



Town of Barnstable Town Council

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Joint meeting with the Planning Board

Councilors:

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President
Precinct 2

James H. Crocker Jr.
Vice President
Precinct 5

John G. Flores
Precinct 1

Paul Hebert
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Precinct 8

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Precinct 9

Matthew Levesque
Precinct 10

Philip N. Wallace
Precinct 11

Paula Schnepf
Precinct 12

Jennifer L. Cullum
Precinct 13

Administrator:
Cynthia A. Lovell

Administrative
Assistant:
Kelly Crahan

MEETING AGENDA TOWN HALL HEARING ROOM

November 15, 2018

7:00 PM

- 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**
 - **Kristy Senatori, Cape Cod Commission
Update on the Cape Cod Regional Policy**
- 9. ORDERS OF THE DAY**
 - A. Old Business**
 - B. New Business**
- 10. ADJOURNMENT**

NEXT REGULAR MEETING: December 6, 2018

ITEM NO.	INDEX TITLE	PAGE
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A. OLD BUSINESS

2019-032	Amending Article V, Chapter 240, Section 25 of the Zoning Ordinance to revise regulations for the Highway Business District (Joint Public Hearing with Planning Board) (Roll call 2/3)	3-10
2019-042	Amending Chapter 240, Article III, of the Zoning Ordinances to expand the highway Business District (Joint Public Hearing with the Planning Board) (Roll call 2/3 vote)	11-12
2019-041	Resolve to authorize the Town Manager to extend the contract of the Director of Finance, Mark Milne until June 30, 2023 (May be acted upon)	13
2019-046	Appropriation and Transfer Order in the amount of \$120,000 for the repair of storm damage at Blish Point, Barnstable Village (Public Hearing) (Roll call)	14-15
2019-030A	Appointments to a Board/Committee/Commission: Infrastructure and Energy Committee: Paul Canniff, DMD, 106 Hayes Road, Centerville, as a regular member to a term expiring 06/30/20 (May be acted upon)	16

B. NEW BUSINESS

2019-050	Resolve to submit a “Chapter H” application to the Cape Cod Commission revising development of regional impact thresholds in economic centers and the industrial service and trade area (Joint Public Hearing with Planning Board) (May be acted upon)	17-18
2019-047	Authorization to accept and expend a formula grant in the amount of \$154,140 from the Executive Office of Elder Affairs to support staff salaries and programs of the Barnstable Senior Center (May be acted upon)	19-20
2019-048	Acceptance of a gift in the amount of \$2,500 from the Corson Family for Barnstable Recreation Division’s Friday Night Social Program (May be acted upon)	21-22
2019-049	Conservation Restriction to be held by Barnstable Land Trust over approximately 2.94 acres of land on Church Street, West Barnstable (May be acted upon)	23-24
2019-052	Allocation of Tax Levy Fiscal Year 2019– Residential Exemption (Refer to Public Hearing 12/06/18)	25-26
2019-053	Allocation of Tax Levy Fiscal Year 2019 – Tax Factor (Refer to Public Hearing 12/06/18)	27-28

Approve Minutes –October 18, 2018

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 (Joint Public Hearing with the Planning Board) (Roll Call 2/3)

BARNSTABLE TOWN COUNCIL

ITEM# 2019-032
INTRO: 10/04/18, 11/01/18, 11/15/18

2019-032 AMENDING ARTICLE V, CHAPTER 240, SECTION 25 OF THE ZONING ORDINANCE TO REVISE REGULATIONS FOR THE HIGHWAY BUSINESS DISTRICT

ORDERED:

Section 1.

That Chapter 240, Article III, Section 240-25 of the Zoning Ordinance, is hereby amended by striking the existing Section 240-25 HB Business District in its entirety and substituting in its place the following:

“§ 240-25. HB Business District

A. Purpose. The proposed amendments to the Highway Business District strive to encourage investment in Barnstable’s aging commercial corridors and respond to current market demands, while promoting an increase in property values, appropriate protection for adjacent residential land uses, and Barnstable’s unique character and exceptional quality of life.

B. Principal Permitted Uses. The following uses are permitted in the HB Business District:

- (1) Art Galleries
- (2) Artisan, Craftspersons, and Makers
- (3) Artists’ Lofts
- (4) Bank ¹
- (5) Bed & Breakfasts, subject to the provisions of § 240-11C(6)
- (6) Business Support Services
- (7) Contractor Service Establishments ^{2,3}
- (8) Dwelling, single-family
- (9) Dwelling, two-family
- (10) Dwelling, multi-family
- (11) Educational institutions
- (12) Fraternal or Social Organizations
- (13) Health Club
- (14) Mixed Use Development
- (15) Movie Theatre
- (16) Museums
- (17) Office, Business and Professional
- (18) Office, Dental or Medical

- (19) Performing Arts Facilities
- (20) Personal Service Establishments
- (21) Recreational Establishment
- (22) Research and development, technological and computer research, software development and data processing including computer operations services
- (23) Restaurant and other food establishment ¹
- (24) Retail and wholesale ¹
- (25) Self-storage Facility ²
- (26) Senior Living, Assisted Living
- (27) Senior Living, Nursing Homes
- (28) Veterinary Hospital/Clinic ²

¹ Drive-throughs shall be permitted accessory to such use, subject to the issuance of a Special Permit pursuant to subsection 240-25 (C) herein.

² The landscape setback from all residential property lines shall be 10 feet. Within the landscape buffer, existing mature trees shall be retained and shall be supplemented with plantings that will provide dense year-round screening, or a solid fence with landscape plantings on the residential side

³ Parking areas for commercial vehicles and any exterior areas used for loading or storage shall be screened from view from the public way

C. Conditional Uses. The following uses are permitted as conditional uses in the HB District, provided that a special permit is first obtained from the Zoning Board of Appeals subject to the provisions of §240-125C herein and subject to the specific standards for such conditional uses as required in this section, and to a finding that such uses do not substantially adversely affect the public health, safety, welfare, comfort or convenience of the community:

- (1) Auto service and repair shops ¹
- (2) Building, sale, rental, storage and repair of boats ¹
- (3) Car rental services ¹
- (4) Contractors' yards ^{1,2}
- (5) Funeral Home or Mortuary ¹
- (6) Hotel & Motel, subject to the provisions in 240-22(F) ¹
- (7) Manufacturing, light and industrial uses ^{1,2}
- (8) Retail, gasoline or diesel ¹
- (9) Warehouse or distribution ^{1,2}
- (10) Drive-throughs for banks, retail uses, and restaurants and other food service establishments

¹ The landscape setback from all residential property lines shall be 10 feet. Within the landscape buffer, existing mature trees shall be retained and shall be supplemented with plantings that will provide dense year-round screening, or a solid fence with landscape plantings on the residential side

² Parking areas for commercial vehicles and any exterior areas used for loading or storage shall be screened from view from the public way

D. Bulk Regulations

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Minimum Lot Width (feet)	Minimum Yard Setbacks (Feet)			Maximum Building Height (feet)	Maximum Lot Coverage as % of Lot Area
				Front	Rear	Side		
HB	15,000	20	100	20 ^{1,2}	20	10	38 ³	30

¹ Forty feet along Route 28 and Route 132

² The front yard setback shall be a landscape setback in which existing trees and shrubs shall be retained within and supplemented with other landscape materials in accordance with accepted landscape practices. Where natural vegetation cannot be retained, the front yard landscape setback shall be landscaped with a combination of grasses, trees and shrubs commonly found on Cape Cod. A minimum of one street tree with a minimum caliper of three inches shall be provided per 30 feet of road frontage and distributed throughout the front yard landscape setback area. No plantings shall obscure site entrance and exit drives and/or road intersections. All landscape areas shall be continuously maintained substantially in accordance with Article IX herein.

³ Or three stories, whichever is lesser.

E. District-Wide Design & Performance Standards

1. Applicability

Design and performance standards for the Highway Business District are provided in this subsection. The design and performance standards herein shall only apply to new development. New development is new construction on a vacant lot; or demolition and re-construction on a lot with existing structure(s). These standards shall not apply to the construction of new principal structures on lots already improved with a principal structure.

2. Building Design Standards.

- a. In addition to the Site Plan Review submittal requirements of Section 240-102, architectural elevations shall be submitted.
- b. Building façades.
 - i. Building facades shall not contain blank wall areas that exceed 25 linear feet, measured parallel to the street.
 - ii. New development shall vary the building footprint so that there are pronounced changes in the wall planes and building mass as defined herein. For every 50 linear feet of facade, at least 10 feet projection or setback in the facade should be accommodated. The recess or projection can be split into several components, but

changes in the facade line of 10 feet or greater are most likely to reduce the visual impact of the building mass.

c. Building Entries.

- i. All buildings shall have an orientation to and entrance from the sidewalk along the primary building frontage. Entrances shall be visually distinctive from the remaining portions of the façade along which they are located.

d. Roof.

- i. Parapet walls along the roof shall feature three-dimensional cornice treatments or other shadow-creating details.

e. Building materials.

- i. The following building materials are prohibited on any façade:
 - a) Plain concrete block
 - b) Glass block
 - c) Exposed aggregate (rough finish) concrete wall panels
 - d) Plastic
- ii. The following building materials are prohibited on any façade; however, such materials may be used as decorative or detail elements for up to 25% of the façade.
 - a) Corrugated metal

f. Multi-Tenant Centers. Multi-tenant retail centers shall comply with the following additional design standards.

- i. A cohesive character is required through the use of coordinated building design, hardscape treatment (special paving materials, lighting, etc.) and landscaping.

3. Parking Lot Design Standards.

- a. All new development shall comply with Section 240-54 - Location of parking lot in relation to buildings, which states: "Parking lots shall be located to the rear or side of a building unless such location would have an adverse environmental impact or is infeasible due to configuration of the site."

4. Site Design Standards.

- a. Sites shall incorporate safe pedestrian access to the building(s) from the public right-of-way and safe pedestrian circulation within the development. Where pedestrian connections cross primary vehicular driveways or aisles, the walkways shall be designed to clearly show the space is dedicated to pedestrian traffic through the use of raised or alternative surfaces.
- b. Parking areas shall include provisions for the "parking" of bicycles in bicycle racks in locations that are safely segregated from automobile traffic and parking. For parking areas of 10 or more spaces, bicycle racks facilitating locking shall be provided to accommodate one bicycle per 20 parking spaces or fraction thereof.

5. Screening.

a. Storage areas, loading docks, rooftop equipment, utility buildings and similar features shall be screened so as not to be visible to a pedestrian from within the right-of-way of a street abutting the property containing the building. The screening shall complement the design of the building through the use of similar materials, colors, finishes and architectural details. Plant materials may be used for ground level screening.

b. Access.

Driveways on Route 28, Route 132 and West Main Street shall be minimized. All driveways and changes to driveways shall:

- a. Provide the minimum number of driveways necessary to provide safe and convenient vehicular and emergency vehicle access.
- b. Provide shared access with adjacent development where feasible.
- c. Provide a driveway interconnection between adjacent parcels to avoid short trips and conflicts on the main road.

F. Definitions. The following terms are defined for the purpose of the HB and shall not be construed to apply to other regulations:

ARTISAN, CRAFTSPERSONS AND MAKERS – A small-scale use employing people who practice manual skills to produce ornamental or functional works in limited quantities. A key feature of works produced by artisans, craftspeople or makers is the high degree of manual or specialized technical expertise involved. Examples include artists or makers in a variety of mediums, designers, and art conservation.

ARTIST'S LOFT – A place designed to be used as both a dwelling and a place of work by an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts, such as drawing, vocal or instrumental music, painting, sculpture, photography, graphics, media arts, and writing. The work activities shall not adversely impact the public health, safety, and welfare, or the livability, functioning, and appearance of adjacent property.

AUTO SERVICE AND REPAIR SHOPS – A facility for the general repair and maintenance of motor vehicles, including motor vehicle inspections and car washes. This definition shall exclude vehicle dismantling or salvage.

CONTRACTOR SERVICE ESTABLISHMENTS – Wholesale sales and distribution of building materials including plumbing, carpentry, lumber, electrical, heating and air conditioning, and other similar service or repair businesses; associated showrooms and sales/display space customarily accessory to such uses.

CONTRACTORS' YARDS – Landscaping, construction and site preparation, and other similar service businesses, provided that all outdoor storage of building materials, trucks and landscaping equipment and materials, are screened from view from public ways.

EDUCATIONAL INSTITUTIONS – A public or private facility that offers in-classroom instruction at the K-12 or post-secondary levels. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. Educational Institutions also include facilities that offer in-classroom vocational instruction in industrial, clerical, computer, managerial,

automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a school for general educational development or driving school.

FRATERNAL OR SOCIAL ORGANIZATIONS – A building or land used for the activities of an association of persons for the promotion of some nonprofit common objective, such as literature, science, politics, and good fellowship (not accessory to, or operated as, or in connection with a tavern, eating place, or other place open to the public), which meets periodically and may be limited to members.

FUNERAL HOME OR MORTUARY – An establishment providing services such as preparing the human dead for burial and arranging and managing funerals, and may include limited caretaker facilities. This classification excludes cemeteries, crematoriums, and columbarium's

HEALTH CLUB – A facility for the purpose of physical exercise or wellness open only to members and guests or open to the public for a fee. It shall include health and fitness clubs, and specialty fitness uses, such as yoga studios or cross-fit facilities and may include customary accessory uses

MIXED USE DEVELOPMENT – Development including at least one residential unit and at least one nonresidential use on a single lot; or development including several nonresidential uses on a single lot

MUSEUMS – A public or private facility, including an aquarium, established for preserving and exhibiting artistic, historical, scientific, natural or man-made objects of interest, designed to be used by members of the public for viewing, with or without an admission charge. Such activity may include, as an accessory use, the sale of memorabilia, crafts work and artwork, and the holding of meetings and social events

OFFICE, DENTAL OR MEDICAL – A building or portion of a building in which the primary use is the provision of health-care services to patients or clients by an appointment only. Such services may include the following: medical, dental, psychiatric, psychological, chiropractic, dialysis, acupuncture, reflexology, mental health professional, physical and/or occupational therapy, related medical services, or a laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists

PERFORMING ARTS FACILITY – An enclosed space suitable for a variety of cultural arts performances, permanently available for the primary principal use of public performing arts presentations, such as plays, dances, and concerts, although incidental use for private meetings, exhibits and presentations shall be permitted. Such space may also include studios, classrooms, and galleries

PERSONAL SERVICE ESTABLISHMENT – An establishment engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, barbershop, beauty shop, dry cleaner, tailor, or other similar services

RECREATIONAL ESTABLISHMENT – An establishment engaged in the provision of public recreational services, including bowling and billiards

RETAIL, GASOLINE AND/OR DIESEL – A facility where gasoline, diesel or any other automotive engine fuel is stored only in underground tanks and offered for sale directly to the public on the premises. Retail, gasoline and/or diesel shall be subject to the requirements of Section 240-35 Groundwater Protection Overlay Districts

SELF-STORAGE FACILITY – A facility for the storage of personal property where individual renters control and access individual storage spaces. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included.

SENIOR LIVING, ASSISTED LIVING – A combination of housing, ancillary support services and personalized care that is designed to respond in a homelike setting to the individual needs of adults requiring help with activities of daily living, but who do not require the skilled medical care provided in a nursing home.

SENIOR LIVING, NURSING HOMES – A facility, including for the aged or chronically ill, providing bed-care and in-patient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services and including Skilled Nursing Care Facilities

VETERINARY HOSPITAL/CLINIC – A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases and injuries. Use as a kennel shall be limited to short-term boarding and shall be only incidental to such hospital use.

SPONSOR: Zoning and Permitting Regulatory Committee: James Crocker, Town Council Vice President, Precinct 5; Councilor Jessica Rapp-Grasseti, Precinct 7, Councilor Debra Dagwan, Precinct 8; Councilor Paul Neary, Precinct 6; Councilor Matthew Levesque, Precinct 10 At Large Member, Hank Farnham

DATE	ACTION TAKEN
<u>10/04/18</u>	<u>Refer to a Joint Hearing with the Planning Board on 11/01/18</u>
<u>11/01/18</u>	<u>Opened and continued to a Joint Public Hearing with the Planning Board 11/15/18</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2019-032
INTRO: 10/04/18, 11/01/18, 11/15/18

SUMMARY

TO: Town Council
THROUGH: Mark S. Ells, Town Manager
FROM: Town Council Zoning & Permitting Regulatory Committee through Elizabeth S. Jenkins, Planning & Development Director
DATE: October 04, 2018
SUBJECT: Amending the regulations pertaining to the Highway Business District

RATIONALE: The Highway Business (HB) District includes some of the most intensively-used commercial corridors in Barnstable, including portions of Route 28, Route 132, and West Main Street. The only two principal permitted uses allowed by-right in the HB District are offices (not including medical offices) and banks. Any new development or business use other than an offices and bank may require an application to the Zoning Board of Appeals.

The proposed amendment to HB District regulations revises the list of principal permitted uses to allow many uses already in existence within the district, creating more flexibility for owners and reducing what must be reviewed by the Zoning Board of Appeals by special permit or variance. The revised regulations include new language describing the purpose of HB District Regulations, expressing the intent to encourage investment in Barnstable's commercial corridors in light of current market demands.

The amendment proposes to revise bulk regulations to better reflect existing conditions within the district as well as the changing nature of nonresidential use. The amendment proposes to decrease the minimum lot area, lot width, and setbacks, and increase maximum building height from 30 ft. to 38 ft. (or three stories).

The amendments also include design and performance standards for new development. The purpose of these standards is to ensure that development resulting from the introduction of new by-right uses complements the character of existing structures and encourages a pedestrian-friendly environment. Building design standards include measures related to building orientation and materials, and site design standards emphasize pedestrian access and bicycle accommodations.

The proposed amendments to the district received a unanimous favorable recommendation from the Town Council Zoning and Regulatory Subcommittee members who were in attendance at the meeting on September 20, 2018.

STAFF ASSISTANCE: Paul Wackrow, Principal Planner

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2019-042
INTRO: 11/01/2018, 11/15/18**

**2019-042 AMENDING CHAPTER 240, ARTICLE III, OF THE ZONING ORDINANCES
TO EXPAND THE HIGHWAY BUSINESS DISTRICT**

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

Section 1.

By amending Article II, Section 6, The Zoning Map of the Town of Barnstable, Massachusetts, is hereby amended by expanding the Highway Business (HB) District as shown on the maps entitled:

- “Proposed Amendment to the Town Zoning Map Expanding the Highway Business District in Centerville and Hyannis”
- “Proposed Amendment to the Centerville Zoning Map Expanding the Highway Business District in Centerville and Hyannis”
- “Proposed Amendment to the Hyannis Zoning Map Expanding the Highway Business District in Centerville and Hyannis”
- “Proposed Amendment to the Osterville Zoning Map Expanding the Highway Business District in Centerville and Hyannis.”

all dated October 26, 2018, as prepared by the Town of Barnstable GIS Unit.

Section 2

That Chapter 240, Article III, § 240-26 "Highway Office" of the Zoning Ordinance is hereby deleted.

Section 3

That Chapter 240, Article II, § 240-5 "Establishment of Districts" of the Zoning Ordinance is hereby amended by striking the Office Districts section and the associated “Highway Office District.”

SPONSORS: Zoning & Regulatory Committee members

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2019-042
INTRO: 11/01/2018, 11/15/18

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Town Council Zoning & Regulatory Committee
DATE: November 1, 2018
SUBJECT: Amending Chapter 240, Article III, of the Zoning Ordinances to Expand the Highway Business District

RATIONALE: This proposed amendment to Highway Business District boundaries would expand the commercial zoning in areas along the Route 28 corridor, the West Main Street corridor and around the West End Rotary in the Villages of Centerville and Hyannis. The areas to be rezoned feature preexisting nonconforming uses; zoning district boundaries that do not match parcel boundaries; and/or other locations where infill development potential may exist.

This map amendment is presented concurrently with proposed comprehensive changes to the Highway Business District. This amendment would rezone the entirety of the land area currently zoned HO Highway Office to Highway Business, and thus the HO District is proposed to be repealed with this amendment.

The proposed amendments to the district boundary received a favorable recommendation from the Town Council Zoning and Regulatory Subcommittee members in attendance at the meeting on October 18, 2018 listed as sponsors herein.

STAFF ASSISTANCE: Elizabeth Jenkins, Director of Planning & Development

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2019-041
INTRO: 11/01/18, 11/15/18

2019-041 RESOLVE TO AUTHORIZE THE TOWN MANAGER TO EXTEND THE CONTRACT OF THE DIRECTOR OF FINANCE, MARK MILNE UNTIL JUNE 30, 2023

RESOLVED, that the Town Council authorizes Town Manager, Mark Ells, to extend the contract of the Director of Finance Director, Mark A. Milne until June 30, 2023.

DATE	ACTION TAKEN
<u>11/01/18</u>	<u>Refer to Second Reading 11/15/18</u>

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

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

BARNSTABLE TOWN COUNCIL

ITEM #2019-046
INTRO: 11/01/18, 11/15/18

2019-046 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$120,000 FOR THE REPAIR OF STORM DAMAGE AT BLISH POINT, BARNSTABLE VILLAGE

ORDERED: That the sum of **\$120,000** be appropriated and transferred from the General Fund Reserves for the purpose of repairing storm damage at Blish Point, Barnstable Village, including the payment of costs incidental or related thereto, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>11/01/18</u>	<u>Refer to Public Hearing 11/15/18</u>

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

BARNSTABLE TOWN COUNCIL

ITEM #2019-046
INTRO: 11/01/18, 11/15/18

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
DATE: November 1, 2018
SUBJECT: Appropriation and Transfer Order in the amount of **\$120,000** for the repair of storm damage at Blish Point, Barnstable Village

BACKGROUND: The Blish Point Dredge Sediment Containment Basin (BPDSCB) that was installed in 2015 was damaged during severe Nor'easter's during the winter 2018 storm season. The Town has contracted with the Woods Hole Group to investigate the constructed project and evaluate potential for repairs and/or more robust shoreline resiliency alternatives. In the course of conducting the work, it became apparent that there is an immediate need to address the eroded bank with sand nourishment ahead of the upcoming winter storm season. The severity of the damage to the bank includes both exposed intact and damaged coir bags bank, which are located along the actively eroding bank material. Without further nourishment, the bank is vulnerable to further erosion and any remaining intact coir bags will fail, which could potentially cause a release of the fine-grain dredged material into Barnstable Harbor impacting navigation and adjacent coastal resource areas.

ANALYSIS: Under this project, up to 3,500 cubic yards of sand will be added to the system within the permitted footprint. It is recommended that we add as much as can be afforded to maximize protection in the event of severe storms. It is recommended that the nourishment sand be placed on the bank to match the existing crest height. Furthermore, the proposed material will be clean, washed, and beach-compatible. The remnants of the constructed soft solution are to be left in place since there are intact bags in the bank that are still providing a level of protection for the dredge spoils.

FISCAL IMPACT: Funding for this project will be provided from the General Fund reserves which were recently certified at \$12,643,236. There is no impact the Department of Public Work's operating budget.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends approval of the appropriation order.

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

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2019-030A
INTRO: 09/20/18, 10/04/18, 11/15/18

2019-030A APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Infrastructure and Energy Committee:** Paul Canniff, DMD, 106 Hayes Road, Centerville, as a regular member to a term expiring 06/30/20

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
<u>09/20/18</u>	<u>Refer to second reading on 10/04/18</u>
<u>10/04/18</u>	<u>Vice-President Crocker made a motion which was duly made and seconded to bifurcate Paul Canniff, DMD, as a regular member to a term expiring 06/30/20 to the November 15, 2018 Council meeting</u>

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM # 2019-050
INTRO: 11/15/18**

2019-050 RESOLVE TO SUBMIT A “CHAPTER H” APPLICATION TO THE CAPE COD COMMISSION REVISING DEVELOPMENT OF REGIONAL IMPACT THRESHOLDS IN ECONOMIC CENTERS AND THE INDUSTRIAL SERVICE AND TRADE AREA (JOINT PUBLIC HEARING WITH PLANNING BOARD)

RESOLVED: That the Town Council, pursuant to Barnstable County Ordinance 2009-13, as amended by Barnstable County Ordinance 13-06, Chapter H, Municipal Application for Revisions of Developments of Regional Impact Thresholds of the Cape Cod Commission Regulations of General Application, hereby proposes revisions to Development of Regional Impact thresholds in Economic Centers and the Industrial Service and Trade Areas shown on the maps entitled “Chapter H Subject Area Map One” and “Chapter H Subject Area Map Two” and detailed in the Town of Barnstable Application for Revised DRI Thresholds in Economic Centers and the Industrial Service and Trade Area, and further move that the Chapter H application, dated November 9, 2018, as it may be supplemented from time to time, be submitted to the Cape Cod Commission.

SPONSORS: Zoning & Regulatory Committee Members Vice President James Crocker Jr., Councilor Jessica Rapp Grasseti, Councilor Matthew Levesque, Councilor Paul Neary, Member at Large Hank Farnham

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2019-050

INTRO: 11/15/18

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth S. Jenkins, Planning & Development Director
DATE: November 15, 2018
SUBJECT: Authorizing submission of Chapter H Application to Cape Cod Commission

OVERVIEW: As part of ongoing economic development efforts, The Town of Barnstable seeks to raise Development of Regional Impact (DRI) thresholds to promote and attract economic development opportunities within the Town's Economic Centers and the Industrial Service and Trade Area. This application would increase the DRI thresholds for proposed developments from 10,000 square feet for commercial/industrial land uses to 20,000 square feet in Economic Centers and 40,000 square feet in Industrial Service and Trade Areas.

Chapter H of the Cape Cod Commission Regulations provides a process that implements a regulatory approach to guide growth towards areas that are adequately supported by infrastructure, and away from areas that must be protected for ecological or historical reasons. This application to revise DRI thresholds will provide for greater creative development potential that will be more cost effective and predictable for private developers and businesses.

The application details current and planned improvements to infrastructure and amenity systems to address anticipated growth, including transportation and mobility, and water resources.

Submission of this application was unanimously supported all members of the Zoning & Regulatory Committee present at the September 20, 2018 meeting: Vice President James Crocker Jr., Councilor Jessica Rapp Grassetti, Councilor Matthew Levesque, Councilor Paul Neary, and Member at Large Hank Farnham.

STAFF SUPPORT: Elizabeth S. Jenkins, Planning & Development Director, Paul Wackrow, Principal Planner

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM # 2019-047
INTRO: 11/15/18**

2019-047 AUTHORIZATION TO ACCEPT AND EXPEND A GRANT IN THE AMOUNT OF \$154,140 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 Council hereby accepts a grant of **\$154,140** from the Executive Office of Elder Affairs and authorizes the Director of Senior Services to expend the grant to support staff salaries and programs of the Barnstable Senior Center.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM # 2019-047
INTRO: 11/15/18

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Madeline Noonan, Director of Senior Services
DATE: November 15, 2018
SUBJECT: Authorization to accept and expend a formula grant in the amount of **\$154,140** from the Executive Office of Elder Affairs to support staff salaries and programs of the Barnstable Senior Center

RATIONALE: The Executive Office of Elder Affairs awards municipalities in Massachusetts an annual formula grant based on the census of residents aged 60 and above in each town. According to the 2010 census, there were 12,845 residents over the age of 60 in the Town of Barnstable. Fiscal Year 2019 awards will be issued at the rate of \$12 per older adult which will result in a total award of **\$154,140**.

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, Part-time Division Assistant 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 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 older people 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 # 2019-048
INTRO: 11/15/18**

2019-048 ACCEPTANCE OF A GIFT IN THE AMOUNT OF \$2,500 FROM THE CORSON FAMILY FOR BARNSTABLE RECREATION DIVISION'S FRIDAY NIGHT SOCIAL PROGRAM

RESOLVED: That the Town of Barnstable hereby accepts a gift of **\$2,500** from the Corson Family for Barnstable Recreation Division's Friday Night Social Program and does hereby authorize the Town Manager to contract for and expend said funds for that purpose.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2019-048
INTRO: 11/15/18

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lynne M. Poyant, Director of Community Services
DATE: November 15, 2018
SUBJECT: Acceptance of a gift in the amount of **\$2,500** from the Corson Family for Barnstable Recreation Division's Friday Night Social Program

RATIONALE: The Barnstable Recreation Division's Friday Night Social Program has received a gift from the Corson Family. The Friday Night Social Program is a special needs adult activity. There are approximately 50-75 Barnstable Residents who meet every Friday Night for the entire year. The activities vary depending on the requests of the participants. This program is focused on socializing appropriately in public settings and provides respite care for many families on Friday Night. Transportation is provided to and from home at an additional fee.

These funds will be used to purchase movie tickets for the Friday Night Social movie program. The Corson Family's night out is Friday Night and they go to the movies. Over the years, the Corson Family has witnessed the Friday Night Social program in action and they want to help support the participants enjoying something that they have both enjoyed for years. In his note to Michelle Davies, Recreation's Therapeutic Program Coordinator, Rodney Corson said, "Hope they all have a great time and I think the program is the best. See you at the movies some night. From the Corson Family."

The Barnstable Recreation Division and Friday Night Social Program are extremely grateful for the generous gift from Corson Family.

FISCAL IMPACT: There is no immediate financial impact to the Town's operating budget as a result of accepting this grant.

STAFF ASSISTANCE: Patti Machado, Recreation Director; Michelle Davies, Therapeutic Program Coordinator

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2019-049
INTRO: 11/15/18**

2019-049 CONSERVATION RESTRICTION TO BE HELD BY BARNSTABLE LAND TRUST OVER APPROXIMATELY 2.94 ACRES OF LAND ON CHURCH ST, WEST BARNSTABLE, MA

RESOLVED: That the Town Council moves to approve the conservation restriction application of Pricilla Jones, Grantor, and Barnstable Land Trust, Grantee, over 2.94 acres of land located at 240 Church St., West Barnstable, Map 153 Parcel 007001 for the purpose of preserving open space

SPONSOR: Council Philip N. Wallace, Precinct 11

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2019-049
INTRO: 11/15/18

SUMMARY

TO: Town Council
FROM: Philip N. Wallace, Councilor, Precinct 11
THROUGH: Barnstable Land Trust
DATE: November 15, 2018
SUBJECT: Conservation Restriction to be held by Barnstable Land Trust over approximately 2.94 acres of land on Church Street, West Barnstable

BACKGROUND: This item has been placed on the agenda for the Council's approval of a conservation restriction (CR) to be granted by Priscilla Jones and to be held by Barnstable Land Trust over approximately 2.94 acres of land on Church Street, West Barnstable.

This conservation restriction preserves both upland and wetland. It will enhance the adjoining 200+ acres of Bridge Creek Conservation Area. It will also preserve important wildlife habitat and protect freshwater wetlands. The current owner has been deemed eligible to receive a Conservation Land Tax Credit (CLTC) for the donation of this conservation restriction to BLT.

ANALYSIS: This proposed conservation restriction conforms to the Open Space Policy of the Town, adopted in 1981, which "encouraged grants of conservation restrictions" which yielded "benefits to the Town," and furthers the Town of Barnstable's Updates to its Open Space & Recreation Plan. Specifically, the Jones Conservation Restriction on Church Street offers the following public benefits and will:

- prevent disturbance of wetlands,
- preserve open space,
- link to other conservation land,
- preserve important natural habitats of fish, wildlife or plants,
- prevent construction on land of natural resource value

APPROVALS: The Conservation Commission voted its support on October 9, 2018. The Land Acquisition and Preservation Committee voted to recommend the Conservation Restriction to Town Council on October 1, 2018.

FISCAL IMPACT: The 2.94 acres to be restricted is valued as residual land at approximately **\$30,000** and will result in a decrease in property taxes of approximately **\$300** in town, district and CPA funds.

B. NEW BUSINESS (Refer to Public Hearing 12/6/18)

BARNSTABLE TOWN COUNCIL

**ITEM# 2019-052
INTRO: 11/15/18**

**2019-052 ALLOCATION OF TAX LEVY FISCAL YEAR 2019 – RESIDENTIAL
EXEMPTION**

RESOLVED, that the Town Council hereby votes to adopt a Residential Exemption of 20 percent for fiscal year 2019.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2019-052
INTRO: 11/15/18

SUMMARY

TO: Town Council
THROUGH: Mark Milne, Finance Director, Edward O'Neil, Director of Assessing
FROM: Mark S. Ells, Town Manager
DATE: November 15, 2018
SUBJECT: Allocation of Tax Levy Fiscal Year 2019– Residential Exemption

BACKGROUND: According to Massachusetts General Law, Chapter 40, Section 56, of the Acts of 1982 and Chapter 79 of the Acts of 1983, the Town Council may adopt a Residential Exemption as part of determining the allocation of the tax levy between residential property owners. This tax levy-shifting tool will not change the overall amount of money that will be raised through property taxes; rather it allows the town to shift a portion of the residential property tax levy between property owners based on statutory criteria. The maximum exemption allowed is 35 percent of the average assessed value of all Class One (or Residential) parcels. This exemption would be applied to residential parcels which are qualified as the principal residence of the taxpayer. Principal residence is a taxpayer's domicile, that is, their fixed place of habitation, permanent home, and legal residence, as used for federal and state income tax purposes. This option shifts property taxes between residential taxpayers only and does not affect the Commercial, Industrial and Personal Property class of taxpayers. The Town Council has voted to adopt a 20% residential exemption for the past 13 fiscal years. If a 20% exemption amount is repeated for the Fiscal Year 2019 tax levy, residential taxpayers whose principal residence is in the Town of Barnstable will receive a tax reduction as long as their property assessment is approximately less than \$1,050,000 and the residential tax rate for all taxpayers will rise to cover the exempted portion of value of the qualified properties. The tax savings these property owners realize will be shifted to all non-resident property owners and residential property owners whose assessments are greater than approximately \$1,050,000. Under this option, property tax savings are greater as the assessed value of the property declines and the percentage exemption adopted increases.

STAFF ASSISTANCE: Mark Milne, Finance Director, Edward O'Neil, Director of Assessing

B. NEW BUSINESS (Refer to Public hearing 12/6/18)

BARNSTABLE TOWN COUNCIL

**ITEM# 2019-053
INTRO: 11/15/18**

2019-053 ALLOCATION OF TAX LEVY FISCAL YEAR 2019 – TAX FACTOR

RESOLVED, that the Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of 1 (one) for the Fiscal Year 2019

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2019-053
INTRO: 11/15/18

SUMMARY

TO: Town Council
THROUGH: Mark Milne, Finance Director; Edward O’Neil, Director of Assessing
FROM: Mark S. Ells, Town Manager
DATE: November 15, 2018
SUBJECT: Allocation of Tax Levy Fiscal Year 2019 – Tax Factor

BACKGROUND: According to Massachusetts General Law, Chapter 40, Section 56, of the Acts of 1982 and Chapter 79 of the Acts of 1983, the Town Council is annually charged with determining the Allocation of Local Property Taxes by the adoption of a Residential Factor. This tax levy-shifting tool will not change the overall amount of money that will be raised through property taxes; rather it allows the town to shift a portion of the tax levy between classes of property. The residential factor commonly referred to as the “Split Tax Rate” allows the Town Council to create separate tax rates; one for residential property owners and a separate one for commercial, industrial and personal property owners, (CIP owners). Under a residential “Factor of 1”, all property owners would pay taxes at the same rate per \$1,000 of valuation. The maximum permissible shift would increase the CIP tax rate by 175%. Since 2007, the Town Council’s policy has been to select a Residential Factor of “1”.

STAFF ASSISTANCE: Mark Milne, Finance Director; Edward O’Neil, Director of Assessing