



Town Council Meeting  
July 21, 2016



**A** quorum being duly present, Council President Jessica Rapp Grassetti called the July 21, 2016, Town Council meeting to order at 7:00 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

An announcement was made by President Rapp Grassetti regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 18.

**PRESENT:** Frederick Chirigotis, James Crocker, Jr., William Crocker, Jr., Jennifer Cullum, Sara Cushing, Debra Dagwan, John Flores, Jessica Rapp Grassetti, Paul Hebert, John Norman, Eric Steinhilber, James Tinsley, Jr., Philip Wallace.

The Pledge of Allegiance was led by President Rapp Grassetti, followed by a moment of silence.

**PUBLIC COMMENT:**

Pete Sampou spoke regarding the hopeful opening of the West Barnstable Shooting Range. Hope you will open the range in its current condition

Susan Truit – parking overlay is on the agenda, wants to know more about it. In her neighborhood, the waterfront should be the focal point. Transportation hub should be away from that area

Domenic Alessandro regarding Sea Captains Row, the most historic street in Hyannis, due to overlay parking it is now more of an eyesore. There are five abandoned buildings due to the overlay parking, please find a means to restore them. Retain this history for future generations.

Keith Sroczenski the Town has lost out on revenue since the range has been closed, urged the Council to make a decision on the Shooting range

Andre Barboza announced Barnstable Unity Day, disconnect between the minorities and the police department. We need to show unity our plan on August 5<sup>th</sup> is to have a cookout and family fun time, to turn off the negativity. On the town green

Close Public Comment

**COUNCIL RESPONSE TO PUBLIC COMMENT:**

Councilor Dagwan happy to see the initiative to do a Unity Day, it's a great idea.

Councilor Hebert plans to be at the Unity Day: we need to move on the shooting range; we do have to preserve the east end of Hyannis.

Councilor Cullum hope everyone turns out for the Unity Day.

**TOWN MANAGER COMMUNICATIONS:**

Mark Ells, Town Manager gave a summary of the items in his memo

- o Operating budget FY16 closed out
- o Open Budget is on the website
- o Meeting with the new Superintendent of Schools
- o Complaint filed against the County Fire Training Academy
- o New Parking Lot rules
- o Parking Study
- o Housing Production Plan
- o Watershed permitting
- o Cape Cod Municipal Health Group
- o Armory RFP
- o Assistant Town Manager's position will be posted
- o Aquaculture Program

**Councilor Comments and Questions:**

How can we help to speed up the permitting? How do we get to the point of being a leader [we should have a workshop on this, so you can see where we are at this point, we are the pilot program for the watershed] In early September a Strategic session planned; thank you for responding so quickly on the parking lot problems

**ACT ON MINUTES:** Upon a motion duly made and seconded it was voted to approve the minutes of the June 17, 2016 meeting.

**VOTE: PASSES UNANIMOUS**

**COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements:**

Councilor Hebert regarding the transfer station recycling program; per the three year contract there is no charge to remove the recyclables.

Councilor Tinsley announced the IPR Church group, wants to become more active in our community; come to the Children's day on August 14<sup>th</sup>.

Councilor Norman is looking for an alternate for the Board of Health

Councilor Flores announced the Wednesday night free concert in Barnstable Village; and Sunday morning a farmers market; Summer Stroll on August 17<sup>th</sup>

Councilor Chirigotis Aug 7 to 14<sup>th</sup> Old Home Week in Centerville

President Rapp Grasseti announced new committees "Pedestrian and Bike Committee" which will need five members; and the Asset Management Advisory Committee, to look at town properties.

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

Town Manager, Mark Ells gave the rationale utilizing a Power point presentation. (Exhibit A) Ells gave an overview of the history of the process reopening the range, starting on September 2013. The DPW has started the process of reclaiming the lead: next, a plan to address the lead that is outside the open range area; finally an on-going plan to reclaim the lead as we move forward

**Councilor Comments and Questions:**

On slide 14 the next two steps, please revisit the time frame [Conservation Commission to vote on the 27 acres; then we will proceed to finalizing that document about 4 months] Slide 13; who are the teams or departments, moving forward as stated in this slide; [the Police department, with the DPW]. Two acres to be reclaimed; some more areas should probably be cleaned up; [the forested area will be difficult to clean up]. Estimate cost to keep open and to close the range; [the original report gave extremes] will it cost us more to reopen or permanently shut it down [longer time frame to clean it up if it stays open; we do not have a current dollar amount] confident you will manage that clean up; to clean it up and close it; isn't the cost basically the same, [the time frame would be relatively short to clean up and close the range].

Upon a motion duly made and seconded it was  
**VOTE:** To continue to November 3<sup>rd</sup>-unanimous

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

Upon a motion duly made and seconded it was  
**VOTE:** To continue to November 3<sup>rd</sup> (12 Yes (Cullum off dais)

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

Councilor (W) Crocker gave the rationale regarding complaints of large commercial vehicles parked in the residential areas. Believe it to be a quality of life issue. JoAnne Miller Buntich explained the fine line balancing the needs of the smaller businesses and the residences (Exhibit B)

Open public hearing seeing no one close public hearing

**Councilor Comments and Questions:**

Overnight storage of a vehicle; are you talking about the cab of the truck; what is the definition of a commercial truck; we need to be very specific [tried not to be overly specific] What about pre-existing conditions; could not support as written; believe it is discriminatory

to small businesses; needs to be tightened up; there is a need for this, but we need to support small businesses; people started out with a small truck and then built up the business, still taking advantage of the residential area. This came from a complaint, need this ordinance to go to this business owner to move the business out of a residence. I would vote for this as it is written. We need to respect the rights of the residential owners. This is not about how people run their business; this is about an excess of business vehicles being parked in a residential area. I can't support this as it is written; an abandoned dump truck should be addressed. Needs to be reworded; there is not sufficient support as written; continue until definitions are tightened up. [Ruth Weil, Town Attorney, probably would not need to go back to the planning board; we will recommend that if needed.]

Reopened public hearing

Upon a motion duly made and seconded it was

**VOTE:** Continue to the September 15<sup>th</sup> -10 Yes, 3 No (Chirigotis, Wallace, Norman)

<b>2016-166      AMENDING THE CODE PART I GENERAL ORDINANCES, CHAPTER 240 ZONING OF THE TOWN OF BARNSTABLE TO INCLUDE A HYANNIS PARKING OVERLAY DISTRICT INTRO: 06/16/16, 07/21/16</b>
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This Item was opened by the Town Council, and then the Planning Board opened their portion of this item by a roll call of members. Planning Board members: Paul Curley, David Munsell, Holly Brockman Johnson Stephen Helman, and Chair Raymond Lang,

Opened public hearing

Assistant Town Attorney, Charles McLaughlin gave an overview of this new item regarding responses to a number of issues that have been raised. We believe this item has no relevance to a previous item that was not passed by the Planning Board or the Council (Exhibit C)

Jo Anne Miller Buntich, GMD Director, addressed some of the confusion, with a power point presentation (Exhibit D) and explained the differences between zoning and planning. (Hyannis Parking Overlay District (HPOD))

**Public Comment:**

Domenic Alessandro concern about Pleasant Street, as a result of overlay parking in Hyannis, does this open the door for more parking? Historical areas, migration of parking down to the harbor; [only one lot in the overlay, that lot is not going anywhere, keep the focus on this overlay parking area] parking lots don't help the residential area.

Laura Cronin opposed to the overlay district, don't think this will resolve anything. Right now it is a non-conforming use; we need a better vision of the waterfront, please vote no on this overlay.

Philip Scudder the ordinance as it is written is clear and understandable; property owners do have rights; urge the Council to accept the overlay district.

Jim Hurley of Hyannis Holiday Hotel, after many years in business, we have found out we are non-conforming; we are in favor of the HPOD.

Phil Doherty gave out a document signed by neighbors who are opposed to the adoption of the HPOD item. Also, what about the safety issue; under the present regulations shouldn't there be safety lanes, how many spaces will be lost. (Exhibit E)

Felicia Penn regarding this zoning and the residential neighborhoods; this proposed zoning makes the parking the focus. This is a one size fits all, doesn't matter where it is; we have zoning to protect the properties. This will adversely change the neighborhoods, and affect the property values. Penn held up a copy of the current zoning by-laws which have diagrams of parking lots. This item does not address enforcement issues.  
Close public hearing

Planning Board Comments:

Paul Curley, supports this HPOD, not going to eliminate the existing parking nor add to it. Still have a safety problem; can't wait five or six years.

David Munsell, asked why this is coming back so quickly, the planning board makes the decisions; this item has very few changes, best use can't be for parking lots; some of the parking lots are a disgrace. Miss Penn has done her homework; best use is not a parking lot. I will make a suggestion that we continue to a future date

Holly Brockman Johnson- no comment

Steve Helman under the existing legality, this HPOD is the best solution, can't wait 5 or 6 years, I will support this item

Ray Lang as we serve, we make decisions, most of the time I feel very good about the decisions I make. Right now I do not feel good about making a decision on this case. Spot zoning, at one time was a naughty word; still waiting to hear from the parking consultant regarding the parking study. The Planning Board is the regulatory board for the harbor area; hope we can use the expertise this board has developed. Can we use off site parking with shuttle service? I would appreciate continuing the hearing to a later date.

A motion was made and seconded that the Council determine that Item 2016-166 is not a proposed zoning ordinance which has been previously acted upon unfavorably by the Town Council and is not the same ordinance which was unfavorably acted upon by the Town Council as Item 2016-054.

[McLaughlin, planning board needs to wrap up their proceedings first] [Munsell, stated the planning board is the ones to make this decision [McLaughlin not in the statute]

**Motion and second withdrawn...unanimous**

Planning Board:

A motion was made and duly seconded to close this evenings hearing  
Passes 3 Yes, and 2 No, (Munsell, Lang) to close public hearing

A motion was made and duly seconded to recommend that we approve 2016-166 to the Town Council as presented  
3 Yes, 2 No (Munsell, Lang) (21 days to send a letter)

Town Council

1. A motion was made and duly seconded that the Council determine that Item 2016-166 is not a proposed zoning ordinance which has been previously acted upon unfavorably by the Town Council and is not the same ordinance which was unfavorably acted upon by the Town Council as Item 2016-054.

**VOTE: 11 YES, 2 NO (Tinsley and Hebert)**

2. A motion was made and duly seconded that the Council find that Item 2016-166 contains specific, substantive, and material changes that distinguish it from the content of Item 2016-054. These include but are not limited to the change to the Definition of Commercial Surface Parking Lot under section 240-24.1.10.3 "Definitions" by adding the sentence, "Commercial surface parking lots shall not include structures, fully or partially enclosed, that accommodate vehicle parking spaces."

These changes also include language added under section 240-24.1.10.5(1)(b) and (c) "Computation" by adding the phrase to each as follows: "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."

**VOTE: 10 YES, 3 NO (Tinsley, Hebert, Dagwan)**

**Councilor comments and questions:**

Is this the only approved use [Jo Anne Miller Buntich responded this is in addition to other zoned uses, this doesn't adopt one use and get rid of all the rest] Why aren't the rules being enforced [can't really speak to that] passage of this ordinance is going to decrease number of parking spaces [first responders/fire department will be involved, we have not seen those drawings] safety the visitors and residents; harbor district is key needs to be safe. Overlay parking had open meetings; does not change anything that is already going on; our effort was to bring everything under one umbrella. Planning Board being the Special permit granting authority [Attorney McLaughlin – planning board in this particular setting it is not relevant to our discussion] At the overlay meetings the neighbors did not come into the meeting discussions; safety issues, grandfathered parking lots at what point did zoning of overlay district come into being [Cullum-from the very beginning] we were changing what we considered an oversight; due to concern for the people getting off the boats in the evening; this is a better product. So many plusses; things have changed for the better. Does the parking space have to be delineated? [Buntich read the portion about safety] The committee was pushing for conformity, we did address safety but we are not hearing about it, please explain [site development standards, delineated parking spaces and good visibility] How was this an enforcement issue, how does that change tomorrow [Mark Ells, we are currently and have been enforcing parking lot issues for the last two years] If there are no fire lanes now how are we handling this [currently in the licensed lots the building commissioner, and fire departments, have viewed the plans]. This item has the same intent as the previous item, it is still the same thing, I don't think we should be supporting that, I can't pass it again, it is an enforcement issue.

Upon a motion duly made and seconded it was

**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.

**VOTE: PASSES 11 YES, 2 NO (Hebert, Tinsley)**

<b>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 INTRO: 06/16/16, 07/21/16</b>
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Lindsey Counsell gave the rationale, along with Tom Fogg of the Congregational Church Open public hearing seeing no one close public hearing (Councilor Steinhilber off the dais)

**Councilor questions and comments:** Will the Citgo sign be behind the green monster [that is a possibility] what is the construction of the green monster? [Specialty manmade materials that will not fade]

**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.

**VOTE: PASSES 12 YES**

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

Lindsey Counsell gave the rationale, and the Barnstable Little League representatives, Ed Pesce, and Joe Scott.

(Councilor Steinhilber returned to dais)

Open public hearing seeing no one close public hearing

**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.

**VOTE: PASSES 13 YES**

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

Lindsey Counsell gave the rationale, Habitat for Humanity, Lee Darizola, presented Power point slides.

Open public hearing seeing no one close public hearing

**Councilor questions and comments:**

Did this receive the full support of the Community Preservation Committee [Yes] acre and a half per house, couldn't you fit in more houses; how do you choose your families [willingness to partner, follow state and federal guidelines; lottery] increasing the number of affordable housing, regarding the wastewater systems.

Upon a motion duly made and seconded it was

**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.

**VOTE: PASSES 13 YES**

A motion was made and seconded to extend the meeting past 11 o'clock

**VOTE: Passes Unanimous**

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

Lindsey Counsell gave the rationale, and from the Cotuit Library, Antonia Stevens used power point presentation.

Upon a motion duly made and seconded it was

**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.

**VOTE: PASSES 13 YES**

**2016-171 APPROPRIATION ORDER IN THE AMOUNT OF \$137,528 COMMUNITY  
PRESERVATION FUNDS FOR TOWN-WIDE COMPREHENSIVE RECREATION  
FIELDS EVALUATION INTRO: 06/16/16, 07/21/16**

Lindsey Counsell gave the rationale, Dan Santos, Director of Public Works chose not to use his Power point presentation.

Open public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

**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.

**VOTE: PASSES 13 YES**

**Jump to 2017-006**

**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 INTRO: 07/21/16**

Jacqui Barnstable Land Trust gave the rationale

Upon a motion duly made and seconded it was **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.

**VOTE: PASSES UNANIMOUS**

**Jump to 004**

**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 INTRO: 7/21/16**

Lynne Poyant gave the rationale; Councilor Cushing recused from the vote and left the dais.

Upon a motion duly made and seconded it was **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.

**VOTE: PASSES UNANIMOUS**

**2017-001 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 07/21/16**

**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.

Councilor Norman made a floor nomination for board of health for Dr. Donald Guadagnoli, as a member for the Board of Health, for term expiring 2017. Also, the second floor nomination for a position to be filled by Paula Hersey, to the Cultural Council for a term expiring 2017

**VOTE: As amended to continue to 2<sup>nd</sup> reading 8/11/16 Unanimous**

<b>2017-002 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 07/21/16</b>
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**RESOLVED:** That the Town Council appoint the following individuals to a multiple-member board/committee/commission:

Upon a motion duly made and seconded it was

**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.

**VOTE: to a second reading 8/11/16-unanimous**

**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 INTRO: 07/21/2016**

**VOTE: continue to 8/11/16 unanimous**

<b>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 INTRO: 07/21/2016</b>
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**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.

**VOTE: PASSES UNANIMOUS**

**ADJOURNMENT:**

Upon a motion duly made and seconded it was

**VOTED to adjourn:**

**Adjourned at 11:23 PM**

Respectfully submitted,

Ann M Quirk, CMC  
Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: August

EXHIBITS:

- A Barnstable Shooting Range
- B Report of the Planning Board
- C Letter from Legal to Town Council and Planning Board
- D Zoning Map and Aerial Photo of HPOD
- E Letter to Planning Board signed by property owners