



Town of Barnstable Town Council

367 Main Street, Village of Hyannis, MA 02601
508.862.4738 • 508.862.4770
E-mail: council@town.barnstable.ma.us
www.town.barnstable.ma.us

MEETING AGENDA TOWN HALL HEARING ROOM January 19, 2017 7:00 PM

Original Agenda posted on 1-17-17-
@ 11:56 am. Updated on 1-18-17
@ 10:08 to add additional Item #
2017-056 Appointments to a
Board/Committee/Commission

Councilors:

Eric R. Steinhilber
President
Precinct 2

James H. Crocker Jr
Vice President
Precinct 5

John G. Flores
Precinct 1

Paul Hebert
Precinct 3

Frederick Chirigotis
Precinct 4

William Crocker, Jr.
Precinct 6

Jessica Rapp
Grassetti
Precinct 7

Debra S. Dagwan
Precinct 8

James M. Tinsley
Precinct 9

Sara Cushing
Precinct 10

Philip N. Wallace
Precinct 11

John T. Norman
Precinct 12

Jennifer L. Cullum
Precinct 13

Administrator:
Cynthia A. Lovell

Administrative
Assistant:
Kelly Crahan

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. TOWN MANAGER COMMUNICATIONS

7. ACT ON MINUTES (Including Executive Session)

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

- **Joint Meeting Town Council/ Barnstable School Committee
Fiscal Year 2018 Budget Planning**

9. ORDERS OF THE DAY

A. Old Business

B. New Business

10. ADJOURNMENT

NEXT REGULAR MEETING: February 2, 2017

The Town Council may vote to go into Executive Session under Massachusetts General Law, Chapter 30A §21(a) (6), to discuss the acquisition, purchase, exchange or lease for water supply purposes of land owned by the Commonwealth, if the Chair declares that an open meeting may have a detrimental effect on the litigating position of the Town.

ITEM NO.	INDEX TITLE	PAGE
----------	-------------	------

A. OLD BUSINESS

2017-039	Appropriation Order in the amount of \$1,710 for the acquisition of a temporary easement (3 Year) over a parcel of land located along Strawberry Hill Road, in Barnstable (Centerville), Barnstable County, Massachusetts (Public hearing) (Roll call 2/3)	3-4
2017-045	Amending the Code of the Town of Barnstable Part I General Ordinances, Chapter 240 Zoning by adding a Gateway Medical District (Joint Public Hearing with the Planning Board)(Roll call 2/3)	5-8
2017-048	Appropriation and Transfer Order in the amount of \$75,000.00 from the Community Preservation Fund for Community Housing Support (Public hearing) (Roll call)	9-10
2017-049	Appropriation and Transfer Order in the amount of \$25,918.20 from the Community Preservation Funds for Barnstable Skate Park renovations (Public hearing) (Roll call)	11-12
2017-050	Appropriation and Transfer Order in the amount of \$725,000.00 from the Community Preservation Fund for the acquisition of 0 Independence Drive, Hyannis, Map 332001002 for Open Space Recreation and Community Housing in support of Cape Cod Rail Trail Extension (Public hearing) (Roll call)	13-14

B. NEW BUSINESS

2017-051	Zoning Map Amendment to extend the Ground Mounted Solar Photovoltaic Overlay District to include Parcels 023023 and 038004 (Refer to Planning Board for Public Hearing)	15-17
2017-052	Acceptance of a grant in the amount of \$500 from the Arts Foundation of Cape Cod to support an art therapy program at the Barnstable Senior Center (May be acted upon)	18-19
2017-053	Acceptance of a grant in the amount of \$900 from the Euphemia Dobbie Memorial Fund of the Cape Cod Foundation to support an art therapy program at the Barnstable Senior Center (May be acted upon)	20-21
2017-054	Acceptance of a grant in the amount of \$128,450 from the Massachusetts Executive Office of Elder Affairs (May be acted upon)	22-23
2017-055	Resolve approving sending a letter of support for Tales of Cape Cod (May be acted upon)	24-25
2017-056	Appointments to a Board/Committee/Commission: Board Of Health: Cecile M. Sullivan, 6 Isalene Street, West Hyannisport, as a regular member to a term expiring 06/30/20; Housing Committee: Dave Carey, 21 Stanley Place, Hyannis as a regular member to a term expiring 06/30/20; Land Acquisition and Preservation Committee: Janet Crystal, 241 Megan Road, Hyannis as a regular member to a term expiring 06/30/20; Steamship Authority Port Council, Eric W. Shufelt, 1696 Osterville-West Barnstable Road, West Barnstable, as a representative member for Barnstable to a term expiring 12/30/19 (First Reading)	

The Town Council may vote to go into Executive Session under Massachusetts General Law, Chapter 30A §21(a) (6), to discuss the acquisition, purchase, exchange or lease for water supply purposes of land owned by the Commonwealth, if the Chair declares that an open meeting may have a detrimental effect on the litigating position of the Town.

Please Note: The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than they appear on this agenda. Persons interested are advised, that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice. Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

A. OLD BUSINESS (Public hearing) (Roll call 2/3)

BARNSTABLE TOWN COUNCIL

ITEM # 2017-039

INTRO: 12/01/16, 12/15/16, 01/19/17

2017-039 APPROPRIATION ORDER IN THE AMOUNT OF \$1,710.00 FROM THE GENERAL FUND RESERVES FOR THE ACQUISITION OF A TEMPORARY EASEMENT (3 YEAR) OVER A PARCEL OF LAND LOCATED ALONG STRAWBERRY HILL ROAD, IN BARNSTABLE (CENTERVILLE), BARNSTABLE COUNTY, MASSACHUSETTS

ORDERED: That the Town Manager be authorized to acquire by purchase or eminent domain for the purpose of constructing a public sidewalk, a temporary (three-year) easement over a parcel of land located along Strawberry Hill Road in Barnstable (Centerville), Barnstable County, Massachusetts, as follows: Parcel No. TE-1, containing 746+ square feet of land as shown on a Plan of Land entitled Easement Plan of Land Falmouth Road (Route 28) & Strawberry Hill Road Barnstable, MA prepared for: McMahon Associates Scale 1"=20' Date: October 13, 2016," a copy of which plan is on file in the Town Clerk's office; and to appropriate the sum of **\$1,710.00** for the purchase or taking of said easement and associated costs and that the Town Manager is authorized to contract for and to expend the appropriation made available for this purpose and to accept any gifts or grants in relation thereto.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>12/01/16</u>	<u>First Reading refer to Public Hearing on 12/15/19</u>
<u>12/15/19</u>	<u>Continued to 01/19/17</u>

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

BARNSTABLE TOWN COUNCIL

ITEM # 2017-039

INTRO: 12/01/16, 12/15/16, 01/19/17

SUMMARY

TO: Town Council
FROM: Daniel W. Santos, P.E., Director of Public Works
THROUGH: Mark S. Ells, Town Manager
DATE: December 1, 2016
SUBJECT: Appropriation Order in the amount of **\$1,710.00** from the General Fund Reserves for the acquisition of a temporary easement (3 Year) over a parcel of land located along Strawberry Hill Road, in Barnstable (Centerville), Barnstable County, Massachusetts

BACKGROUND: The Massachusetts Department of Transportation (MassDOT) has bid a contract for intersection improvements at Falmouth Road (Route 28) and Strawberry Hill Road in the Town of Barnstable (Project No. 607753). The proposed improvements within the intersection include traffic signal modifications; curb line adjustments, installation of American Disabilities Act/ Architectural Access Board (ADA/AAB) compliant curb ramps, and signs and pavement marking alterations. The value of the contract is approximately \$600,000.

A connection between the new curb ramp and the existing sidewalk on the property occupied by CVS on the northeast corner of the intersection is a required condition for eligibility for federal transportation funds that are supporting this project under the Commonwealth's Fiscal Year 2016 Transportation Improvement Program (TIP). The federal funds are typically required to be obligated by September 30 of the funding year. They have extended the funds for this project through March 31, 2017.

Because the construction of the connection between the ramp and existing sidewalk will occur on private property, and no other alternative exists, a temporary three-year easement is required by the State in order to undertake construction.

ANALYSIS: MassDOT would normally secure all easements for their projects. In this case they have notified the Town that they do not have time to obtain the required easement and that unless the Town obtains the easement, the project will not be awarded and the funds would be reclaimed by the federal government.

The Town of Barnstable through the Department of Public Works (DPW) has identified the owner (1080 LLC, 496 Long Ridge Road, Bedford, NY 10506) and has attempted to contact them via telephone calls, site visits and certified mailings on a number of occasions. The owner has not responded to any of our requests. Consequently, in order to proceed, the temporary easement must be taken by Eminent Domain.

The Town has engaged the services of a State-approved appraiser and review appraiser to provide the basis of an award of damages. The appraisal was performed to Federal Highway Administration standards and the laws of the Commonwealth of Massachusetts. As part of the appraisal process, the appraiser is required to attempt to contact the owner of the property. The owner did not respond to the appraiser's request.

The area of the three-year temporary easement is 746 square feet with an appraised market value of \$1,710.00.

FISCAL IMPACT: Funding for this project will be provided from the general fund reserves. The FY17 Operating Budget will not be affected by this appropriation.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends approval of the acquisition of this easement.

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

A. OLD BUSINESS (Joint Public Hearing with the Planning Board) (Roll call 2/3)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-045
INTRO: 12/15/16, 01/05/17, 01/19/17**

**2017-045 AMENDING THE CODE OF THE TOWN OF BARNSTABLE PART I
GENERAL ORDINANCES, CHAPTER 240 ZONING BY ADDING A GATEWAY
MEDICAL DISTRICT**

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 zoning district known as “Gateway Medical District” which includes the area shown on the reference map entitled “Gateway Medical District”, dated _____, prepared by the Town of Barnstable GIS Department.

SECTION 2

By amending Section 240-5, Establishment of Districts, by adding under the heading “Hyannis Village Zoning Districts” the term “Gateway Medical District”.

SECTION 3

These amendments are adopted pursuant to and in furtherance of the provisions of Chapter 240, Article III of the Zoning Ordinance, by adding a new Section 240-24.1.9.1 Gateway Medical District as follows:

§ 240-24.1.9.1 GM Gateway Medical District.

A. Permitted uses. The following principal and accessory uses are permitted in the GM District. Uses not expressly allowed are prohibited.

(1) Permitted principal uses.

- (a) Business and professional offices
- (b) Banks
- (c) Restaurants
- (d) Business support services
- (e) Dental and medical clinics
- (f) Retail uses
- (g) Personal Services
- (h) Mixed-use development
- (i) Multifamily housing with a density up to 30 units per acre

(2) Permitted accessory uses.

- (a) Automated banking facilities (ATM)

B. Special permits.

(1) Permitted principal uses as:

- (a) Nonresidential development with a total floor area greater than 10,000 square feet.
- (b) Mixed use developments with a total floor area greater than 20,000 square feet or greater than 10,000 square feet of commercial space.

(2) Multifamily housing with a density more than 30 units per acre.

C. Dimensional, bulk and other requirements.

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Minimum Yard Setbacks			Maximum Building Height		Maximum Lot Coverage	FAR
			Front (feet)	Rear (feet)	Side (feet)	Feet	Stories		
Gateway Medical Services	10,000	50	20 ¹	10	20	40	3	80%	-

NOTES:

¹See also setbacks in Subsection C (1) below.

(1)Setback. Front yard landscape setback on Route 28 is 60 feet. For lots with less than 10,000 square feet of lot area, front yard landscape setback on Route 28 shall be 10 feet.

(2)Site access/curb cuts.

- (a) Driveways on Route 28 shall be minimized. Access shall not be located on Route 28 where safe vehicular and pedestrian access can be provided on an alternative roadway, or via a shared driveway, or via a driveway interconnection.
- (b) Applicants seeking a new curb cut on Route 28 shall consult the Town Director of Public Works regarding access on state highway roadways prior to seeking a curb cut permit from the Massachusetts Highway Department, and work with the Town and other authorizing agencies such as the MassDOT on a site access plan prior to site plan approval. The applicant shall provide proof of consultation with the listed entities and other necessary parties.
- (c) All driveways and changes to driveways shall:
 - [1] Provide the minimum number of driveways for the size and type of land use proposed.
 - [2] Provide shared access with adjacent development where feasible.
 - [3] Provide a driveway interconnection between adjacent parcels to avoid short trips and conflicts on the main road where feasible.
- (d) To the extent feasible, existing parking located on the front of the lot shall be removed and relocated to the rear and/or side of buildings, consistent with this section.
- (e) The SPGA may provide relief from required parking where the applicant:
 - [1] Permanently eliminates and/or significantly reduces the width of existing curb cuts in a manner that improves the through flow of traffic on Barnstable Road and/or Route 28; and/or
 - [2] Provides an agreement for one or more driveway interconnections that will alleviate traffic on Barnstable Road and/or Route 28.
 - [3] Availability of shared parking

D. Site development standards. Site development standards set forth in § 240-24.1.10 shall apply. All site plan and special permit applications shall stamped by a Massachusetts registered landscape architect.

SPONSOR: Eric R. Steinhilber, President Precinct 2

DATE ACTION TAKEN

12/15/16 Refer to Joint Public Hearing with the Planning Board 01/05/17

01/05/17 Continued Item to 01/19/17 (Planning Board did not have quorum)

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

BARNSTABLE TOWN COUNCIL

ITEM# 2017-045

INTRO: 12/15/16, 01/05/17, 01/19/17

SUMMARY

TO: Town Council
FROM: Barnstable Economic Development Commission
THROUGH: Jo Anne Miller Buntich, Growth Management Director
DATE: December 15, 2016
SUBJECT: Gateway Medical District

SUMMARY: Members of the Barnstable Economic Development Commission (BEDC) met with some property owners within the existing Medical Services District (MSD) in response to their complaints to us owners about vacancies in their property. These property owners host businesses and own buildings located along the Iyannough Road/Route 28 portion of the MS District. Some property owners expressed their frustration that the MSD, adopted with the Growth Incentive Zone rezoning, eliminated established uses in the effort to establish medical related uses in this area.

The BEDC and the property owners agree that medical uses could be an economic benefit and could help improve area but such medical uses have not been attracted to this area in the ten years that have passed since the zoning change. These owners now request that zoning be revised as shown in this item Gateway Medical District. The majority of the Medical Services District is not affected by this amendment.

ANALYSIS: The Gateway Medical District as proposed streamlines the special permit process, encourages mixed use and multifamily housing, and restores restaurant and business and professional offices uses – in which medical could also be located.

The District, as shown on the map, includes all parcels with frontage on Iyannough Road/Rte. 28 and located between Yarmouth Road and the Yarmouth Town Line.

On September members of the BEDC met informally with the Planning Board to discuss this proposal. The Planning Board expressed their support and inquired if a joint public hearing might be appropriate.

FISCAL IMPACT: The requested zoning change should make the properties in this new zoning district more economically viable and enhance their value ultimately resulting in more tax revenue to the Town.

BEDC MEMBERS: Henry Farnham and Thomas Geiler

ADDITIONAL STAFF ASSISTANCE: Elizabeth Jenkins, AICP, Growth Management Department (GMD) Regulatory/Design Review Planner

A. OLD BUSINESS (Public Hearing) (Roll call)

BARNSTABLE TOWN COUNCIL

ITEM # 2017-048
INTRO: 01/05/17, 01/19/17

2017-048 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$75,000.00 FROM THE COMMUNITY PRESERVATION FUND FOR COMMUNITY HOUSING SUPPORT

ORDERED: That pursuant to the provisions of the Community Preservation Act, G.L. c 44B, the sum of Seventy-Five Thousand and No/100 (\$75,000.00) Dollars be appropriated and transferred from the amount set aside for community housing in the Community Preservation Fund to be expended for the support of affordable housing units in the Town to be secured by affordable housing restrictions; and that the Town Manager is authorized to expend the amounts appropriated and to execute, deliver, accept and record restrictions for the purposes authorized herein.

SPONSOR: Mark S. Ells, Town Manager upon recommendation of the Community Preservation Committee.

DATE	ACTION TAKEN
<u>01/05/17</u>	<u>Continued to 01/19/17</u>

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM # 2017-048
INTRO: 01/05/17, 01/19/17

TO: Town Council
FROM: Community Preservation Committee
THROUGH: Mark S. Ells, Town Manager
DATE: January 5, 2017
SUBJECT: Appropriation and Transfer Order in the amount of **\$75,000.00** from the Community Preservation Fund for Community Housing Support

BACKGROUND: The Director of the Growth Management Department is seeking approval from the Town Council through the Town Manager for Community Preservation Act Community Housing funds in the amount of \$75,000. This funding request is to replenish the now depleted funds for the Preservation of Affordable Housing Project originally funded in 2006 with \$75,000.00. Continuation of this project is necessary because in the past, there were several affordable homeownership programs that used deed restrictions containing resale formulas based on appraised value. Due to large upward swings in the real estate market, the resulting resale price today is higher than an income eligible buyer can afford when applying these resale formulas. There are approximately 39 affordable homes in Barnstable with these older deed restrictions. Additionally, if an income eligible buyer is not found within a specific period of time, the unit can then be sold to a market rate buyer and the affordability is then lost. The provision of funds from the preservation of affordable housing project are used to preserve the affordable unit by reducing the purchase price for the next affordable buyer, and replacing the old, ineffective deed restriction with the new Universal Deed Rider.

ANALYSIS: Appropriation as requested will extend a similar program commenced in 2006

FISCAL IMPACT: This appropriation has no impact on the general fund since the entire amount is appropriated and transferred from the Community Preservation Fund.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends this Appropriation and Transfer as recommended by the Community Preservation Committee.

STAFF ASSISTANCE: Community Preservation Committee.

A. OLD BUSINESS (Public hearing) (Roll call)

BARNSTABLE TOWN COUNCIL

ITEM # 2017-049
INTRO: 01/05/17, 01/19/17

2017-049 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$25,918.20 OF COMMUNITY PRESERVATION FUNDS FOR BARNSTABLE SKATE PARK RENOVATIONS

ORDERED: That pursuant to the provisions of the Community Preservation Act, G.L. c.44B, the sum of Twenty-Five Thousand Nine Hundred Eighteen and 20/100 (**\$25,918.20**) Dollars be appropriated and transferred from the amount set aside in the Community Preservation Fund for open space for the rehabilitation 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 repair of the bowls and other features of the Barnstable Skate Park, 141 Bassett Lane, Hyannis shown on Assessors Map 309 as Parcel 264, subject to oversight by the Community Preservation Committee.

SPONSOR: Councilor James Tinsley, Precinct 9

DATE	ACTION TAKEN
<u>01/05/17</u>	<u>Continued to 01/19/17</u>

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM # 2017-049
INTRO: 01/05/17, 01/19/17

TO: Town Council
FROM: Community Preservation Committee
THROUGH: Mark S. Ells, Town Manager
DATE: January 5, 2017
SUBJECT: Appropriation and Transfer order in the amount of **\$25,918.20** of Community Preservation Funds for Barnstable Skate Park renovations

BACKGROUND: The Department of Public Works is seeking approval from the Town Council through the Town Manager for additional Community Preservation Act Open Space/Recreation funds in the amount of **\$25,918.20** in order to complete the renovation and revitalization of the Barnstable Skate Park bowls located at the Hyannis Youth & Community Center (HYCC). This funding request represents a portion of the total funds required to complete the project with **\$26,231.80** of previously-allocated funds remaining and available. The Barnstable Skate Park has provided a supervised and safe area for skate boarders, BMX riders and scooter pushers since 1999 serving many local and visiting youths in Hyannis and deterring them from riding in public spaces. The Skate Park bowls are in need of substantial repair and were deemed unsafe to riders. The additional funds will allow the completion of the original project.

ANALYSIS: Appropriation as requested will continue rehabilitation of the Barnstable Skate Park.

FISCAL IMPACT: This appropriation has no impact on the general fund since the entire amount is appropriated and transferred from the community preservation fund.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends this appropriation and transfer.

STAFF ASSISTANCE: Community Preservation Committee.

A. OLD BUSINESS (Public Hearing)(Roll call)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-050
INTRO: 01/05/17, 01/19/17**

2017-050 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$725,000.00 FROM THE COMMUNITY PRESERVATION FUND FOR THE ACQUISITION OF 0 INDEPENDENCE DRIVE, HYANNIS MAP 332001002 FOR OPEN SPACE RECREATION AND COMMUNITY HOUSING IN SUPPORT OF CAPE COD RAIL TRAIL EXTENSION

ORDERED: That, pursuant to the provisions of the Community Preservation Act, General Laws chapter 44B, the sum of Seven Hundred Twenty-Five Thousand and NO/100 (**\$725,000.00**) be appropriated by transferring the sum of Four Hundred Four Thousand and No/100 (**\$404,000.00**) Dollars from the unreserved portion of the Community Preservation Fund and the balance of Three Hundred Twenty-one Thousand and NO/100 (**\$321,000.00**) Dollars from the amount appropriated under Town Council Order 2008-112 passed on March 27, 2008 for the acquisition of a vacant 12.87 acre more or less parcel addressed 0 Independence Drive, Hyannis shown on Assessors map 332 as Parcel 010-002 and the attached sketch plan for Enoch T. Cobb Trust, a 9.86 acre more or less portion shown on the sketch as “Conservation Restriction Area B” for open space and recreation purposes and the remainder shown on the sketch as “Lease Area A” for community housing and recreation purposes; and that the Town Manager is authorized to expend the amount appropriated for the stated purposes to be secured in part by the conservation restriction approved under section 4(a) of Town Council Order 2015-041 passed on November 6, 2014 and authorized by section 2(v) of Chapter 211 of the Acts of 2016 on the aforesaid portion of the property shown as said conservation area and enter into, execute, deliver, accept and record an affordable housing and recreation restriction on the remaining portion of the property shown as said lease area subject to the approval of the Community Preservation Committee.

SPONSOR: Councilor James Tinsley, Precinct 9

DATE ACTION TAKEN

01/05/17 Continued to 01/19/17

- _____
- _____ Read Item
- _____ Motion to Open Public Hearing
- _____ Rationale
- _____ Public Hearing
- _____ Close public hearing
- _____ Council

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM # 2017-050
INTRO: 01/05/17, 01/19/17

TO: Town Council
FROM: Community Preservation Committee
THROUGH: Mark S. Ells, Town Manager
DATE: January 05, 2017
SUBJECT: Appropriation and Transfer Order in the amount of **\$725,000.00** from the Community Preservation Fund for the acquisition of 0 Independence Drive, Hyannis, Map **332001002** for Open Space Recreation and Community Housing in support of Cape Cod Rail Trail Extension

BACKGROUND: The Community Preservation Committee recommends approval from the Town Council for CPA funding in the amount of \$404,000 from the unreserved fund for the fee simple acquisition of a vacant 12.87 acre parcel addressed 755 Independence Drive, Hyannis; Map 332, Parcel 010-002 for all CPA purposes. This funding request represents a portion of the total \$725,000 purchase price, with the remaining balance previously allocated from CPA Open Space funds in the amount of \$321,000 pursuant to Town Council Order 2008-112 for a conservation restriction to be granted to Mass Division of Fish & Wildlife on the 9.5-acre southern portion as part of the mitigation for the bikeway project.

The acquisition of this parcel is in support of the proposed extension of the Cape Cod Rail Trail being constructed from the Town of Yarmouth through land in the Town of Barnstable with a part of the 3.37-acre northern portion to be used for bikeway parking and the remainder having potential for Community Housing or other CPA uses. This parcel is located in the industrial park which lies within the Wellhead Protection Overlay District. The conservation restriction on the southern portion of the property offsets a portion of the land use granted by Mass Division of Fish & Wildlife for the bikeway. The preservation of this area near the Hyannis Water system wells will protect drinking water quality; rare and endangered plant and wildlife species and the coastal plain pond ecosystem.

ANALYSIS: Appropriation as requested will further the extension of the Cape Cod Rail Trail combined pedestrian and bicycle path into Barnstable.

FISCAL IMPACT: This appropriation has no impact on the general fund since the entire amount is appropriated and transferred from the community preservation fund.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends this appropriation and transfer

STAFF ASSISTANCE: Community Preservation Committee.

B. NEW BUSINESS (Refer to the Planning Board for Public Hearing)

BARNSTABLE TOWN COUNCIL

**ITEM# 2017-051
INTRO: 01/19/17**

2017-051 AMENDMENT OF THE ZONING MAP OF THE TOWN OF BARNSTABLE MASSACHUSETTS TO INCLUDE PARCELS 023023 AND 038004 IN THE GROUND MOUNTED SOLAR PHOTOVOLTAIC OVERLAY DISTRICT.

ORDERED: That Chapter 240, Article II, Section 6, The Zoning Map of the Town of Barnstable Massachusetts is hereby amended extend the Ground Mounted Solar Photovoltaic Overlay District as shown on maps entitled;

- Proposed Amendment to the Town Zoning Map Expanding the Ground Mounted Solar Photovoltaic Overlay District – Index Map and
- Proposed Amendment to the Osterville Zoning Map expanding the Ground Mounted Solar Photovoltaic Overlay District – Sheet 5 of 7 and
- Proposed Amendment to the Marstons Mills Zoning Map expanding the Ground Mounted Solar Photovoltaic Overlay District – Sheet 6 of 7 and
- Proposed Amendment to the Cotuit Zoning Map expanding the Ground Mounted Solar Photovoltaic Overlay District – Sheet 7 of 7

Dated January 9, 2017 as prepared by the Town of Barnstable GIS (Geographical Information System) Unit.

SPONSOR: Councilor John Norman, Precinct 12

DATE ACTION TAKEN

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

BARNSTABLE TOWN COUNCIL

ITEM# 2017-051
INTRO: 01/19/17

SUMMARY

TO: Town Council
FROM: Elizabeth Jenkins, Interim Director, Growth Management Department
THROUGH: Mark S. Eells, Town Manager
DATE: January 19, 2017
SUBJECT: Zoning Map Amendment to extend the Ground Mounted Solar Photovoltaic Overlay District to include Parcels 023023 and 038004

BACKGROUND: The Cotuit Water Department, with Green Seal Environmental as consulting engineer, and Borrego Solar Systems, Inc. (pursuant to M.G.L. c. 25A, § 11I) have partnered to develop, construct, and operate a ± 5.7MWDC (megawatts direct current) solar photovoltaic electric generating facility on the one hundred eighty-two acre property owned by the Water Department off Main Street and Sampson's Mill Road in Cotuit.

RATIONALE: In order for the project to move forward toward local entitlement permits, it is proposed that the Zoning Map of the Town of Barnstable be amended to include the above mentioned property (Assessors Map 23, Lot 23 and Assessors Map 38, Lot 04) in the Ground Mounted Solar Photovoltaic Overlay District.

ANALYSIS: When reviewing the five potential project sites, the Water Department, Green Seal Environmental, and Borrego Solar, endeavored to consider the perspectives of all direct and indirect stakeholders of the project. The above mentioned property was identified as the sole property targeted for development. Some particular project highlights and benefits include:

- Large property allowing for zero impact to view sheds from neighboring residential lots and public ways
- Existing paved access roads will require minimal if any upgrade work allow for near zero impact to existing views from public ways
- Access to Eversource distribution lines at the center of the parcel allow for near zero impact to existing views from public ways
- No construction work proposed within ± 1310' of a wetland area

To date, a number of development and site discovery activities have occurred which has led the project team to the point of commencing the entitlement process. A summary is presented below:

- Water Department Meetings: Ongoing formal and informal meetings with site lease executed 09/26/2016
- Cotuit-Santuit Civil Association Meeting: 9/20/2016
- Cotuit Prudential Committee: 9/26/2016
- Town Council Meeting: 11/03/2016
- Planning Board: Ongoing formal and informal meetings
- Cape Cod Commission: Ongoing formal and informal meetings
- Site Discovery Activities Performed to Date (all information is available upon request)
- Title Report and Review performed by Law Office of Joel Stein and Borrego Inside Counsel

- GIS/ LIDAR (light detection and ranging) Topographical and Boundary Mapping performed by Northeast Survey Consultants
- Skeletal Survey performed by Northeast Survey Consultants
- Wildlife Rare Species Screen performed by MA Division of Fisheries and Wildlife
- Wildlife Habitat Assessment Report performed by GZA GeoEnvironmental
- Wetland Delineation and Location performed by SWCA Environmental Consultants
- Interconnection Applications to Eversource Energy
- System Impact Studies to Eversource Energy
- Utility Easement Crossing Application to Eversource Energy
- Preliminary Site Plan design by Borrego Engineering
- Site Use Permit Plan design by Borrego Engineering

FISCAL IMPACT: The solar project will generate, as lease payments to the Cotuit Water Department, ± \$85,190 annually for up to thirty years. The Department is anticipating that revenue generated by the solar project will fund ongoing efforts to maintain and improve infrastructure (specifically replacing lost revenue resulting from the removal of a water tower) while supporting Federal, State, and Local goals of renewable energy adoption. The solar project will generate, as property tax payments to the Town of Barnstable, ± \$68,152 annually for up to thirty years. Project reliance on Town resources will be immaterial. From an environmental standpoint, Project will produce enough renewable energy to offset 6,000 Tons of Carbon Dioxide equivalent to the CO2 emissions from the electricity usage of approximately 800 homes, greenhouse gas emissions from 1,140 passenger vehicles, and equivalent to carbon sequestered 5,100 acres of U.S. forests¹.

STAFF ASSISTANCE: Elizabeth Jenkins, AICP, Interim Director, Growth Management Department

¹ “Greenhouse Gas Equivalencies Calculator.” *Energy and the Environment*, EPA US Environmental Protection Agency, Last Updated: May 2016, Accessed: October, 2016, <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2017-052

INTRO: 1/19/17

2017-052 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$500 FROM THE ARTS FOUNDATION OF CAPE COD TO SUPPORT AN ART THERAPY PROGRAM AT THE BARNSTABLE SENIOR CENTER

RESOLVED: That the Town of Barnstable hereby accepts a grant in the amount of **\$500** from the Arts Foundation of Cape Cod to support an art therapy program at the Barnstable Senior Center’s Adult Supportive Day Program, and does hereby authorize the Town Manager to contract for and expend said funds for that purpose.

SPONSOR: Councilor Paul Hebert, Precinct 3

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2017-052

INTRO: 1/19/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lynne M. Poyant, Community Services Director
DATE: January 19, 2017
SUBJECT: Acceptance of a grant in the amount of **\$500** from the Arts Foundation of Cape Cod to support an art therapy program at the Barnstable Senior Center

RATIONALE: For those with memory loss, life is an unexpected journey, not only for the individual, but also the family. It is a difficult road to travel, for as the disease progresses, the ability to express yourself becomes more difficult. Alzheimer's or other dementias eventually destroy the ability to use language as a form of self-expression. Art therapy has been shown to be a wonderful tool which provides a powerful means of communication and self-expression for people who can no longer effectively utilize language and normal recall. Through the use of a variety of art media, those dealing with dementia can tell their stories, express their emotions and connect with the world. Rather than being disconnected in a spiral of loss, these people can experience dignity, validation and a sense of wholeness.

This project will be focused on meeting the needs of the clients in our Adult Supportive Day Program. The "Voice Within" Artistic Expression Program will encompass several different art projects in a failure free environment which are developed to be attainable and enjoyable for our Adult Supportive Day program clients. The project will span several months with the pace determined by the needs and comfortability of the program clients.

FISCAL IMPACT: There is no immediate financial impact to the Town's operating budget as a result of accepting this grant. However, in order to continue this program after the grant funds are exhausted the cost will need to be added to the Senior Services operating budget if another grant is not obtained. Otherwise, the program will have to be eliminated.

STAFF ASSISTANCE: Madeline Noonan, Director of Senior Services
Donna-Marie Burns, Assistant Director of Senior Services

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2017-053

INTRO: 01/19/17

2017-053 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$900 FROM THE EUPHEMIA DOBBIE MEMORIAL FUND OF THE CAPE COD FOUNDATION TO SUPPORT AN ART THERAPY PROGRAM AT THE BARNSTABLE SENIOR CENTER

RESOLVED: That the Town of Barnstable hereby accepts a grant of \$900 from the Euphemia Dobbie Memorial Fund of the Cape Cod Foundation to support an art therapy program at the Barnstable Senior Center's Adult Supportive Day Program and does hereby authorize the Town Manager to contract for and expend said funds for that purpose.

SPONSOR: Councilor Paul Hebert, Precinct 3

DATE ACTION TAKEN

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

BARNSTABLE TOWN COUNCIL

ITEM # 2017-053
INTRO: 01/19/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lynne M. Poyant, Community Services Director
DATE: January 19, 2017
SUBJECT: Acceptance of a grant in the amount of **\$900** from the Euphemia Dobbie Memorial Fund of the Cape Cod Foundation to support an art therapy program at the Barnstable Senior Center

RATIONALE: For those with memory loss, life is an unexpected journey, not only for the individual, but also the family. It is a difficult road to travel, for as the disease progresses, the ability to express yourself becomes more difficult. Alzheimer's or other dementias eventually destroy the ability to use language as a form of self-expression. Art therapy has been shown to be a wonderful tool which provides a powerful means of communication and self-expression for people who can no longer effectively utilize language and normal recall. Through the use of a variety of art media, those dealing with dementia can tell their stories, express their emotions and connect with the world. Rather than being disconnected in a spiral of loss, these people can experience dignity, validation and a sense of wholeness.

This project will be focused on meeting the needs of the clients in our Adult Supportive Day Program. The "Voice Within" Artistic Expression Program will encompass several different art projects in a failure free environment, which are developed to be attainable and enjoyable for our Adult Supportive Day program clients. The project will span several months with the pace determined by the needs and comfortability of the program clients.

FISCAL IMPACT: There is no immediate financial impact to the Town's operating budget as a result of accepting this grant. However, in order to continue this program after the grant funds are exhausted the cost will need to be added to the Senior Services operating budget if another grant is not obtained. Otherwise, the program will have to be eliminated.

STAFF ASSISTANCE: Madeline Noonan, Director of Senior Services
Donna-Marie Burns, Assistant Director of Senior Services

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2017-054

INTRO: 01/19/17

2017-054 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$128,450 TO THE BARNSTABLE SENIOR SERVICES DIVISION FROM THE EXECUTIVE OFFICE OF ELDER AFFAIRS TO SUPPORT STAFF SALARIES AND PROGRAMS OF THE BARNSTABLE SENIOR CENTER

RESOLVED: That the Town of Barnstable hereby accepts a grant of \$128,450 from the Executive Office of Elder Affairs to support staff salaries and programs of the Barnstable Senior Center and does hereby authorize the Town Manager to contract for and expend said funds for that purpose.

SPONSOR: Town Manager Mark S. Ells

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2017-054
INTRO: 01/19/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lynne M. Poyant, Community Services Director
DATE: January 19, 2017
SUBJECT: Acceptance of a grant in the amount of **\$128,450** from the Massachusetts Executive Office of Elder Affairs

RATIONALE: The Executive Office of Elder Affairs awards municipalities in Massachusetts an annual formula grant based on the senior census of each town. According to the 2010 census, there were 12,845 residents over the age of 60 in the Town of Barnstable. With formula grant funding for Fiscal Year 2017 allocated at \$10 per senior, up from \$9 in Fiscal Year 2016, this equates to a grant amount of \$128,450, resulting in an additional \$12,845 in funding this year.

Formula grant funding assists the Barnstable Senior Services Division in maintaining adequate personnel to ensure sustained delivery of our programs and services. This year's grant will fully fund our Activity Coordinator, Marketing Coordinator and also partially fund our Transportation Coordinator and Custodian positions. In addition, formula grant funds will be used to offset other operating expenses including newsletter mailings and repairs and maintenance of our Silver Express vehicles.

We are extremely grateful to the Executive Office of Elder Affairs and the Commonwealth of Massachusetts for their continued support of the needs of the elderly residents in our community.

FISCAL IMPACT: There is no immediate financial impact to the Town's operating budget as a result of accepting this grant. However, in order to continue this service after the grant funds are exhausted the cost will need to be added to the Senior Services operating budget if another grant is not obtained. Otherwise, the service will have to be eliminated.

STAFF ASSISTANCE: Madeline Noonan, Director of Senior Services

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-055
INTRO: 01/19/17**

2017-054 RESOLVE SEEKING LETTER OF SUPPORT - TALES OF CAPE COD

RESOLVED: That the Town Council pursuant to the policy adopted under Town Council Order **2015-024**, hereby approves sending a letter of support for Tales of Cape Cod, a nonprofit organization dedicated to the preservation and communication of the history of Cape Cod, maintaining the Olde Colonial Courthouse in Barnstable and preserving the Iyannough Gravesite in Cummaquid.

SPONSOR: Councilor John Flores, Precinct 1

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2017-055

INTRO: 01/19/17

SUMMARY

TO: Town Council
FROM: Councilor John Flores, Precinct 1
THROUGH: Mark S. Eells, Town Manager
DATE: January 19, 2017
SUBJECT: Resolve approving sending a letter of support for Tales of Cape Cod.

BACKGROUND: The Council, recognizing the constraints of the Anti-Aid Amendment, adopted a policy memorialized under Town Council Order 2015-024 which allows the Council to send a letter of support to nonprofit organizations which benefit the residents of Barnstable. Such letters can be used at the discretion of the nonprofit to leverage grant opportunities.

Tales of Cape Cod was established as a Massachusetts non-profit corporation on November 21, 1955, pursuant to MGL Chapter 180. It received 501(c) (3) status on December 5, 1958.

The original (and current) purpose of the organization was to "record the voices and histories of old time Cape Codders..." The organization was one of the first in the country to preserve oral traditions and history by tape and video recording interviews with local residents.

Tales also presents a shoulder and summer season lecture series of Cape-related themes and dramatizations of historical events that occurred at and around the Colonial Courthouse. It also hosts the annual presentation of the Mercy Otis Warren Cape Cod Woman of the Year Award.

Part of the mission of the Tales of Cape Cod is also to preserve and restore the Olde Colonial Courthouse, located at 3046 Route 6A, Barnstable Village and to maintain the Iyannough Gravesite located in Cummaquid. The Olde Colonial Courthouse is the site of the second courthouse erected in Barnstable, is part of the Old Kings Highway historic district and is on the National Register.

In order to fulfill this mission, the organization's Board of Directors frequently applies for various grants. Most grants require or suggest letters of support from community members and leaders. This Resolve will allow the President of the Council to write a letter on behalf of the Council to support the efforts of Tales of Cape Cod to preserve this important historic building.

FISCAL IMPACT: None

B. NEW BUSINESS (First reading)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-056
INTRO: 01/19/17**

2017-056 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **BOARD OF HEALTH:** Cecile M. Sullivan, 6 Isalene Street, West Hyannisport, as a regular member to a term expiring 06/30/20; **HOUSING COMMITTEE:** Dave Carey, 21 Stanley Place, Hyannis as a regular member to a term expiring 06/30/20; **LAND ACQUISITION AND PRESERVATION COMMITTEE:** Janet Crystal, 241 Megan Road, Hyannis as a regular member to a term expiring 06/30/20; **STEAMSHIP AUTHORITY PORT COUNCIL, REPRESENTATIVE OF BARNSTABLE,** Eric W. Shufelt, 1696 Osterville-West Barnstable Road, West Barnstable, as a representative member for Barnstable to a term expiring 12/30/19;

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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