\$500	\$2,500
Physical Agilities Test (x 5)	\$150	\$750
Police Academy Tuition & Books (x 5)	\$3,200	\$16,000
Academy Uniform & Gear Bag (x 5)	\$2,700	\$13,500
Firearm (x 5)	\$1,100	\$5,500
Taser (x 5)	\$1,400	\$7,000
Handheld Radio (x 5)	\$3,400	\$17,000
Bullet-Proof Vest (x 5)	\$995	\$4,975
Initial Service Uniform (x 5)	\$835	<u>\$4,175</u>
Total Appropriation Request		<u>\$75,400</u>

**ANALYSIS:** This supplemental appropriation request totals \$75,400 and is comprised of three parts: 1) Pre-employment requirements including medical exams and psychological assessments; 2) academy tuition and textbooks; and 3) uniforms and gear.

**FISCAL IMPACT:** Funds will be provided from the General Fund Reserves (Free Cash). The balance in the reserves is \$12.6 million. The appropriation will not be added to the department's FY20 base operating budget.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager recommends approval of this supplemental appropriation request.

**STAFF ASSISTANCE:** Chief of Police Matthew K. Sonnabend, Anne, Spillane, Barnstable Police Department

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2019-040**  
**INTRO: 10/18/18, 11/01/18**

**2019-040 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:**

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Council on Aging:** Merrill Blum, 94 Waterview Drive, Centerville, as an alternate member to a term expiring 06/30/19; Janice Lariviere, 11 Vista Circle, Centerville, from an alternate position to a full member position to a term expiring 06/30/19; **Historical Commission:** Frances Parks, 67 Eaglestone Way, Cotuit, as a regular member to a term expiring 06/30/20; **Infrastructure and Energy Committee:** Alison Alessi, 72 Church Street, West Barnstable, as a regular member to a term expiring 06/30/19; John Boyle, 56 Hi-On-A-Hill Road, Centerville, as a regular member to a term expiring 06/30/19; **Youth Commission:** Lily Beal c/o Hyannis Youth and Community Center, Bassett Lane Hyannis, as a regular member to a term expiring 06/30/19; Alexandra Stampfl, c/o Hyannis Youth and Community Center, Bassett Lane Hyannis, as a regular student member to a term expiring 06/30/19

**SPONSOR:** Appointments Committee

DATE	ACTION TAKEN
<u>10/18/18</u>	<u>First Reading</u>
_____	_____

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2019-041  
INTRO: 11/01/18**

**2019-041 RESOLVE TO AUTHORIZE THE TOWN MANAGER TO EXTEND THE CONTRACT OF THE DIRECTOR OF FINANCE, MARK MILNE UNTIL JUNE 30, 2023**

**RESOLVED**, that the Town Council authorizes Town Manager, Mark Ells, to extend the contract of the Director of Finance Director, Mark A. Milne until June 30, 2023.

DATE	ACTION TAKEN
_____	_____
_____	_____

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

**B. NEW BUSINESS (Refer to Joint Public Hearing with Planning Board on November 15)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2019-042  
INTRO: 11/01/2018**

**2019-042 AMENDING CHAPTER 240, ARTICLE III, OF THE ZONING ORDINANCES TO EXPAND THE HIGHWAY BUSINESS DISTRICT**

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

**Section 1.**

By amending Article II, Section 6, The Zoning Map of the Town of Barnstable, Massachusetts, is hereby amended by expanding the Highway Business (HB) District as shown on the maps entitled:

- “Proposed Amendment to the Town Zoning Map Expanding the Highway Business District in Centerville and Hyannis”
- “Proposed Amendment to the Centerville Zoning Map Expanding the Highway Business District in Centerville and Hyannis”
- “Proposed Amendment to the Hyannis Zoning Map Expanding the Highway Business District in Centerville and Hyannis”
- “Proposed Amendment to the Osterville Zoning Map Expanding the Highway Business District in Centerville and Hyannis.”

all dated October 26, 2018, as prepared by the Town of Barnstable GIS Unit.

**Section 2**

That Chapter 240, Article III, § 240-26 "Highway Office" of the Zoning Ordinance is hereby deleted.

**Section 3**

That Chapter 240, Article II, § 240-5 "Establishment of Districts" of the Zoning Ordinance is hereby amended by striking the Office Districts section and the associated “Highway Office District.”

**SPONSORS:** Zoning & Regulatory Committee members

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2019-042**  
**INTRO: 11/01/2018**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Town Council Zoning & Regulatory Committee  
**DATE:** November 1, 2018  
**SUBJECT:** Amending Chapter 240, Article III, of the Zoning Ordinances to Expand the Highway Business District

**RATIONALE:** This proposed amendment to Highway Business District boundaries would expand the commercial zoning in areas along the Route 28 corridor, the West Main Street corridor and around the West End Rotary in the Villages of Centerville and Hyannis. The areas to be rezoned feature preexisting nonconforming uses; zoning district boundaries that do not match parcel boundaries; and/or other locations where infill development potential may exist.

This map amendment is presented concurrently with proposed comprehensive changes to the Highway Business District. This amendment would rezone the entirety of the land area currently zoned HO Highway Office to Highway Business, and thus the HO District is proposed to be repealed with this amendment.

The proposed amendments to the district boundary received a favorable recommendation from the Town Council Zoning and Regulatory Subcommittee members in attendance at the meeting on October 18, 2018 listed as sponsors herein.

**STAFF ASSISTANCE:** Elizabeth Jenkins, Director of Planning & Development



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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2019-043  
INTRO: 11/01/2018**

**2019-043 ACCEPTANCE OF GRANT IN THE AMOUNT OF \$250,000 FROM MASSACHUSETTS DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

**RESOLVED:** That the Barnstable Town Council does hereby accept the Housing Choice Community Capital grant award in the amount of **\$250,000.00** from Department of Housing and Community Development for the purpose of funding supplemental upgrades to sewer infrastructure within the Downtown Hyannis Growth Incentive Zone, and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2019-043**  
**INTRO: 11/01/2018**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Elizabeth Jenkins, Planning & Development Director  
**DATE:** November 01, 2018  
**SUBJECT:** Acceptance of a Department of Housing and Community Development Housing Choice Community Grant in the amount of **\$250,000** for the purpose of supplementing a planned upgrade to the sewer infrastructure in the Downtown Hyannis Growth Incentive Zone

**BACKGROUND:** As a designated Housing Choice Community, Barnstable was eligible to apply for a Housing Choice Community FY 2019 Grant. The Planning & Development Department with cooperation and assistance from the Department of Public Works applied for and received this grant in the amount of \$250,000.

**ANALYSIS:** The acceptance of this grant will allow the Dept. of Public Work to slightly alter the original approach of upgrading the Pleasant Street sewers to now include a new pipe sized to accommodate significant future growth in the area and will provide redundancy to the system. This revised approach has the added benefit of eliminating the need to have sewer service shutdowns and bypass pumping during construction.

**FISCAL IMPACT:** This has no impact on the Department of Public Works operating budget.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager recommends acceptance of this grant.

**STAFF ASSISTANCE:** Elizabeth Jenkins, Planning & Development Director, Arden Cadrin, Housing Coordinator, Griffin Beaudoin, Dept. of Public Works

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2019-044  
INTRO: 11/01/18**

**2019-044 TRANSFER ORDER IN THE AMOUNT OF \$18,000 TO DEVELOP THE STEWART’S CREEK MANAGEMENT PLAN AND TO PERFORM ASSOCIATED MONITORING AND REPORTING**

**ORDERED:** That the sum of **\$18,000** be transferred from the Fiscal Year 2019 Public Works Department personnel budget to the Fiscal Year 2019 Public Works Department operating expense budget for the purpose of funding the development of the Stewart’s Creek Management Plan and performing associated monitoring and reporting, including the payment of costs incidental or related thereto, and that the Town Manager is authorized to contract for and expend the funds made available for these purposes.

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

ITEM # 2019-044  
INTRO: 11/01/18

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**DATE:** November 01, 2018  
**SUBJECT:** Transfer Order of **\$18,000** from the Fiscal Year 2019 Public Works Department personnel budget to the Fiscal Year 2019 Public Works Department operating expense budget for the purpose of funding development of the Stewart's Creek Management Plan and performing associated monitoring and reporting

**BACKGROUND:** Under the terms of a Project Partnership Agreement executed by the U.S. Army Corps of Engineers and the Town of Barnstable on November 12, 2008, the Town is responsible for all operation, maintenance, repair, rehabilitation, and replacement of the Stewart's Creek Estuary Restoration Project. Residents have requested removal of phragmites – tall invasive grasses that adversely impact the function and aesthetics of the estuary – which have persisted despite the project objective to eradicate them through improved tidal flushing.

**ANALYSIS:** Operation and maintenance of the tide gate alone has not achieved the desired outcome of estuary restoration. Physically removing invasive vegetation and applying herbicide in a controlled manner to reduce reemergence may be part of the solution, but its success may be temporary unless we also address underlying problems that make this estuary habitable for phragmites and incompatible with the goal of sustained restoration. To determine an effective mix of strategies, we need robust data to evaluate existing baseline conditions and to develop and monitor the results of a comprehensive management program addressing vegetation, sediment, water levels, salinity, and other factors affecting the success of the estuary restoration. Using Fiscal Year 2018 operating funds appropriated for Stewart's Creek monitoring, the Town has retained a consultant that specializes in this area and is familiar with the site, and their work is underway. The additional funding requested here will cover the costs of synthesizing their findings and recommendations into a cohesive management plan that will help the Town perform its regulatory and contractual obligations for this site, and more importantly provide a practical action plan that the Town can implement to restore the estuary.

**FISCAL IMPACT:** The available funds in the Public Works Department personnel budget are due to turnover in several positions throughout the fiscal year resulting in vacancy savings. There is no personnel budget impact.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager recommends approval of the transfer order.

**STAFF ASSISTANCE:** Daniel W. Santos, P.E., Director of Public Works; Paul Graves, P.E., Town Engineer

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2019-045  
INTRO: 11/01/18**

**2019-045 TRANSFER ORDER OF \$15,000 TO FUND LANDSCAPE IMPROVEMENTS  
FOR THE BARNSTABLE SENIOR CENTER ENTRANCE**

**ORDERED:** That the sum of **\$15,000** be transferred from the Fiscal Year 2019 Public Works Department Personnel Budget to the Fiscal Year 2019 Public Works Department Operating Budget for the purpose of funding landscape improvements for the Barnstable Senior Center entrance.

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

DATE	ACTION TAKEN
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_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM # 2019-045**

**INTRO: 11/01/18**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**DATE:** November 1, 2018  
**SUBJECT:** Transfer Order of **\$15,000** from the Fiscal Year 2019 Public Works Department Personnel Budget to the Public Works Department Fiscal Year 2019 Operating Budget to fund Barnstable Senior Center landscape improvements

**BACKGROUND:** The Department of Public Works (DPW) Structures & Grounds Division in cooperation with the Barnstable Senior Center is seeking funding to enhance the Senior Center's entrance through a variety of landscape improvements.

**ANALYSIS:** The Barnstable Senior Center provides many programs that enhance the lives of our seniors on a daily basis. The Center will be installing a new entrance sign in the future and is has been working with the DPW looking for ways to improve the facility and attract more visitors. This landscape project will improve visibility of the Center from Route 28, showcase improved signage and provide a more inviting entrance for visitors. The project will include removal of underbrush, installation of a new lawn and expansion of existing irrigation system.

**FISCAL IMPACT:** The available funds in the Department of Public Works personnel budget are due to the turnover in several positions throughout the first quarter of the fiscal year resulting in vacancy savings. The total Fiscal Year 2019 operating budget appropriation for the Public Works Department is not changing.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends approval of the transfer order.

**STAFF ASSISTANCE:** Daniel W. Santos, P.E., Director of Public Works

**B. NEW BUSINESS (Refer to Public Hearing 11/15/18)**

**BARNSTABLE TOWN COUNCIL**

**ITEM #2019-046  
INTRO: 11/01/18**

**2019-046 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$120,000  
FOR THE REPAIR OF STORM DAMAGE AT BLISH POINT, BARNSTABLE  
VILLAGE**

**ORDERED:** That the sum of **\$120,000** be appropriated and transferred from the General Fund Reserves for the purpose of repairing storm damage at Blish Point, Barnstable Village, including the payment of costs incidental or related thereto, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM #2019-046**  
**INTRO: 11/01/18**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**DATE:** November 1, 2018  
**SUBJECT:** Appropriation and Transfer Order in the amount of **\$120,000** for the repair of storm damage at Blish Point, Barnstable Village

**BACKGROUND:** The Blish Point Dredge Sediment Containment Basin (BPDSCB) that was installed in 2015 was damaged during severe Nor'easter's during the winter 2018 storm season. The Town has contracted with the Woods Hole Group to investigate the constructed project and evaluate potential for repairs and/or more robust shoreline resiliency alternatives. In the course of conducting the work, it became apparent that there is an immediate need to address the eroded bank with sand nourishment ahead of the upcoming winter storm season. The severity of the damage to the bank includes both exposed intact and damaged coir bags bank, which are located along the actively eroding bank material. Without further nourishment, the bank is vulnerable to further erosion and any remaining intact coir bags will fail, which could potentially cause a release of the fine-grain dredged material into Barnstable Harbor impacting navigation and adjacent coastal resource areas.

**ANALYSIS:** Under this project, up to 3,500 cubic yards of sand will be added to the system within the permitted footprint. It is recommended that we add as much as can be afforded to maximize protection in the event of severe storms. It is recommended that the nourishment sand be placed on the bank to match the existing crest height. Furthermore, the proposed material will be clean, washed, and beach-compatible. The remnants of the constructed soft solution are to be left in place since there are intact bags in the bank that are still providing a level of protection for the dredge spoils.

**FISCAL IMPACT:** Funding for this project will be provided from the General Fund reserves which were recently certified at \$12,643,236. There is no impact the Department of Public Work's operating budget.

**TOWN MANAGER RECOMMENDATION:** Mark S. Ells, Town Manager recommends approval of the appropriation order.

**STAFF ASSISTANCE:** Daniel W. Santos, P.E., Director of Public Works