



Town Council Meeting
December 21, 2017



A quorum being duly present, Council President Eric Steinhilber called the December 21, 2017, 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 Steinhilber 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: Britt Beedenbender, James Crocker, Jr., Jennifer Cullum, John Flores, Jessica Rapp Grasseti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Eric Steinhilber, James Tinsley, Jr., Philip Wallace. **ABSENT:** Debra Dagwan

The Pledge of Allegiance was led by President Steinhilber followed by a moment of silence.

PUBLIC COMMENT: none
Close public comment

COUNCIL RESPONSE TO PUBLIC COMMENT: none

TOWN MANAGER COMMUNICATIONS: Update for period December 8 through December 21, 2017 (EXHIBIT A)

- Fiscal year 2018 Budget Action Calendar
- Water Supply Wells Meeting December 13, 2017
- Town of Yarmouth Inter Municipal Agreement – Watershed Permitting
- Comprehensive Water Management
- Town of Yarmouth Vineyard Wind – wind farm installation
- Barnstable High School - Environmental Science & Secondary Education Program

Councilor questions and comments:

Barnstable High School - Environmental Science & Secondary Education Program look at possible Chapter 47 funding also Cape Cod Technical School does not offer this program. Has the Town received any offers from other wind farm companies [Looking at different routing outside of Barnstable]

ACT ON MINUTES: Upon a motion duly made and seconded it was voted to approve the minutes of the December 7, 2017 meeting.

VOTE: PASSES UNANIMOUS

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

• **Legislative Update Senator Julian Cyr**

Senator Julian Cyr discussed the several bills that were passed this year. He noted House Bill 3971 which helped reorganize debt at the Hyannis Fire Department and House Bill 3679 which changed Muddy River to Crocker River. He mentioned ongoing projects regarding: funding for Cape Cod Technical School; short term rentals; and Cape Cod Water Protection Trust. He added there were criminal justice reforms; bail reforms; and health care reforms. He explained the upcoming projects regarding: opiate issues; housing affordability; and education funding.

Councilor Comments and Questions:

There are many needs: psychiatric services for children; more drug prevention services; homeless regional approach; and regulations of Uber. Need more funding for maintaining and picking up of garbage on the roads. Please address: Clean water for Hyannis; sewer 208 Plan to include run off of state roads; estuary split tariffs and steamship split tariffs.

President Eric Steinhilber explained the School Committee appointment process. He mentioned the Council and the School Committee would meet jointly after January 1, 2018 to begin the process.

ACT ON EXECUTIVE SESSION MINUTES: Upon a motion duly made and seconded it was voted to approve and release the following Executive Session minutes: September 15, 2016 - Ron Beaty Open Meeting Law Complaint; October 20, 2016 - Gary Lopez Open Meeting Law Complaint; September 12, 2013 – Cape Wind and September 15, 2016 - County Fire Training Academy.

The following Executive Sessions minutes were approved and authorized release of said minutes with redaction of the portions of said minutes protected by attorney client privilege for which continued non-disclosure is warranted for: January 5, 2017; June 15, 2017 - County Fire Training Academy; March 20, 2014; June 22, 2014 – Cape Wind; December 17, 2015 – AIDS Support Group; April 21, 2016 – Hempel Open Meeting Law Complaint; and June 16, 2016 - County Fire Training Academy.

The following Executive Session minutes were approved and determined continued non-disclosure is warranted for: January 19, 2017 - purchase of land or lease for water supply.

The following previously approved Executive Session minutes were again reviewed and released for: September 12, 2013; September 19, 2013; October 17, 2013 – Marty versus the Town of Barnstable.

VOTE: PASSES UNANIMOUS

<p>2018-048 RESOLVE IN SUPPORT OF AN INTERMUNICIPAL AGREEMENT BETWEEN BARNSTABLE, SANDWICH, AND MASHPEE FOR THE PURPOSE OF POPPONESSET BAY WATERSHED PERMITTING INTRO: 12/07/17, 12/21/17</p>
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Mark Ells, Town Manager, gave the rationale. He discussed the Popponesset Bay watershed permitting agreement between Barnstable, Sandwich and Mashpee. The agreement is for 25 years which allows for flexibility. He added he supports this approach

regarding regional type commitment which addresses really difficult issues.
Open public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council approves the execution and delivery by the Town Manager on behalf of the Town of an Inter Municipal Agreement to include a maximum duration of twenty-five years between the Towns of Barnstable, Sandwich and Mashpee to jointly apply for a permit for the Popponesset Bay system pursuant to the 208 Plan update and Chapter 259 of the Acts of 2014 and any future requirement pursuant to 315 C.M.R. 5.00

VOTE: PASSES UNANIMOUS

2018-049 RESOLVE BARNSTABLE HYANNIS FIRE DISTRICT INTERMUNICIPAL DISPATCH AGREEMENT INTRO: 12/21/17
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Mark Ells, Town Manager gave the rationale. He explained the Inter Municipal Dispatch Agreement between the Barnstable Police Department and the Hyannis Fire Department. He added the new consolidated dispatch will be located in the Barnstable Police Department. Chief MacDonald discussed the immediate dispatch would eliminate all 911 calls phone call transfers. Chief MacDonald added the goal of this agreement is for reduction of time by utilizing better specialized equipment. Peter Cross, Chairman Board of Commissioner Hyannis Fire, spoke about the new dispatch process and how Chief Burke, Hyannis Fire was involved in acquiring this dispatch process with the police. He mentioned the hope that all fire districts would join this dispatch process.

Open public hearing seeing no one close public hearing

Councilor Comments and Questions:

What is the percentage of call handled by police and fire? [There are 9 civilian dispatchers which handle 65,000 calls for the police department and 3 dispatchers that handle 8,000 calls for the fire department.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council approves the execution and delivery by the Town Manager on behalf of the Town of an Inter Municipal Agreement to include a maximum duration of 15 years between the Town of Barnstable and the Hyannis Fire District for joint fire, emergency medical and police call answer and dispatch by the Barnstable Police Department and accept any gifts in relation thereto.

VOTE: PASSES UNANIMOUS

2018-050 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 12/21/17
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Vice President James Crocker suggested due to vacancies that the Council suspend the rules and vote the agenda item tonight.

Upon a motion duly made and seconded it was to suspend the rules and vote the agenda item 2018-050 tonight

VOTE: PASSES 11 YES 1 ABSTAIN (SCHNEPP)

President Eric Steinhilber explained Council would suspend the rules and vote on this agenda item tonight.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Hyannis Main Street Waterfront Historic District Appeals Committee:** Kevin Bennett, as a Hyannis business community representative member to a term expiring 06/30/18; Sara Colvin, as a resident of Hyannis representative member to a term expiring 06/30/18; Alison Alessi, as an architectural representative member to a term expiring 06/30/18

VOTE: PASSES 11 YES 1 ABSTAIN (SCHNEPP)

President Eric Steinhilber explained those members were appointed as of tonight.

2018-051	APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:
12/21/17	

Vice President James Crocker suggested due to vacancies that the Council suspend the rules and vote the agenda item tonight.

Upon a motion duly made and seconded it was to suspend the rules and vote the agenda item 2018-051 tonight

VOTE: PASSES UNANIMOUS

President Eric Steinhilber explained Council would suspend the rules and vote on this agenda item tonight.

Upon a motion duly made and seconded it was to suspend the rules and vote the agenda item 2018-051 tonight

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Zoning Board of Appeals:** Paul Pinard, Osterville, as a regular member to a term expiring 6/30/18; Todd Walantis, Marstons Mills, as an associate member to a term expiring 6/30/18; **Hyannis Main Street Waterfront Historic District Committee:** David Dumont, as a regular member representing the Hyannis business district to a term expiring 06/30/20; Elizabeth Young, Hyannis, as an alternate member representing the Hyannis business district to a term expiring 06/30/19

VOTE: PASSES UNANIMOUS

2018-052	REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION
INTRO: 12/21/17	

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council reappoints the following individuals to a multiple-member board/committee/commission: **Shellfish Committee:** Albert Surprenant as a regular member to a term expiring 6/30/20; **Board of Governors of the Steamship Authority:** Robert R. Jones, as a representative member of Barnstable, to a term expiring 12/31/2021

VOTE: REFER TO A SECOND READING ON JANUARY 4TH, 2018 – PASSES UNANIMOUS

**2018-053 AMENDING ARTICLE V, CHAPTER 240, SECTIONS 47.1 AND 128 OF THE ZONING ORDINANCE TO REVISE REGULATIONS FOR FAMILY APARTMENTS
INTRO: 12/21/17**

Upon a motion duly made and seconded it was

ORDERED:

Section 1.

That Chapter 240, Article V, Section 240-47.1 of the Zoning Ordinance, is hereby amended by striking the existing Section 240-47.1 Family apartments in its entirety and substituting in its place the following:

“§ 240-47.1. Family apartments.

The intent of this section is to allow within all residential zoning districts one temporary family apartment occupied only by the property owner or a member(s) of the property owner's family as accessory to a single-family residence to provide families the ability to live together as a family unit, but not to allow for a separate dwelling for rental purposes to non-family members. A family apartment may be permitted, provided there is compliance with all the criteria, conditions and procedural requirements herein.

A. As of Right. A family apartment shall be allowed as of right provided that it complies with Section C below and satisfies the following criteria:

- (1) The apartment unit shall not exceed 50% of the square footage of the existing single-family dwelling and shall be limited to no more than two bedrooms.
- (2) Occupancy of the apartment shall not exceed two family members; occupancy limitations shall not apply to children ages 18 and under.
- (3) The family apartment shall be located within a single-family dwelling or connected to the single-family dwelling in such a manner as to allow for internal access between the units. The apartment must comply with all applicable zoning requirements for the zoning district in which it is located.

B. By Special Permit. The Zoning Board of Appeals may allow by Special Permit, subject to the provisions of §240-125C herein, the following waivers from the requirements of Section A above:

- (1) A family apartment unit greater than 50% of the square footage of the dwelling.
- (2) A family apartment unit with more than two bedrooms.
- (3) Occupancy of a family apartment unit by greater than two adult family members.
- (4) A family apartment unit within a detached structure, with a finding that the single-family nature of the property and of the accessory nature of the detached structure are preserved

C. Conditions and Procedural Requirements. Prior to the creation of a family apartment, the owner of the property shall make application for a building permit with the Building Commissioner providing any and all information deemed necessary to assure compliance with this section including, but not

limited to, scaled plans of any proposed remodeling or addition to accommodate the apartment, signed and recorded affidavits reciting the names and family relationship among the parties, and a signed family apartment accessory use restriction document.

- (1) Certificate of occupancy. Prior to occupancy of the family apartment, a certificate of occupancy shall be obtained from the Building Commissioner. No certificate of occupancy shall be issued until the Building Commissioner has made a final inspection of the apartment unit and the single-family dwelling for regulatory compliance and a copy of the family apartment accessory use restriction document recorded at the Barnstable Registry of Deeds is submitted to the Building Division.
- (2) Annual affidavit. Annually thereafter, a family apartment affidavit, reciting the names and family relationship among the parties and attesting that there shall be no rental of the principal dwelling or family apartment unit to any non-family members, shall be signed and submitted to the Building Division.
- (3) At no time shall the single-family dwelling or the family apartment be sublet or subleased by either the owner or family member(s). The single-family dwelling and family apartment shall only be occupied by those persons listed on the recorded affidavit, which affidavit shall be amended when a change in the family member occupying either unit occurs.
- (4) When the family apartment is vacated, or upon noncompliance with any condition or representation made including but not limited to occupancy or ownership, the use as an apartment shall be terminated. All necessary permit(s) must be obtained to remove either the cooking or bathing facilities (tub or shower) from the family apartment, and the water and gas service of the utilities removed, capped and placed behind a finished wall surface; or a building permit must be obtained to incorporate the floor plan of the apartment unit back into the principal structure.”

Section 2.

That Section 240-128 of the Zoning Ordinance is hereby amended as follows:

By amending the definition of APARTMENT UNIT by adding the phrase “single-family dwelling or a” before the words multi-family dwelling and striking the phrase “and containing one kitchen” so the definition reads:

APARTMENT UNIT — That portion of the floor area of a single-family dwelling or a multifamily dwelling designed for occupancy by a single family.

By amending the definition of DWELLING, SINGLE-FAMILY by adding the phrase “and providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.” so the definition reads:

DWELLING, SINGLE-FAMILY – A detached residential building designed for and occupied by a single family and providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation

And by striking the definition of FAMILY APARTMENT and replacing it with “An Apartment Unit within a single-family dwelling intended to be occupied only by family members of the property owner and which provides complete independent living facilities for one or more persons, as outlined herein, including permanent provisions for living, sleeping, eating, cooking and sanitization.”

VOTE: REFER TO PLANNING BOARD MEETING ON FEBRUARY 1ST, 2018 – PASSES UNANIMOUS

▪ **Town Council Meeting Calendar 2018**

President Eric Steinhilber noted the February 1st, 2018 Town Council meeting might need to be videotaped as the media studio is being renovated and might not be completed by the Council meeting date. He clarified Council has the right under rules when something is out of the Council’s control to tape a meeting and broadcast it at a later date.

Upon a motion duly made and seconded it was to accept the Town Council Meeting Calendar as described in the packet and noted possible issue with the February 1st, 2018 Town Council meeting date.

VOTE: PASSES UNANIMOUS

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was
VOTED TO ADJOURN: PASSES UNANIMOUS

Adjourned at 8:40 PM

Respectfully submitted,

Janet E. Murphy
Assistant Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: January 4, 2018

EXHIBITS:

A Town Manager update for period December 8 through December 21, 2017