



# Town of Barnstable

## Town Council

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Administrator:  
Donald M. Grissom

Administrative  
Assistant:  
Barbara A. Ford

### **TOWN COUNCIL MEETING AGENDA July 16, 2009 7:00 PM**

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. PUBLIC COMMENT (May be limited to 2 minutes)**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. ACT ON MINUTES**
- 7. COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS**
- 8. ORDERS OF THE DAY**
  - A. OLD BUSINESS**
  - B. NEW BUSINESS**
- 9. TOWN MANAGER COMMUNICATIONS**
- 10. ADJOURNMENT**

**NEXT MEETING: August 6<sup>th</sup>**

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Minutes – June 18, 2009 and June 25, 2009

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**Please Note:**

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.

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2009-128**

**INTRO: 05/21/09, 06/18/09, 07/16/09**

**2009-128 APPROPRIATE & TRANSFER FOR LIGHTING IN ASELTON PARK**

**ORDERED:** That the Barnstable Town Council hereby appropriates \$150,000 for the continuation of the lighting of the walkway to the sea through Aselton Memorial Park and to meet the appropriation that the town transfers a sum of money from the embarkation fee special revenue fund

**SPONSORS:** Town Councilors James F. Munafo, Jr., James M. Tinsley, Jr., Harold E. Tobey, J. Gregory Milne and the Town Manager John C. Klimm

| DATE  | ACTION TAKEN |
|-------|--------------|
| _____ | _____        |
| _____ | _____        |

- \_\_\_ Read item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close public hearing
- \_\_\_ Council discussion
- \_\_\_ Move/vote

# **BARNSTABLE TOWN COUNCIL**

## **LIGHTING FOR THE WALKWAY TO THE SEA ASELTON PARK**

**ITEM# 2009-128**

**INTRO: 05/21/09, 06/18/09, 07/16/09**

### **SUMMARY**

**TO:** Town Council  
**FROM:** Town Manager John C. Klimm  
**DATE:** May 14, 2009  
**SUBJECT:** Lighting for the Walkway to the Sea through Aselton Park

**BACKGROUND:** This item is the next stage in a follow-up to the lighting study adopted in September of 2007 by the Town Council. That same study led to the new lighting on Main Street and in the new Pleasant Street Park. Lighting in the Walkway to the Sea though the Village Green has been designed and will be installed this year.

Under this project lighting will be installed in Aselton Park to complete the link from the Village Green over to Pleasant Street. Currently the walkway to the sea from Ocean Street to the waterfront through Aselton Park is unlit.

**FISCAL IMPACT:** There is no fiscal impact. The total amount of monies is to come from embarkation fees, which is appropriately directed to the Hyannis Waterfront area.

**TOWN MANAGER RECOMMENDATION:** The town manager recommends approval of the appropriation order after the required public hearing.

**A. OLD BUSINESS (Public hearing closed) (Roll-call, 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2009-137**

**INTRO: 06/04/09, 06/18/09, 07/16/09**

**2009-137 DCPC IMPLEMENTING REGULATIONS-CENTERVILLE VILLAGE DISTRICT**

**ORDERED:**

Preamble: This ordinance is adopted as an implementing regulation of the Centerville Village portion of the Centerville Village Craigville Beach District of Critical Planning Concern (DCPC). Included in this order in **Section 1** amends the zoning map to create the Centerville Village District; **Section 2** adopts the Centerville Village Implementing Regulations; **Section 3 has been combined with Section 1 of this order** and **Section 4** amends the Sign Code § 240-67 to add “Centerville Village District” to that section.

**Section 1**

**Centerville Village District Map**

That the official zoning map of the Town of Barnstable is hereby amended by adding the Boundary of the Centerville Village District replacing portions of the Business A, RC and RD-1 district in the vicinity of Main Street and South Main Street in Centerville and to rezone portions of the BA zoning district that lie outside the Centerville Village District boundary to the RC zoning district as shown on a map on file with the Town Clerk entitled "Proposed Amendment to the Town Zoning Map Creating the Centerville Village District" dated May 28, 2009 and “Proposed Amendment to the Centerville Zoning Map Sheet 4 of 7” dated May 28, 2009.

**Section 2**

**Centerville Village District Implementing Regulations**

That Chapter 240, Zoning Ordinance is hereby amended by adding a new Article XIV District of Critical Planning Concern Implementing Regulations and adding Centerville Village District Implementing Regulations:

**Article XIV District of Critical Planning Concern Regulations**

**§240-130 Centerville Village District**

**Authority**

This Article is adopted under the authority of the Home Rule Amendment, Article 89 of the Constitution of the Commonwealth, and the Cape Cod Commission Act, Chapter 716 of the Acts of 1989.

**§240-130.1 Purposes and Intent**

A. The purposes and intent of this section is to guide development and redevelopment in Centerville Village that:

- (1) Promotes a location-appropriate scale and traditional mix of business, institutional and residential land uses that contribute to and respect the historic character and historic neighborhood development patterns;
- (2). Acknowledges the historic context of the village including the National Register District which encompasses properties in the northern portion of the district;
- (3) Protects and preserves the historic and scenic streetscape and minimizes traffic congestion;
- (4) Provides a variety of functions that support residents’ day-to-day use of the district;
- (5). Supports and enhances the diverse local economy and retains established village goods and service offerings;

(6) Preserves and protects the traditional New England village character of Centerville through architectural design that replicates in scale and character the best examples of traditional neighborhood design from the historic towns and villages of Cape Cod and New England to enhance the aesthetic quality of Barnstable as a whole.

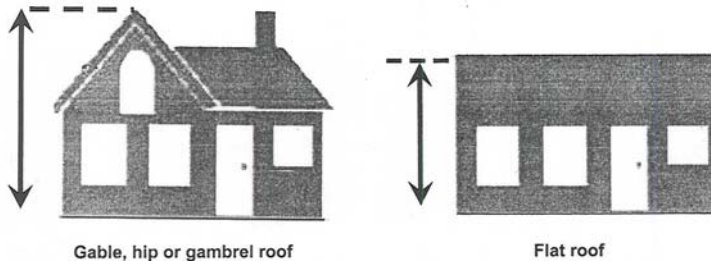
B. The further purpose and intent of this section is to enable the Town of Barnstable to enter into development agreements (hereinafter “regulatory agreements”) under Chapter 168 of the Code of the Town of Barnstable (Barnstable Code) within the Centerville Village District (CVD).

### § 240-130.2 Definitions

As used in the CVD, the following terms shall have the meanings indicated:

**Apartment** - One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit located in a building containing two or more such rooms or suites or located in a building devoted primarily to nonresidential use or in a mixed use building.

**Bed and Breakfast** - Tourist and guest accommodations located within an owner-occupied, single-family residential dwelling unit, let for compensation for brief periods of time, customarily less than two weeks long, without cooking facilities accessible to the guests; or the temporary abode of visitors who have a permanent residence elsewhere.



**Building Height** – The vertical distance between the Grade and the highest point of a gable, hip or gambrel roof; the highest point of the coping of a flat roof.

**Grade** - The referenced plane of the average of all finished ground level adjoining the building or structure for a distance of 6 feet from all exterior walls.

**Ice Cream Specialty Retail Use** - An establishment specializing in the retail sale of ice cream for consumption on or off site or carry out consumption that may include a seating area for food service use as an accessory use to the ice cream specialty retail or an ice cream retail use in existence at the time of the adoption of this ordinance. Accessory food service use may sell, and serve by wait staff a variety of foods that may be prepared on site. Ice cream specialty retail and any accessory food service use is subject to formula business limitations as described herein. Ice cream specialty retail may include on-site ice cream product preparation for wholesale sales provided however; in no case shall wholesale sales of ice cream product for use off- site become the principal use; truck distribution and delivery activity necessary to the wholesale sale of ice cream product for off-site use shall not create additional congestion, and the use shall not generate noise that violates Town Ordinances, or detract from the established character within the CVD.

**Impervious Surface** A surface which prevents the penetration of precipitation or other liquids into the ground, including roofs, concrete, asphalt, natural stone, sidewalks, etc. Any area which may be designed initially to be semi-pervious but has been shown to become impervious over time (e.g., gravel, crushed stone, shells, porous pavement, etc.) shall be considered impervious surface.

**Inn** - A commercial structure used for overnight lodging accessed through interior hallways which may include the provision of meals and incidental related services to lodgers or a motel or motor inn use in existence at the time of the adoption of this ordinance.

**Library** - A building or room that houses a collection of books, records, literary documents or other reference materials for borrowing, reading, study, education or reference and which is owned or operated by a non-profit educational corporation.

**Lot Area** - The horizontal area of a lot exclusive of any area in a street or way open to public use. All of the lot area used for zoning compliance shall be land other than that under water nine (9) months or more in a normal year, or considered as wetland resource area as defined in the Wetlands Protective Act, Chapter 131, Section 40 of MGL and subsequent regulations, 310 CMR 10.00.

**Mixed Use Development** - Development including at least one residential unit and at least one non-residential use on a single lot or several non-residential uses on a single lot.

**Non-Profit Educational Use** – An educational use conducted by a not for profit corporation whose articles of incorporation permit it to engage in educational activities and “educational purposes” as its principal permitted use within the meaning of Massachusetts General Laws, Chapter 40A, sec. 3, including but not limited to libraries and museums.

**Professional or Business Office** - Office, but not including medical or dental offices.

**Religious Institution** – An institution engaged in “religious purposes” within the meaning of Massachusetts General Laws, Chapter 40A, Section 3.

**Setback**- The required distance between every structure and lot line of the lot on which it is located.

**Single Family Residence** – A detached residential building designed for and occupied by a single family.

**Small-Scale Food Service** – An establishment where food is served to customers by wait staff. Small-scale food service does not include restaurants designed to serve a large volume of customers. Small-scale food service is subject to formula business limitations as described herein. These uses are intended to increase pedestrian traffic.

**Small-Scale Retail** - Small stores and businesses, including but not limited to, corner groceries, artist space, bookstore, galleries and other small retail uses typically found in small New England towns. Small-scale retail does not include retail or commercial buildings or storage designed to serve a large volume of customers e.g. gasoline and oil filling stations, garages for automotive or machine repair. Small scale retail is subject to formula business limitations as described herein. These uses are intended to increase pedestrian activity.

**Story** - That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above and having at least 1/2 its height above grade.

**Structure**- Anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, sheds, swimming pools and towers, but shall exclude fences of 6 feet or less in height, flag poles and retaining walls.

### **Section 240-130.3 Permitted Uses**

The following principal and accessory uses are permitted in the Centerville Village District subject to the use limitations outlined below. Other uses of an appropriate scale and function may also be considered subject to a Regulatory Agreement and are subject to the use limitations outlines below. Municipal uses are exempt from these regulations.

#### **A. Use limitations**

Permitted retail establishment, lodging establishment, restaurant, or take out food franchise shall not include a business which is required by contractual or other arrangement to maintain one or more of the following items: standardized (“Formula”) array of services and/or merchandise, trademark, logo, service mark, symbol, décor, architecture, layout, uniform, or similar standardized features and which causes it to be substantially identical to more than fourteen (14) other businesses regardless of ownership or location. Drive-up windows and/or drive-through facilities are prohibited.

#### **B. Principal uses.**

- (1) \*Ice Cream Specialty Retail.
- (2) \*Mixed Use Development.
- (3) Professional or Business Office.
- (4) Single Family Residence.
- (5) \*Small Scale Food Service.
- (6) \*Small Scale Retail.
- (7) Bed and Breakfast.
- (8) \*Inn.

\*Subject to use limitations as described in §240-130.3 A.

#### **C. Accessory uses.**

(1) Automated banking facilities (ATM) within a principal building or a walk-up facility located in a rear or side yard that also meets landscaping and lighting guidelines of this section.

(2) Garages accessory to a single-family residence. Such structures shall be located in the rear or side yard. The footprint of the garage shall not exceed 40% of the footprint of the single-family residence and shall consist of one story unless otherwise permitted for residential use.

(3) Apartment

#### **D. Exempt Uses**

(1) Religious Institutions, accessory day care centers, and Non-Profit Educational uses are permitted as exempt uses within the CVD. These uses shall, however, be subject to and in conformance with the reasonable bulk, density, design and development regulations of the CVD as set forth in Sections 240-130.1A Purposes and Intent, § 240-130.5 Dimensional, Bulk and Other Regulations, § 240-130.6 Design Guidelines, and § 240-130.7 Site Development Standards.

(2) Where the exempt use does not comply with said regulations, the Zoning Board of Appeals shall, by modification permit, modify said regulations if compliance with the regulation substantially diminishes or detracts from the usefulness of a proposed development or impairs the character of the development so as to affect its intended use, provided however that the relief granted will not create a public safety hazard along adjacent roadways and will not create a nuisance to other surrounding properties.

(3) A modification permit shall be subject to the same procedural requirements as a special permit except that approval of a modification permit shall require a simple majority of the members of the Board.

### **Section 240-130.3**

**A. Continuation.** Legally established structures, uses and site improvements in existence at the time of the adoption of this ordinance shall be allowed to continue.

**B. Change, Expansion or Alteration of Uses and Structures.**

(1) As of right

a. The normal and customary repair and maintenance of a building or structure is permitted as of right.

b. The alteration and expansion of a building or structure is permitted as of right provided that the alteration or expansion conforms in all other respects with all applicable requirements of this chapter.

(2) By Special Permit

Alterations or expansions of a building or structure that do not qualify under as of right provisions shall be permitted only by a special permit from the Zoning Board of Appeals, the Special Permit Granting Authority (SPGA) for the CVD. In granting such special permit, the Board must find that the proposed alterations and/or expansion are not substantially more detrimental, by standards set out herein, to the surrounding neighborhood under this Chapter § 240-130.1A Purposes and Intent, 240-130.4A Use Limitations and, where applicable, § 240-130.2 Definitions.

**C. Special Permit for Dimensional Relief**

The SPGA may provide relief from minimum lot area, minimum lot frontage, maximum building setback, minimum yard setbacks, facade length requirements, ground floor window requirements when such relief ensures that the proposed development is consistent with the § 240-130.1 A. Purposes and Intent and the applicant demonstrates undue hardship without desired relief.

**D. Re-establishment of damaged or destroyed use, building or structure.**

(1) The re-establishment of a previously legally established use and/or building or structure which has been destroyed or damaged by fire, acts of nature or other catastrophe shall be permitted as of right, provided that the Building Commissioner has determined that all the following conditions are met:



- (a) The reconstruction or repair will not materially increase the gross floor area or height of the building or structure beyond that which previously existed, nor materially increase the footprint of the structure; or materially change the grade.
- (b) If the building's location on the lot is to be changed, it will change in a manner that will be closer to complying with the dimensional and bulk regulations.
- (c) The reconstruction or repair will not constitute an expansion or intensification of any use.
- (d) In the case of any use in which it would otherwise be required, the site plan review process has been followed.
- (e) Design and architecture of damaged or destroyed buildings and structures in existence at the time of the adoption of this regulation may be replicated. If the Building Commissioner finds that the structure is to be rebuilt to replicate what existed before the damage or destruction, the CVD design guidelines do not apply.
- (f) A building permit has been applied for within two years from the date of damage or destruction,

2. Discontinuance: Any legally established use or structure which no longer complies with the provisions of the CVD that has been damaged or destroyed shall be discontinued unless a building permit has been applied for within two years from the date of damage or destruction, and construction is continuously pursued to completion.

**Section 240- 130.4 Additional Provisions**

**A. Other regulations**

The following provisions of the Barnstable Code are hereby incorporated into this regulation: § 240-7 Application of District Regulations; § 240-9.C & D; § 240-10 Prohibited Uses; § 240-34 Flood Area Provisions; § 240-43 Accessory Uses; § 240-46.A & B Home Occupations; Article VI Off Street Parking Sections 240-52, 240-53.B through .E ; and Sign Regulations § 240-59 through 62, and Section 240-67; Article XI Growth Management Sections 240-110 through 122; Article IX Site Plan Review; Article XII Administration and Enforcement § 240-123 – 240-124; § 240-125 C Special Permit Provisions as these provisions of the Barnstable Code cited in this section may be amended from time to time.

**B. Conflicts**

Unless otherwise stated, the requirements of the Centerville Village District shall apply to uses and structures within the Centerville Village District. In the event of a conflict, these regulations shall apply.

**C. Severability**

The provisions of this chapter are severable. If any court of competent jurisdiction shall invalidate any provision herein, such invalidation shall not affect any other provisions of this chapter. If any court of competent jurisdiction shall invalidate the application of any provision of this chapter to a particular case, such invalidation shall not affect the application of said provision to any other case within the Town.

**Section 240-130.5 Dimensional, Bulk and Other Requirements**

|                                |                             | Minimum Yard Setbacks      |             |             | Maximum Building Height |         |                                    |                          |
|--------------------------------|-----------------------------|----------------------------|-------------|-------------|-------------------------|---------|------------------------------------|--------------------------|
| Minimum Lot Area (square feet) | Minimum Lot Frontage (feet) | Front <sup>2</sup> (feet)  | Rear (feet) | Side (feet) | Feet                    | Stories | Maximum Lot Coverage By Structures | Total Impervious Surface |
| 20,000 SF or Lot area of       | 20                          | 20' or Setback of existing | 10          | 10          | 30 <sup>1</sup>         | 2 ½     | 35%                                | 80%                      |

|  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|
| legally established lot as of 06/18/2009 |  | legally established structure from front lot line as of 06/18/2009 whichever is less |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|

**NOTES:**

(1) Height - Maximum building height. The maximum height of buildings or structures is 36 feet or two and one half stories whichever is less at the highest point of the roof for roofs with a pitch of at least six (6) inches in each foot and at the highest point of a gambrel roof.

(2)Setbacks

- a) The building setback may be modified through a special permit from the Zoning Board of Appeals upon demonstration to the satisfaction of that board that redevelopment cannot meet the minimum setback without undue hardship or due to topography, lot shape or constraints of existing structures.
- b) Parking is discouraged in the front yard setback. Wherever possible parking shall be located within side or rear yard setbacks.

**Section 240-130.6 Design Guidelines**

**A. Purpose:**

The purpose of these design guidelines is to enhance the traditional small-scale village character currently found in the CVD through the use of compatible building materials, appropriate scale and architectural details currently found within the district or immediate surrounding area. New structures are encouraged to complement, but not necessarily duplicate, surrounding structures.

**B. Objectives:**

- 1. To encourage site planning and architectural design that will enhance the existing historic character of the CVD.
- 2. Ensure that redevelopment and new development is compatible with the existing character of the CVD while encouraging variety through flexibility in the application of these design standards.

**C. Application:**

The Design Guidelines set forth herein do not apply to legally established structures in existence as of the effective date of the CVD but shall apply to all new development, to any additions to existing structures and to all reconstruction projects except as provided for in § 240-130.3 D(1)(e).

**(1) Massing:** Buildings or portions of buildings with a mass, including rooflines, over 25 feet in length must divide their elevations into smaller parts through a variety of architectural elements including but not limited to dormers or additive massing as well as pronounced changes in wall planes. Flat and shed roofs are limited to a length of 20 linear feet and only in combination with other gable or hip roof elements; except that ground floor open porches may have a longer expanse of shed roof on a structure that otherwise meets these massing provisions.

**(2) Roof Pitch:** Except as permitted under massing herein, roof pitch and pattern for new structures and additions to existing structures shall complement the roof pitches found on the main rooflines of existing structures within the CVD and the immediate surrounding area or at least 4 in 12 where the roofs of surrounding structures are flat or only slightly pitched

**(3) Ground floor windows for non-residential development:**

- (a) All new non-residential development, including non-residential portions of mixed use developments, shall provide ground floor windows along street facades, including windows that allow view into working areas or lobbies, pedestrian entrances, or display windows. The glazing pattern shall be aligned in a regular and traditional pattern as found within the CVD and the immediate surrounding area.
- (b) Window glazing or films that inhibit two-way visibility, such as darkly tinted and mirrored windows, are prohibited as ground floor windows. Mirrored windows are prohibited throughout the CVD.
- (c) Street façade blank walls greater than four (4) feet in length that do not include display areas, windows, architectural features, and/or doorways are prohibited.

**(4) Architectural details and materials:**

- (a) Architectural character of buildings must complement the historic character of buildings found within the CVD and the immediate surrounding area.
- (b) Façade materials shall be high quality, authentic materials such as wood, stone or brick. Manufactured materials intended to duplicate the look of natural materials may be allowed.
- (c) External side elements including but not limited to screening devices, site walls, enclosed service, loading and refuse areas and mechanical equipment shall be designed as an integral part of the building's architectural character.
- (d) Primary entrance to buildings, other than single family homes, shall be distinguished with façade variations, porticos, roof variations, recesses or other integral architecturally appropriate building elements.
- (e) Extended bands of corporate or franchise colors are prohibited in the CVD.
- (f) Metal sided buildings are prohibited in the CVD.
- (g) The following design features shall be incorporated into structures within the CVD where architecturally appropriate. Structures shall include at least one of the following elements:
  - [1] Gable
  - [2] Offsets on the building face or roof of at least two inches
  - [3] Gable dormers
  - [4] Cupolas or other appropriate roof elements
  - [5] Covered porches

**Section 240-130.7 Site Development Standards**

All new development and redevelopment and change of use except as set forth in §240-130 within the CVD with the exception of single-family residences shall comply with the provisions of Article IX Site Plan Review § 240-98 through § 240-105.

**A. Access Management.** To ensure traffic safety, pedestrian safety and maintain traffic flow the following standards for new access shall apply in the CVD:

- 1. New access on South Main Street and Main Street:
  - (a) Shall only be allowed where the Building Commissioner determines that the access will improve internal circulation or address safety at existing access.
  - (b) Interconnections between lots and uses are strongly encouraged to prevent unsafe turning conflicts and increase pedestrian safety.
  - (c) New driveways on South Main Street and Main Street within 200 feet of any intersection shall not be permitted unless the Town Engineer determines based upon a professional study provided by the applicant that the proposed driveway location will not create new traffic safety hazards or increase traffic congestion.
- 2. New access shall not be more than 24 feet in width unless the Building Commissioner determines based upon a professionally conducted study provided by the applicant that a wider width is necessary for safety purposes.

**B. Parking spaces, computation.**

- 1. The parking standards contained within the Schedule of Off-Street Parking Requirement, 240-56 of the Barnstable Zoning Ordinance, shall establish the minimum parking requirements, with the following exceptions:
  - a. The use of shared parking for different uses having different peak hours of demand will be considered in evaluating compliance with § 240-56. A signed lease agreement or recorded easement between relevant parties sharing parking must be provided as part of the site plan approval.
  - b. A permitted use can be changed to another permitted use, and any permitted ~~principal~~ or accessory use can be intensified, without increasing the required off-street parking requirements of § 240-56, Schedule of Off-Street Parking Requirements, provided that:
    - 1. There is no increase in gross square footage of the building; and
    - 2. There is no reduction in existing parking spaces required pursuant to § 240-56; and
    - 3. A minimum of two on-site parking spaces per dwelling unit shall be provided. A one-car garage shall count as one parking space. A two-car garage shall count as two parking spaces.

2. Parking spaces shall be provided for new and/or expanded building area, and for new and/or expanded outdoor uses, as follows:
  - a. Parking space requirements for residential mixed use shall be subject to Section 240-130.7 B.1 above and for the residential units parking the parking requirement shall be one parking space per bedroom for one- and two-bedroom units or a total of two parking spaces for units with two or more bedrooms.
  - b. Parking space requirements for non-residential uses shall be subject to Section 240-130.7 B.1 above.
3. Reduction of required parking spaces may be allowed provided the Building Commissioner, who may waive up to two (2) spaces, or if parking is proposed to be reduced by more than two (2) spaces the Zoning Board of Appeals must find that:
  - a. Adequate shared parking is available consistent with § A. 1 above or,
  - b. There are other factors that support the reduction.

**C. Landscaping.**

All applications for new non-residential development and redevelopment shall be accompanied by a landscape plan that shows the location within the development of each species of trees, shrubs and/or other plantings, their suitability for the conditions at the proposed location and their size at maturity

1. Those portions of the front yard not occupied by pedestrian amenities and public spaces shall be landscaped.
2. Existing trees and other features of the land, especially slopes, shall be protected in the development or redevelopment of the site.
3. Landscape materials shall be used that, at full growth, will not overwhelm the site location or interfere with views or pedestrian activity over time.
4. Landscaping plan will adequately provide street trees and will screen parking.

**D. Lighting.**

1. All exterior lighting shall use full cutoff light fixtures in which no more than 2.5% of the total output is emitted at 90° from the vertical pole or building wall on which it is mounted.
2. Flood, area and up lighting is prohibited for uses and signage.

**Section 3  
Combined with Section 1**

**Section 4  
Amend the Barnstable Zoning Ordinance § 240-67 Signs**

That the Town of Barnstable Zoning Ordinance Chapter 240, § 67 Signs is hereby amended to read “Section 240-67 Signs in CVD, OM, HG, TD, VB-A, and VB-B Districts.”.

**SPONSORS:** Council President Frederick Chirigotis, Councilor Janet S. Joakim, and Councilor Tom Rugo

| DATE  | ACTION TAKEN |
|-------|--------------|
| _____ | _____        |
| _____ | _____        |

- \_\_\_ Read item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close public hearing
- \_\_\_ Council discussion
- \_\_\_ Move/vote

# **BARNSTABLE TOWN COUNCIL**

## **IMPLEMENTATION OF DCPC CENTERVILLE VILLAGE DISTRICT**

**ITEM# 2009-137**

**INTRO: 06/04/09, 06/18/09, 07/16/09**

### **SUMMARY**

**TO:** Town Council  
**FROM:** Jo Anne Buntich Miller, Director of Growth Management  
**DATE:** May 29, 2009

**BACKGROUND:** This is an amendment to the Zoning Ordinance that creates Section XIII District of Critical Planning Concern Regulations, Section 240-130 Centerville Village District.

The Centerville Village DCPC was nominated in February of 2008 as a Cultural, Historic, Architectural Resource and Economic Development Resource District. The DCPC process was initiated at the request of Centerville residents. Adoption of these implementing regulations will allow the Town to provide the regulation desired by local residents and ensure that this small economic center will grow in a way that existing infrastructure can support.

The Town through the Town Attorney's Office and the Growth Management Department organized and partnered with an Advisory Group representing stakeholders in the Village DCPC. Attorneys Phil Boudreau and Eliza Cox – and at the outset Patrick M. Butler - represented property owners, Roy Richardson, represented the Centerville Village Association, Town Attorney Ruth Weil and Interim Director of Growth Management Jo Anne Miller Buntich along with former Interim Director Patty Daley worked with this group. Attorney Michael Ford has been copied on all group correspondence for his client. This group has met several times a month since July 2008. The regulations presented here are a product of that process.

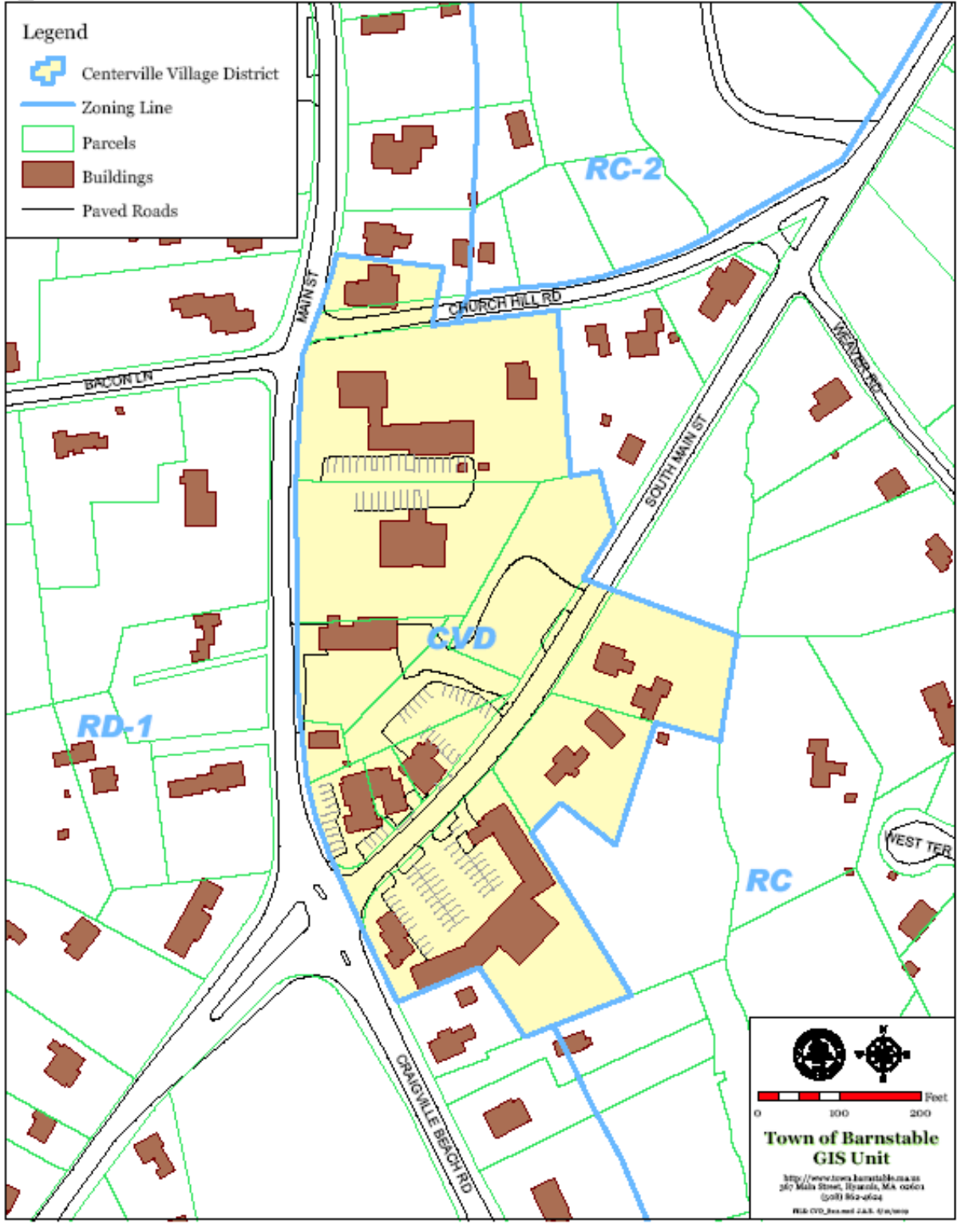
**ANALYSIS:** Adoption of this regulation will create the Centerville Village District by rezoning portions of the existing BA, RD-1 and RC districts and rezones the existing BA district to the Centerville Village District and the RC district. This order also amends the zoning map to accommodate these changes and adds the Centerville Village District to the Sign Code.

**RATIONALE:** These regulations respond to and support the purposes of the District of Critical Planning Concern which included protecting village cultural, historic and architectural character which is accomplished through use regulations, dimensional regulations and design guidelines. The locally owned businesses, the economic resource, are supported through allowed by-right uses and a formula business prohibition. The inclusion of the regulatory agreement process will allow the Town and business uses to work together to address additional needs of the village uses.



# CENTERVILLE VILLAGE DISTRICT

May 28, 2009



**2009-137 MAP**

**A. OLD BUSINESS (Public hearing continued) (Roll-call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2009-138**

**INTRO: 06/04/09, 06/18/09, 07/16/09**

**2009-138 AMEND THE REGULATORY AGREEMENT ORDINANCE TO INCLUDE THE CENTERVILLE VILLAGE DISTRICT.**

**ORDERED,** That Chapter 168 of the General Ordinance, Regulatory Agreements, is hereby amended by adding the Centerville Village District to the existing Regulatory Agreement District.

**SECTION 1**

That Chapter 168, Regulatory Agreement Ordinance, is amended by adding the Centerville Village District to the Hyannis Regulatory Agreement District Map as shown on a map on file with the Town Clerk entitled "Hyannis Regulatory Agreement District Map", dated March 9, 2007, by amending said map as shown on the map entitled "Proposed Amendment to Regulatory Agreement District Map Adding the Centerville Village District" dated May 28, 2009.

**SECTION 2**

That Chapter 168, the Regulatory Agreement Ordinance, is hereby amended by striking out Section 168-1 A and inserting in place thereof the following:

It is the purpose and intent of this chapter to enable the Town of Barnstable to enter into development agreements (hereinafter "regulatory agreements") in the areas delineated on the attached map, dated May 28, 2009, entitled "Regulatory Agreement Districts."

**SECTION 3**

That Chapter 168, the Regulatory Agreement Ordinance, is hereby amended by striking out Section 168-1 B and inserting in place thereof the following:

This chapter shall apply within the Regulatory Agreement Districts, shown on the attached map.

**SPONSORS:** Town Council President Frederick Chirigotis, Councilor Janet Joakim and Councilor Thomas Rugo.

| <b>DATE</b> | <b>ACTION TAKEN</b> |
|-------------|---------------------|
| _____       | _____               |
| _____       | _____               |

- \_\_\_\_\_ Read item
- \_\_\_\_\_ Motion to Open Public Hearing
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close public hearing
- \_\_\_\_\_ Council discussion
- \_\_\_\_\_ Move/vote

# **BARNSTABLE TOWN COUNCIL**

## **REGULATORY AGREEMENT CENTERVILLE VILLAGE DISTRICT**

**ITEM# 2009-138**

**INTRO: 06/04/09, 06/18/09, 07/16/09**

### **SUMMARY**

**TO:** Town Council  
**FROM:** Jo Anne Miller Buntich, Director of Growth Management  
**DATE:** May 29, 2009

**BACKGROUND:** This is an amendment to the General Ordinance that allows the newly created Centerville Village District (CVD) to access the provisions of Chapter 168 Regulatory Agreements. The Regulatory Agreement is part of the District of Critical Planning Concern (DCPC) regulations for the CVD.

The Centerville Village DCPC was nominated in February of 2008 as a Cultural, Historic, Architectural Resource and Economic Development Resource District. The DCPC process was initiated at the request of Centerville residents. Adoption of these implementing regulations will allow the Town to provide the regulation desired by local residents and ensure that this small economic center will grow in a way that existing infrastructure can support.

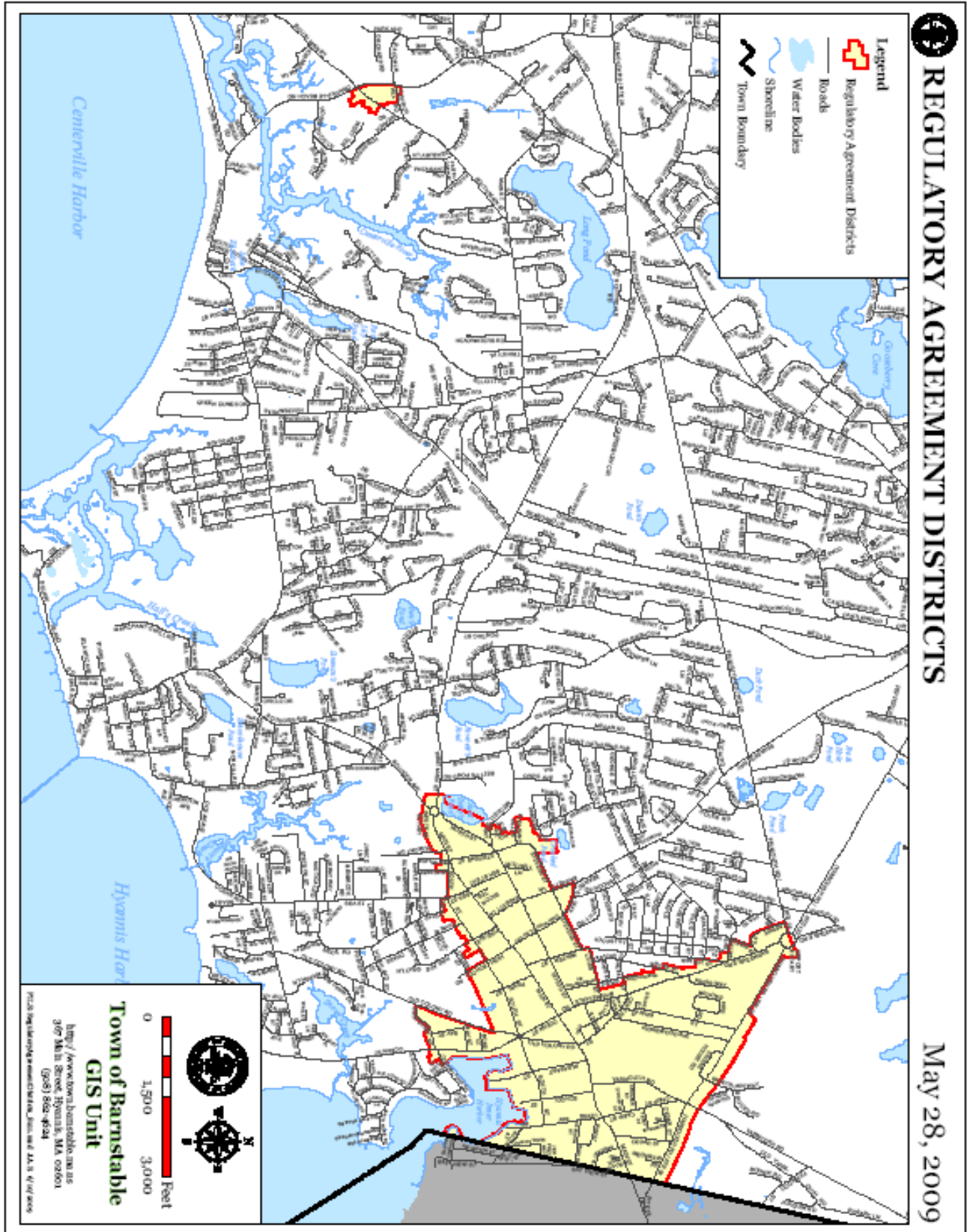
The Town through the Town Attorney's Office and the Growth Management Department organized and partnered with an Advisory Group representing stakeholders in the Village DCPC. Attorneys Phil Boudreau and Eliza Cox – and at the outset Patrick M. Butler - represented property owners, Roy Richardson, represented the Centerville Village Association, Town Attorney Ruth Weil and Interim Director of Growth Management Jo Anne Miller Buntich along with former Interim Director Patty Daley worked with this group. Attorney Michael Ford has been copied on all group correspondence for his client. This group has met several times a month since July 2008. The regulations presented here are a product of that process.

**ANALYSIS:** Adoption of this general ordinance amendment will allow properties in the Centerville Village District to negotiate regulatory agreements with the Town as specified within Chapter 168.

**RATIONALE:** The CVD regulations respond to and support the purposes of the District of Critical Planning Concern which included protecting village cultural, historic and architectural character which is accomplished through use regulations, dimensional regulations and design guidelines. The locally owned businesses, the economic resource, are supported through allowed by-right uses and a formula business prohibition. The inclusion of the regulatory agreement process will allow the Town and business uses to work together to address additional needs as they may arise.

**TOWN MANAGER RECOMMENDATION:** The town manager recommends approval of the appropriation order after the required public hearing.





**B. NEW BUSINESS (First Reading)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-001  
INTRO: 07/16/09**

**2010-001 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED**, that the Town appoint the following individuals to a multiple-member board/committee/commission:

**BARNSTABLE YOUTH COMMISSION**

Alisha Collucci, BHS, 744 W. Main St., Hyannis, as a member to a term expiring 06/30/2010  
Grace Crowell, BHS, 744 W. Main St., Hyannis, as a member to a term expiring 06/30/2010  
Roger Santos, BHS, 744 West Main St., Hyannis, as a member to a term expiring 06/30/2010

**SPONSOR:** Appointments Committee

| <b>DATE</b> | <b>ACTION TAKEN</b> |
|-------------|---------------------|
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| _____       | _____               |

- Read item
- Council discussion
- Move/vote

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-002  
INTRO: 07/16/09**

**2010-002 AMEND ADMINISTRATIVE CODE – PROVISION FOR AN ALTERNATE MEMBER ON THE BOARD OF HEALTH**

**ORDERED,**

That Section § 241-21 of the Administrative Code relating to the Board of Health is hereby amended by striking out numbered paragraph “(A)” and inserting in place thereof the following:

“A. Term of office. There shall be a Board of Health consisting of three regular members, one of whom shall be a physician, and one alternate member. The alternate member shall have voting rights at meetings if there is an absence of a regular member.”

**SPONSOR:** Appointments Committee

| <b>DATE</b> | <b>ACTION TAKEN</b> |
|-------------|---------------------|
| _____       | _____               |
| _____       | _____               |

- \_\_\_ Read item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close public hearing
- \_\_\_ Council discussion
- \_\_\_ Move/vote

**BARNSTABLE TOWN COUNCIL**

**AMENDING THE ADMINISTRATIVE CODE  
BOH ALTERNATE PROVISION**

**ITEM# 2009-002  
INTRO: 07/16/09**

**SUMMARY**

**DATE:** July 8, 2009  
**TO:** Town Council  
**FROM:** Appointments Committee  
**THROUGH:** Donald Grissom, Town Council Administrator

**BACKGROUND:** The Board of Health is a regulatory board and given its requirement for a quorum and the board's size, an alternate member will reasonably ensure that important decisions can still be made should there be an absence of a regular member.

**STAFF ASSISTANCE:** Town Attorney Ruth Weil

**B. NEW BUSINESS (Refer to public hearing 08/06/09) (Roll-call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-003  
INTRO: 07/16/09**

**2010-003 APPROPRIATE & TRANSFER FROM RESERVE FUNDS FOR FINALIZING THE COASTAL RESOURCES MANAGEMENT PLAN.**

**ORDERED:** that the sum of \$14,000 be appropriated from reserve funds for the purpose of finalizing the Coastal Resources Management Committee update of the 1990 Camp, Dresser & McKee Coastal Resources Management Plan as follows: \$13,000 for personnel; \$1,000 for final document preparation, printing and distribution; and that the Town manager is authorized to contract for and expend the Appropriation made available for this purpose.

**SPONSOR:** Town Manager John C. Klimm

| DATE  | ACTION TAKEN |
|-------|--------------|
| _____ | _____        |
| _____ | _____        |

- \_\_\_ Read item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close public hearing
- \_\_\_ Council discussion
- \_\_\_ Move/vote

# **BARNSTABLE TOWN COUNCIL**

## **COASTAL RESOURCES MANAGEMENT PLAN UPDATE THREE BAYS, EAST BAY AND THE CENTERVILLE RIVER**

**ITEM# 2010-003**

**INTRO: 07/16/09**

### **SUMMARY**

**DATE:** July 7, 2009  
**TO:** Town Council  
**FROM:** Jo Anne Miller Buntich, Growth Management Dept Director

**BACKGROUND:** The Committee created has worked steadily at this Town Council assigned task over the past year. The CRMC has carefully interviewed stakeholders, reviewed the 1990 Coastal Management Plan and worked to develop an inventory of existing condition and is now engaged in reviewing, editing and finalizing a draft of the plan update. Previous funds allocated for committee support have supported this extensive plan of work.

The requested funds will allow the CRMC, with assistance from the Growth Management Department, to bring the project to a close on time and under initial cost estimates.

**STAFF ASSISTANCE:**

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-004  
INTRO: 07/16/09**

**2010-004 \$5,000 GRANT ACCEPTANCE FOR SENIOR SERVICES DIVISION FROM  
BJ'S CHARITABLE FOUNDATION**

**RESOLVED:** That the Town of Barnstable hereby accepts a grant of \$5,000 to the Barnstable Senior Services Division from the BJ's Charitable Foundation to support meal costs for the Barnstable Adult Supportive Day Program.

**SPONSOR:** Town Manager John C. Klimm

| DATE  | ACTION TAKEN |
|-------|--------------|
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| _____ | _____        |

- Read Item
- Rationale
- Council discussion
- Move / vote

## **BARNSTABLE TOWN COUNCIL**

### **ACCEPTANCE OF \$5,000 GRANT FROM THE BJ'S CHARITABLE FOUNDATION TO THE BARNSTABLE SENIOR SERVICES DIVISION**

**ITEM# 2010-004**

**INTRO: 07/16/09**

#### **SUMMARY**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Lynne M. Poyant, Director of Community Services  
**DATE:** July 6, 2009

**RATIONALE:** The Barnstable Adult Supportive Day Program assists families in caring for elders who can not or do not wish to remain at home throughout the day and offers supportive care in a structured and caring environment. Seniors who attend our program spend the day engaged in healthy lifestyle activities from chair exercises to current events discussions. Program participants enjoy a nutritious lunch each day at the congregate dining program administered by Elder Services of Cape Cod and the Islands. The Barnstable Senior Center makes a \$4.00 donation to Elder Services for each meal provided. In an effort to offset the cost of meals, we applied for and received a \$5,000 grant from the BJ's Charitable Foundation. This funding will help reduce program costs and ensure the program's ongoing commitment to provide quality affordable respite care for caregivers in our community.

The Community Services Department and Senior Services Division are deeply appreciative to the BJ's Charitable Foundation for their support of the Barnstable Adult Supportive Day program.

**STAFF ASSISTANCE:** Madeline Taylor, Senior Services Director  
Rose DiGregorio, Senior Services Assistant Director



**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-005  
INTRO: 07/16/09**

**2010-005 \$400 GRANT ACCEPTANCE FOR SENIOR SERVICES DIVISION FROM  
CAPE COD CONSORTIUM FOR AT-RISK ELDERS**

**RESOLVED:** That the Town of Barnstable hereby accepts a grant of \$400 to the Barnstable Senior Services Division from the Cape Consortium for At-Risk Elders to support outreach efforts to isolated seniors.

**SPONSOR:** Town Manager John C. Klimm

| DATE  | ACTION TAKEN |
|-------|--------------|
| _____ | _____        |
| _____ | _____        |

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council discussion
- \_\_\_ Move / vote

# **BARNSTABLE TOWN COUNCIL**

## **ACCEPTANCE OF \$400 GRANT FROM THE CAPE CONSORTIUM FOR AT RISK ELDERS TO THE BARNSTABLE SENIOR SERVICES DIVISION**

**ITEM# 2010-005**  
**INTRO: 07/16/09**

### **SUMMARY**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Lynne M. Poyant, Director of Community Services  
**DATE:** July 6, 2009

**RATIONALE:** The Cape Consortium for At Risk Elders has provided the Barnstable Senior Center with a \$400 grant to develop programming to reduce depression and prevent declines experienced by isolation in the older adult population. The Barnstable Senior Center will use the funding to implement a free program called "Calling Circles" which is designed to reduce isolation among homebound seniors by creating a peer-to-peer calling network. Due to social isolation, many seniors may be experiencing depression and/or lack of services. "Calling Circles" will empower isolated seniors to reach out to one another as well as the staff and/or volunteers of the Barnstable Senior Center. A workshop to recruit and train volunteers will be offered as part of this program. The purpose of the program is establishing social connections and support.

The Community Services Department and Senior Services Division are deeply appreciative to the Cape Consortium for At Risk Elders for their support.

**STAFF ASSISTANCE:** Madeline Taylor, Senior Services Director  
Rose DiGregorio, Senior Services Assistant Director

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-006  
INTRO: 07/16/09**

**2010-006 \$24,643 GRANT ACCEPTANCE FOR PORT SECURITY GRANT, HYANNIS HARBOR FROM DEPT OF HOMELAND SECURITY, FEMA**

**RESOLVED:** That the Barnstable Town Council does hereby accept a Port Security Grant from the Department of Homeland Security, FEMA in the amount of \$24,643 for the purpose of installing a camera system for Hyannis Harbor.

**SPONSOR:** Town Manager John C. Klimm

| DATE  | ACTION TAKEN |
|-------|--------------|
| _____ | _____        |
| _____ | _____        |

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council discussion
- \_\_\_ Move / vote

# **BARNSTABLE TOWN COUNCIL**

## **ACCEPTANCE OF \$400 GRANT FROM THE CAPE CONSORTIUM FOR AT RISK ELDERLY TO THE BARNSTABLE SENIOR SERVICES DIVISION**

**ITEM# 2010-006  
INTRO: 07/16/09**

### **SUMMARY**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Lynne M. Poyant, Director of Community Services  
**DATE:** July 6, 2009

**RATIONALE:** FEMA's Infrastructure Protection Activities (IPA) grant program is designed to strengthen the Nation's ability to protect critical infrastructure facilities and systems. These activities are comprised of five separate grant programs including Port Security Grant Program (PSGP).

Together, these grants fund a range of preparedness activities, including strengthening infrastructure against explosive attacks, preparedness, planning, equipment purchase, training, exercises, and security management and administration costs. IPA grants support objectives outlined in post-9/11 laws, strategy documents, plans, Executive Orders and Homeland Security Presidential Directives, the National Preparedness Guidelines and associated work products, including the National Infrastructure Protection Plan (NIPP) and its transportation sector-specific plans and Executive Order 13415 (Strengthening Surface Transportation Security).

**BACKGROUND:** The Town of Barnstable has applied for and been awarded a Port Security Grant in the amount of \$24,643 for the purchase of a camera system for Hyannis Harbor. The cameras will be strategically positioned to monitor the Hyannis entrance Channel, the inner Lewis Bay Channel and inner Hyannis Harbor. This will allow us to add more cameras to the Town's wireless camera system to cover areas that are not already covered. We are in the process of finalizing our environmental and historical review.

**ANALYSIS:** We have received our preliminary notification and expect to receive our official notification at any time. We have 30 days from the official notification date to accept this grant.

**FISCAL IMPACT:** There is no fiscal impact.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends acceptance of this grant.

**STAFF ASSISTANCE:** Joe Gibbs, Mooring Officer  
Daniel J. Horn, Director of Marine and Environmental Affairs /  
Harbormaster Daniel Wood, Information Technology Director

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-007  
INTRO: 07/16/09**

**2010-007 \$34,000 GRANT ACCEPTANCE FROM THE HYCC FOUNDATION-  
CONVEYING CHARITABLE CONTRIBUTIONS RECEIVED**

**RESOLVED:** That the Barnstable Town Council hereby accept \$34,000 from the Hyannis Youth and Community Center Foundation for the conveyance of \$12,000 from Cape Cod Five Cents Savings Bank Charitable Foundation, \$10,000 from the Barnstable High School Hockey Boosters, \$10,000 from the Sammy Montana D'Olimpio Fund for Suicide Prevention and \$2,000 from the Robert and Suzanne Kittredge Foundation for the construction of the new Hyannis Youth and Community Center.

**SPONSOR:** Town Manager John C. Klimm

| DATE  | ACTION TAKEN |
|-------|--------------|
| _____ | _____        |
| _____ | _____        |

- Read Item
- Rationale
- Council discussion
- Move / vote

# **BARNSTABLE TOWN COUNCIL**

## **ACCEPTANCE OF A GRANT FROM THE CAPE COD FIVE CENTS SAVINGS BANK**

**ITEM# 2010-007  
INTRO: 07/16/09**

### **SUMMARY**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Lynne M. Poyant, Director of Community Services  
**DATE:** July 6, 2009

**BACKGROUND:** Recreation Division is committed to providing leisure opportunities to improve the quality of life in the Town of Barnstable through exceptional programs and services. The Recreation Division responds to the needs of our community, most specifically the challenges associated with high rates of poverty; the inability of working families to provide safe, secure quality supervision and constructive activities for school-aged children. After school programs, sports and recreational activities have always played an important role in the development of the children and young adults of Barnstable. In this difficult economy, the Barnstable Recreation Division is called upon to play a more significant role in maturing our young people physically, emotionally, and socially.

**ANALYSIS:** Recognizing the great demand placed upon Recreation; the Division, Community Leaders, and the local non-profit Barnstable Youth Hockey Association have directed their efforts to raise significant dollars for the new Hyannis Youth and Community Center. The Hyannis Youth and Community Center facility will be required to raise sufficient funds in order to cover all costs including contributing towards the debt schedule. Barnstable Recreation believes that all children should have the right to achieve their full potential. The Town of Barnstable Recreation Division strives to promote total access to the respective recreational activities. All our young people will be treated with dignity and respect at the Hyannis Youth and Community Center.

The Community Services Department and Recreation Division are extremely grateful for the generous support of the Cape Cod Five Cents Savings Bank Charitable Foundation for a \$12,000 installment on their donation for the naming of the Teen Center, the Sammy Montana D'Olimpio Fund for Suicide Prevention for their \$10,000 donation for the naming of the Community Police Office, the Barnstable High School Hockey Boosters for their \$10,000 donation for the Boys Locker Room, and a \$2,000 installment for the donation from the Robert and Suzanne Kittredge Foundation for the lower level concession.

**FISCAL IMPACT:** The \$34,000 in donations will be used in the construction of the Hyannis Youth and Community Center.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends acceptance of these gifts.

**STAFF ASSISTANCE:** David Curley, Recreation Director

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-008  
INTRO: 07/16/09**

**2010-008 \$26,683.03 ACCEPTANCE OF AN IN-KIND DONATION FOR HYCC FROM SHEPLEY WOOD PRODUCTS**

**RESOLVED**, that the Town Council hereby accept an in-kind donation from Shepley Wood Products valued at \$26,683.03 for the new Hyannis Youth and Community Center.

**SPONSOR:** Town Manager John C. Klimm

| DATE  | ACTION TAKEN |
|-------|--------------|
| _____ | _____        |
| _____ | _____        |

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council discussion
- \_\_\_ Move / vote

# **BARNSTABLE TOWN COUNCIL**

## **ACCEPTANCE OF IN IN-KIND DONATION FOR HYCC FROM SHEPLEY WOOD PRODUCTS**

**ITEM# 2010-008**

**INTRO: 07/16/09**

### **SUMMARY**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Lynne M. Poyant, Director of Community Services  
**DATE:** July 16, 2009

**BACKGROUND:** The Town of Barnstable Recreation Division is committed to providing leisure opportunities to improve the quality of life in our community through exceptional programs and services. The Recreation Division program responds to the needs of our community, most specifically the challenges associated with high rates of poverty; the inability of working families to provide safe, secure quality supervision and constructive activities for school-aged children. After school programs, sports and recreational activities have always played an important role in the development of the children and young adults of Barnstable. In this difficult economy, the Barnstable Recreation Division is called upon to play a more significant role in maturing our young people physically, emotionally, and socially.

Shepley Wood Products has made a generous in-kind donation of construction materials valued at \$26,683.03 for the purpose of constructing the new Hyannis Youth and Community Center. Shepley Wood Products will receive naming rights for the community room. The HYCC will be in full operation as of September 1, 2009.

**ANALYSIS:** Recognizing the great demand placed upon Recreation; the Division, Community Leaders, and the local non-profit Barnstable Youth Hockey Association have directed their efforts to raise significant dollars for the new Hyannis Youth and Community Center. The Hyannis Youth and Community Center facility will be required to raise sufficient funds in order to cover all costs including contributing towards the debt schedule. Tony Shepley, President of Shepley Wood Products, has made a generous donation of in-kind materials valued at \$26,683.03 for the construction of the HYCC.

The Community Services Department and Recreation Division are extremely grateful for the generous support of Tony Shepley and Shepley Wood Products.

**FISCAL IMPACT:** The \$26,683.03 of in-kind construction materials will be used to offset construction costs for the Hyannis Youth and Community Center.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends acceptance of this gift.

**STAFF ASSISTANCE:** David Curley, Recreation Director  
John Juros, Owner's Project Manager



**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-009  
INTRO: 07/16/09**

**2010-009 ACCEPTANCE OF \$4,995 FROM WAREHAM YOUTH HOCKEY FOR  
SURPLUS GOODS FROM THE KENNEDY MEMORIAL SKATING RINK**

**RESOLVED**, that the Barnstable Town Council hereby accepts \$4,995 from Wareham Youth Hockey for items declared surplus prior to the demolition of the Joseph P. Kennedy, Jr. Memorial Skating Rink.

**SPONSOR:** Town Manager John C. Klimm

| DATE  | ACTION TAKEN |
|-------|--------------|
| _____ | _____        |
| _____ | _____        |

- \_\_\_ Read Item
- \_\_\_ Rationale
- \_\_\_ Council discussion
- \_\_\_ Move / vote

# **BARNSTABLE TOWN COUNCIL**

## **ACCEPTANCE OF \$4,995 FOR SURPLUS GOODS**

**ITEM# 2010-009**

**INTRO: 07/16/09**

### **SUMMARY**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Lynne M. Poyant, Director of Community Services  
**DATE:** July 16, 2009

**BACKGROUND:** Recreation Division is committed to providing leisure opportunities to improve the quality of life in the Town of Barnstable through exceptional programs and services. The Recreation Division responds to the needs of our community, most specifically the challenges associated with high rates of poverty; the inability of working families to provide safe, secure quality supervision and constructive activities for school-aged children. After school programs, sports and recreational activities have always played an important role in the development of the children and young adults of Barnstable. In this difficult economy, the Barnstable Recreation Division is called upon to play a more significant role in maturing our young people physically, emotionally, and socially.

**ANALYSIS:** Upon the declaration of the Joseph P. Kennedy, Jr. Memorial Skating Rink materials being declared surplus, the Wareham Youth Hockey program purchased dasher board glass, dasher board kidac (board material), and some light fixtures for the sum of \$4,995. These materials would have been disposed of in some other fashion had Wareham Youth Hockey not offered to purchase. Wareham Youth Hockey is trying to build a skating rink on some Town land. The board material they removed from our dasher boards was in rough shape, the glass was good, the fixtures were tired and some were quite old.

**FISCAL IMPACT:** The \$4,995 for sale of items declared surplus prior to the demolition of the Kennedy Rink will be placed in a separate miscellaneous revenue account under the Rink.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends acceptance of these gifts.

**STAFF ASSISTANCE:** David Curley, Recreation Director

**B. NEW BUSINESS (May be acted upon) (Roll-call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-010  
INTRO: 07/16/09**

**2010-010 TRANSFER ORDER TO REPAIR THE EAST BAY BREAKWATER  
LIGHTED MONOPOLE**

**ORDERED**, that the Town Council hereby transfers the sum of \$13,371 from the remaining balance in Town Council Order 2007-149 for the purpose of funding the repair of the East Bay Breakwater Lighted Monopole.

**SPONSOR:** Town Manager John C. Klimm

| <b>DATE</b> | <b>ACTION TAKEN</b> |
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| _____       | _____               |

- \_\_\_\_ Read item
- \_\_\_\_ Rationale
- \_\_\_\_ Council discussion
- \_\_\_\_ Move/vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2010-010**  
**INTRO: 07/18/09**

## SUMMARY

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Lynne M. Poyant, Director of Community Services  
**DATE:** July 6, 2009  
**SUBJECT:** West Bay Tower to the East Bay Breakwater Lighted Monopole

**BACKGROUND:** In 2007, the Town Council appropriated \$25,000 through Town Council Order 2007-149 for the repair of the West Bay Tower in Osterville which is used to mark the channel in West Bay. Repairs for the tower came in under budget. We are currently experiencing a similar decline of the East Bay Breakwater Lighted Monopole and respectfully request that the balance of funds be transferred to the East Bay Tower.

Similar to the West Bay breakwater tower, the East Bay Breakwater Lighted Monopole serves as a navigational aid to mariners – assisting them in making landfall (particularly at night at East Bay, Osterville) and further, to mark the location and existence of a stone breakwater. Several years of heavy surf have caused the base of the monopole to erode, leaving little steel to hold the monopole upright.

**ANALYSIS:** The base of the lighted monopole has rusted significantly, leaving the structure unstable. It is now at a point where it is in danger of toppling over and becoming inoperable. Safety will be compromised when making landfall from sea. Also, the monopole is unsafe to accommodate staff in servicing the light on top of the monopole should it become inoperable.

**FISCAL IMPACT:** There is no fiscal impact to the overall General Fund budget. This request reallocates the balance of funds from Town Council Order 2007-149 to a similar use with the East Bay Breakwater Lighted Monopole.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends acceptance of this transfer.

**STAFF ASSISTANCE:** Daniel J. Horn, Marine and Environmental Affairs Director/Harbormaster  
Joe Gibbs, Mooring Officer

**B. NEW BUSINESS (Refer to public hearing 08/06/09) (Roll-call, 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-011  
INTRO: 07/16/09**

**2010-011 APPROPRIATION & LOAN ORDER –WIND TURBINE & PHOTOVOLTAIC  
INSTALLATION AT HYANNIS WATER POLLUTION CONTROL FACILITY**

**ORDERED:** That the sum of \$9,150,000 be appropriated for the purpose of funding the energy efficiency, wind turbine and photovoltaic installation at the Hyannis Water Pollution Control Facility; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$9,150,000, 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, subject to the approval of the Town Council.

**SPONSOR:** Town Manager John C. Klimm

| DATE  | ACTION TAKEN |
|-------|--------------|
| _____ | _____        |
| _____ | _____        |

- \_\_\_ Read item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close public hearing
- \_\_\_ Council discussion
- \_\_\_ Move/vote

# **BARNSTABLE TOWN COUNCIL**

## **WIND TURBINE & PHOTOVOLTAIC INSTALLATION HYANNIS WATER POLLUTION CONTROL FACILITY**

**TEM# 2010-011  
INTRO: 07/16/09**

### **SUMMARY**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**DATE:** July 8, 2009

**BACKGROUND:** In December of 2007, the Executive Office of Energy & Environmental Affairs and MassDEP launched the first innovative phase of the Massachusetts Energy Management Pilot for Drinking Water and Wastewater Treatment Facilities - a project designed to reduce emissions of greenhouse gases and the amount of energy that treatment facilities use in treating the water that flows through the plant by 20%.

A total of 14 facilities are part of this pilot project, seven wastewater treatment facilities and seven drinking water treatment facilities. So far, the project guided the facilities through the assessment of their current energy performance, conducted energy audits, and assessed renewable energy generation potential. MassDEP and local strategic partners are working together to assist with the implementation of efficiency and renewable energy projects that will result in substantial energy savings for all the targeted facilities. MassDEP is also currently assisting in the identification of funding sources through the State Revolving Fund (SRF) and the Federal Stimulus package to complete the pilot project's findings and recommendations for each of the treatment facilities.

**ANALYSIS:** The Hyannis Water Pollution Control Facilities has been identified as one of the 14 facilities to receive eligibility for State Revolving Fund (SRF) and the Federal Stimulus funding. Improvements at the Hyannis Water Pollution Control facility include installing variable speed drives, premium motor upgrades, and replacement of high efficiency motors, installation of 1,000kW solar photovoltaic system (roof & ground-mounted), and installation of (3) 250kW wind turbines.

The total estimated budget for the projects totals \$9.15 M and to be eligible for SRF funding as described above the community must have submitted a completed loan application by September 1, 2009 for "green infrastructure" projects to be funded through the State Revolving Fund and American Recovery and Reinvestment Act (Federal Stimulus Monies).

**FISCAL IMPACT:** The cost of the construction of the energy efficiency, wind turbine and photovoltaic improvements are to be funded through a \$9,150,000 grant through the American Recovery and Reinvestment Act (ARRA) of 2009. Impacts on future user fees shall be determined subsequent to the final determination of principal subsidy received for this infrastructure improvements and improved energy efficiencies.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends approval of the appropriation order after the required public hearing. The Town Manager recommends the approval of the borrowing of these funds.

**STAFF SUPPORT:** Mark S. Ells, Director of Public Works

**B. NEW BUSINESS (Refer to joint public hearing with planning board 08/06/09) (Roll-call, 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-012**

**INTRO: 07/16/09**

**2010-012 DCPC IMPLEMENTING REGULATIONS-CRAIGVILLE BEACH DISTRICT**

**ORDERED:**

Preamble: This ordinance is adopted as an implementing regulation of the Craigville Beach portion of the Centerville Village Craigville Beach District of Critical Planning Concern (DCPC). Included in this order in **Section 1** amends the zoning map to create the Craigville Beach District; **Section 2** adopts the Centerville Village Implementing Regulations.

**Section 1**

**Craigville Beach District Map**

That the official zoning map of the Town of Barnstable is hereby amended by adding the Boundary of the Craigville Beach District replacing portions of the RC, RD and RD-1 district as shown on a map on file with the Town Clerk entitled "Proposed Amendment to the Town Zoning Map Creating the Centerville Village District" dated July 16, 2009 and "Proposed Amendment to the Centerville Zoning Map Sheet 4 of 7" dated July 16, 2009.

**Section 2**

**Craigville Beach District Implementing Regulations**

That Chapter 240, Zoning Ordinance is hereby amended by adding a new Article XIV District of Critical Planning Concern Implementing Regulations and adding Craigville Beach District Implementing Regulations:

**§240- 131 Authority**

This Article is adopted under the authority of the Home Rule Amendment, Article 89 of the Constitution of the Commonwealth, and the Cape Cod Commission Act, Chapter 716 of the Acts of 1989.

**§240-131.1 Purposes and Intent**

- A. The purposes and intent of this section is to guide development in the Craigville Beach District by promoting development and redevelopment that:
- (1.) Contributes to and respects the character and historic development patterns of the area; lessen development and redevelopment impacts to the historic and community character resources in this area;
  - (2.) Protects and preserves scenic views and vistas and ways to the water;
  - (3.) Protects and improves natural resources including but not limited to the barrier beach and groundwater and coastal water quality; lessen development and redevelopment impacts to the natural resources and ecosystems in this district;
  - (4.) Protects human life and property from the hazards of periodic flooding,
  - (5.) Preserves the natural flood control characteristics and the flood control function of the flood plain,
  - (6.) Preserves and maintains the ground water table and water recharge areas within the floodplain. As the entire complex of coastal wetland resources moves landward due to relative sea level rise, the Craigville Beach area's coastal floodplains immediately landward of salt marshes, coastal beaches, barrier beaches, coastal dunes, and coastal banks require special protection.

**240-131.2 District Boundaries**

A. The provisions of ordinance shall apply within the Craigville Beach District (CBD), as shown on the Barnstable Zoning Map, July 16, 2009.

**B. Neighborhood Overlays.** For the purpose of this ordinance the Craigville Beach District is divided into the following Neighborhood Overlay areas, as shown on the Barnstable Zoning Map, July 16, 2009.

LBSB: Long Beach/Short Beach

CB: Craigville Beach

**CRNB: Centerville River North Bank**

**CV: Craigville Village**

### § 240-131.3 Definitions

**Accessory Use or Building--** A use or structure which is customarily incidental to and subordinate in area, extent, and purpose to that of the principal use or structure.

**Base Flood Elevation (BFE) –** The elevation shown on the Flood Insurance Rate Map (FIRM) that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

**Beach Club --** A membership establishment legally in existence at the time of the adoption of this ordinance, not open to the general public, located in close proximity to a beach and providing recreational and social activities, including food service, to members.

**Building Coverage -** The percentage of a lot covered by principal and accessory buildings or structures. For the purposes of this section, this definition does not include uncovered swimming pools and tennis courts, and decks not exceeding 100 square feet or 10 feet in length.

**Building Height** —The vertical distance between the highest point on the roof and the natural mean grade as measured from the natural mean grade from the four farthest corners of the structure to the height of the highest point on the roof, and dividing the aggregate number of these heights by four (4). These height limitations shall not apply to chimneys or flagpoles, as approved by the Building Commissioner.

**Building Story** — The vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

**Conference Center** – A non-profit religious and educational use legally in existence at the time of the adoption of this ordinance comprised of guest houses and cottages, single family residences, recreational areas, lodging for guests, meeting spaces, and summer recreational opportunities.

**Cottage Colony** – A group of three or more detached dwellings, under one ownership, legally in existence at the time of the adoption of this ordinance located on a single lot, which are customarily rented out to the transient public by day, week, month, or season and occupied on a seasonal basis only.

**Elevated Structure -** A structure elevated for the purpose of Barnstable Code, Section 240-34, Flood Area provisions whose lowest structural member is 1' above BFE in A zones and 2' above BFE in V zones.

**FEMA** – Federal Emergency Management Agency.

**FEMA Flood Zones -** Geographic areas susceptible to inundation by water that FEMA has mapped according to varying levels of flood risk, as defined and delineated on a community's Flood Insurance Resource Map.

**FIRM** – Flood Insurance Rate Map.



**Grade** - The referenced plane of the average of all finished ground levels adjoining the building or structure for a distance of 6 feet from all exterior walls.

**Gross Floor Area** – The total area of a building measured by taking the outside dimensions of the building at each floor level.

**Impervious Surface** A surface which prevents the penetration of precipitation or other liquids into the ground, including roofs, concrete, asphalt, natural stone, sidewalks, etc. Any area designed initially to be semi-pervious but has been shown to become impervious over time (e.g., gravel, crushed stone, shells, porous pavement, etc.) may, at the discretion of the Building Commissioner, be considered an Impervious Surface.

**Lot Area** - The horizontal area of a lot exclusive of any area in a street or way open to public use. All of the lot area used for zoning compliance shall be land other than that under water nine (9) months or more in a normal year, or considered as wetland resource area as defined in the Wetlands Protection Act, Chapter 131, Section 40 of MGL and subsequent regulations, 310 CMR 10.00.

**Lot Coverage** - The percentage of a lot covered by Impervious Surfaces. For the purposes of this section, paved driveways and parking areas, principal and accessory structures, and other on-site amenities that render any portion of a lot impervious surfaces shall be included in the definition of lot coverage.

**Non-Profit Educational Use** – An educational use conducted by a not for profit corporation whose articles of incorporation permit it to engage educational activities and “educational purposes” as its principal permitted use within the meaning of Massachusetts General Laws, Chapter 40A, sec. 3, including but not limited to libraries and museums.

**Open Foundation:** A pile or column foundation designed for structures in flood zones that minimizes the foundation area subject to lateral flood loads. Open foundations are intended to prevent flotation, collapse, and lateral movement of a building during a flood-event.

**Religious Institution** – An institution engaged in “religious purposes” within the meaning of Massachusetts General Laws, Chapter 40A, Section 3.

**Single Family Residence** - A detached residential building designed for and occupied by a single family.

**Small-Scale Food Service** – An establishment legally in existence at the time of the adoption of this ordinance where food is served to customers by wait staff. Small-scale food service does not include restaurants designed to serve a large volume of customers. Small-scale food service is subject to formula business limitations as described herein. These uses are intended to increase pedestrian.

**Special Permit Granting Authority (SPGA)** - The Zoning Board of Appeals shall be the special permit granting authority within the Craigville Beach District.

**V (Velocity) Zone**—area extending from mean low water to the inland limit 100 year floodplain supporting waves greater than three (3) feet in height. V-zones are mapped on the FEMA FIRM.

## **Section 240-131.4 Craigville Beach District Use Regulations**

Municipal uses are exempt from these regulations.

**A. Principal Permitted Uses.** See 240-131.7 (Neighborhood Overlay Regulations) herein.

**B. Use Limitations**

- (1.) Any use not expressly allowed herein is prohibited.
- (2.) The conversion of any building or structure from seasonal use to year round use is prohibited, except that Single Family Residences are not subject to this use limitation. The conversion of a building, or buildings, constituting a cottage colony, hotel, inn or rooming house, or of a facility required to be licensed as a recreational camp, overnight camp or

cabin, or motel under S. 32A to I of Chapter 140 of the General Laws, to condominium-type ownership, shall be deemed to be a change in use from seasonal to year-round use, and is prohibited.

- (3.) Permitted business and retail uses shall not include a business which is required by contractual or other arrangement to maintain one or more of the following items: standardized (“Formula”) array of services and/or merchandise, trademark, logo, service mark, symbol, décor, architecture, layout, uniform, or similar standardized features and which causes it to be substantially identical to more than fourteen (14) other businesses regardless of ownership or location. Drive-up windows and/or drive-through facilities are prohibited.

### **C. Exempt Uses**

(1.) Religious institutions, municipal uses, accessory day care centers, and Non-Profit Educational uses are permitted as exempt uses within the Craigville Beach District. These uses shall, however, be subject to and in conformance with the reasonable bulk, density, design and development regulations of the Craigville Beach District as set forth in Sections 240-131.1 Purposes and Intent, § 240-131.5 Dimensional, Bulk and Other Regulations, § 240-131.7 Neighborhood Overlay Regulations.

(2.) Where the exempt use does not comply with said regulations, the Zoning Board of Appeals shall, by modification permit, modify said regulations if compliance with the regulation substantially diminishes or detracts from the usefulness of a proposed development or impairs the character of the development so as to affect its intended use, provided however that the relief granted will not create a public safety hazard along adjacent roadways and will adversely impact natural resources or create a nuisance or adverse impacts to other surrounding properties. A modification permit shall be subject to the same procedural requirements as a special permit except that approval of a modification permit shall require a simple majority of the members of the Board.

**D. Continuation.** Any lawfully established lot, structure, use or site improvement existing at the time of the adoption of this ordinance that does not conform to the provisions of the CBD shall be allowed to continue.

### **E. Change, Expansion or Alteration of Uses and Structures**

Uses and structures lawfully existing at the time of the adoption of this ordinance may continue subject to the following:

(1) As of right

- a) The normal and customary repair and maintenance of a building or structure is permitted as of right.
- b) The alteration and expansion of a building or structure, not including conversion of existing floor area to habitable space, is permitted as of right provided that the alteration or expansion shall conform to following criteria:
  - [1] The building or structure alteration or expansion.
  - [2] Conforms to applicable height requirements of § 240-131.5.
  - [3] Does not exceed the Coverage Limitations set forth in § 240-131.6
  - [4] Complies with applicable neighborhood performance standards.

(2) By Special Permit

(a) The alteration or expansion of a lawfully established building or structure that does not qualify under the “as of right” provisions above shall be permitted only by a special permit from the SPGA. In granting such special permit, the SPGA shall find that the proposed alterations and/or expansions:

- (1) Are not substantially more detrimental to the environment, community or historic character of the neighborhood;

- (2) Comply with Section 240-131.1 Purposes and Intent and with the Performance Standards for the neighborhood district where the development is located, in accordance with Section 240-131.7 Neighborhood District Overlay Regulations;
- (3) Do not exceed 25% of the Gross Floor Area in existence as of February 12, 2008;
- (4) Do not increase lot coverage over what is allowed under § 240-131.6 Coverage Limitations;
- (5) Result in enhanced protection of the structure and the neighborhood from flood hazards
- (6) Reduce impervious surfaces;
- (7) Increase or enhances public access to the coast;
- (8) Enhance views to Nantucket Sound and/or the Centerville River;
- (9) In V-zones reduce south facing building surfaces and so the adverse effect of increasing elevation or velocity of flood waters due to a change in flowage characteristics on the subject site, adjacent properties or any public or private way

**F. Special Permit for Dimensional Relief**

The SPGA may provide relief from minimum lot area, minimum lot frontage, maximum building setback, minimum yard setbacks, is consistent with § 240-131.1 Purposes and Intent-the Performance Standards for the neighborhood district where the development is located, in accordance with Section 240-131.7, Neighborhood Overlay Regulations and\_ the applicant demonstrates undue hardship without desired relief.

**G. Re-establishment of damaged or destroyed use, building or structure.**

- (1.) The re-establishment of a use and/or building or structure which has been destroyed or damaged by fire, acts of nature or other catastrophe shall be permitted as of right, provided that the Building Commissioner has determined that all the following conditions are met:
  - (a.) The reconstruction or repair will not materially increase the gross floor area or height of the building or structure beyond that which previously existed, nor materially increase the footprint of the structure; or materially change the grade; except that buildings in the flood plain that existed prior to the February 12, 2008 may be elevated 2 feet above BFE regardless of the resulting building height provided the building complied with building height regulations at the time of its construction.
  - (b.) If the buildings location on the lot is to be changed, it will change in a manner that will be closer to complying with the dimensional and bulk regulations.
  - (c.) The reconstruction or repair will not constitute an expansion or intensification of any use.
  - (d.) In the case of any use in which it would otherwise be required, the site plan review process has been followed.
  - (e.) Design and architecture of damaged or destroyed buildings and structures in existence at the time of the adoption of this regulation may be replicated. If the Building Commissioner finds that the structure is to be rebuilt to replicate what existed before the damage or destruction the design guidelines in this chapter do not apply.
- (2.) Any previously established use or structure which no longer complies with the provisions of the CBD shall be discontinued unless a building permit has been applied for within three years from the date of damage or destruction, and construction is continuously pursued to completion.

**H. Voluntary Demolition and Reconstruction of Single Family Residences:** Lawfully established Single Family Residences may be completely demolished and reconstructed in accordance with the applicable provisions of this chapter with the exception of minimum lot area and frontage which shall be the lot area and frontage in effect at the time the structure was lawfully established.

**240-131.5 Dimensional, Bulk, and Other Requirements:** The following requirements apply to all development and redevelopment in the Craigville Beach Zoning District.

|  | Neighborhood Overlays |                  |                        |                              |
|--|-----------------------|------------------|------------------------|------------------------------|
|  | Craigville Village    | Craigville Beach | Long Beach/Short Beach | Centerville River North Bank |
|  |                       |                  |                        |                              |

|  | Neighborhood Overlays  |  |   |   |
|--|--|--|---|---|
|  | Craigville Village   | Craigville Beach   | Long Beach/Short Beach  | Centerville River North Bank                                  |
| <b>Requirements</b>                      |  |  |   |   |
| Minimum Lot Area (upland) (s.f)          | 87, 120<br>or<br>Legally established lot area as of 07/16/2009 | 87, 120<br>or<br>Legally established lot area as of 07/16/2009 | 87,120<br>or<br>Legally established lot area as of 07/16/2009 | 87,120<br>or<br>Legally established lot area as of 07/16/2009 |
| Minimum Lot Frontage (linear feet)       | 75   | 100  | 125   | 125   |
| Min. Front Yard Setback (feet)           | 15   | 20   | 30  | 30  |
| Min. Side Yard Setback (feet)            | 10   | 15   | <u>15</u> <sup>4</sup>  | 20  |
| Min. Rear Yard Setback (feet)            | 10   | 15   | 20  | 20  |
| Maximum Building Height <sup>1,2,3</sup> | 30   | 26   | 30  | 30  |
| Maximum number of stories <sup>5</sup>   | 2  | 2  | 2   | 2   |
| Maximum Building Coverage                | See Section 240-131-6  |  |   |   |
| Maximum Lot Coverage                     | See Section 240-131-6  |  |   |   |

**Dimensional table notes:**

- (1.) Maximum Building Height allowances vary depending upon the roof pitch of the structure, with gable roofs having a slope of 7/12 or greater allowed the maximum building height, hip and roofs with a slope of 4/12 or greater are allowed 5 feet less than the maximum building height, and flat roofs prohibited except on one-story additions totaling less than 300 square feet per parcel.
- (2.) Buildings in the flood plain that existed prior to the February 12, 2008 may be elevated 2 feet above BFE provided the building complied with building height regulations at the time of its construction.
- (3.) Within the flood plain the maximum building height, when necessary to flood proof the structure, reconstruction or addition, may be increased to allow the required elevation above the BFE plus 2 feet.
- (4.) In the Long and Short Beach Neighborhood, to preserve and enhance views of Craigville Beach and the Craigville River a view corridor shall be preserved with one side setback at 20 feet or a total of 25% of the lot frontage, whichever is greater. The view corridor shall remain free of view obstructing buildings, structures, site improvements or landscaping other than low growing plant material or existing natural vegetation for the entire depth of the property from the street to the river or beach. The view corridor may be divided into two view corridors to facilitate development of the property.
- (5.) The second story must be set back at least 2 feet from the façade line of the floor below on two of the building's facades and the second story floor area shall not exceed 80% area of floor area immediately below it.

**240-131.6 Coverage Limitations:** The following limitations apply to all development and redevelopment in the Craigville Beach Zoning District.

| Lot Size         | Maximum Building Coverage (footprint) Allowance   | Maximum Lot Coverage Allowance |
|------------------|---|--------------------------------|
| 1,300-4,999 s.f. | 1,100 s.f. plus 10.8% of lot area over 1,300 s.f. | 50%                            |
| 5,000-7,499      | 1,500 s.f. plus 6% of lot area over 5,000         | 50%                            |
| 7,500-9,999      | 1,650 s.f. plus 6% of lot area over 7,500         | 35%                            |

|                  |  |     |
|------------------|--|-----|
| 10,000-14,999    | 1,800 s.f. plus 4% of lot area over 10,000 | 25% |
| 15,000-19,999    | 2,000 s.f. plus 6% of lot area over 15,000 | 20% |
| 20,000-34,999    | 2,300 s.f. plus 4% of lot area over 20,000 | 15% |
| 35,000-44,999    | 2,900 s.f. plus 4% of lot area over 35,000 | 10% |
| 45,000 and above | 3,300 s.f. plus 3% of lot area over 45,000 | 10% |

### **Section 240-131.7 Neighborhood Overlay Regulations**

**A. Purpose:** The Neighborhood Overlay regulations establish uses, dimensional requirements and design guidelines to preserve the distinctive character; allow continued use and enjoyment of properties and structures; make provisions for changes, expansions; protect and preserve scenic views and vistas; protect and improve natural resources; and to limit damage from periodic flood events for each neighborhood within the Craigville Beach District.

**B. Historic and Community Character.** These regulations will ensure that development and redevelopment Development in the CBD contributes to and does not detract from the historic character of the Craigville Beach area; that any proposed additions to historic structures shall be consistent with the historic structure; and that the character of the surrounding neighborhood, including elements such as building height, mass and orientation; and preserves views and ways to the water from public spaces, streets and ways.

**C. Applicability:** Development and redevelopment shall be subject to the following additional requirements and regulations based upon the applicable Neighborhood Overlay.

#### **D. General Performance Standards**

- 1) **Dimensional requirements.** The development complies with the height limitations, setbacks, and lot coverage requirements set forth herein, and is in character with surrounding structures, particularly structures that predate it unless relief has been granted by the SPGA in accordance with Sections 240-131.4(E) and (F).
- 2) **Natural Resource protection.** The development minimizes the alteration of natural landforms, protects natural resources and prevents flood damage to the subject property and any other properties. The development plan correctly delineates all natural resource boundaries, including but not limited to wetlands, rare and endangered species habitat as mapped by Natural Heritage and Endangered Species Program of the Massachusetts Division of Fish and Wildlife, salt marsh, land subject to coastal storm flowage, coastal beach, coastal dune, barrier beach, tidal flats and land subject to tidal action, vernal pools, land under salt ponds and floodplains. Where the limit of such resources is in question, the applicant shall obtain a Determination of Applicability from the Barnstable Conservation Commission and provide it to the Board of Appeals or the Building Commissioner for the record.
- 3) **Removal of Vegetation.** The alteration or removal of vegetation within the 100' buffer to wetland resources, as defined by the Barnstable Code, Section 237, shall be prohibited. The removal of more than 25% of the existing vegetation on a parcel located on a barrier beach or coastal bank is prohibited.
- 4) **Screening.** Exposed foundation walls for raised septic systems and/or elevated structures are prohibited; foundation walls shall be screened through the use of foundation plantings and/or the use of other natural materials. Where possible mounded septic systems shall be located at the rear of the property.
- 5) The development does not require variances from the maximum wastewater design flow limitations set forth in Title 5.
- 6) Stormwater management and erosion control comply with best management practices through Low Impact Development or other adaptive management practice.
- 7) Roof decks: Up to 50 square feet of roof deck may be allowed atop the first or second floor of a structure if the railing and support structure for the roof deck are constructed fully below the tallest part of the roofline they are contained within.

## **E. Long Beach/Short Beach Neighborhood**

**(1) Permitted Principal Uses:** The following principal uses are permitted in the Long Beach/Short Beach Neighborhood Overlay area subject to the performance standards listed below.

(a.) Single Family Residence

**(2) Permitted Accessory Uses:** The following uses are permitted in the Long Beach Neighborhood Overlay district subject to the use limitations and performance standards listed in 240-131-7.C and below:

(a.) Boat houses and boat shelters that do not exceed eight (8) feet in height; have a roof pitch of at least 4:12; do not include a roof top structure; and do not exceed 300 square feet of building area or 350 square feet of combined building area and accessory decking, including but not limited to ramps, roofed decks, and walkways. Boat houses shall be primarily of wood construction.

(b.) Parking facilities accessory to the rental of non-motorized watercraft that result in no more than 25% impervious area

**(3) Performance Standards** All development and redevelopment shall meet the following standards:

(a.) No land area shown as V-zone shall be developed unless such development is demonstrated by the applicant to be located landward of the reach of the mean high tide. Any man-made alteration of sand dunes in the course of such development within said designated V zones which might increase the potential for flood damage shall be prohibited.

(b.) Any activity or development in a V-zone that creates an adverse effect by increasing elevation or velocity of flood waters due to a change in drainage or flowage characteristics on the subject site, adjacent properties or any public or private way is prohibited. Any proposed activity shall not result in flood damage due to filling which causes lateral displacement of flood waters that, in the judgment of the SPGA, would otherwise be confined to said area. The burden of proof for this standard rest with the applicant and shall require certification by a professional engineer.

(c.) Open foundations shall be designed to accommodate only the height required to elevate the lowest structural member 2' above the BFE in V zones and 1 foot above BFE in A zones. For all new construction and substantial improvements within the V zones, the space below the lowest floor must either be free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

## **F. Craigville Beach Neighborhood**

**(1) Permitted Principal Uses:** The following principal uses are permitted in the Craigville Beach Neighborhood Overlay area subject to the performance standards listed below.

(a.) Single Family Residence

(b.) Small-scale food service

(c.) Beach club

(d.) Cottage colony

**(2) Permitted Accessory Uses:** The following uses are permitted in the Craigville Beach Neighborhood Overlay district subject to the use limitations and performance standards listed 240-131-7.C and below:

(a.) Parking facilities accessory to the rental of non-motorized watercraft that result in no more than 25% impervious area.

(b.) Boat houses and boat shelters that do not exceed eight (8) feet in height, have a roof pitch of at least 4:12, do not include a roof top structure, and do not exceed 300 square feet of building area or 350 square feet of combined building area and accessory decking,

including but not limited to ramps, roofed decks, and walkways. Boat houses shall be primarily of wood construction.

**(3) Performance Standards:** All development and redevelopment shall meet the following standards:

- (a.) No land area shown as V-zone shall be developed unless such development is demonstrated by the applicant to be located landward of the reach of the mean high tide. Any man-made alteration of sand dunes in the course of such development within said designated V zones which might increase the potential for flood damage shall be prohibited.
- (b.) Any activity or development in a V-zone that creates an adverse effect by increasing elevation or velocity of flood waters due to a change in drainage or flowage characteristics on the subject site, adjacent properties or any public or private way is prohibited. A proposed activity shall not result in flood damage due to filling which causes lateral displacement of flood waters that, in the judgment of the SPGA, would otherwise be confined to said area. The burden of proof for this standard rest with the applicant and shall require certification by a professional engineer.
- (c.) Open foundations shall be designed to accommodate only the height required to elevate the lowest structural member 2' above the BFE in V zones and 1 foot above BFE in A zones. For all new construction and substantial improvements within the V zones, the space below the lowest floor must either be free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

**(4) Beach Club Design Guidelines**

**Purpose:** To maintain public views to the water and to maintain the neighborhood's existing character with small scale building masses and natural or traditional building materials.

- (a.) **Building Height and Massing:** New construction on Beach Club properties should have modest massings to relate to the small scale of most structures in the beachfront neighborhood. Any structure with a footprint of 3000 square feet or more should incorporate significant changes in massing to break up the facade, and should integrate one-story massings into the design to relate the building to the surrounding smaller structures.
- (b.) **Building Orientation:** Buildings should be oriented with the narrow end facing the street and the water to maximize public views of the water across the site. New buildings or complexes should not extend over more than 150 feet of the lot frontage, and efforts should be made to limit the expansion of existing buildings.
- (c.) **Maintaining Views to Water:** Multiple buildings on one lot should be clustered close together to limit obstructed views of the water, or should be separated from each other by 100 feet or more of road frontage to allow broad unobstructed views across the lot to the water.
- (d.) **Fences:** Fences should be of open construction and low profile (such as split rail and low picket fencing) to maintain public views to the water. Fences over 3 feet in height should be limited to screening loading and delivery areas adjacent to buildings, or modest trash collection areas. Screening fences should not extend farther than necessary beyond the building footprint to maintain public views.
- (e.) **Building Materials:** Exterior building materials should be those traditionally used in the region or other naturally weathering materials, such as wood shingle, wood clapboard, or board and batten siding.

**E. Centerville River North Bank Neighborhood**

**(1) Permitted Principal Uses:** The following principal uses are permitted in the Centerville River Neighborhood Overlay area subject to the performance standards listed below.

Single Family Residence

**(2) Permitted Accessory Uses:** The following uses are permitted in the River North Neighborhood Overlay district subject to the use limitations and performance standards listed 240-131. 7.C and below:

- (a.) Parking facilities accessory to the rental of non-motorized watercraft that result in no more than 25% impervious area.
  - (b.) Boat houses and boat shelters that do not exceed eight (8) feet in height, have a roof pitch of at least 4:12, do not include a roof top structure, and do not exceed 300 square feet of building area or 350 square feet of combined building area and accessory decking, including but not limited to ramps, roofed decks, and walkways. Boat houses shall be primarily of wood construction.
- (3) Performance Standards:** All development and redevelopment shall meet the following standards:
- (a.) **Vista pruning.** Where existing vegetation is greater than twenty feet in height, the development minimizes vista pruning and maintains a vegetated screen between the structure and the Centerville River. Tree removal shall not interrupt the treeline as viewed from the south looking northward to the treeline.
  - (b.) No land area designated as V-zone of the FIRM maps shall be developed unless such development is demonstrated by the applicant to be located landward of the reach of the mean high tide. Any man-made alteration of sand dunes in the course of such development within said designated V zone which might increase the potential for flood damage shall be prohibited.
  - (c.) Any activity or development in a V-zone that creates an adverse effect by increasing elevation or velocity of flood waters due to a change in drainage or flowage characteristics on the subject site, adjacent properties or any public or private way is prohibited. A proposed activity shall not result in flood damage due to filling which causes lateral displacement of flood waters that, in the judgment of the SPGA, would otherwise be confined to said area. The burden of proof for this standard rest with the applicant and shall require certification by a professional engineer.
  - (d.) Open foundations shall be designed to accommodate only the height required to elevate the lowest structural member 2' above the BFE in V zones and 1 foot above BFE in A zones. For all new construction and substantial improvements within the V zones, the space below the lowest floor must either be free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

## **F. Craigville Village Neighborhood**

**(1) Permitted Principal Uses:** The following principal uses are permitted in the Craigville Village Neighborhood Overlay area subject to the use limitations and performance standards listed 240-131.7.C and below.

- (a) Single Family Residence
- (b) Conference Center

**(2) Permitted Accessory Uses:** The following uses are permitted in the River North Neighborhood Overlay district subject to the performance standards listed below:

- (a) Parking facilities accessory to the rental of non-motorized that result in no more than 25% impervious area.
- (b) Boat houses and boat shelters that do not exceed eight (8) feet in height, have a roof pitch of at least 4:12, do not include a roof top structure, and do not exceed 300 square feet of building area or 350 square feet of combined building area and accessory decking, including but not limited to ramps, roofed decks, and walkways. Boat houses shall be primarily of wood construction.



**(3) Performance Standards:** All development and redevelopment shall meet the following standards:

**(4) Design Guidelines**

**(a.) Purpose:**

Most buildings in the Craigville Village Neighborhood date from the late 1800s and early 1900s when the neighborhood developed as a Christian Camp Meeting Association. The neighborhood is still defined by its historic structures and their configuration around a central green, small street grid, and communal paths.

**(b.) Objectives:**

- (1.) To preserve the character-defining features of the original camp meeting neighborhood including its small lots, modest scale structures, and orientation of buildings to public areas.
- (2.) To ensure that additions and alterations to structures are compatible with the existing scale and character of the building and preserve the original massing and unique architectural features of its historic buildings.

**(c.) Application:**

The design guidelines set forth herein do not apply to structures in existence as of the date of the adoption of this ordinance, but shall apply to all new development, to any additions to existing structures, and to all reconstruction projects except as provided for in Section 240-131 (x).

**(d.) Building Design.** The guidelines shall apply to construction of new structures and expansions and alterations of existing structures.

- (1.) Preserve the original massing of historic structures (pre-1945):
- (2.) Additions should be attached to secondary or less prominent facades of the building (the side or rear facades), and should be stepped back from the front and rear corners of the building so as to preserve the original massing of the structure, including its roof form.
- (3.) Work with modest massings: Additions should be scaled to be consistent with or smaller than the size of the original historic structure, following the neighborhood tradition of expanding small cottages incrementally with modest additions. Additions should generally have a lower roofline than the original structure to maintain the prominence of the original building, though some additions may be slightly taller than the original structure if attached to the original structure with a smaller connecting mass.
- (4.) Roof forms: The roof pitch on new construction and additions should complement the roof pitch of the original historic structure and should maintain a pitch of at least 6 over 12.
- (5.) Retain Original Architectural Details and Unique Forms: Additions should be placed so as to limit the removal of distinctive architectural trim and features that are unique to the building. Additions and alterations should not interfere with character-defining features such as open porches, steeply pitched roof forms, unique windows, and carpenter gothic trim along eaves and entries. Siding materials used on the original structure should be retained, though other regional siding materials may be appropriate on additions.

**Section 240-131.8 Additional Provisions**

**A. Other regulations**

The following provisions of the Barnstable Code are hereby incorporated into this regulation: § 240-7 Application of District Regulations; § 240-9.C & D; § 240-10 Prohibited Uses; § 240-34 Flood Area Provisions; § 240-43 Accessory Uses; § 240-46.A & B Home Occupations; Article VI Off Street Parking Sections 240-52, 240-53.B through .E ; and Sign Regulations § 240-59 through 63; Article XI Growth Management Sections 240-110 through 122; Article IX Site Plan Review; Article XII Administration and

Enforcement § 240-123 – 240-124; § 240-125 C Special Permit Provisions as these provisions of the Barnstable Code cited in this section may be amended from time to time

**B. Conflicts**

Unless otherwise stated, the requirements of the Craigville Beach District shall apply to uses and structures within the Craigville Beach District. In the event of a conflict, these regulations shall apply.

**C. Severability**

The provisions of this chapter are severable. If any court of competent jurisdiction shall invalidate any provision herein, such invalidation shall not affect any other provisions of this chapter. If any court of competent jurisdiction shall invalidate the application of any provision of this chapter to a particular case, such invalidation shall not affect the application of said provision to any other case within the Town.

**SPONSORS:** Council President Frederick Chirigotis, Councilor Janet S. Joakim, and Councilor Tom Rugo

DATE

ACTION TAKEN

\_\_\_\_\_

\_\_\_\_\_

- \_\_\_ Read item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close public hearing
- \_\_\_ Council discussion
- \_\_\_ Move/vote

# **BARNSTABLE TOWN COUNCIL**

## **IMPLEMENTATION OF DCPC CRAIGVILLE BEACH DISTRICT**

**ITEM# 2010-012  
INTRO: 07/16/09**

### **SUMMARY**

**TO:** Town Council  
**FROM:** Jo Anne Buntich Miller, Director of Growth Management  
**DATE:** July 9, 2009

**BACKGROUND:** This is an amendment to the Zoning Ordinance that creates Section XIII District of Critical Planning Concern Regulations, Section 240-131 Craigville Beach District.

The Centerville Village DCPC was nominated in February of 2008 as a Cultural, Historic, Architectural Resource and Economic Development Resource District. The DCPC process was initiated at the request of Centerville residents. Adoption of these implementing regulations will allow the Town to provide the regulation desired by local residents and ensure that this small economic center will grow in a way that existing infrastructure can support.

The Town through the Town Attorney's Office and the Growth Management Department organized and partnered with an Advisory Group representing stakeholders in the Beach DCPC. Attorneys Eliza Cox, Michael Scott, Barry Weiner, Sarah Alger, William Ryckman – and at the outset Patrick M. Butler - represented property owners; Roy Richardson and Meg Loughran, represented the Centerville Village Association; Lindsey Counsell, Three Bays; Steve Brown, Red Lily Pond Association; Dr. Wayne Miller, Board of Health; Town Attorney Ruth Weil and Interim Director of Growth Management Jo Anne Miller Buntich along with former Interim Director Patty Daley worked with this group. Over the last several months Planning Board members Ray Lang and Paul Curley sat with the group as the ordinance was drafted. This group has met several times a month since October 2008.

**ANALYSIS:** Adoption of this regulation will create the Craigville Beach District by rezoning portions of the existing RC, RD and RD-1 districts.

**RATIONALE:** These regulations respond to and support the purposes of the District of Critical Planning Concern which included protecting community, historic and architectural character which is accomplished through use regulations, dimensional regulations and design guidelines. Natural resources and flood protection are supported through performance standards tailored to each neighborhood.

**B. NEW BUSINESS (Refer to public hearing 08/06/09) (Roll-call, 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-013**

**INTRO: 07/16/09**

**2010-013 APPROPRIATION & LOAN ORDER COMMUNITY PRESERVATION NEW TOWN HALL**

Ordered: That, pursuant to the provisions of G.L. c. 44B, the sum of Four hundred twenty nine thousand seven hundred seventy one and NO/100 (\$429,771) Dollars be appropriated and transferred from the amount set aside for Historic Resources in the Community Preservation Fund on August 21, 2008 under agenda item number 2008-161; that the sum of One million three hundred thirty two thousand five hundred twenty and NO/100 (\$1,332,520) Dollars be appropriated and transferred from the undesignated portion of the Community Preservation Fund; that the sum of \$1,332,520.00 be appropriated from the undesignated portion of the Community Preservation Fund; that to meet the additional appropriation of \$1,332,520.00 from the undesignated portion of the Community Preservation Fund the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$1,332,520.00 in anticipation of community preservation fund revenues; for a total appropriation of \$3,094,811.00; and that the Growth Management Department is authorized to contract for and expend the total amount appropriated with the prior approval of the Town Manager, subject to oversight of the project expenses by the Community Preservation Committee for roof, brick, window, exterior door and other exterior repairs and replacements for the preservation and rehabilitation of the historic resource consisting of the New Town Hall of the Town of Barnstable with an address of 367 Main Street, Hyannis, MA., located on Map / Parcel 326 / 021.

**SPONSOR:** Town Manager, John C. Klimm upon recommendation of the Community Preservation Committee

| <b>DATE</b> | <b>ACTION TAKEN</b> |
|-------------|---------------------|
| _____       | _____               |
| _____       | _____               |

- \_\_\_ Read item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close public hearing
- \_\_\_ Council discussion
- \_\_\_ Move/vote

# **BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-013**

**INTRO: 07/16/09**

## **SUMMARY**

**TO:** Town Council  
**FROM:** Community Preservation Committee  
**DATE:** July 9, 2009  
**SUBJECT:** Town Hall Exterior Envelope Preservation and Rehabilitation Project

**BACKGROUND:** At their meeting on June 22, 2009, the Community Preservation Committee (CPC) unanimously recommended support for the Town of Barnstable Department of Public Works funding request amount not to exceed, \$3,094,811.00, for the Town Hall Exterior Envelope Preservation and Rehabilitation Project.

**RATIONALE:** CBI Consulting, Inc., the Town's Historic Consultant for the project, has provided the Town with an Existing Conditions Report of the Town Hall Exterior Envelope. Recommendations for building preservation and rehabilitation that address safety and structural improvements to include roof reconstruction, exterior brick wall repair, brick window arch repairs, window replacement; exterior door replacement, brownstone repairs, new copper gutters and downspouts, fascia work, and hazardous components abatement have been prioritized by CBI and Town staff.

The estimated cost of this project is \$3,094,811. The Community Preservation Committee recommends the Town Council to approve the expenditure from Community Preservation Act funds as follows: \$429,771 from the Historic Preservation fund balance and; \$1,332,520 from the Undesignated Fund balance; and also authorize borrowing of an additional \$1,332,520 from the Undesignated Fund balance for a total project cost of \$3,094,811.

The estimated project cost of \$3,094,011 includes a \$156,400 reduction because an Energy Efficiency Community Development Block Grant of \$156,400 has been awarded to the Town for Town Hall window replacement.