



Town of Barnstable Town Council

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MEETING AGENDA TOWN HALL HEARING ROOM December 20, 2018 7:00 PM

Councillors:

Eric R. Steinhilber
President
Precinct 2

James H. Crocker Jr.
Vice President
Precinct 5

John G. Flores
Precinct 1

Paul Hebert
Precinct 3

Britt Beedenbender
Precinct 4

Paul C. Neary
Precinct 6

Jessica Rapp Grassetti
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Debra S. Dagwan
Precinct 8

James M. Tinsley
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

- 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**
 - **Maggie Downey, Cape Light Compact**
- 9. ORDERS OF THE DAY**
 - A. Old Business**
 - B. New Business**
 - **Town Council Election of 2019 Officers**
President:
Vice President:
 - **Town Council calendar of meetings 2019**
- 10. ADJOURNMENT**

NEXT REGULAR MEETING: January 3, 2019

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Approve Minutes –December 06, 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 (Public Hearing) (Roll Call 2/3)

BARNSTABLE TOWN COUNCIL

ITEM# 2019-032

INTRO: 10/04/18, 11/01/18, 11/15/18, 12/06/18, 12/20/18

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, Craftsperson’s, 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>
<u>11/15/18</u>	<u>Opened and Continued to a Joint Public Hearing with the Planning Board 12/06/18</u>
<u>12/06/18</u>	<u>Opened and Continued Public Hearing 12/20/18</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, 12/06/18, 12/20/18

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 (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2019-051
INTRO: 12/06/18, 12/20/18

2019-051 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Hyannis Main Street Waterfront Historic District Commission:** Elizabeth Young from an alternate position to a full member to a term expiring 06/30/19; Cecelia Carey, 939 Mary Dunn Road, Hyannis, as an alternate member to a term expiring 06/30/19; **Licensing Authority:** David Hirsch, 463 Elliott Road, Centerville, as an associate member to a term expiring 06/30/19; **Old Kings Highway Historic District Commission:** Elizabeth McCarthy, 111 Stonehedge Drive, Barnstable as an alternate member to a term expiring 06/30/19; **Planning Board:** Walter Watson, 25 Bog Berry Lane, Marstons Mills, as a regular member to a term expiring 06/30/19

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
<u>12/06/18</u>	<u>Refer to Second Reading 12/20/18</u>
_____	_____

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

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2019-056
INTRO: 12/06/18, 12/20/2018

2019-056 AMENDMENT TO THE ADMINISTRATIVE CODE TO DESIGNATE MEMBERS OF THE INFRASTRUCTURE AND ENERGY COMMISSION AS SPECIAL MUNICIPAL EMPLOYEES AND TO REMOVE FROM THE EXISTING SPECIAL MUNICIPAL EMPLOYEE DESIGNATION CERTAIN MULTIPLE MEMBER BODIES THAT NO LONGER EXIST

ORDERED:that the Council hereby designates the members of the Infrastructure and Energy Committee as special municipal employees for the purposes of the Conflict of Interest Law, Chapter 268A and that the Code of the Town of Barnstable Section 241 Attachment 1 is hereby amended by adding the Infrastructure and Energy Committee to the list of multiple member bodies so designated and by further amending the Code of the Town of Barnstable Section 241 Attachment 1 by deleting the Economic Development Commission, Government Study Committee, Personnel Board, Public Works Commission, Renewable Energy Commission and the Water Pollution Control Board from the list of multiple member bodies so designated.

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
<u>12//06/18</u>	<u>Refer to Second Reading 12/20/18</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call 2/3)

BARNSTABLE TOWN COUNCIL

ITEM # 2019-058
INTRO: 12/06/18, 12/20/18

2019-058 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$850,000 FOR THE HYANNIS WEST ELEMENTARY SCHOOL ROOF TRUSS SYSTEM

ORDERED: That the sum of **\$850,000** be appropriated for the purpose of funding the implementation of repairs to the Hyannis West Elementary School roof truss system, including costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$850,000**, 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. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

FURTHER ORDERED: That **\$850,000** of the **\$4,236,000** borrowing authorized by Order No. **2016-081** on April 7, 2016 for Barnstable Community Horace Mann Charter Public School Roof and Façade Improvement Project, which is no longer needed for such project, is hereby rescinded.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>12/06/18</u>	<u>Refer to Public Hearing 12/20/18</u>

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

BARNSTABLE TOWN COUNCIL

ITEM # 2019-058

INTRO: 12/06/18, 12/20/18

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Meg Mayo-Brown, Superintendent of Schools, David Kanyock, Director of School Facilities
DATE: December 06, 2018
SUBJECT: Appropriation and Loan Order in the amount of **\$850,000** for repairs of Hyannis West Elementary School roof truss system

RATIONALE: On June 4, 2018 school maintenance observed a downward bowing condition in the Hyannis West Elementary School Cafeteria ceiling. Upon investigation failure was observed in two locations of the roof truss system. The failure was sufficiently alarming to recommend the immediate installation of a temporary support system. The temporary support system was installed by CSI in the cafeteria and kitchen areas, work was undertaken immediately and finished that night.

Engineering review of conditions show the original design is a fairly complex truss system with some member connections severely overloaded when evaluated using conventional norms used by engineers at that time (1963). The overstressed connections may have begun to yield early in the life of the structure and in doing so began shedding load to elements with greater capacity.

Design work has been completed for full repair to the truss system over the cafeteria, kitchen and stage areas and replacement of two trusses with modified steel beams has been completed to verify engineering standards and provide example for project completion.

Professional analysis of the roofing system throughout the remainder of the school has not identified any concerns outside of the cafeteria, kitchen and stage area.

Third party project estimates recommend that funding of **\$850,000** will be required to complete repairs to the impacted areas to include shoring, demo, steel fabrication, and installation and ceiling replacement.

FISCAL IMPACT: Funding for this repair will be provided from a borrowing authorization with a corresponding reduction in the borrowing authorization in the loan previously authorized in Town Council order **2016-081** which was for the Barnstable Community Horace Mann Charter Public School façade and roof improvements. The project came in under budget offering the opportunity to transfer some of the remaining borrowing authorization for these purposes.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of the appropriation and loan order.

STAFF ASSISTANCE: David Kanyock, Director of School Facilities, Mark Milne, Finance Director

A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 vote)

BARNSTABLE TOWN COUNCIL

ITEM NO.: 2019-059
INTRO: 12/06/18, 12/20/18

2019-059 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$571,000 FOR THE MARY DUNN WELL NUMBER 4 REACTIVATION PROJECT

ORDERED: That the sum of **\$571,000** be appropriated for the purpose of reactivation of the Mary Dunn Well No. 4, including the payment of costs incidental or related thereto, and that to meet this appropriation, the Town Treasurer with the approval of the Town Manager, is authorized to borrow \$571,000, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, 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>12/06/18</u>	<u>Refer to Public Hearing 12/20/18</u>
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2019-059
INTRO: 12/06/18, 12/20/18

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works and Hans Keijser, Supervisor, Water Supply Division.
DATE: December 06, 2018
SUBJECT: Appropriation and Loan Order in the amount of **\$571,000** for the Mary Dunn Well Number 4 Reactivation Project

BACKGROUND: In 2015, USEPA-mandated testing of the Hyannis Water System for Contaminants of Emerging Concern (CEC's) identified the presence of perfluorinated compounds and 1,4 Dioxane in the Maher wellfield.

On May 19, 2016, the USEPA announced the *final* Federal Health Advisory for perfluorinated compounds in drinking water. The new advisory level was significantly lower than the provisional level.

As the result of the final USEPA Health Advisory, the use of 3 wells at the Maher wellfield, that exceed the new standard, has been significantly curtailed. The Town has entered into an agreement with the Town of Yarmouth to provide water from their system through an interconnection in the vicinity of the Maher wellfield.

This project was developed during the summer of 2016, in the aftermath of the EPA lowering the PFOS / PFOA health advisory standard. Its purpose is to deal with the reactivation of the Straightway well 1 and the Mary Dunn 4 well to boost water production within a reduced permitting time line. The Straightway well 1 reactivation project is underway on schedule to produce water in the spring of 2019.

ANALYSIS: The Water Supply Division is seeking this funding to add funds to those remaining from the Straightway project. This project is fully designed, permitted and shovel-ready. Given the status, it will provide drinking water years ahead of any new proposed wells and we will be less reliant on Yarmouth water. We have positioned ourselves for low interest funding from the State Revolving fund and possibly principal forgiveness.

The Hyannis Water Board at their regularly scheduled meeting on Tuesday, October 23, 2018, voted unanimously to support this funding request.

FISCAL IMPACT: Funding for this project will be provided from a bond issue via the State Revolving Fund program, if eligible, or a General Obligation Bond. The Fiscal Year 2019 Operating Budget will not be affected by this appropriation. It is anticipated that the initial costs of the annual debt service for this project will occur in the Fiscal Year 2020 Operating Budget. The annual rate study for the water enterprise fund is underway and will take into account the annual debt service expense for the bond and recommend adjustments to the rate structure during the Fiscal Year 2020 rate hearings.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of the appropriation and loan order.

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works and Hans Keijser, Supervisor, Water Supply Division.

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2019-060
INTRO: 12/20/18**

2019-060 ACCEPTANCE OF A FISCAL YEAR 2019 SUSTAINED TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT IN THE AMOUNT OF \$16,159 FROM THE EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY, OFFICE OF GRANT AND RESEARCH, HIGHWAY SAFETY DIVISION

RESOLVED: That the Town Council hereby accepts a Sustained Traffic Enforcement Program (STEP) Grant award in the amount of **\$16,159** from the Executive Office of Public Safety and Security, Highway Safety Division, and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Town Manager

DATE ACTION TAKEN

- ___Read Item
- ___Rational
- ___Council Discussion
- ___Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2019-060
INTRO: 12/20/18

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Matthew K. Sonnabend, Chief of Police
DATE: December 20, 2018
SUBJECT: Acceptance of a Fiscal Year 2019 Sustained Traffic Enforcement Program (Step) Grant in the amount of **\$16,159** from the Executive Office of Public Safety and Security, Office of Grant and Research, Highway Safety Division

BACKGROUND: In October of 2018 the Department received notice that they were qualified for application to this grant in the amount of \$55,000, which has since been reduced to an award of **\$16,159**, but may be potentially increased incrementally over the grant period to the maximum amount of \$55,000. The main concept of the program is to allow an eligible department to schedule traffic enforcement patrols on specific times of year and days when their data show crashes and injuries are highest within their respective community. High Visibility Enforcement (HVE) patrols during these times, raises the perception of a greater risk of getting stopped and helps deter impaired and un-belted drivers. Eligibility is determined using crash data from two data collection tools utilized by the State - - the Massachusetts Traffic Records Analysis Center (MassTRAC) and the Data Driven Approaches to Crime and Traffic Safety (DDACTS). Based on crash rate data, the selected communities are considered “hotspots” for improving traffic safety that could lead to an overall improvement in key traffic safety categories across the Commonwealth. There are a total of 16 departments in the Commonwealth invited to make application for this grant.

ANALYSIS: Acceptance of this grant will assist the Department in targeting specific traffic intersections that have had a history of serious and/or excessive traffic accidents. The goals set in our grant application are as follows:

- To decrease fatalities 100% from 4 during calendar year 2018 to 0 in 2019
- To decrease inattention crashes by 50% from 314 during 2018 to 157 in 2019
- To increase seat belt use 50% from 99 crashes, where operator/occupant were unrestrained during 2018 to 50 in 2019.

GRANT DETAIL: The grant award will be expended on overtime to conduct enforcements at the following ten locations and also to cover the extensive data entry requirements of the grant:

- Pitchers Way @ Rte 28
- Rte 28 @ Bearse’s Way
- Rte 28 @ Phinney’s Ln.
- Rte 132 @ Bearse’s Way
- Rte 28 @ Old Stage Rd
- Rte 132 @ Phinney’s Ln
- Rte 28 @ Osterville W. Barnstable Rd
- Putnam Ave
- South Main St
- Main St (Centerville)

FISCAL IMPACT: There is no required match and the overtime costs of the grant will be reimbursed.

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

STAFF ASSISTANCE: Anne Spillane, Barnstable Police Department

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM: 2019-061
INTRO: 12/20/18**

2019-061 ACCEPTANCE OF A FISCAL YEAR 2019 TRAFFIC ENFORCEMENT GRANT IN THE AMOUNT OF \$12,000 FROM THE EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY, OFFICE OF GRANT AND RESEARCH, HIGHWAY SAFETY DIVISION

RESOLVED: That the Town Council hereby accepts a Traffic Enforcement Grant award in the amount of **\$12,000** from the Executive Office of Public Safety and Security, Highway Safety Division and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM #2019-061
INTRO: 12/20/18

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Matthew K. Sonnabend, Chief of Police
DATE: December 20, 2018
SUBJECT: Acceptance of a Fiscal Year 2019 Traffic Enforcement Grant in the amount of **\$12,000** from the Executive Office of Public Safety and Security, Office of Grant and Research, Highway Safety Division

BACKGROUND: In October of 2018 the Department applied for and was awarded this grant in the amount of \$12,000, with initial funding limited until further notice of \$2,310, but may be potentially increased incrementally over the grant period to the maximum amount of \$12,000. This initial funding will enable the Traffic Division to participate in the first of four traffic mobilizations designed to target specific area of concern with motorists as follows:

1. Winter Impaired Driving Focus
2. Distracted Driving
3. Occupant Protection/Click It or Ticket
4. Summer Impaired Driving Focus

This grant helps to raise awareness of both traffic safety challenges involving drinking and driving, distracted driving, and seatbelt usage.

GRANT DETAIL: \$6,600 of this grant award is allocated to traffic enforcement and \$5,400 is allocated to the purchase of traffic-related equipment as follows:

- 1 Preliminary Breath Test Analyzer (PBT)
- 1 Tint Meter
- 1 Fatal Vision Alcohol Program Kit
- 1 Radar Gun
- 1 Lidar Gun

ANALYSIS: Acceptance of this grant will assist the Department in the continuance of these important traffic safety mobilizations and also enable the department to purchase traffic related tools.

FISCAL IMPACT: There is no required match and the overtime costs of the grant will be reimbursed as well as the purchase of the equipment as previously described. The money for this grant is made available over the course of the year in small increments as each mobilization is done and the funding for the traffic equipment is made available towards the end of the grant period. No purchases of equipment will be made and no overtime for mobilizations will be incurred until the money becomes available by written notification from the Executive Office of Public Safety.

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

STAFF ASSISTANCE: Matthew K. Sonnabend, Chief of Police; Anne Spillane, Barnstable Police Department

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2019-062
INTRO: 12/20/18**

2019-062 ACCEPTANCE OF A FISCAL YEAR 2019 LOCAL LAW ENFORCEMENT EQUIPMENT AND TECHNOLOGY GRANT IN THE AMOUNT OF \$20,000 FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY FOR THE PURCHASE OF AN AUTOMATIC LICENSE PLATE READER

RESOLVED: That the Barnstable Town Council does hereby accept a Fiscal Year 2019 Local Law Enforcement Equipment and Technology Grant from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security in the amount of **\$20,000** and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2019-062
INTRO: 12/20/18

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Matthew K. Sonnabend, Chief of Police
DATE: December 20, 2018
SUBJECT: Acceptance of a Fiscal Year 2019 Local Law Enforcement Equipment and Technology Grant in the amount of **\$20,000** from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security

BACKGROUND: The Barnstable Police Department applied for and was awarded a Fiscal Year 2019 Local Law Enforcement Equipment and Technology Grant from the Executive Office of Public Safety and Security in the amount of **\$20,000**.

The use of an Automatic License Plate Reader (ALPR) will enhance our capabilities to be used as a tool to assist Patrol Commanders and Investigators in locating, identifying, time-stamping, and surveilling vehicles and/or persons that may be involved in crimes or who are under investigation by the Barnstable Police Department or other Local, State or Federal law enforcement agencies.

ANALYSIS: The acceptance of this grant will allow the Department to utilize the tracking capabilities of an ALPR to detect and apprehend persons involved in criminal activity that has the potential to affect the health and safety of our community. It has been our experience that the time-stamping capability of this tool are very effective in cases where a defendant is claiming to not have been present in a particular locale, when in fact, the ALPR is indicating that their vehicle was in that locale.

FISCAL IMPACT: The cost of a new ALPR is \$26,000, of which \$20,000 will be covered through the grant and the remaining \$6,000 will be funded through State Forfeiture Funds. This is a reimbursement grant.

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

STAFF ASSISTANCE: Matthew K. Sonnabend, Chief of Police; Anne Spillane, Barnstable Police Dept.

B. NEW BUSINESS (Refer to Public Hearing 01/03/19)

BARNSTABLE TOWN COUNCIL

**ITEM # 2019-063
INTRO: 12/20/18**

2019-063 APPROPRIATION ORDER \$100,000.00 COMMUNITY PRESERVATION FUNDS FOR COMMUNITY HOUSING CREATION SEASHORE HOMES, INC., 185 RIDGEWOOD AVENUE, HYANNIS

ORDERED: That pursuant to the provisions of the Community Preservation Act, G.L. c 44B, the sum of One Hundred Thousand (**\$100,000.00**) Dollars be appropriated and transferred from the amount set aside for community housing in the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the amounts appropriated for the creation by Seashore Homes, Inc. of one year-round affordable rental unit with household incomes 80% or less of Area Median Income (AMI) within a new multifamily development containing 8 two-bedroom apartments located at 185 Ridgewood Avenue, Hyannis and to execute, deliver, accept and record restrictions or other real property interests for the purposes authorized herein subject to oversight by the Community Preservation Committee.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2019-063
INTRO: 12/20/18

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lindsey Counsell, Chair, Community Preservation Committee
DATE: December 20, 2018
SUBJECT: Appropriation Order in the amount of **\$100,000.00** Community Preservation funds for Community Housing Creation Seashore Homes, Inc., 185 Ridgewood Avenue, Hyannis Development of 1 Affordable Housing Unit within a New Multifamily Development Map 328, Parcel 226

BACKGROUND: Seashore Homes, Inc. is seeking approval from the Town Council through the Town Manager for CPA Community Housing funds in the amount of **\$100,000** in support of the development of one deed-restricted, affordable rental unit within a new multifamily development containing 8 two-bedroom apartments located at 185 Ridgewood Avenue, Hyannis; Map 328, Parcel 226. Throughout the permitting process, this new multifamily development has received the support of many local organizations and boards, and has most recently received approval by the Town Council for a Regulatory Agreement through which one deed-restricted affordable rental unit was reserved for residents who make 80% or less of Area Median Income. The Community Preservation Committee voted unanimously for recommendation at their November 26, 2018 meeting. The \$100,000 request represents a portion of the total project budget amount of \$1,200,000. Seashore Homes proposes to create a “pocket neighborhood” by constructing 2 multifamily buildings with site improvements including a shared parking lot with 15 spaces; a shared outdoor space; as well as a private outdoor area for each apartment.

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: Mark S. Ells, Town Manager

STAFF ASSISTANCE: Lindsey Counsell, Chair, Community Preservation Committee

B. NEW BUSINESS (Refer to the Planning Board)

BARNSTABLE TOWN COUNCIL

**ITEM# 2019-064
INTRO: 12/20/18**

2019-064 AMEND ZONING ORDINANCE, ARTICLE III. DISTRICT REGULATIONS, § 240-39(K) SIGNS IN THE SHOPPING CENTER REDEVELOPMENT OVERLAY DISTRICT (SCROD)

ORDERED: Section 1.

That the Zoning Ordinance, Article III. District Regulations, Section 240-39. Shopping Center Redevelopment Overlay District, Section D, Definitions be amended to strike the definition of MAJOR STORE: “MAJOR STORE - A store having 50,000 or more contiguous square feet of gross floor area occupied by a single tenant or occupant and operated under a single trade name.”

Section 2.

That the Zoning Ordinance, Article III. District Regulations, Section 240-39. Shopping Center Redevelopment Overlay District, Section K, Signs in the Shopping Center Redevelopment Overlay District, subsection (1)(c), be amended to replace “150 square feet” with “170 square feet”, so the subsection reads:

- (c) Maximum area: not to exceed 170 square feet per side exclusive of structures holding the sign. Reasonable efforts shall be exercised to minimize the size of any such supporting structures.

Section 3.

That the Zoning Ordinance, Article III. District Regulations, Section 240-39. Shopping Center Redevelopment Overlay District, Section K, Signs in the Shopping Center Redevelopment Overlay District, subsection (2), be struck in its entirety and replaced with the following:

Wall signs identifying retail stores or restaurants having gross leasable area of greater than 25,000 square feet or having exterior public entrances; the food court; and the regional shopping center, provided that no wall sign shall extend higher than the top of the parapet wall:

- (a) Maximum letter height: five feet for signs accessory to anchor and major stores, and four feet for other such signs. This letter height restriction shall not apply to emblems, logos, or other designs associated with the sign display.

- (b) Maximum area:

- [a] Anchor stores (for each tenant with a gross leasable area of 45,000 sq.ft or more): The maximum sign area for any one display shall not exceed 200 sq.ft for the first sign; the maximum sign area for any additional display shall be 150 sq.ft. There shall only be one sign display per eligible elevation. An additional sign allowance of 30 sq.ft shall be provided for entrance door and awning signs.

- [b] Major stores (for each tenant with a gross leasable area of 12,000 sq.ft or more): The maximum sign area for any one display shall not exceed 120 sq.ft. There shall only be

one sign display per eligible elevation. An additional sign allowance of 15 sq.ft shall be provided for entrance door and awning signs.

[c] In-Line store (for each tenant with an exterior entrance): The maximum sign area for any one display shall not exceed 50 sq.ft for tenants with storefronts less than 50 linear feet in length. An additional square foot of sign area shall be allowed for each linear foot of storefront above 50; the maximum sign area for any one display shall not exceed 75 square feet. There shall only be one sign display per tenant. An additional sign allowance of 10 sq.ft shall be provided for entrance door and awning signs.

[d] Mall entrances: The maximum sign area for any one display shall not exceed 50 sq.ft. There shall only be one sign per each eligible mall entrance.

Section 4.

That the Zoning Ordinance, Article III. District Regulations, Section 240-39. Shopping Center Redevelopment Overlay District, Section K, Signs in the Shopping Center Redevelopment Overlay District, subsection (7) pertaining to electronic reader boards be struck in its entirety and subsequent subsections shall be renumbered (7) through (11).

SPONSOR: Vice President James H. Crocker, Jr., Councilor Precinct 5; James M. Tinsley, Councilor Precinct 9

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2019-064
INTRO: 12/20/2018

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Michael J. Ford, Esq. Attorney for Simon Properties through Elizabeth S. Jenkins,
Planning & Development Director
DATE: December 17, 2018
SUBJECT: Zoning Ordinance Amendment for Wall Signs in the Shopping Center Overlay District

BACKGROUND: This is a proposed amendment to the Zoning Ordinance, Article III District Regulations, Section 240-39 Shopping Center Redevelopment Overlay District (SCROD), which applies to the Cape Cod Mall in Hyannis.

This request is a comprehensive amendment to the wall sign regulations in the Shopping Center Redevelopment Overlay District to address the tenant and associated façade changes planned for the mall façade facing Route 132. Simon is proposing to backfill the former Sears space with Target, introduce a second major anchor tenant, and reconfigure the “in-line” tenant spaces. The proposed changes will result in a façade renovation that creates a greater exterior presence for the smaller tenants. This amendment updates the wall sign allowances to accommodate this reconfiguration. The proposal increases the total number of wall signs allowed, with modest increases to allowed sign size. It also updates definitions to reflect the proposed new categorization of stores.

ANALYSIS: The freestanding sign provisions of the ordinance are proposed to be updated to increase the signage allowance from 150 sq.ft to 170 sq.ft per sign. The provision for an electronic reader boards are proposed to be eliminated. At this time, the Mall is definitively proposing to update the Route 132 signage; the Route 28 sign with the reader board is scheduled to be updated at a later date.

The Cape Cod Mall is property is subject to a Cape Cod Commission Development of Regional Impact decision and associated design guidelines, including several pertaining to signage design and illumination.

The Zoning Board of Appeals recently granted a sign variance request for the property to allow the signage scheme proposed by Target, but requested that a comprehensive sign plan, and associated regulatory changes, be put in place for future tenants. This amendment is a fulfillment of that request.

STAFF ASSISTANCE: Elizabeth S. Jenkins, Planning & Development

B. NEW BUSINESS (Refer to Public Hearing 01/17/19)

BARNSTABLE TOWN COUNCIL

**ITEM # 2019-065
INTRO: 12/20/18**

**2019-065 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$38,000.00
COMMUNITY PRESERVATION FUNDS FOR ACQUISITION OF
CONSERVATION RESTRICTION 5.92 ACRES±, 0 BUMPS RIVER ROAD,
MARSTONS MILLS, MAP 168 PARCEL 009.**

ORDERED: That pursuant to the provisions of the community Preservation Act, G.L. c. 44B, the sum of Thirty Eight Thousand and NO/100 (\$38,000.00) Dollars be appropriated and transferred from the amount set aside for open space in the Community Preservation Fund for acquisition by the Town for open space conservation and passive recreation from Barnstable Land Trust, Inc. (“BLT”) representing a portion of the total amount of \$40,300.00 needed by BLT to purchase with associated costs a vacant open space in Marstons Mills containing 5.92 acres more or less, having a street address of 0 Bumps River Road, Marstons Mills, shown on Barnstable Assessors Map 168 as Parcel 9; that a conservation restriction to be held by BLT is hereby approved in the form approved by the Land Acquisition and Preservation Committee and Town Manager subject to approval by the Secretary of the Commonwealth of Massachusetts Executive Office of Energy and Environmental Affairs; that the Town Manager is authorized to expend the amount appropriated on behalf of the Town for the acquisition subject to oversight by the Community Preservation Committee; and that the Town Council President and Town Manager are authorized to execute, receive, deliver and record any written instruments for the stated purposes.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2019-065
INTRO: 12/20/18

SUMMARY

TO: Town Council
FROM: Town Manager on Behalf of Community Preservation Committee
DATE: December 20, 2018
SUBJECT: Appropriation and Transfer order in the amount of \$38,000.00 Community Preservation Funds for acquisition of conservation restriction 5.92 acres±, 0 Bumps River Road, Marstons Mills, Map 168 Parcel 009

BACKGROUND: The Town is seeking approval from the Town Council through the Town Manager for CPA Open Space/Recreation funds in the amount of \$38,000 for the acquisition of 0 Bumps River Road, Centerville; Map 168, Parcel 009. This funding request represents a portion of the total budget for the project of \$115,300 with a \$75,000 Massachusetts Conservation Land Tax Credit Program award to be provided and \$2,300 funded by Barnstable Land Trust. 0 Bumps River Road Centerville is a potentially developable 5.92 acre parcel of land on Mill Pond, part of the Bumps River Wetland Corridor which contains priority habitat for rare species. The Town and BLT have made a significant investment in this area and this parcel is the last remaining undeveloped lot on the west side of Mill Pond. The Land Acquisition and Preservation Committee voted unanimously in support of its acquisition. This parcel was identified by the Town as a priority acquisition property since the first Open Space Plan in the 1980s, but was not available for purchase. Acquisition of this parcel for open space/passive recreation will protect water quality and wildlife along the Bumps River, Scudder Bay and Coombs Bog and preserve a scenic view of Mill Pond from Bumps River Road, providing connection to 27 acres of Town-owned land and the opportunity for public walking trails. Protection of the parcel from development will ensure preservation of archaeological resources including artifacts, soil deposits and features in associated with ancient and historic period Native American populations. In this partnership Barnstable Land Trust will hold the conservation restriction.

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: Mark S. Ells, Town Manager recommends this appropriation.

STAFF ASSISTANCE: Lindsey Counsell, Chair, Community Preservation Committee