



Town of Barnstable
Town Council
James H. Crocker Jr. Hearing Room
367 Main Street, 2nd floor,
Hyannis, MA 02601
Office 508.862.4738 • Fax 508.862.4770
E-mail : council@town.barnstable.ma.us

31 JAN '25 PM 12:48
BARNSTABLE TOWN CLERK

TOWN COUNCIL MEETING AGENDA

February 06, 2025

6:00 pm

Councillors:

Craig Tamash
President
Precinct 4

Kris Clark
Vice President
Precinct 11

Gordon Starr
Precinct 1

Dr. Kristin Terkelsen
Precinct 2

Betty Ludtke
Precinct 3

John Crow
Precinct 5

Paul C. Neary
Precinct 6

Seth Burdick
Precinct 7

Jeffrey Mendes
Precinct 8

Charles Bloom
Precinct 9

Matthew P. Levesque
Precinct 10

Paula Schnepf
Precinct 12

Felicia Penn
Precinct 13

The February 06, 2025, Meeting of the Barnstable Town Council shall be conducted in person at 367 Main Street 2nd Floor James H. Crocker Jr. Hearing Room, Hyannis, MA. The public may attend in person or participate remotely in Public Comment or during a Public Hearing via the Zoom link listed below.

1. The meeting will be televised live via Xfinity Channel 8 or 1070 or High-Definition Channel 1072 or may be accessed via the Government Access Channel live stream on the Town of Barnstable's website:

<http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Written Comments may be submitted to: <https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/TownCouncil/Agenda-Comment.asp>

3. Remote Participation: The public may participate in Public Comment or Public Hearings by utilizing the Zoom video link or telephone number and access meeting code:

Join Zoom Meeting <https://townofbarnstable-us.zoom.us/j/88436740278> Meeting ID: 884 3674 0278

US Toll-free 1-888- 475- 4499

PUBLIC SESSION

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. TOWN MANAGER COMMUNICATIONS (Pre-Recorded and available on Video on Demand on the Town website)

7. MINUTES

- ACT ON PUBLIC SESSION MINUTES: January 30, 2025

8. COMMUNICATIONS - from elected officials, boards, committees, and staff, commission reports, correspondence and announcements

- Update from Comprehensive Financial Advisory, Hector Guenther, Chair
- Update from Cape Light Compact, Maggie Downey, Chief Administrative Officer
- Discussion on Flow Neutral, James Kupfer, Director, Planning and Development; Dan Santos, Director, Department of Public Works

9. ORDERS OF THE DAY

- A. Old Business
- B. New Business

10. ADJOURNMENT

Administrator:
Cynthia A. Lovell
Cynthia.lovell@town.barnstable.ma.us

NEXT REGULAR MEETING: February 27, 2025

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Please Note: The lists of matters are those reasonably anticipated by the Council President which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the extent permitted by law. It is possible that if it votes, the Council may go into executive session. The Council may also act on items in an order other than as 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, it may be continued to a future meeting, and with proper notice.

A. OLD BUSINESS (Public Hearing) (Roll call Majority Vote Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2025-060

INTRO: 12/05/2024, 02/06/2025

2025-060 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING TO REVISE THE DEFINITION OF ACCESSORY DWELLING UNIT (ADU) AND TO REVISE USE AND DIMENSIONAL REQUIREMENTS, FLOOR AREA DEFINITION, AND CLARIFY PARKING RESTRICTIONS AND NO OWNER-OCCUPANCY REQUIREMENT FOR ADUS

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

SECTION 1

By amending Article XIV, Section 240-128 by deleting the definition of “Accessory Dwelling Unit (ADU)” in its entirety and inserting the following new definition in its place:

ACCESSORY DWELLING UNIT (ADU)

An accessory dwelling unit (ADU) is a self-contained dwelling unit that provides complete independent living facilities for one or more persons, as outlined herein, including permanent provisions for living, sleeping, eating, cooking and sanitization, incorporated within a lawful principal single-family dwelling or within a detached building accessory to and on the same lot and in the same ownership as a lawful principal single-family dwelling use. The ADU shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress. ADUs shall have a maximum gross floor area that is not larger than 1/2 of the gross floor area of the principal single-family dwelling unit (exclusive of floor area that was converted to the ADU), or 900 square feet, whichever is smaller, unless special permit relief is granted with respect to the requirements of § 240-47.2C(4) with regard to square footage.

SECTION 2

By amending Article V Accessory Uses, Section 240-47.2 Accessory Dwelling Units (ADUs), by deleting subsection (C)(1) in its entirety and inserting the following new subsection (C)(1) in its place:

“(1) A Special Permit is required if an applicant is seeking more than one ADU in a single-family residential zoning district.”

SECTION 3

By further amending said Section 240-47.2 by inserting the following sentence after the second sentence in subsection (C)(3):

“The ADU shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress.”

SECTION 4

By further amending said Section 240-47.2 by deleting the word “habitable” wherever it appears in Subsection (C)(4) and replacing it with the word “gross” in each instance.

SECTION 5

By further amending said Section 240-47.2 by adding the following sentence at the end of Subsection (C)(7):

“No more than one additional parking space per ADU shall be required, provided that no additional parking shall be required when an ADU is located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station.”

SECTION 6

By further amending said Section 240-47.2 by inserting the following new Subsection (C)(12) and by renumbering the existing Subsection (C)(12) as Subsection (C)(13):

“(12) The use of land or structures for an accessory dwelling unit shall not require owner occupancy of either the accessory dwelling unit or the principal dwelling.”

SPONSOR: Craig Tamash, Town Council President, upon recommendation of the Planning Board

DATE	ACTION TAKEN
<u>12/05/2024</u>	<u>Referred to Planning Board</u>

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2024-060

INTRO: 12/05/2024, 02/06/2025

TO: Town Council
FROM: Craig Tamash, Town Council President
THROUGH: James Kupfer, Director, Planning & Development Department
DATE: December 05, 2024
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning to Revise the Definition of Accessory Dwelling Unit (ADU) and to Revise Use and Dimensional Requirements, Floor Area Definition, and Clarify Parking Restrictions and No Owner Occupancy Requirement for ADUs

RATIONALE: These items propose to amend the Town's Zoning Ordinance to address recent revisions to Chapter 40A of the General Laws, the State Zoning Act, as set forth in the Affordable Homes Act, which was signed into law on August 6, 2024, as Chapter 150 of the Acts of 2024. The Affordable Homes Act permits Accessory Dwelling Units (ADUs) to be built by-right in single family zoning districts. Barnstable already has an ADU Ordinance, but because certain of its provisions as currently written are now inconsistent with state law, those provisions need to be revised to bring them into conformance. The ADU changes to the State Zoning Act will supersede any inconsistent local ADU ordinance when the changes go into effect on February 2, 2025.

The Affordable Homes Act changes the definition of an ADU under Section 1A of Chapter 40A of the General Laws to clarify that the maximum size of an ADU is no more than half of the gross floor area of the principal dwelling, or 900 square feet, whichever is smaller; and that the ADU must maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress.

Section 3 of Chapter 40A was also amended to prohibit owner-occupancy requirements and to require that no more than one (1) additional parking space shall be required for an ADU. This section was further amended to require that no additional parking space shall be required for an ADU located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station. Finally, Section 3 provides that a Special Permit shall be required for more than one (1) accessory dwelling unit in a single-family residential zoning district. This item amends the ADU provisions in Barnstable's Zoning Ordinance to make them consistent with these changes to state law. The proposed changes are reflected in the redlined changes to the Town's Zoning Ordinance attached to this memo.

FISCAL IMPACT: There is no significant fiscal impact associated with this item.

STAFF SUPPORT: James Kupfer, Director of Planning and Development; Corey Pacheco, Senior Planner; Brian Florence, Building Commissioner; Karen L. Nober, Town Attorney; Kathleen Connolly, Assistant Town Attorney

§ 240-128 Definitions

Accessory Dwelling Unit

~~An accessory dwelling unit (ADU) is a self-contained dwelling unit, inclusive of sleeping, cooking, and sanitary facilities, incorporated within a lawful principal single-family dwelling or within a detached building accessory to and on the same lot and in the same ownership as a lawful principal single-family dwelling use. The ADU shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress. ADUs shall have a maximum habitable floor area that is not larger than 1/2 of the habitable floor area of the principal single-family dwelling unit (exclusive of floor area that converted to the ADU), or 900 square feet, whichever is smaller, unless special permit relief is granted with respect to the requirements of § 240-47.2C(4) with regard to square footage.~~

An accessory dwelling unit (ADU) is a self-contained dwelling unit that provides complete independent living facilities for one or more persons, as outlined herein, including permanent provisions for living, sleeping, eating, cooking and sanitization, incorporated within a lawful principal single-family dwelling or within a detached building accessory to and on the same lot and in the same ownership as a lawful principal single-family dwelling use. The ADU shall maintain a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress. ADUs shall have a maximum gross floor area that is not larger than 1/2 of the gross floor area of the principal single-family dwelling unit (exclusive of floor area that was converted to the ADU), or 900 square feet, whichever is smaller, unless special permit relief is granted with respect to the requirements of § 240-47.2C(4) with regard to square footage.

B. NEW BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

**ITEM# 2025-072
INTRO: 02/06/2025**

**2025-072 AUTHORIZATION TO CONTRACT FOR AND EXPEND A FISCAL YEAR 2025
JAIL/ARREST DIVERSION PROGRAM COMPONENT GRANT IN THE
AMOUNT OF \$117,500 FROM THE COMMONWEALTH OF
MASSACHUSETTS, DEPARTMENT OF MENTAL HEALTH**

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2025 Jail/Arrest Diversion Program Component Grant from the Commonwealth of Massachusetts, Department of Mental Health in the amount of **\$117,500** for the purpose of funding costs for police diversion programs, including costs for training, overtime, outreach and stakeholder engagement, as well as funding a portion of the costs of the Community Service Officer program.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2025-072
INTRO: 02/06/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Jean Challies, Chief, Barnstable Police Department
DATE: February 06, 2025
SUBJECT: Authorization to contract for and expend a Fiscal Year 2025 Jail/Arrest Diversion Program Component Grant in the amount of **\$117,500** from the Commonwealth of Massachusetts, Department of Mental Health

BACKGROUND: Since initially awarded a DMH grant in 2014, the Community Impact Unit has successfully established an Innovative Jail Diversion Program and Community Crisis Intervention Team designed to divert persons in mental health and/or substance abuse crisis away from the Criminal Justice System and towards appropriate services and support by using a collaborative inter-agency approach. Additionally, our summer CSO Program has been very successful in assisting the CIU in serving people in mental health and/or substance abuse crisis, while at the same time improving quality-of-life issues for the residents, businesses, and the overall community of the Town of Barnstable. We continue to fund 2 CSO's through a Community Development Block Grant who will work on weekends over the winter to continue a police presence downtown.

ANALYSIS: This DMH grant will pay for valuable training for members of the Barnstable Police Department in Crisis Intervention and Mental Health First Aid training and will pay overtime costs for other valuable consultation, training and grant management relative to the overall program. The grant will also provide funding for a portion of the Community Service Officer Program.

FISCAL IMPACT: There will be no negative financial impact and provides funding until June 30, 2025 as follows:

- Overtime costs to provide training for 10 Patrol Officers of the Barnstable Police Department in Crisis Intervention Team (CIT) training in collaboration with the Southshore CIT in Braintree, MA
- Overtime costs to conduct MHFA training to 6 officers
- Overtime and travel costs to send 8 officers to Struggle Well Training, which is a national program that trains police officers in practices to regulate negative thoughts, feeling, and actions rather than suffer Post Traumatic Stress Syndrome
- Overtime costs for valuable consultation and weekly stakeholder meetings with area social service agencies and medical/behavioral health liaisons
- Outreach to the intended population served by this grant
- Funding for Community Service Officers including supportive training for a week including in Mental Health First Aid, when they begin their summer season in June 2025
- CCIT Management/Coordination; and Grant Management/Reporting
- Substance Abuse Forum Overtime
- Travel overtime to attend the Mental Health Law Enforcement Conference

The police department provides In-Kind Contributions as follows:

- 1 Lieutenant assigned to the Community Services Division, which includes oversight of the CIU, SROs, and the Hyannis Youth and Community Center;
- 1 Sergeant assigned to the CIU; (Crisis Intervention Unit)
- 3 full-time officers assigned to the CIU;
- 10 Summer Community Service Officers; 2 Winter CSOs, and
- 1 Financial Administrator

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

STAFF ASSISTANCE: Jean B Challies, Chief of Police; Anne Spillane, Finance Director Barnstable Police Department; Lieutenant Michael L. Riley

B. NEW BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

**ITEM# 2025-073
INTRO: 02/06/2025**

**2025-073 APPROVAL OF THE APPOINTMENTS TO THE APPOINTMENTS
COMMITTEE**

RESOLVED: That the Town Council does hereby approve the Town Council President’s appointments of Councilor Jeffrey Mendes; Councilor Charlie Bloom; Councilor John Crow; Councilor Seth Burdick; and Councilor Kristin Terkelsen as members of the standing Appointments Committee of the Town Council.

SPONSOR: Craig Tamash, Town Council President

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2025-073
INTRO: 02/06/2025

SUMMARY

TO: Town Council
FROM: Craig Tamash, Council President
DATE: February 06, 2025
SUBJECT: Approval of the Appointments to the Appointments Committee

BACKGROUND: The Appointments Committee is a standing committee of the Town Council which consists of five members. Section 37-3 of Chapter 37 of the Code of the Town of Barnstable provides as follows:

The Councilors serving on the Appointments Standing Committee will be appointed by the President of the Council from a list of names of those Councilors who wish to serve on the Appointments Committee. The total Council will be apprised of the names of those Councilors who are willing to serve. The full Council will have the final vote on all appointments to the Appointments Committee. The following Councilors have indicated their interest in serving on the Appointments Committee:

Vice President, Kris Clark; Councilor John Crow; Councilor Charles Bloom; Councilor Kristin Terkelsen; Councilor Seth Burdick; Councilor Jeffrey Mendes

After consideration and subject to approval of the full Council, I am appointing the following Councilors to the Appointments Committee: Councilor Jeffrey Mendes; Councilor Charlie Bloom; Councilor John Crow; Councilor Seth Burdick; and Councilor Kristin Terkelsen.

STAFF SUPPORT: Karen L. Nober, Town Attorney

B. NEW BUSINESS (Refer to Public Hearing on 02/27/2025)

BARNSTABLE TOWN COUNCIL

**ITEM# 2025-074
INTRO: 02/06/2025**

2025-074 RESOLVE APPROVING AND ADOPTING THE TOWN OF BARNSTABLE 2025 HOUSING PRODUCTION PLAN DATED MAY 2, 2024

WHEREAS, the Town of Barnstable 2025 Housing Production Plan contains a comprehensive housing needs assessment, affordable housing goals and implementation strategies to achieve the Plan’s goals and develop affordable housing in the Town of Barnstable; and

WHEREAS, a draft of the Housing Production Plan has been made available for public review on the Town website since June 6, 2024; and

WHEREAS, the Town of Barnstable draft Housing Production Plan was presented to the Town of Barnstable Planning Board at duly noticed public meetings held on June 24, 2024, October 28, 2024, and November 25, 2024; and

WHEREAS, at its November 25, 2024 meeting, the Planning Board unanimously voted to recommend approval of the Housing Production Plan to the Barnstable Town Council;

NOW, THEREFORE, BE IT RESOLVED: That the Barnstable Town Council hereby approves and adopts the Town of Barnstable 2025 Housing Production Plan dated May 2, 2024, in the form as provided to the Town Council and presented at this meeting and authorizes the Town Manager to submit the Housing Production Plan to the Executive Office of Housing and Livable Communities for approval.

SPONSOR: Councilor Paula Schnepf, Precinct 12

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council Discussion
- ___ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2025-074
INTRO: 02/06/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: James Kupfer, Director, Planning & Development Department
DATE: February 6, 2025
SUBJECT: Resolve approving and adopting the Town of Barnstable 2025 Housing Production Plan dated May 2, 2024

A Housing Production Plan (HPP), as defined by the Massachusetts Executive Office of Housing and Livable Communities (EOHLC), is designed to be a proactive strategy for planning and developing affordable housing. The HPP shall follow the strict requirements of 760 CMR 56.03(4). EOHLC has confirmed in writing that only Planning Board and Town Council approvals are required for the HPP.

Per the requirements, the HPP shall contain at a minimum the following elements, covering a time period of five years: 1. Comprehensive housing needs assessment; 2. Affordable housing goals; and 3. Implementation strategies.

The Town of Barnstable has developed the Housing Production Plan to identify these requirements including goals, strategies, and potential actions to identify ways in which the Town of Barnstable may support affordable housing and to build upon the efforts first outlined in the draft 2016 HPP. Additionally, this plan provides updated demographic data as well as an analysis of local housing conditions. The plan also outlines the Town's development constraints and limitations, and local and regional capacity to create and preserve affordable and mixed-income housing in the community.

The Housing Production Plan was presented to the Town of Barnstable Planning Board at duly noticed public meetings held on June 24, 2024, October 28, 2024, and November 25, 2024. On November 25, 2024, the Planning Board unanimously voted to recommend approval of the Housing Production Plan to the Barnstable Town Council.

Although this item is a resolve that could be approved with one reading, we are providing more process that what is required by adding a second reading and a public hearing to provide additional notice to the public as well as to give the public an opportunity to provide comment to the Council.

If approved by the Barnstable Town Council, the plan will be forwarded to the Massachusetts Executive Office of Housing and Livable Communities (EOHLC) for review and approval. EOHLC will review the Town's plan for approval to confirm it satisfies the requirements detailed in regulations 760 CMR 56.03(4).

FISCAL IMPACT: There can be a positive fiscal impact of this resolution. Approving the plan will make the Town of Barnstable eligible for a number of state and federal grants to address housing.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this item.

STAFF SUPPORT: James Kupfer, Director, Planning & Development Department

B. NEW BUSINESS (First Reading) (Refer to Planning Board)

BARNSTABLE TOWN COUNCIL

**ITEM# 2025-075
INTRO: 02/06/2025**

2025-075 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING TO ADD THREE PROPERTIES TO THE MULTIFAMILY AFFORDABLE HOUSING RESIDENTIAL DISTRICT TO ALLOW FOR BY-RIGHT AFFORDABLE HOUSING IN ADDITION TO SPECIAL PERMIT AFFORDABLE HOUSING, AND TO ADD PARKING REQUIREMENTS, ROOF MOUNTED SOLAR SYSTEM REQUIREMENTS, PRINCIPAL PERMITTED USES, AND OTHER MULTIFAMILY AFFORDABLE HOUSING REQUIREMENTS

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

SECTION 1:

By amending the Zoning Map of Barnstable, Mass. dated September 1, 1998, as previously amended, as referenced in Article II, Section 240-6, to add the following properties to the Multi-Family Affordable Housing Residential District, as shown on the map dated January 9, 2025, prepared by the Town of Barnstable Geographical Information System Unit, and entitled “Proposed Amendment to the Multifamily Affordable Housing Residential District”: 825 Falmouth Road, as shown on Assessors’ Map 271, Parcel 097; 767 Falmouth Road, as shown on Assessors’ Map 271, Parcel 096; and 577 Falmouth Road, as shown on Assessors’ Map 271, Parcel 043.

SECTION 2:

By amending Article III, Section 240-16.1 MAH Residential District, Subsection A. Purpose, by inserting after the word “authorize” the following words: “by right and”.

SECTION 3:

By further amending said Section 240-16.1 by renumbering Subsections B through I as Subsections C through J, and by inserting the following new Subsection B after Subsection A:

“B. Location. The MAH Residential District is identified on a map entitled “Proposed Amendment to the Multifamily Affordable Housing Residential District” dated January 9, 2025, as shown on the Zoning Map of Barnstable.

Map and Parcel Information for the properties within the MAH Residential District is:

- 850 Falmouth Road – Assessors Map 250, Parcel 036; Assessors Map 250, Parcel 160
- 577 Falmouth Road – Assessors Map 271, Parcel 043
- 825 Falmouth Road – Assessors Map 271, Parcel 097
- 767 Falmouth Road – Assessors Map 271, Parcel 097

SECTION 4

By further amending said Section 240-16.1, renumbered Subsection C. Principal Permitted Uses, by adding a new subsection (2) after subsection (1) as follows:

- (2) Duplex residential dwellings.

SECTION 5

By further amending said Section 240-16.1, renumbered Subsection E. Bulk Regulations, as follows:

- A. By amending the Minimum Lot Area from 87,120 square feet to 43,560 square feet;
- B. By amending the Minimum Yard Setbacks as follows: by amending the Front Yard Setback from 60 feet to 15 feet, by amending the Side Yard Setback from 30 feet to 10 feet and by amending the Rear Yard Setback from 30 feet to 10 feet.

SECTION 6

By further amending said Section 240-16.1 by deleting renumbered Subsection F, Density Requirements, in its entirety and inserting the following new subsection F. in its place:

“Density Requirements. The total number of residential units allowable as permitted uses within a Multifamily Affordable Housing Development (MAHD) shall not exceed 20 per acre of upland. Multiple principal buildings/structures are permitted per lot.”

SECTION 7

By further amending said Section 240-16.1 by renumbering the previously renumbered Subsections G through J as new Subsections I through L and by inserting new Subsections “G. Parking” and “H. Solar” after renumbered Subsection F as follows:

“G. Parking. 1.5 parking spaces are required per residential dwelling unit. Parking dimensions shall be a minimum of 9’ by 18’. Drive aisle between parking spaces shall be a minimum of 22’.

H. Solar. Each residential structure shall be required to install roof mounted solar system(s) equal to at least 6 watts per square foot of conditioned space. Exceptions shall be granted if natural vegetative shading makes all or part of a roof mounted solar system nonviable. The total installed solar may be reduced if it can be shown that the mandated size would exceed the annual energy needs of the structure. The size may be reduced by 25% if a battery system of 5 kilowatt-hour (kWh) or larger is installed. Exception shall be if natural vegetative shading makes all or part of a roof mounted solar system nonviable.”

SECTION 8

By further amending said Section 240-16.1 by deleting renumbered Subsection I., Affordable units, in its entirety and inserting the following new Subsection I. in its place:

“I. Affordable units. 100% of the dwelling units shall be affordable units as defined further below and subject to the following conditions:

(1) Affordable units for Principal Permitted Uses.

- a. Affordable units to be developed as principal permitted uses shall not be subject to Chapter 9 Article I, Inclusionary Affordable Housing Requirements.
- b. An individual or household with total annual income that does not exceed the following percentages of the area median income for the Town of Barnstable, as determined annually by the United States Department of Housing and Urban Development:
 - i. 10% of the units shall be affordable to individuals who qualify as no greater than 70% of the Area Median Income.
 - ii. 90% of the units shall be affordable to individuals who qualify between 70% and 100% of the Area Median Income.
- c. All affordable units shall remain affordable for a minimum of 15 years through a use restriction which shall assure this condition. The use restriction shall be structured to survive any and all foreclosures.

- d. The continuing enforcement of the use restriction through subsequent resale of the affordable units shall be the subject of a monitoring agreement.
- e. No occupancy permit shall be requested until the affordable dwelling units have been approved by the subsidizing agency and evidence of such has been submitted to the Town Attorney.

(2) Affordable units for Multifamily affordable housing developments

- (a) An individual or household with total annual income that does not exceed the following percentages of the area median income for the Town of Barnstable, as determined annually by the United States Department of Housing and Urban Development:
 - (i) For the purchaser of a condominium unit: 50%.
 - (ii) For the tenant in a rental unit: 50%.
- b) All affordable units shall remain affordable, as defined herein, in perpetuity. A use restriction shall ensure this condition. The use restriction shall be structured to survive any and all foreclosures.
 - i. The continuing enforcement of the use restriction through subsequent resale of the affordable units shall be the subject of a monitoring agreement.
 - ii. The use restriction and the monitoring agreement shall be drafted in compliance with the Local Initiative Program (LIP), and guidelines promulgated thereunder. The use restriction and the monitoring agreement shall be subject to review and approval by the Planning Board and approved as to form by the Town Attorney's office prior to the issuance of any building permits for any dwelling unit.
 - iii. The affordable unit shall conform to all Executive Office of Housing and Livable Communities (EOHLC) standards that must be met to qualify these units for inclusion in the EOHLC Subsidized Housing Inventory (SHI).
 - iv. A right of first refusal upon the transfer of such affordable units shall be granted to the Town or its designee for a period of not less than 120 days after notice thereof.
 - v. Affordable units shall not be segregated within the MAHD. The affordable units shall satisfy the design and construction standards and guidelines of the Local Initiative Program with regard to distinguishability from market rate units. It is the intent of this section that the affordable units shall be eligible for inclusion in the EOHLC Subsidized Housing Inventory as LIP units.
 - vi. Reserved.
 - vii. In computing the number of required affordable units, any fraction of a unit shall be rounded up, and the result of this computation shall be the number of affordable units required to be built within the MAHD. Affordable units shall only be located within any development permitted under this provision. This standard is not subject to variance.
- c) No occupancy permit shall be requested until the affordable dwelling units have been approved by the EOHLC as eligible for the EOHLC Subsidized Housing Inventory under the Local Initiative Program (LIP) Guidelines.”

SECTION 9

By further amending said Section 240-16.1, renumbered Subsection L. Definitions, as follows:

A. By deleting the words “AFFORDABLE UNIT” and inserting “AFFORDABLE UNIT FOR MULTIFAMILY AFFORDABLE HOUSING DEVELOPMENTS” in their place.

B. By deleting the definition of “QUALIFIED AFFORDABLE HOUSING UNIT PURCHASES OR TENANT” and inserting the following new definition in its place:

“Duplex residential dwellings - A detached residential building containing two dwelling units.”

C. By adding the following new definition at the end of said Subsection:

“USE RESTRICTION FOR PERMITTED USES

A use restriction is a deed restriction or other legally binding instrument in a form consistent with the requirements of the subsidizing agency. A use restriction shall contain terms and conditions for the resale of a homeownership unit, including definition of the maximum permissible resale price, and for the subsequent rental of a rental unit, including definition of the maximum permissible rent. A use restriction shall require that tenants of rental units and owners of homeownership units shall occupy the units as their principal residences.”

D. By deleting the words “USE RESTRICTION” and inserting “USE RESTRICTION FOR MULTIFAMILY AFFORDABLE HOUSING DEVELOPMENTS” in their place.

SPONSOR: Councilor Betty Ludtke, Precinct 3

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2025-075
INTRO: 02/06/2025

TO: Town Council
FROM: James Kupfer, Director, Planning & Development Department
DATE: February 06, 2025
SUBJECT: Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning to add three properties to the Multifamily Affordable Housing Residential District to allow for By-Right Affordable Housing in addition to Special Permit Affordable Housing, and to add parking requirements, roof mounted solar system requirements, principal permitted uses, and other Multifamily Affordable Housing Requirements

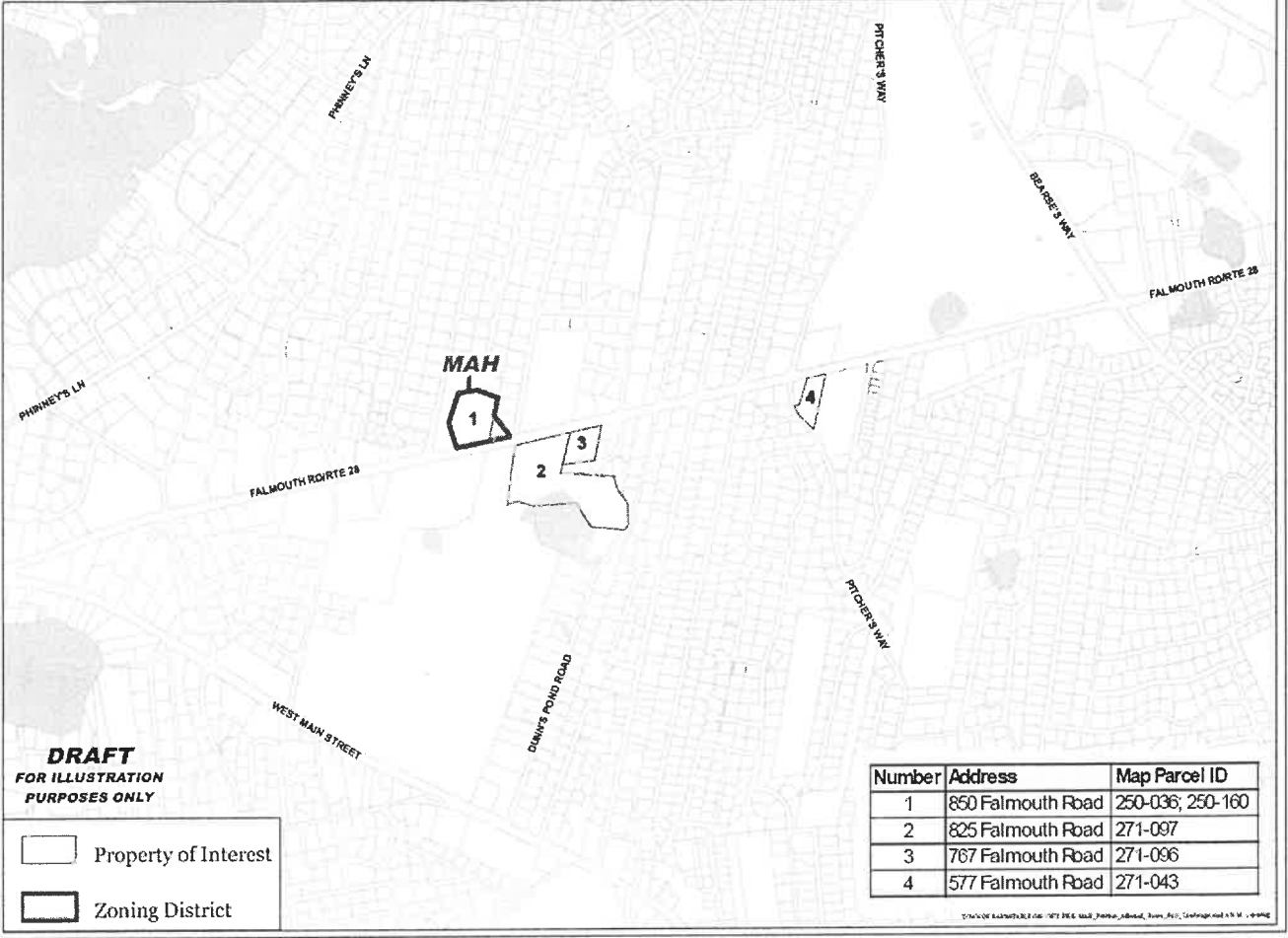
BACKGROUND: This item proposes to amend the Town of Barnstable's Zoning Ordinance, Section 240-16.1 Multifamily Affordable Housing Residential District as well as Section 240-6 the Zoning Map of Barnstable, MA dated September 1, 1998, as previously amended. This amendment seeks to expand the district through the inclusion of three additional properties along Falmouth Road as well as allowing for a residential duplex by-right use, the creation of certain site standards for by-right uses, and the modification of the affordable housing requirements.

Zoning amendments are processed in accordance with Massachusetts General Law (MGL) Chapter 40A, Section 5. Adoption or change of zoning ordinances may be initiated by the submission to the Town Council of a proposed zoning ordinance by different parties, including the Town Council itself.



ANALYSIS: The expansion of the Multifamily Affordable Housing (MAH) Residential District is sought to expand the existing district that includes 850 Falmouth Road, identified as both Assessors Map 250, Parcel 036 and Assessors Map 250, Parcel 60 to include three additional properties; 825 Falmouth Road Assessors Map 271, Parcel 097, 767 Falmouth Road Assessors Map, 271 Parcel 096, and 577 Falmouth Road Assessors Map 271 Parcel 043 for a total of three properties in the District. Currently each of these three new properties reside within the Residence – B District (RB). The RB District allows single-family residential dwellings by-right only. RB District requires one acre of lot area for each single-family residential dwelling. The expansion of the MAH District would grant new development standards to the existing district as well as these three additional parcels including but not limited to increased density, allowing for 20 residential dwelling units per acre of upland in multiple principal structures. The amendment would also require certain parking standards, a roof mounted solar mandate, and an increase in the requirement of affordable units, all as defined in the amended ordinance.

FISCAL IMPACT: Adopting this change could result in the development of these properties and increase the town's tax base.

STAFF SUPPORT: James Kupfer, Director, Planning & Development Department; Kathleen Connolly, Assistant Town Attorney



DRAFT
FOR ILLUSTRATION
PURPOSES ONLY

-  Property of Interest
-  Zoning District

Number	Address	Map Parcel ID
1	850 Falmouth Road	250-036; 250-160
2	825 Falmouth Road	271-097
3	767 Falmouth Road	271-096
4	577 Falmouth Road	271-043

DATE OF LAST UPDATE: 06/10/2024 10:00 AM. FROM: GIS/Planning and GIS M - 00000

To amend § 240-16.1MAH Residential District per track changes.

§ 240-16.1MAH Residential District.

[Added 2-28-2008 by Order No. 2008-077; amended 1-20-2011 by Order No. 2011-039]

A. Purpose. The purpose of this section is to authorize ~~by right and~~ by special permit privately initiated affordable housing by for-profit or not-for-profit organizations that:

- (1) Provide for residential development in a manner that is consistent with existing neighborhood development in terms of density and housing types; and
- (2) Authorize an increase in the permissible density of housing in a proposed development, provided that the applicant shall, as a condition for the grant of said special permit, provide housing for persons of low or moderate income.

B. Location. The MAH Residential District is identified on a map entitled "Proposed Amendment to the MultiFamily Affordable Housing Residential District" dated January 9, 2025, as shown on the Zoning Map of Barnstable.

Map and Parcel Information for the properties within the MAH Residential District is:

- 850 Falmouth Road – Assessors Map 250, Parcel 036; Assessors Map 250, Parcel 160
- 577 Falmouth Road – Assessors Map 271, Parcel 043
- 825 Falmouth Road – Assessors Map 271, Parcel 097,
- 767 Falmouth Road – Assessors Map 271, Parcel 096

C. Principal permitted uses. The following uses are permitted in the MAH District:

- (1) Single-family residential dwelling (detached).
- (2) Duplex residential dwellings.

D. Special permit uses. For the purposes of this section, the Planning Board shall be the special permit granting authority. The following uses are permitted as conditional uses in the MAH District, provided that a special permit is first obtained from the Planning Board subject to the provisions of § 240-125C herein and subject to the specific standards for such special permit uses as required in this section:

- (1) Multifamily affordable housing developments connected to the municipal sewage collection system.

E. Bulk regulations.

[Amended 11-2-2017 by Order No. 2018-027]

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Minimum Lot Width (feet)	Minimum Yard Setbacks (feet)			Maximum Building Height ¹ (feet)
				Front	Side	Rear	
MAH	27,120 43,560	200	—	60 15	30 10	30 10	30

NOTES:

¹ Height shall be measured from the grade plane to the plate.

~~FE.~~ Density requirements. The total number of residential units allowable as permitted uses or within a Multifamily Affordable Housing Development (MAHD) shall not exceed 16-20 per acre of upland. Multiple principal buildings/structures are permitted per lot.

[Amended 11-2-2017 by Ord. No. 2018-027]

G. Parking. 1.5 parking spaces are required per residential dwelling unit. Parking dimensions shall be a minimum of 9' by 18'. Drive aisle between parking spaces shall be a minimum of 22'.

H. Solar. Each residential structure shall be required to install roof mounted solar system(s) equal to at least 6 watts per square foot of conditioned space. Exceptions shall be granted if natural vegetative shading makes all or part of a roof mounted solar system nonviable. The total installed solar may be reduced if it can be shown that the mandated size would exceed the annual energy needs of the structure. The size may be reduced by 25% if a battery system of 5 kilowatt-hour (kWh) or larger is installed. Exception shall be if natural vegetative shading makes all or part of a roof mounted solar system nonviable.

~~IF.~~ Affordable units. At least 18-100% of the dwelling units shall be affordable units as defined further below and subject to the following conditions:

[Amended 11-2-2017 by Order No. 2018-027; 2-4-2021 by Order No. 2021-059]

(1) Affordable units for Principle Permittable Uses.

- a. Affordable units to be developed as principle permittable uses shall not be subject to Chapter 9 Article 1, Inclusionary Affordable Housing Requirements.
- b. An individual or household with total annual income that does not exceed the following percentages of the area median income for the Town of Barnstable, as determined annually by the United States Department of Housing and Urban Development:
 - i. 10% of the units shall be affordable to individuals who qualify as no greater than 70% of the Area Median Income.

- ii. 90% of the units shall be affordable to individuals who qualify between 70% and 100% of the Area Median Income.
- c. All affordable units shall remain affordable, for a minimum of 15 years through a use restriction which shall assure this condition. The use restriction shall be structured to survive any and all foreclosures.
- d. The continuing enforcement of the use restriction through subsequent resale of the affordable units shall be the subject of a monitoring agreement.
- e. No occupancy permit shall be requested until the affordable dwelling units have been approved by the subsidizing agency and evidence of such has been submitted to the Town Attorney.

(2+) Affordable units for Multifamily affordable housing developments

- (a) An individual or household with total annual income that does not exceed the following percentages of the area median income for the Town of Barnstable, as determined annually by the United States Department of Housing and Urban Development:
 - (i) For the purchaser of a condominium unit: 50%.
 - (ii) For the tenant in a rental unit: 50%.
- b) All affordable units shall remain affordable, as defined herein, in perpetuity. A use restriction shall assure this condition. The use restriction shall be structured to survive any and all foreclosures.
- ~~b) (2)i. The continuing enforcement of the use restriction through subsequent resale of the affordable units shall be the subject of a monitoring agreement.~~
- ~~(2)ii. The use restriction and the monitoring agreement shall be drafted in compliance with the Local Initiative Program (LIP), and guidelines promulgated thereunder. The use restriction and the monitoring agreement shall be subject to review and approval by the Planning Board and approved as to form by the Town Attorney's office prior to the issuance of any building permits for any dwelling unit.~~
- ~~(1)iii. The affordable unit shall conform to all Department of Housing and Community Development (DHCD) Executive Office of Housing and Livable Communities (EOHLC) standards that must be met to qualify these units for inclusion in the DHCD-EOHLC Subsidized Housing Inventory (SHI).~~
- ~~(E)iv. A right of first refusal upon the transfer of such affordable units shall be granted to the Town or its designee for a period of not less than 120 days after notice thereof.~~
- ~~(6)v. Affordable units shall not be segregated within the MAHD. The affordable units shall satisfy the design and construction standards and guidelines of the Local Initiative Program with regard to distinguishability from market rate units. It is the intent of this section that the affordable units shall be eligible for inclusion in the DHCD-EOHLC Subsidized Housing Inventory as LIP units.~~

~~(7) vi. Affordable units shall obtain occupancy permits issued at the rate of one affordable unit for every four market rate units. Reserved.~~

~~(8) vii.~~ In computing the number of required affordable units, any fraction of a unit shall be rounded up, and the result of this computation shall be the number of affordable units required to be built within the MAHD. Affordable units shall only be located within any development permitted under this provision. This standard is not subject to variance.

c) ~~(d)~~ No occupancy permit shall be requested until granted unless the affordable dwelling units have been approved by the ~~DHCD~~ EOHLC as eligible for the DHCD Subsidized Housing Inventory under the Local Initiative Program (LIP) Guidelines.

16. Decision. The Planning Board may grant a special permit for a MAHD where it makes the following findings:

(1) The proposed MAHD complies with all applicable subdivision rules unless otherwise waived by the Board.

(2) The proposed MAHD complies with the Zoning Ordinance and the requirements of this section.

(3) The proposed MAHD provides affordable units consistent with the requirements set forth herein.

(4) The proposed MAHD does not cause substantial detriment to the neighborhood.

K. H. Relation to other requirements. The submittals and special permit required herein shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning Ordinance.

L. l. Definitions. As used in this section, the following terms shall have the meanings indicated:

AFFORDABLE UNIT FOR MULTIFAMILY AFFORDABLE HOUSING DEVELOPMENTS

A dwelling unit reserved in perpetuity for rental or ownership by a qualified affordable housing unit purchaser or tenant as defined herein and priced to conform with the standards of the Massachusetts Department of Housing and Community Development (DHCD) Local Initiative Program Guidelines, in order that such affordable units shall be included in the DHCD Subsidized Housing Inventory. [Amended 2-4-2021 by Order No. 2021-059]

APPLICANT

The person or persons, including a corporation or other legal entity, who applies for issuance of a special permit for construction of a private-initiated affordable housing development (MAHD) hereunder. The applicant must own or be the beneficial owner of all the land included in the proposed MAHD, or have authority from the owner(s) to act for the owner(s) or hold an option or contract duly executed by the owner(s) and the applicant giving the latter the right to acquire the land to be included in the site.

MULTIFAMILY AFFORDABLE HOUSING DEVELOPMENT (MAHD)

A development of multifamily residential dwelling(s), including required affordable units and permissible accessory structures, authorized by special permit from the Planning Board as set forth herein.^[1]

QUALIFIED AFFORDABLE HOUSING UNIT PURCHASER OR TENANT

~~An individual or household with total annual income that does not exceed the following percentages of the area median income for the Town of Barnstable, as determined annually by the United States Department of Housing and Urban Development:
{Added 2-4-2021 by Order No. 2021-059}~~

~~(1) For the purchaser of a condominium unit: 50%.~~

~~(2) For the tenant in a rental unit: 50%.~~

DUPLEX RESIDENTIAL DWELLINGS

A detached residential building containing two dwelling units.

USE RESTRICTION FOR PERMITTABLE USES

A use restriction is a deed restriction or other legally binding instrument in a form consistent with the requirements of the subsidizing agency. A use restriction shall contain terms and conditions for the resale of a homeownership unit, including definition of the maximum permissible resale price, and for the subsequent rental of a rental unit, including definition of the maximum permissible rent. A use restriction shall require that tenants of rental units and owners of homeownership units shall occupy the units as their principal residences.

USE RESTRICTION FOR MULTIFAMILY AFFORDABLE HOUSING DEVELOPMENTS

A restriction ensuring the continued affordability of a dwelling unit. A use restriction is a deed restriction or other legally binding instrument in a form consistent with Department of Housing and Community Development (DHCD) Local Initiative Program (LIP) guidelines which runs with the land and is recorded with the relevant registry of deeds or land court registry district, and which effectively restricts the occupancy of a low- or moderate-income housing unit to income eligible households during the term of affordability. A use restriction shall contain terms and conditions for the resale of a homeownership unit, including definition of the maximum permissible resale price, and for the subsequent rental of a rental unit, including definition of the maximum permissible rent. A use restriction shall require that tenants of rental units and owners of homeownership units shall occupy the units as their principal residences.

^[1]~~Editor's Note: The definition of "nursing or convalescent home," which immediately followed, was repealed 11-2-2017 by Order No. 2018-027.~~

B. NEW BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

**ITEM # 2025-076
INTRO: 02/06/2025**

2025-076 RESOLVE DELEGATING AUTHORITY TO THE TOWN MANAGER TO ACT ON TWO GRANTS OF LOCATION FOR TWO NATIONAL GRID PROJECTS

RESOLVED: That, in accordance with Section 2-9 of the Charter of the Town of Barnstable, the Town Council hereby delegates its authority to the Town Manager under section 70 of Chapter 164 of the General Laws, and any other applicable provision of law, to act upon requests from National Grid or its related entity, the Boston Gas Company, and issue grants of location for two separate projects involving the replacement of existing subsurface gas regulator stations and associated subsurface pipes and infrastructure, along with at- or above-grade systems, such as vents or manhole covers. The two projects are situated within the Town’s roadway right-of-way at the following locations: at the intersection of the Service Road and Oak Street in Centerville, and at the intersection of Oak Street and Old Stage Road in Marstons Mills. The Town Manager is authorized to issue, execute and deliver the grants of location and include therein any conditions upon the work that he deems necessary, including for the restoration of the public way within a reasonable time to the Town’s standards and specifications.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2025-076
INTRO: 02/06/2025

SUMMARY

TO: Town Council
FROM: Thomas J. LaRosa, First Assistant Town Attorney
THROUGH: Mark S. Ells, Town Manager
DATE: February 06, 2025
SUBJECT: Resolve delegating authority to the Town Manager to act on two grants of location for two National Grid projects.

BACKGROUND: National Grid has two planned projects for which they seek approval from the Town. National Grid has relayed the importance of both projects for safely and adequately providing gas service. Both projects involve routine work for the replacement of subsurface gas regulator stations and associated subsurface gas piping and infrastructure, along with at- or above-grade improvements, such as vents and manhole covers. The projects are situated within the Town's roadway right-of-way at the following locations: at the intersection of the Service Road and Oak Street in Centerville, and at the intersection of Oak Street and Old Stage Road in Marstons Mills. For this work in the Town's roadway right-of-way, each project would need a grant of location from the Town, which would provide permit rights (not a property interest) for using and occupying the right-of-way.

The Town Manager, supported by the DPW, routinely reviews requests for and issues grants of locations involving poles, wires and conduits for the transmission of electricity or intelligence in accordance with section 22 of Chapter 166 of the General Laws. The Town Manager does so under delegated authority from the Town Council pursuant to Section 2-9 of the Charter and Section 121-6(J) of the Code. This delegated authority is common, as the Council has delegated authority to the Town Manager and other town officials for handling an array of license authorizations under Section 121-6 of the Code. However, following National Grid's inquiry regarding their two projects, we realized that the Code does not include an explicit delegation of authority for grants of locations for gas projects. Accordingly, the requested vote would delegate authority to the Town Manager to handle these two projects, which we understand are time sensitive for National Grid. The Town Manager, as well as DPW staff supporting the effort, would process and handle the two grants of location consistent with how they routinely do now for grants of location involving the transmission of electricity or intelligence.

Separately, now that this gap in delegated authority has been identified for granting a location to a gas company, we plan to review and return later to the Council with a proposed amendment to Section 121-6(J) of the Code that would address this delegated authority for future requests for grants of locations for gas projects.

ANALYSIS: The vote would delegate authority to the Town Manager, in his discretion, to address and issue grants of location to National Grid or its related entity, the Boston Gas Company. The grants of location would provide permit rights to use and occupy the Town's roadway right-of-way for two projects involving the replacement of existing subsurface gas regulator stations with new subsurface gas regulator stations.

FINANCIAL IMPACT: None.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval.

STAFF ASSISTANCE: Thomas J. LaRosa, First Assistant Town Attorney; Griffin Beaudoin, P.E., Town Engineer

**B. NEW BUSINESS (First Reading) (Refer to Second Reading
02/27 2025)**

BARNSTABLE TOWN COUNCIL

**ITEM# 2025-077
INTRO: 02/06/2025**

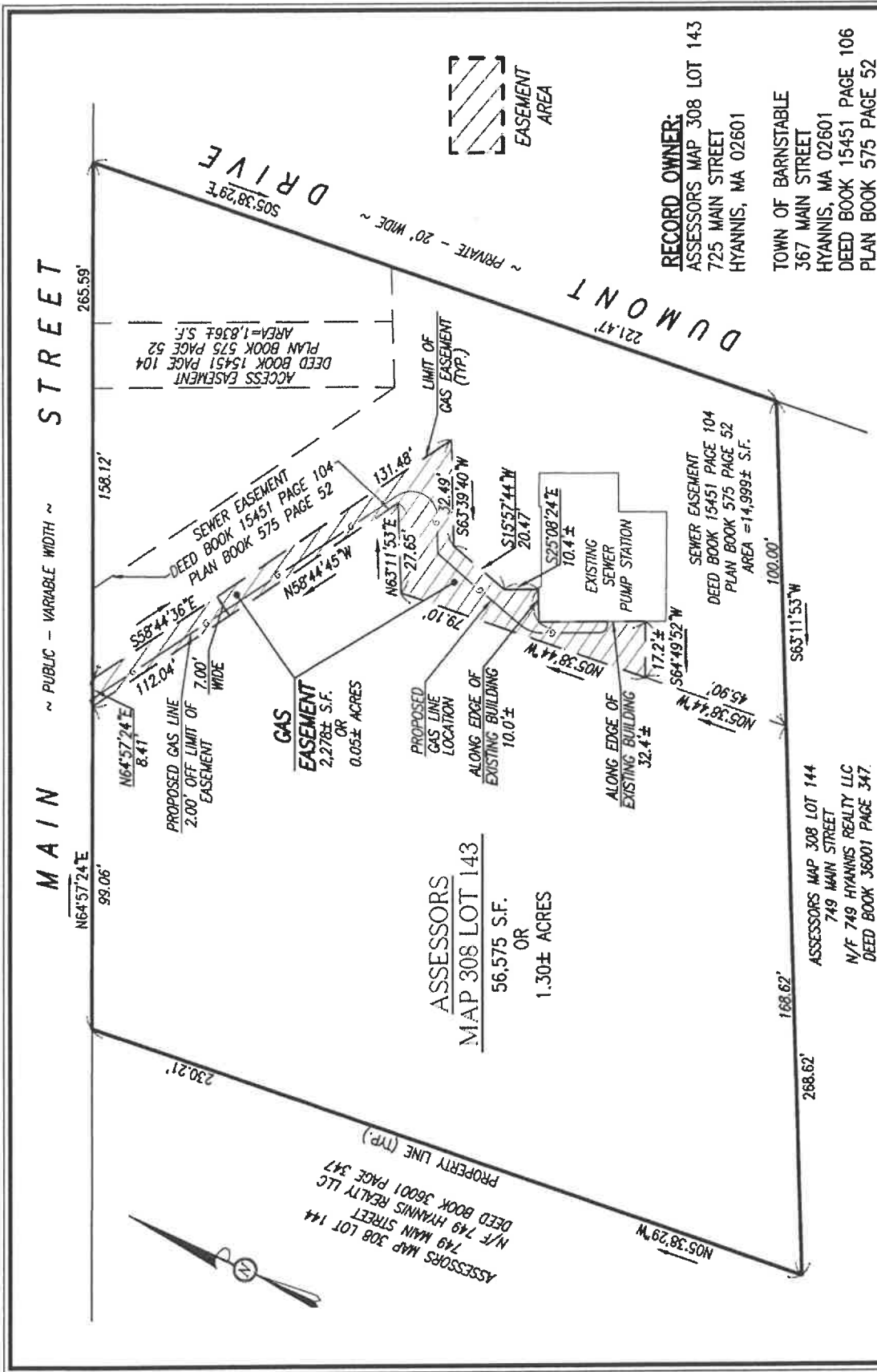
**2025-077 AUTHORIZING THE GRANT OF AN EASEMENT FOR GAS FACILITIES ON
TOWN-OWNED LAND AT 725 MAIN STREET IN HYANNIS**

ORDERED: That the Town Council hereby authorizes the Town Manager, on behalf of the Town, as part of a negotiated transaction and for nominal monetary consideration, to grant a perpetual easement to National Grid or one of its related entities, including the Boston Gas Company, for the installation and operation of natural gas facilities to serve the Town-owned land located at 725 Main Street in Hyannis and described in a deed recorded at the Barnstable County Registry of Deeds in Book 15451, Page 106. The easement area consists of 2,278± square feet located on the Town-owned land and is shown as “Easement Area” on a plan captioned “Gas Easement Exhibit Plan, Assessors Map 308 Lot 143, 725 Main Street, Hyannis Village, Barnstable MA”, prepared by the Town of Barnstable, Department of Public Works, dated January 9, 2025, and attached hereto. The Town Manager is authorized to negotiate, accept, sign, deliver and record any documents, and may make minor modifications to the easement area and the plan as necessary to effectuate this Resolve and complete this transaction.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Vote



GAS EASEMENT EXHIBIT PLAN
 ASSESSORS MAP 308 LOT 143
 725 MAIN STREET
 HYANNIS VILLAGE
 BARNSTABLE, MASSACHUSETTS

TOWN OF BARNSTABLE
 Department of Public Works
 Administration & Technical Support
 382 Falmouth Road, Hyannis, MA 02601
 Phone: (508) 790-6400
 ntpz@townofbarnstable.us

SEAL OF THE TOWN OF BARNSTABLE, MASSACHUSETTS
 1819

SCALE: 1"=40'
 DATE: JANUARY 9, 2025
 JOB No.: 02-001
 SHEET 1 OF 1

BARNSTABLE TOWN COUNCIL

ITEM# 2025-077
INTRO: 02/06/2025

SUMMARY

TO: Town Council
FROM: Thomas J. LaRosa, First Assistant Town Attorney
THROUGH: Mark S. Ells, Town Manager
DATE: February 06, 2025
SUBJECT: Authorizing the grant of an easement for gas facilities on town-owned land At 725 Main Street in Hyannis

BACKGROUND: As part of a larger sewer installation project, the Town's Department of Public Works ("DPW") plans to undertake work at 725 Main Street in Hyannis to construct a sewer pump station and related infrastructure. The planned DPW facilities will require gas service from National Grid. Before agreeing to install gas service to a customer's property, National Grid requires that their customer grant an easement to National Grid or one of its related entities, which would provide them with the right to install and maintain their gas service on the customer's property. The authorization requested from the Town Council would allow the Town to grant such an easement to National Grid or one of its related entities, including the Boston Gas Company.

The easement area consists of 2,278± square feet and is shown as "Easement Area" on the attached plan captioned "Gas Easement Exhibit Plan, Assessors Map 308 Lot 143, 725 Main Street, Hyannis Village, Barnstable MA", prepared by the Town of Barnstable, Department of Public Works, and dated January 9, 2025. The vote would authorize the Town Manager to make minor changes to the plan and easement area, which could be needed based on the final requirements of National Grid.

After the easement is finalized, the DPW would coordinate with National Grid on the installation of the gas service.

ANALYSIS: The grant of the easement to National Grid or one of its related entities will allow for the installation of a natural gas service at 725 Main Street in Hyannis, which is needed to serve the Town's planned sewer pump station on the property.

FINANCIAL IMPACT: The Town would receive nominal monetary consideration (\$1.00) for granting the easement.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval.

STAFF ASSISTANCE: Thomas J. LaRosa, First Assistant Town Attorney; Griffin Beaudoin, P.E., Town Engineer