



The Town of Barnstable

Office of Town Manager

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January 7, 2025

To: Barnstable Town Councilors

From: Mark S. Ells, Town Manager

RE: Town Manager update for December 11, 2024, through January 7, 2025

1. We continue with the preparation of the Capital and Operating Budgets for FY 2026. The Capital Improvements Plan (CIP) Task Force conducted a workshop on CIP submissions for FY2026. The calendar year rates for 2025 have been approved as proposed and are posted on the town website under Town Manager's Office webpage under Fees. The School Committee is scheduled to commence discussion regarding the School Department's strategic plan at their next meeting. For information on our fiscal year budgets please view the Town's Open Budget website at <http://budget.townofbarnstable.us>.
2. On December 18, 2024, the Attorney General's Office (AGO) issued a determination that the Town Council did not violate the Open Meeting Law (OML) when it met in executive session on April 4, June 6, and June 13, 2024, to discuss litigation strategy regarding the Park City Wind offshore renewable wind project. The AGO's determination also found that the notices of the executive sessions satisfied the requirements of the OML. This determination (OML 2024-249) resolves the OML complaint filed by Sandra Jones on behalf of Barnstable Speaks and the OML complaints filed by Maria and Greg Gerdy.
3. The Town Manager has created a cross-departmental group to work on enforcement issues in Barnstable. This working group includes Legal, Inspectional Services, Marine & Environment Affairs, Barnstable Police Department, Hyannis Fire Department, Geographic Information Systems, Communications and other staff as needed. The group is led by the Assistant Town Manager. We will keep you advised as the efforts of this group progress in the coming months.
4. Under Section 5 of the Affordable Homes Act, Chapter 150 of the Acts of 2024, amending Chapter 23B of the General Laws, the Secretary of the Executive Office of Housing and Livable Communities would designate municipalities as

seasonal communities. All municipalities in Barnstable County that have over 35% seasonal housing units, as determined by the Executive Office in consultation with the Cape Cod Commission, shall receive such designation. Additionally, municipalities may be designated as seasonal communities by the Executive Office based on consideration of certain specified factors. Ultimately there is a Seasonal Communities Advisory Council that was just established to provide recommendations related to this Act. One issue they are taking up first is, what will be the process for communities who would like to seek designation, that are not already designated. Barnstable is not currently designated as a seasonal community. We are actively monitoring that discussion. The law further provides that a municipality that is designated by the state shall accept or deny the designation by vote of its legislative body, in our case, the Town Council. Links are provided below related to the Seasonal Communities Designation. James Kupfer, Director of Planning & Development, will be the Town's main point of contact on this matter and he is available to provide additional support is needed. The Affordable Housing Trust presentation of Affordable Home Act can be found here:

<https://streaming85.townofbarnstable.us/CablecastPublicSite/show/11327?site=1>

Senator Cyr speaks from about 1:16 to 20:27. Additionally, Here is a great overview of the designation: <https://www.mass.gov/doc/seasonal-communities-guidance/download>. Finally, here is the State's webpage with more information: <https://www.mass.gov/info-details/seasonal-communities#what-can-a-seasonal-community-do?->

5. As previously reported, the Executive Office of Energy and Environmental Affairs'(EEA) has issued a Notice of Public Hearing and draft regulations for implementing the Public Lands Preservation Act (PLPA), now referred to by EEA as the Open Space Act (attached). The PLPA and these draft regulations concern process and mitigation for the disposition or change in use of land or interests in land protected under Article 97 of the Amendments to the State Constitution. EEA now has posted an announcement on their website, found here: <https://www.mass.gov/event/december-17-2024-notice-of-public-hearing-opportunity-to-submit-comments-12-17-2024>. In this announcement, EEA provided notice that the public hearing date remained unchanged for December 17, 2024, but the written comment deadline is being extended from December 23, 2024, to 5:00 PM on January 22, 2025. The Town Attorney's Office is preparing comments on the draft regulation for timely submission within the comment period. We will keep you advised as this matter progresses.
6. As previously reported, the Cape & Islands Bridge Coalition (CIBC) held its quarterly meeting. The meeting included an update from the Chairs of the CIBC, a Regional Transportation Planning Update from the Cape Cod Commission, and a discussion with our federal delegation staff on funding for the projects

(attached). Progress continues to be made on permitting and securing funding for the projects. As part of the Cape Cod Commission staff update, they referenced the release of a draft Transportation Improvement Plan (TIP) Amendment 2 to the Federal Fiscal Year (FFY) 2025-2029 TIP for a 21-day public comment period. Amendment 2 included a proposal as follows: Cape Cod Bridges Program Phase 1 (Sagamore Bridge) \$365,420,000 to be programmed in FFY 2025-2029 utilizing Federal Bridge Investment Program (BIP) grant funds with a state match.

[FFY 2025-2029 TIP Amendment 2 Handout](#)

A letter of support for the TIP Amendment 2 was submitted by the Town of Barnstable and the Amendment was voted upon favorably by the Cape Cod Metropolitan Planning Organization (MPO) at their December 2024 meeting. The next CIBC meeting scheduled in March 2025.

7. The next round of application acceptance for the Town of Barnstable's Opioid Abatement Grants closed on December 31, 2024. The Town of Barnstable received 8 applications and the committee will be meeting next week to review the process for reviewing these applications. The Town committed to \$200,000 to four organizations in mid-November. After awarding the \$200,000 in the RIZE round we have \$422,000 remaining. The Grant Round Two will close on March 31, 2025. The application is available in English, Portuguese and Spanish on the Town Manager's webpage https://townofbarnstable.us/Departments/TownManager/Opioid_Abatement_Funds/Opioid-Abatement-Funds.asp.
8. We have an open seat for the Affordable Housing Growth and Development Trust Fund Board. More information on how to apply for this seat will be available soon.
9. Kate Maldonado, Planning and Development Senior Planner, will provide an update on the Local Comprehensive Plan and Accessory Dwelling Units.

Local Comprehensive Plan Update

The Local Comprehensive Planning Committee is currently reviewing an *initial draft* of the complete **Local Comprehensive Plan** which includes all efforts coordinated to date including the Existing Conditions Plan with data and narrative for the Town's natural, built and community systems, the Community Vision, key issues and opportunities organized by chapter topics, and an initial draft of the Action Plan with location and topic specific actions to be achieved over the next 10 or so years.

The Committee will discuss initial comments for the Draft Local Comprehensive Plan at their upcoming meeting to be held **Thursday January 23rd at 5:30 PM in person at Town Hall** within the Hearing Room. The Committee will also discuss

additional public comments received regarding the Draft Future Land Use Map and will coordinate final edits.

Upon coordination of Committee comments, the Draft Local Comprehensive Plan will be made available to the public for review and comment. At this time, Planning & Development staff are estimating that the Draft Local Comprehensive Plan will be made available for public review by the end of February. A robust public outreach effort will be coordinated with the release of the draft Plan to ensure that the community is informed of and engaged in this important effort to provide final comments for the Town's Local Comprehensive Plan.

If you have any questions regarding this project, please contact Kate Maldonado, Senior Planner, by email at Kaitlyn.maldonado@town.barnstable.ma.us or by phone at 508-862-4791. To stay up to date on upcoming meetings and events, and to learn more about how to get involved, please visit BarnstableLCP.com.

Accessory Dwelling Unit

The Executive Office of Housing and Livable Communities posted Accessory Dwelling Unit Draft Regulations on December 20th. The ADU draft regulations are intended to provide clarity on the administration of the new ADU law that will go in to effect on February 2. The State is requesting public comment regarding these new regulations. If you are interested in submitting public comment please submit any written comments by **Friday, January 10 at 11:59pm**. All comments must be submitted through the Public Comment Form: <https://www.mass.gov/forms/adu-draft-regulations-public-comment-form>

A hybrid public hearing, with options for in-person or remote participation, will take place on **January 10, 2025, 10am – 2pm, at 100 Cambridge Street, 2nd Floor, Boston, MA or virtual via ZOOM** with a link found on the state webpage. Staff will monitor this hearing remotely.

The State has a ADU Website with more information on the ADU Draft Regulations - <https://www.mass.gov/info-details/accessory-dwelling-units>