



# Town of Barnstable Town Council

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## TOWN COUNCIL MEETING AGENDA

July 14, 2011

7:00 PM

Councilors:

Frederick Chirigotis  
President

Janice L. Barton  
Vice President

Richard G. Barry  
Ann B. Canedy  
James H. Crocker  
Debra S. Dagwan  
Henry C. Farnham  
Janet S. Joakim  
J. Gregory Milne  
James F. Munafo, Jr.  
John T. Norman  
Tom Rugo  
James M. Tinsley

Acting Administrator:  
Barbara A. Ford

Administrative  
Assistant:

***PLEASE NOTE CHANGE IN VENUE:***  
**The meeting will be held in the Knight Auditorium  
Barnstable High School,  
744 West Main Street, Hyannis**

- 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 (Includes Executive Session)**
- 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 REGULAR MEETING: August 4, 2011**

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**A. OLD BUSINESS**

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**Approve Minutes** — May 19, 2011, June 2, 2011, June 16, 2011, June 23, 2011

**Please Note:** The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session.

Persons interested are advised that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice.

The Council may also act on items in an order other than they appear on this agenda.

**A.**

**OLD BUSINESS (Second reading)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2011-145**

**INTRO: 06/16/11, 07/14/11**

**2011-145 AUTHORIZING THE TOWN MANAGER TO FURTHER NEGOTIATE AND TO EXECUTE A PROJECT DEVELOPMENT AGREEMENT WITH CVEC, INC.**

**RESOLVED**, that the Solar Sub-Committee of the Barnstable Town Council recommends that the Town Council authorize the Town Manager to further negotiate and execute a Project Development Agreement and a Net-metered Power Sales Agreement with the Cape and Vineyard Electric Cooperative, Inc. with respect to a solar P.V. array at the Barnstable landfill.

**SPONSOR:** Town Council Solar Sub-committee: Councilors Janice L. Barton, Ann B. Canedy, James H. Crocker, J. Gregory Milne, and John T. Norman

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2011-145**  
**INTRO: 06/16/11, 07/14/11**

## SUMMARY

**TO:** Town Council  
**FROM:** Town Council Solar-subcommittee  
**DATE:** June 6, 2011

**BACKGROUND:** On Thursday May 26th, the Town Council Solar Sub-Committee voted to support authorizing the town manager to conclude negotiations and execute a Project Development Agreement (PDA) and Net-metered Power Sales Agreement (PSA) with the Cape and Vineyard Electric Cooperative, Inc. (CVEC), with respect to a solar P.V. array at the Barnstable landfill.

For more than a decade it has been town council policy to promote the development of renewable energy generation at appropriate municipal locations around the town. This 4 megawatt, ground-mounted solar P.V. array together with the solar/wind project at the Barnstable Water Pollution Control Facility will produce approximately 50% of the town's municipal electric load.

**PROJECT DESCRIPTION:** Barnstable's capped landfill will be one of 8 proposed sites in 6 CVEC member Towns on Cape Cod and Martha's Vineyard.

The town and CVEC are including a private partner/developer in the deal because the financial incentives available to a private developer, such as production tax credits and accelerated depreciation, which make the proposed project economically viable, are not available to the town or CVEC.

In total, the 16.118 MW PV project is expected to produce 19,946,100 kWhs in the first year; enough energy to power close to 3,000 Cape and Vineyard homes. Barnstable's portion of the project will be 3.998 megawatts, producing approximately 5,117,400 kWhs annually. The energy produced from the total project represents 26% of the Cape & Vineyard municipal load and 1.1% of the total energy load for all electric customers on the Cape & Vineyard. The total project will offset approximately 15,000 metric tons of carbon dioxide emissions annually, which is the equivalent of taking 3,056 automobiles off the road.

The structure of the CVEC proposal is as follows: the town will lease a portion of the capped landfill to CVEC for a 20-year period governed by a management agreement; CVEC contracts with the developer to finance, build, own and operate the facility under a Management Services Agreement. CVEC will buy the power from the developer, and then sell the power to the town at the developer fixed base price of 6.9 cents per kWh. The town will pay the fixed price and receive the net-metering credit from CVEC, with the town's monthly revenue being the difference between the price of power and the net-metering credit.

CVEC selected American Capital Energy, Inc. (ACE) from 8 vendor bids that were submitted through a competitive bidding process conducted by CVEC in the Fall of 2010 because ACE's proposal brings the most benefits to CVEC members. ACE is a Massachusetts company with headquarters in North Chelmsford, MA. Founded in 2005, the company has installed more than 35 large-scale PV projects in nine states. ACE will be working with the engineering firm Weston & Sampson, which is the industry leader in the permitting and design of landfill closures and post closure re-use. As part of the contract negotiations, ACE committed to advertise locally for installation and/or maintenance subcontractors to install the solar PV systems. Under this contract, at the time of construction, ACE will be building the largest solar PV facility in New England.

Approximately 14,275 solar panels will be arrayed on top of the landfill, occupying some 17 acres of land. The project's estimated annual savings for Barnstable will be over \$275,000 per year, with total revenues for the town over the course of the 20-year contract exceeding \$5 million.

**SUB-COMMITTEE PROCESS:** Since early January, the Sub-committee has met 11 times to consider the extraordinarily complex details of the proposed project. During this time the sub-committee worked very hard at learning the mechanics of how such a large-scale photovoltaic solar energy project would work. As well, several members of the sub-committee attended a number of CVEC meetings to meet the potential project developers and ask questions at the executive sessions where interviews were conducted with all three of the developer finalists. The sub-committee listened, learned and dissected the proposed contract terms between CVEC and the town, and between CVEC and the winning project bidder, American Capital Energy (ACE).

Throughout the process, the sub-committee was ably assisted at every phase of its deliberations by the town's counsel, Kevin Batt, it's well-respected Cape-based energy consultant, Scott Ridley, and staff, Richard Elrick, Energy Coordinator, Charlie McLaughlin, the town's attorney and CVEC representative (and CVEC president), and David Anthony, the town's Chief Procurement Officer.

In particular, and most beneficially for the town, the persistence of the subcommittee resulted in CVEC agreeing to allow the towns to receive 100% of the projects' benefit rather than the 90% that had originally been proposed.

**PROJECT BENEFITS:**

- Of all the potential development options, moving forward with CVEC is the most conservative, and therefore the safest for the town.
- The negotiated contract will provide the town estimated annual revenue starting in year one of \$278,386 based on a Guaranteed Annual Output (GAO) (actual revenues may likely be greater as the P.V. system's performance is expected to be greater than the GAO).
- The Cape Light Compact paid for the procurement costs of the project's development.
- The town will receive a fixed power base price of 6.9 cents per kWh for 20 years, which is below current and projected future power costs.
- Because of contract protections, and because the procurement was and contract management will be handled by CVEC, the town's upside is substantial, with very little risk.
- The town will be receiving a monthly revenue stream.
- Because of the economies of scale for such a large project, the town will be receiving a better power purchase price than it would likely receive if it weren't partnering with CVEC.
- The town will have a right of first purchase to buy the project from the developer at an agreed upon price at intervals of 7, 10, 12 and 15 years.
- Locating a solar project on top of the town's capped landfill is a way to turn an un-productive parcel into a productive one.
- Proceeding now with CVEC is a way to guarantee the town's place in the queue to access the maximum net-metering benefit that is required to ensure that the project is profitable for the town.

**CONCLUSION:** For all of the above reasons the Solar Sub-Committee strongly urges the town council to support this important project and authorize the town manager to execute the required Project Development Agreement and Net-metered Power Sales Agreement.

J. Gregory Milne, Chair  
Town Council Solar Sub-Committee

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2011-146**  
**INTRO: 06/16/11, 07/14/11**

**2011-146 APPROPRIATE FROM COMMUNITY PRESERVATION FUND, \$1,680,500 TO ACQUIRE PROPERTY ON 21 RAILWAY BLUFFS, HYANNIS FOR OPEN SPACE & RECREATION**

**ORDERED:** That, pursuant to the provisions of G.L. c. 44B, the sum not to exceed the amount of One Million Six Hundred Eighty Thousand and Five Hundred (\$1,680,500.00) and No/100 Dollars be appropriated and transferred from the amount set aside under the Community Preservation Fund on August 21, 2008 under agenda item number 2008-161; and to meet that appropriation, the sum of One Million Five Hundred Seventy Five Thousand (\$1,575,000.00) and No/100 Dollars be appropriated from the Open Space portion of the Community Preservation Fund; and the sum of One Hundred Five Thousand Five Hundred (\$105,500.00) and No/100 Dollars be appropriated from the Undesignated portion of the Community Preservation Fund for the acquisition of the property located at 21 Railway Bluffs, Hyannis for Open Space and Recreational purposes as shown on Barnstable Assessors Map 326 Parcel 133 lot 001 and Map 326 Parcel 132, and as further shown on Yarmouth Assessors Map 28, Parcel 8, and that the Town Manager through the Community Preservation Committee is authorized to contract for and expend the amount appropriated for the purpose of acquiring and creating such open space.

**SPONSOR:** Town Manager John C. Klimm, at the request 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# 2011-146**  
**INTRO: 06/16/11, 07/14/11**

## SUMMARY

**TO:** Town Council  
**FROM:** Community Preservation Committee  
**DATE:** May 16, 2011  
**SUBJECT:** Rationale, Open Space Acquisition Coleman Property, Map 326 Parcel 133 Lot 001 and Map 326, Parcel 132, Yarmouth Assessors Map 28, Parcel 8

**BACKGROUND:** The Community Preservation Committee (CPC) met on Monday May 9, 2011 and recommended the approval of the acquisition of 21 Railway Bluffs, Hyannis and a small portion of land in Yarmouth in the amount of \$1,575,000.00. Also included in the recommendation is to approve an additional \$105,500 to cover closing costs, title insurance, demolition of the structure, landscaping and parking and a new access drive for a total CPA fund request of \$1,680,500.00.

**RATIONALE:** The parcel located at 21 Railway Bluffs, Hyannis consists of approximately nine-tenths (.90) acres of land and is located on the banks of the Hyannis Inner Harbor. The acquisition of this parcel will be dedicated to Open Space and Recreation. In order to offset the cost of the acquisition to the Town, the CPC requested that the Town pursue all available grants in order to reduce the cost to the Town. In addition, the CPC recommended that the Town Manager and Town Council consider a request to designate a portion of fees from the marina enterprise account associated with the Railway Bluff acquisition to be returned to the Community Preservation Committee as a partial cost reimbursement for this project. The third and final component of the recommendation is that there will be a 2 year tenancy for one of the current owners that will commence at the time of the property acquisition. The amount of \$1,295,415 will be taken from the Open Space set asides and \$385,085 will be taken from the Undesignated fund set asides.

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2011-147  
INTRO: 06/16/11, 07/14/11**

**2011-147 APPROPRIATION OF \$375,000 FOR PARK REVITALIZATION, RIDGEWOOD PARK IN HYANNIS**

**ORDERED:** That sum of \$375,000 is appropriated for the purpose of the revitalization of park land located at 0 Linden and 0 Maple Streets in Hyannis otherwise known as Ridgewood Park; that in order to meet this appropriation, the sum of three hundred seventy five thousand (\$375,000.00) Dollars is to be appropriated, subject to reimbursement of up to \$204,000.00 (54% of project costs) from the proceeds of the PARC (Parkland Acquisitions and Renovations for Communities) grant to be accepted; and that the Town Manager is authorized to contract for and expend the amount appropriated and accept any gifts and grants in relation thereto.

**SPONSOR:** Councilors Debra S. Dagwan and James M. Tinsley

<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**

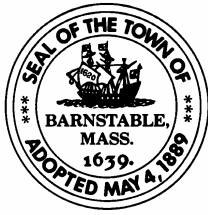
**ITEM# 2011-147**  
**INTRO: 06/16/11, 07/14/11**

## **SUMMARY**

**TO:** Town Council  
**FROM:** Jo Anne Miller Buntich, GMD Director  
**DATE:** June 7, 2011  
**SUBJECT:** Ridgewood Park Improvements

Improvements to Ridgewood Park located between Linden, Locust, Mulberry and Oak Streets in the “tree streets” neighborhood in Hyannis has been the subject of a process spanning several years. Working with the Recreation Commission and the park neighbors through formal and informal discussions, a design concept has been developed for project funding. These modest improvements incorporate toward low maintenance design. Once funding is secured, the design will be finalized with Town departments and the park neighbors.

The PARC grant allows 54% reimbursement to the Town. The grant application requires that the entire amount be set aside by the Town Council. Once the project is awarded the PARC grant reimbursements will be requisitioned as the project moves toward completion. Once funding is in place early in the fall of 2011, we would anticipate project completion by the end of June 2012.



# Town of Barnstable Planning Board

[www.town.barnstable.ma.us/growthmanagement](http://www.town.barnstable.ma.us/growthmanagement)



Jo Anne Miller Buntich  
Director

**TO:** Town Council  
**FROM:** Planning Board  
**DATE:** May 6, 2011  
**SUBJECT:** Proposed Regulatory Agreement Substantial Amendment  
Lewis Bay Court formerly Greenery Development, LLC

Following is a proposed Substantial Amendment to the Regulatory Agreement between the Town of Barnstable and Lewis Bay Court, LLC formerly Greenery Development, LLC.

The Developer proposes to modify the existing Regulatory Agreement to eliminate the following mitigation requirements in the 2007 agreement (excerpted):

WHEREAS, in addition to the improvements cited above, the Developer has agreed to provide financial mitigation to offset project impacts ...

4. In addition to the rehabilitation of the existing structure and parking area and the reduction in impacts from the former nursing home use, mitigation offered by the Developer includes but is not limited to:
  - \$250,000 toward improvements within the layout of South Street in Hyannis;
  - \$150,000 toward improvements for the benefit of the Barnstable Department of Public Works, Water Supply Division;
  - \$34,421 toward improvements within the layout of School Street in Hyannis;

A counter offer to the applicant's proposed substantial amendment was discussed by the Planning Board and the applicant over the course of two public hearings held on January 10 and January 24, 2011 and additional informal discussions held on November 8 and 22, 2010 and March 15, 2011. The counter offer amendment, as described in the Town Council Order, was recommended by a majority vote of the Board on March 15, 2011.

Should the Town Council approve this Substantial Amendment to the Regulatory Agreement, it would then be endorsed by the Town Manager and recorded at the Registry of Deeds.

**A.**

**OLD BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2011-148**

**INTRO: 06/16/11, 07/14/11**

**2011-148 ORDER AUTHORIZING THE TOWN MANAGER TO EXECUTE A SUBSTANTIAL AMENDMENT TO THE REGULATORY AGREEMENT- 89 LEWIS BAY, LLC**

AMENDMENT # 2 TO REGULATORY AGREEMENT  
89 LEWIS BAY ROAD AND 42 SOUTH STREET, HYANNIS

This modification to a regulatory agreement (“Agreement”) is entered by and between the developer, 89 Lewis Bay, LLC (“Developer”) and the Town of Barnstable (“Town”), a municipal corporation, on this \_\_\_ day of \_\_\_\_\_, 2011 pursuant to Section 240-24.1 of the Barnstable Zoning Ordinance and Section 168 of the Barnstable Code;

WITNESS:

WHEREAS the Developer has undergone at least two public hearings on the Agreement amendment application and received a majority vote from the Planning Board approving the following substantial amendment on March 15, 2011;

WHEREAS the Developer has undergone a public hearing on the Agreement amendment application before the Town Council and received a majority vote approving the application on \_\_\_\_\_, 2011;

WHEREAS, the 2007 Regulatory Agreement including the February 2011 Amendment #1 remains in full force and effect except as modified herein;

NOW, THEREFORE, in consideration of the agreements and covenants hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which each of the parties hereto hereby acknowledge to the other, the Developer and the Town do enter into this Agreement, and hereby agree and covenant as follows: that the regulatory agreement dated July 22, 2007 and recorded at the Barnstable Registry of Deeds, Book #22250, Page 286 be amended as follows

1. Paragraph #4 of the 2007 Regulatory Agreement shall be amended as follows:
  - \$150,000 towards streetscape improvements within the layout of South Street;
  - \$150,000 towards improvements of public water supply infrastructure on School Street through the Department of Public Works, Water Supply Division;
  - \$30,000 towards pedestrian improvements within the layout of School Street
 These funds shall be paid to the Town over a ten (10) year period, the first payment due one year from the date of this Modification and where no payment shall be less than 10% of the total of the amounts above.

**WITNESS WHEREOF**, the parties have hereunto caused this Agreement to be executed, on the day and year first above written.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011

\_\_\_\_\_  
Town of Barnstable  
By: John C. Klimm  
Barnstable Town Manager

\_\_\_\_\_  
89 Lewis Bay LLC  
By: Charles F. Doe  
Principal

**SPONSOR:** Councilor Richard Barry

# BARNSTABLE TOWN COUNCIL

**ITEM# 2011-148**  
**INTRO: 06/16/11, 07/14/11**

## SUMMARY

**TO:** Town Council  
**FROM:** Planning Board  
**DATE:** March 23, 2011  
**SUBJECT:** Proposed modification of Regulatory Agreement  
Property: 89 Lewis Bay Road and 42 South Street, Applicant 89 Lewis Bay LLC

**ANALYSIS/RATIONALE:** The 2007 Regulatory Agreement allowed for the renovation of the subject Property, which consisted of a main building located at 89 Lewis Bay Road, which is was formerly used as a nursing home and allowed for the demolition of two dilapidated residential structures, located at 42 South Street. The main building has been renovated to include. Forty-two (42) residential condominiums, constructed on the second and third floors and within the newly constructed fourth floor. The 2011 Regulatory Agreement Amendment allowed 10,000 SF of the first floor to be used for a for profit educational use, a culinary arts school.

The 2007 agreement contained the following provisions (excerpted):

...WHEREAS, in addition to the improvements cited above, the Developer has agreed to provide financial mitigation to offset project impacts as set forth below:

4. In addition to the rehabilitation of the existing structure and parking area and the reduction in impacts from the former nursing home use, mitigation offered by the Developer includes but is not limited to:

\$250,000 toward improvements within the layout of South Street in Hyannis;

\$150,000 toward improvements for the benefit of the Barnstable Department of Public Works, Water Supply Division;

\$34,421 toward improvements within the layout of School Street in Hyannis;

The applicant proposed to entirely eliminate this provision citing unexpected financial obligations incurred to move the stalled project forward.

After conducting negotiations with the applicant that included a reduction in the amount of mitigation and the offer to allow payment over time the Planning Board at their meeting on March 15, 2011, by a 4-1, margin voted to send their counter offer recommendation for amendment, included in this order, to Town Council for further action.

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2012-002**  
**INTRO: 07/14/11**

**2012-002 ACCEPTANCE OF AN \$18,800 MASS CULTURAL COUNCIL GRANT**

**RESOLVED:** That the Town Council does hereby accept the grant award in the amount of \$18,800 from the Massachusetts' Cultural Council, Cultural Facilities Fund.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2012-002**

**INTRO: 07/14/11**

## SUMMARY

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Jo Anne Miller Buntich, Growth Management Director  
**DATE:** July 5, 2011  
**SUBJECT:** Acceptance of grant in the amount of \$18,800 from Massachusetts Cultural Council Cultural Facilities Finds (MCC CFF).

**BACKGROUND:** In 2007 the Growth Management Department applied for and was awarded funding from MCC CFF in the amount of \$18,800 to support efforts to revitalize downtown Hyannis through Arts and Culture Economic Development Initiatives.

In 2010 GMD worked with MCC to alter the grant's original intent to allow these funds to be used to hire a qualified professional to analyze the integrity of the Armory building and systems.

**FISCAL IMPACT:** This grant will allow the Town to provide additional support and services to residents, businesses, organizations and stakeholders in downtown Hyannis. This grant requires a 100% match. Matching funds from a County grant have been set aside since 2008.

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

**STAFF ASSISTANCE:** John O'Brien, Economic Development Coordinator  
Melissa Hersh, Economic Development Arts and Culture Coordinator

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2012-003  
INTRO: 07/14/11**

**2012-003      MODIFICATION OF EASEMENTS FOR THE PROPOSED STOP & SHOP  
DEVELOPMENT, ATTUCKS LANE EXTENSION, HYANNIS**

**RESOLVED:** That the Barnstable Town Council votes to authorize the Town Manager, to the extent necessary to accommodate the development of Atlantis Development LLC, to modify the layout of Attucks Lane Extension or accept grants of interests in land shown on a plan entitled "Town of Barnstable Plan Showing Layout of Attucks Lane Extension as laid out by the Town Manager acting under Chapter II, Article VIII, Section 2 General Ordinances Scale: 1" = 40' Dated: September 18, 1997" filed with the Barnstable Registry of Deeds in Plan Book 537 Pages 4-6, and to release a drainage easement described as Drainage Easement #1 in an easement from Cape Cod Aggregates Corp. dated April 14, 1999 and filed with the Barnstable Registry District of the Land Court as Document No. 766,193, and to accept a new drainage easement, and, further, to accept the grant of a deed restriction and/or easement on property owned by Nelson Coal & Oil, Co. Inc. shown on the Barnstable Assessor's Map 328 as Parcel 131, with said release, new drainage easement and deed restriction and/or easement to be in a form acceptable to the Town Manager, and reviewed and approved by the Town Attorney.

**SPONSOR:** Councilor Ann B. Canedy

DATE	ACTION TAKEN
_____	_____
_____	_____

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

## **BARNSTABLE TOWN COUNCIL**

**ITEM# 2012-003**

**INTRO: 07/14/11**

### **SUMMARY**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**DATE:** July 1, 2011  
**SUBJECT:** Amendment to the right-of-way and drainage easements on the Plan for the proposed Stop & Shop on Attucks Lane Extension, Hyannis

**RATIONALE:** In July 2007 the Council voted 11 in favor and 1 in opposition to adopt a resolve which expressed the Council's support that the redevelopment project proposed by Stop & Shop at Iyannough Road/Route 132 in Hyannis (the "Project") as then revised, should be allowed to proceed with the required permitting and regulatory approval process. Subsequently the Project proceeded through the regulatory approval process and gained the approval of the Cape Cod Commission as a Development of Regional Impact under Decision # JR20035. The Project has received Site Plan approval from the Town of Barnstable. To implement the plan, it is necessary to relocate a drainage easement, modify the laid out access to the property for Attucks Lane, and accept a restriction/easement to be granted to the Town pertaining to the Nelson Coal and Oil property on Route 132. All improvements will be done at the expense of Stop & Shop. Stop & Shop per the resolution adopted by the Council in 2007 (2008-006) has agreed to relinquish any rights it, or its agents or assignees may have which would prevent the location of a supermarket in downtown Hyannis and further agrees in the event that the Project proposal proceeds that it will cooperate with the Town to the extent able in finding a suitable tenant for its existing location at 65 Independence Drive, Hyannis, MA.



**B. NEW BUSINESS (Refer to public hearing 08/04/11) (Roll-call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2012-004**

**INTRO: 07/14/11**

**2012-004 APPROPRIATION OF \$432,954 FOR PARK REVITALIZATION, 182 PLEASANT STREET, HYANNIS ON MAP 326 PARCEL 131**

**ORDERED:** That sum of \$432,954.00 is appropriated for the purpose of the revitalization of park land located at 182 Pleasant Street, Hyannis, MA on parcel 131 of map 326; that in order to meet this appropriation, the sum of Two Hundred Thousand and NO/100 (\$199,159.00) Dollars is to be transferred from the embarkation fee special revenue account, subject to reimbursement of up to \$233,795.00 from the proceeds of the PARC (Parkland Acquisitions and Renovations for Communities) grant to be accepted; and that the Town Manager is authorized to contract for and expend the amount appropriated and accept any gifts and grants in relation thereto.

**SPONSOR:** John C. Klimm, Town Manager at the request of Growth Management Department

DATE	ACTION TAKEN
_____	_____
_____	_____

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

## **BARNSTABLE TOWN COUNCIL**

**ITEM# 2012-004**  
**INTRO: 07/14/11**

### **SUMMARY**

**TO:** Town Council  
**FROM:** Jo Anne Miller Buntich, GMD Director  
**DATE:** July 8, 2011  
**SUBJECT:** Pleasant Street Dock Park Improvements

**RATIONALE:** Improvements to the parcel located at the end of Pleasant Street in Hyannis adjacent to the newly improved dock, has been a part of the vision to extend the “Walkway to the Sea” for several years. Working with the Harbor Master’s Office, Steamship Authority and Commercial Fishermen, through formal and informal discussions, a design concept has been developed for project funding from the state PARC (Parkland Acquisitions & Renovations for Communities) grant opportunity. These improvements support and encourage public access while sustaining the unique location for the commercial fishing industry. Once funding is secured the design will be finalized with Town departments.

The PARC grant allows 54% reimbursement to the Town. The grant application requires that the entire amount be set aside by the Town Council. Once the project is awarded the PARC grant reimbursements will be requisitioned as the project moves toward completion. Once funding is in place early in the fall of 2011 we would anticipate project completion by the end of June 2012.