

Town of Barnstable Town Council

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



Councillors:

Jessica Rapp Grassetti
President
Precinct 7

Ann B. Canedy
Vice President
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Frederick Chirigotis
Precinct 4

James H. Crocker
Precinct 5

William Crocker, Jr.
Precinct 6

Debra S. Dagwan
Precinct 8

James M. Tinsley
Precinct 9

Sara Cushing
Precinct 10

Philip N. Wallace
Precinct 11

John T. Norman
Precinct 12

Jennifer L. Cullum
Precinct 13

Administrator to the
Town Council:
Barbara A. Ford

Administrative
Assistant:
Cynthia A. Lovell

MEETING AGENDA TOWN HALL HEARING ROOM February 6, 2014 7:00 PM

Updated Feb 4

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. MOMENT OF SILENCE
 - Presentation on the proposed Transportation Oriented Development (TOD) by Administrator Tom Cahir, Cape Cod Regional Transit Authority
4. PUBLIC COMMENT
5. COUNCIL RESPONSE TO PUBLIC COMMENT
6. ACT ON MINUTES (Includes Executive Session)
7. COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements. Reports from Agricultural Commission and the Waterways Committee
8. ORDERS OF THE DAY
 - A. Old Business
 - B. New Business
9. TOWN MANAGER COMMUNICATIONS
10. ADJOURNMENT

NEXT REGULAR MEETING: February 27, 2014

A. OLD BUSINESS

2014-045	Appropriation Order \$94,175 from the Bismore Park Special Revenue Fund for new parking station kiosks at Bismore Park (Public hearing) (Roll-call)	3 – 5
2014-050	Amendment to the Zoning Ordinances Chapter 240, Article III, by adding §240-30 “Medical Marijuana Overlay District” and District Regulations for establishing and operating registered marijuana dispensaries (Joint public hearing with the planning board) (Roll-call, 2/3)	6 - 12

B. NEW BUSINESS

2014-052	Acceptance of a \$4,600 hazardous emergency planning grant by the Barnstable County Department of Health and Environment to fund additional inspections by part-time hazardous materials specialist position (May be acted upon)	13 – 14
2014-053	Appropriation and loan order of \$5,000,000 for design and reconstruction of the east ramp at the Barnstable Municipal Airport (Refer to 02/27/14 public hearing)	15 – 17
2014-054	Resolve in accordance with Administrative Code §241-8, B and Council Rule 11A, establishing Town Council ad-hoc committees: Council Administrator Review (May be acted upon)	18
2014-055	Resolve releasing interest and title of West Parish of Barnstable, 2049 Meetinghouse Way, West Barnstable (May be acted upon)	19 – 21
2014-056	Acceptance of a \$800 grant from the Mid-Cape Cultural Council to support a youth-centered program at Guyer Barn (May be acted upon)	22 – 23
2014-057	Acceptance of a \$1,150 grant from the Arts Foundation of Cape Cod to support a youth-centered program at Guyer Barn (May be acted upon)	24 – 25
2014-058	Discontinuance of a portion of Maple Street in Hyannis to be held for park purposes (May be acted upon) (Roll-call, 2/3)	26 – 29
2014-059	Appointments to a board/committee/commission Council on Aging: Katherine-Lee Evans, Herbert Bodensiek; Golf Committee: Edin Nacar, Edward Hickey; Hyannis Main Street Waterfront Historic District Committee: Taryn Thoman; Land Acquisition and Preservation Committee: Farley Lewis (First reading)	30
2014-060	Appropriation of \$125,000 Community Preservation Funds to acquire 1.05 acres of land off Lumbert Mill Road (Harju Road) in Centerville for open space purposes (Refer to public hearing 02/27/14)	31 – 32

Approve Minutes - January 16, 2014

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

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

Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-045

INTRO: 12/20/13, 01/16/14, 02/06/14

2014-045 APPROPRIATION ORDER \$94,175 FROM THE BISMORE PARK SPECIAL REVENUE FUND FOR NEW PARKING STATION KIOSKS AT BISMORE PARK

ORDERED: That the sum of \$94,175 be appropriated for the purpose of funding new parking station kiosks and related costs for Bismore Park; and to meet this appropriation, that \$94,175 be transferred from the Bismore Park Special Revenue Fund.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>12/19/13</u>	<u>Referred to Jan 2, 2014 (Meeting canceled, process restarted)</u>
<u>01/16/14</u>	<u>Referred to Feb 6, 2014 for public hearing</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-045

INTRO: 12/20/13, 01/16/14, 02/06/14

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Richard Scali, Interim Director of Regulatory Services
DATE: December 12, 2013
SUBJECT: Appropriation Order of \$94,175 for new parking station kiosks and related costs at Bismore Park

BACKGROUND: The Town of Barnstable Regulatory Services Department is looking to upgrade and replace some old model pay stations located on Ocean Street, Hyannis with up to (5) brand new, state-of-the art multi-space meters with the capability of accepting coins, bills, credit cards, smart cards and contact less payment options. This system must have the ability to be managed and monitored remotely and be capable of operating in a Pay-by-Space environment.

The decision to convert from a Pay and Display multi-space format to a Pay-by-Space multi space format was based on the following conditions and goals:

1. The Pay-by-Space system will eliminate the need for customers to return to their vehicle to display the receipt on their dashboard as they currently do. They will now be able to simply “park and go”. This is particularly important for customers who are running late for a dinner reservation or to catch an excursion boat or ferry. This also means that the parking enforcement staff will be less likely to issue a violation to a customer who is in transit to pay or from paying to display proof of payment in the vehicle.
2. The Pay-by-Space system will provide customers a receipt that they can carry around with them so they will no longer have to guess how much time they have left on the meter.
3. With the Pay-by-Space system, customers will be able to pay for or add time to their meter from any other pay station in the Barnstable system. Since those who have already paid have their receipt that shows the lot number and space number they parked in, they will be able to go to any pay station and simply enter this information to add time.

Other important goals for obtaining the new parking revenue equipment include:

1. Increase Payment Options – the ability to accept not only coins (quarters, dollars) as is done today, but credit cards and pay by cell phone.
2. Multi-lingual Display – the ability to provide instructions/directions in multiple languages.
3. Advertising & Messaging Display the ability to display parking promotional information, business district promotions and special event information on the digital display when in resting mode.

4. "Green and Clean" the ability to provide 100% solar powered units as well as hard wire option.
5. Meter Communication Systems the ability to inform customers when certain payment systems are down and what payment systems are still being accepted; or to go to another nearby unit to pay. A remote monitoring system will also provide home office notice of distressed meters, remote rate changing ability in addition to providing real-time utilization and related data.
6. Improve Revenue/Reduce Operational Costs increase revenue through payment options and reduce cash/coin collection costs.
7. Flexibility to change back to Pay & Display if desired.

FISCAL IMPACT:

The appropriation requested is to fund the following items:

1. Up to 5 (Five) Multi-Space Parking Pay Stations at a cost of approximately \$18,000 each, for a total of \$90,000.
2. Digital Patrol Smart Phone Connections approximately \$5.00 per month per machine. Annual costs projected to be \$300; cost for FY14 is \$50.
3. Emergency Management Service (EMS) Approximately \$50 per month per machine. Annual costs projected to be \$3,000; cost for FY14 is \$250.
4. Service and parts contract is approximately \$125 per machine per month. Annual costs projected to be \$7,500. No cost for FY14 as warranty should cover the first year.
5. Awning designed for each machine approximately \$375.00 for each machine totaling \$1,875.00 for FY14.
6. Removal of old rusted meter posts approximately \$2,000 for FY 14.

Total appropriation request is for \$94,175; \$90,000 for 5 Pay Stations, \$1,875 for 5 Awnings, \$2,000 for removal of old posts, \$250 for Emergency management service and \$50 for Digital Patrol Smart Phone. The Bismore Park Special Revenue Fund has sufficient resources to fund this request and the request is in line with the fund's stated purpose. The current balance in the account is \$218,563. Gross revenue generated from Bismore parking meter receipts in fiscal year 2013 was \$222,572.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends the approval of the transfer of these funds.

STAFF ASSISTANCE: Richard Scali, Interim Director of Regulatory Services
Mark Milne, Finance Director

**A. OLD BUSINESS (Joint public hearing with the Planning Board)
(Roll-call, 2/3)**

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-050
INTRO: 01/16/14, 02/06/14**

**2014-050 AMENDING CHAPTER 240, ARTICLE III, OF THE ZONING ORDINANCES
AMENDING CHAPTER 240, THE ZONING ORDINANCES TO CREATE A MEDICAL
MARIJUANA OVERLAY DISTRICT AND DISTRICT REGULATIONS FOR
ESTABLISHING AND OPERATING REGISTERED MARIJUANA DISPENSARIES**

ORDERED:

Section 1

That Chapter 240, Article III of the Zoning Ordinance is hereby amended by adding a new §240-30 "Medical Marijuana Overlay District" as follows:

§240-30 Medical Marijuana Overlay District.

A. District established. A Medical Marijuana Overlay District is hereby established, and shall be considered as superimposed over any other districts established by this chapter, and is shown as an overlay on the Official Zoning Map established pursuant to §240-6, Zoning Map, herein.

B.

(1) Purpose. The purpose of the Medical Marijuana Overlay District is to provide for the limited establishment of Registered Marijuana Dispensaries as they are authorized pursuant to state regulations set forth at 105 CMR 725.000, Implementation of an Act for the Humanitarian Medical Use of Marijuana. Given that Registered Marijuana Dispensaries shall be limited in number and strictly regulated by the Massachusetts Department of Public Health, these zoning regulations intend to permit them where there is access to both regional roadways and public transportation, where they may be readily monitored by law enforcement for health and public safety purposes, and where their impacts are ameliorated by these locations.

(2) Use. Within the Medical Marijuana Overlay District a Registered Marijuana Dispensary that dispense, cultivates and prepares marijuana products may be permitted as a Conditional Use only within the Overlay District provided a special permit is first obtained from the Zoning Board of Appeals, subject to the provisions of Section 240-125.C herein and subject to the all additional standards and conditions of this section.

C. Special Permit Granting Authority. Within the MMOD the zoning Board of Appeals shall be the Special Permit Granting Authority.

D. Use. Notwithstanding the use limitations of the base zoning district or any other overlay zoning district, a Registered Marijuana Dispensary shall be allowed within the Medical Marijuana Overlay District upon the granting of a special permit, subject to the requirements set forth in this Section. Within the Medical Marijuana Overlay District, and only within the Medical Marijuana Overlay District, a Registered Marijuana Dispensary may be permitted, provided that a special permit is first obtained from the Zoning Board of Appeals, subject to the following standards and conditions.

E. Requirements/Standards

- (1) **Registration.** All permitted Registered Marijuana Dispensaries shall be properly registered with the Massachusetts Department of Public Health pursuant to 105 CMR 725.100 and shall comply with all applicable state and local public health regulations and all other applicable state and local laws, rules and regulations at all times. No Building Permit or Certificate of Occupancy shall be issued for a Registered Marijuana Dispensary that is not properly registered with the Massachusetts Department of Public Health.
- (2) **Building.** A Registered Marijuana Dispensary shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home deliveries to qualified clients pursuant to applicable state and local regulations.
- (3) **Proximity to Residential Uses.** A Medical Marijuana Treatment Center shall not be allowed within a building containing residential use, or upon a lot with residential use except an incidental residential use that may be necessary for RMD security.
- (4) **Separation Requirements.** The site is located at least one thousand feet (1000') distant from a religious institution/place of religious assembly, school, daycare center, preschool or afterschool facility or any facility in which children commonly congregate, or if not located at such a distance, it is determined by the Zoning Board of Appeals to be sufficiently buffered from such facilities such that its users will not be adversely impacted by the operation of the Registered Marijuana Dispensary but in no case shall the distance be less than 500' measured from parcel boundary to parcel boundary. In no case shall and RMD directly abut another RMD or any Medical Marijuana use.
- (5) **Dimensional Requirements.** Except where it is explicitly stated otherwise in this Section, Registered Marijuana Dispensary shall conform to the dimensional requirements applicable to non-residential uses within the underlying and other overlaying zoning districts.
- (6) **Parking.** The required number of parking (both long-term and short-term) spaces for a Registered Marijuana Dispensary shall be 1 space for every 200 SF of gross floor area for an RMD; and 1 space for every 700 SF of gross floor area for RMD Marijuana Infused Product manufacturing or marijuana cultivation. The Board of Appeals shall also rely on the recommendation of Site Plan Review.
- (7) **Loading.** The Board of Appeals may require loading bays based on the recommendation of Site Plan Review and/or based on the needs of the proposed use.

- (8) **Signage.** Signage shall not exceed 12 SF in area and no part of the sign shall exceed 8' above existing average grade. For other site signage, the requirements of Article VII of this Ordinance shall also apply through the underlying zoning district. The Zoning Board of Appeals may impose additional restrictions on signage as appropriate to mitigate any aesthetic impacts.
- (9) **Consistency with Registration Materials.** Plans and information provided to the Zoning Board of Appeals shall be consistent with the with the registration materials issued by the Massachusetts Department of Public Health and any other information and materials provided to the Massachusetts Department of Public Health.

F. Special Permit Requirements

- (1) **Application Requirements.** An application to the Zoning Board of Appeals shall include, at a minimum, the following information:
 - (a) Complete application form.
 - (b) Description of Activities: A narrative providing information about the type and scale of all activities that will take place on the proposed site, including but not limited to cultivating and processing of marijuana or marijuana infused products (MIPs), on-site sales, off-site deliveries, site security, hours of operation, community benefit, distribution of educational materials, and other programs or activities.
 - (c) Service Area: A scaled map and narrative describing the area proposed to be served by the Registered Marijuana Dispensary and the anticipated number of clients that will be served within that area. This description shall indicate where any other Registered Marijuana Dispensaries exist or have been proposed within the expected service area.
 - (d) Context Map: A scaled map depicting all properties and land uses within a two thousand-foot (2,000') radius of the project site, whether such uses are located in Barnstable or within surrounding communities, including but not limited to all religious institutions/places of religious assembly, schools, daycare centers, preschool or afterschool facilities or any facilities in which children commonly congregate .
 - (e) Site Plan: The proposal is subject to the provisions of Article IX, Section 240-102 Site Plan Review.
 - (f) Security Plan: The security plan shall be submitted to the Chief of Police who shall provide written comment to the Board as to the adequacy or inadequacy of the security provisions and plans.
 - (g) Building Elevations and Signage: Architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used. Perspective drawings and illustrations of the site from public ways and abutting properties are recommended but not required.
 - (h) Registration Materials: Copies of registration materials issued by the Massachusetts Department of Public Health and any materials submitted to the Massachusetts Department of Public Health for the purpose of seeking registration, to confirm that all information provided to the Zoning Board of Appeals is consistent with the information provided to the Massachusetts Department of Public Health.
- (2) **Special Permit Criteria.** In granting a special permit for a Registered Marijuana Dispensary, in addition to the general criteria for issuance of a special permit as set forth in § 240-125C herein

and in consideration of all application materials submitted and testimony received, the Zoning Board of Appeals shall find that the following criteria are met:

- (a) The Registered Marijuana Dispensary complies with all requirements of this Section including but not limited to subsections E and F in their entirety.
 - (b) The Registered Marijuana Dispensary is located to serve an area that currently does not have reasonable access to medical marijuana, or if it is proposed to serve an area that is already served by other Registered Marijuana Dispensaries, it has been established by the Massachusetts Department of Public Health that supplemental service is needed.
 - (c) The site is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, cyclists and public transportation users.
 - (d) Traffic generated by client trips, employee trips, and deliveries to and from the Registered Marijuana Dispensary shall not create a substantial adverse impact on nearby residential uses.
 - (e) Where necessary to shield adjacent uses, the Zoning Board of Appeals may require buffering by fencing, vegetation or other screening methods.
- (3) Prohibition on Transfer.** The special permit shall be issued to the owner of the Medical Marijuana Treatment Center and shall not transfer with a change in ownership of the business and/or property.
- (4) Limitation of Approval.** A special permit authorizing the establishment of a Registered Marijuana Dispensary shall be valid only for the registered entity to which the special permit was issued, and only for the site on which the Registered Marijuana Dispensary has been authorized by special permit. If the registration for a Registered Marijuana Dispensary has been revoked, transferred to another controlling entity, or relocated to a different site within the Medical Marijuana Overlay District, a new special permit shall be required prior to issuance of a Certificate of Occupancy.
- (5) Revocation/Nonrenewal.**
- (a) In accordance with 105 CMR 725.100(E) Expiration and Renewal of Registration, all materials submitted pursuant to the RMD compliance with that section shall also be submitted to the Zoning Board of Appeals record file. The Board reserves the right to hold a public hearing based on a review of the materials showing inconsistencies with special permit conditions and/or the requirements and standards of this section.
 - (b) In accordance with 105 CMR 105 (O) Requirements Upon Expiration, Revocation or Voiding of Certificate of Registration of RMD should DPH take action under this section the special permit shall be null and void.

E. Relationship to Other Laws. Nothing in this law poses an obstacle to federal enforcement of federal law. Nothing in this law supersedes Massachusetts law prohibiting the possession, cultivation, transport, distribution, or sale of marijuana for nonmedical purposes. Nothing in this law requires the violation of federal law or purports to give immunity under federal law.

F. Severability. The provisions of this law are severable and if any clause, sentence, paragraph or section of this measure, or an application thereof, shall be adjudged by any court of competent jurisdiction to be

invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or application adjudged invalid.

Section 2

That Chapter 240, Article XIII §240-128 "Definitions" of the Zoning Ordinance is hereby amended by adding the following definitions:

Marijuana - has the meaning given “marihuana” in Chapter 94C of the General Laws

Marijuana Dispensary, Registered. Registered Marijuana Dispensary, also known as RMD or Medical Marijuana Treatment Center, shall mean an establishment properly registered with the Massachusetts Department of Public Health under 105 CMR 725.100 that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers.

Section 3

That the official zoning map of the Town of Barnstable is hereby amended by adding the Medical Marijuana Overlay District as shown on maps entitled “Proposed Amendment to the Town Zoning Map creating the Medical Marijuana Overlay District” and “Proposed Amendment to the Barnstable Zoning Map creating the Medical Marijuana Overlay District” and “Proposed Amendment to the Hyannis Zoning Map Creating the Medical Marijuana Overlay District” all dated January 7, 2014 as prepared by the Town of Barnstable GIS Unit.

Section 4

That Chapter 240, Article II, § 240-5 "Establishment of Districts" of the Zoning Ordinance is hereby amended by adding the "Medical Marijuana Overlay District" under "Overlay Districts."

SPONSOR: Thomas K. Lynch, Town Manager

DATE

ACTION TAKEN

01/16/14 Referred to a joint public hearing with the planning board 02/06/14

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-050
INTRO: 01/16/14, 02/06/14

SUMMARY

TO: Town Council
FROM: Jo Anne Miller Buntich, Growth Management Director
DATE: January 7, 2014
SUBJECT: Amending the Zoning Ordinances with

The Law for the Humanitarian Medical Use of Marijuana was adopted by Massachusetts voters in November, 2012. The measure became law on January 1, 2013 (Chapter 369 of the Acts of 2012). In May, 2013, the Massachusetts Department of Public Health (DPH) promulgated regulations set forth in 105 CMR 725.000 by which DPH will approve, register and control the establishment of up to 35 Registered Marijuana Dispensaries (RMDs) statewide in the first year, with at least one (1) but no more than five (5) RMDs in each county. Local regulatory oversight is allowed by the regulations provided it does not conflict with state regulations.

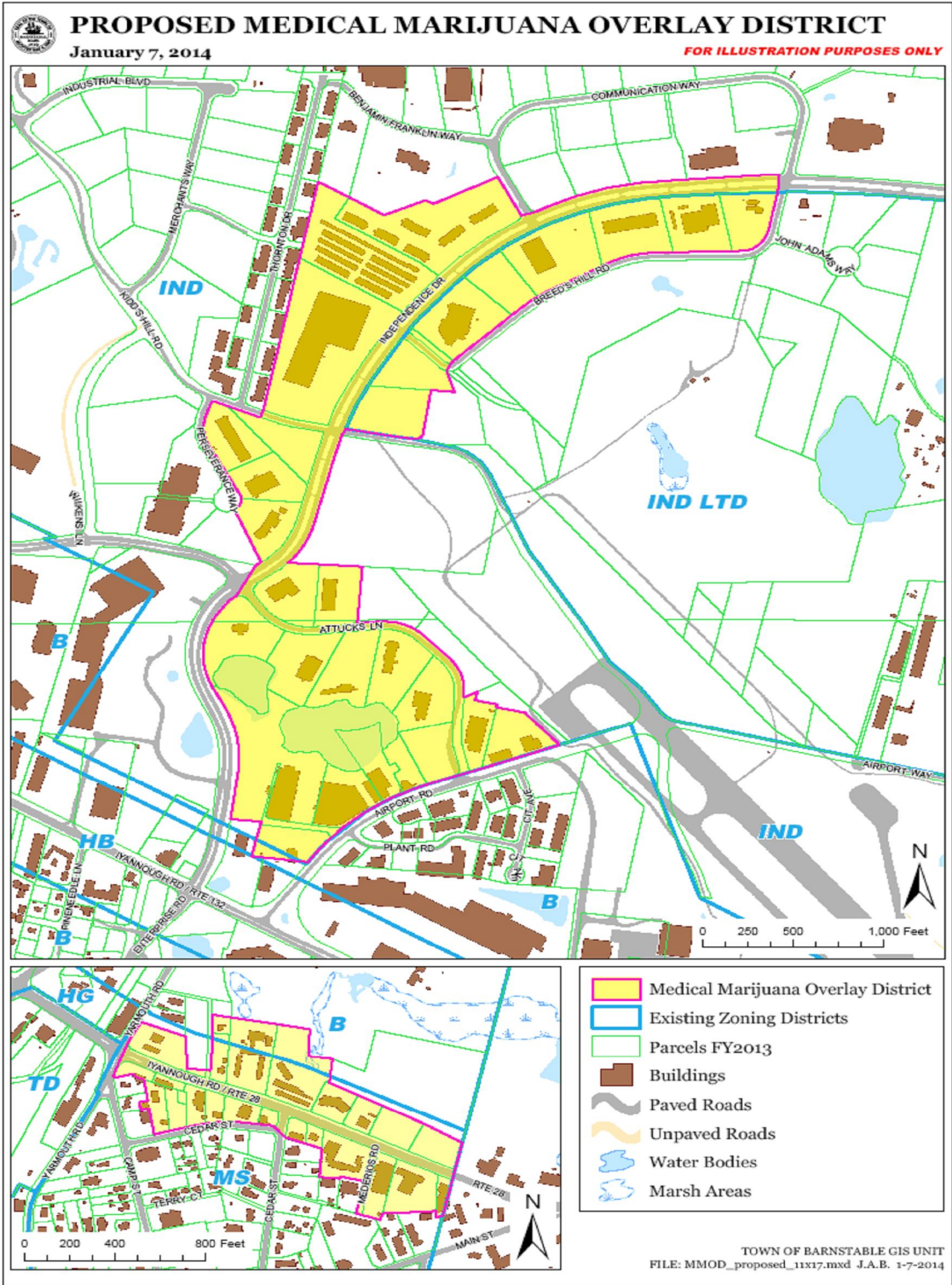
This zoning proposal includes regulations that will work in concert with state regulations while focusing on land use planning issues such as district character, compatibility among adjacent uses, transportation and parking, and urban design.

This draft zoning ordinance and zoning map amendment set out an overlay district where a Registered Marijuana Dispensary (RMD) use may be located in Hyannis at the very east end of Iyannough Road and in portions of the Industrial District.

Because RMDs will be limited in number, it is important to plan for them as regional service providers rather than typical retail establishments. These proposed locations provide access to both regional roadways and public transportation with the least impact on residential neighborhoods and incompatible land uses.

The proposed special permit process will supplement state requirements while avoiding conflicts with those state regulations and ensuring compatibility with the Town's overall planning and zoning goals.

In this draft, the medical marijuana uses are subject to a 1000' setback from sensitive receptors such as religious institutions/place of religious assembly, schools, daycare centers, preschools or afterschool facilities or any facility in which children commonly congregate.



B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-052
INTRO: 02/06/14**

2014-052 ACCEPTANCE OF \$4,600 HAZARDOUS MATERIALS EMERGENCY PLANNING GRANT PROVIDED BY BARNSTABLE COUNTY DEPARTMENT OF HEALTH AND ENVIRONMENT TO FUND ADDITIONAL INSPECTIONS BY THE PART-TIME HAZARDOUS MATERIALS SPECIALIST POSITION

RESOLVED, that the Town Council hereby accepts a grant award in the amount of \$4,600.00 from the Barnstable County Department of Health & Environment for the purpose of enhancing the Town's Toxic and Hazardous Materials Program and that the Town Manager is authorized to expend the grant monies for the purpose specified therein.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-052
INTRO: 02/06/14

SUMMARY

TO: Town Council
THROUGH: Thomas Lynch, Town Manager
FROM: Thomas McKean, C.H.O., Director of Public Health
DATE: January 17, 2014

BACKGROUND: The Public Health Division has been awarded a \$4,600 grant from the Barnstable County Department of Health & Environment. Currently, the Hazardous Materials Specialist position is funded part-time, at 19 hours per week. This position conducts inspections at businesses and governmental agencies, which handle or store toxic and hazardous materials. Acceptance of this grant would provide enough funding for this position to increase five additional hours per week, totaling 24 hours per week.

ANALYSIS: The acceptance of this grant will allow the Public Health Division to enhance the Toxic and Hazardous Materials Program in order to better protect the groundwater from contamination. There are more than 1,100 businesses and agencies in Barnstable, which store or use toxic and hazardous materials. The additional five hours per week will provide for additional inspections at sites, which are not currently inspected. The objectives of this Program are to conduct inspections at businesses and governmental agencies which handle or store toxic and hazardous materials, educate responsible parties in regards to proper storage and handling, and provide enforcement where necessary to prevent and control contamination to the ground and groundwater from spillage, illegal dumping, leaking tanks, floor drains, and other methods of discharges of toxic and hazardous materials into the environment.

This grant funding is temporary and ceases at the end of this fiscal year, on June 30, 2014.

FISCAL IMPACT: None

TOWNMANGER RECOMMENDATION: Town Manager Thomas Lynch recommends acceptance of this grant.

OTHER SUPPORT: Wayne Miller, M.D, Chairman of the Board of Health
Richard Scali, Interim Director of Regulatory Services

STAFF ASSISTANCE: Thomas McKean, C.H.O., Director of Public Health

B. NEW BUSINESS (Refer to public hearing 02/27/14)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-053
INTRO: 02/06/14**

2014-053 APPROPRIATION AND LOAN ORDER OF \$5,000,000 FOR THE DESIGN AND RECONSTRUCTION OF THE EAST RAMP AT THE BARNSTABLE MUNICIPAL AIRPORT

ORDERED: That the sum of Five Million Dollars and No Cents (\$5,000,000.00) be appropriated for the purposes of funding the design and reconstruction of the East Ramp at the Barnstable Municipal Airport; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$5,000,000, and that the Barnstable Municipal Airport Commission is authorized to contract for and expend the Appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-053
INTRO: 02/06/14

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: (1) R. W. Breault, Jr., Airport Manager
(2) Barnstable Municipal Airport Commission
DATE: January 16, 2014
SUBJECT: Appropriation and Loan Order to Fund the Design and Reconstruction of the East Ramp at the Barnstable Municipal Airport

BACKGROUND: The Airport's East Ramp off the old Mary Dunn Way requires reconstruction and expansion to meet current and future general aviation and corporate aircraft parking needs. This project will rebuild the existing East Ramp, adjacent to Taxiway B (Bravo), providing adequate space for the safe maneuvering and parking of the larger-wingspan corporate jets that make up the fleet that has been using the airport. This project is incorporated in the Federal Aviation Administration (FAA) approved Airport Layout Plan (ALP); it is included in the Cape Cod Commission approved Development of Regional Impact Report of January 25, 2007 as part of the Taxiway B (Bravo) project; it is included in the Draft Airport Master Plan, Environmental Impact Report (EIR) and draft Development Agreement with the Town and the Cape Cod Commission; and it is included FAA Aviation Capital Improvement Plan (ACIP) and in the Massachusetts Department of Transportation (MassDOT) Aeronautics Division Airport and Safety and Maintenance Program (ASMP).

Given the level of deterioration and age of the pavement, a major rehab is needed in order to preserve safe aircraft operations; portions of the East Ramp must be totally reconstructed or have a major rehabilitation, and will include miscellaneous associated airfield improvements. The pavement is inadequately designed for the weight-bearing capacity of larger private, military and corporate jet aircraft using the East ramp parking area. The ramp is being maintained on a regular basis, but the continual deterioration poses serious foreign object debris (FOD) threats to aircraft engines, and could result in serious injury or death to personnel; and there is a potential for taxiway closure and loss of use due to structural ramp and taxiway damage.

Typical pavement life is 20 years, and the circa 1972 East Ramp is in serious need of repair. In June of 2013, the MassDOT Aeronautics Division completed a statewide pavement management report that shows the East Ramp as having a pavement condition index (PCI) of 17 to 56 depending upon location, with 0 being the worst condition, to 100 being the best condition. A PCI of 10 to 70 requires complete reconstruction to major rehabilitation.

ANALYSIS:

(1) The estimated capital cost to design and reconstruct the entire East Ramp of approximately 465,800 square feet of tarmac is \$5,000,000 total project cost. This project was a late addition to the FAA ACIP and the MassDOT Aeronautics ASMP programs for FY2014 and the funds have just been identified for these purposes on very short notice.

(2) As part of a State-wide program to rehabilitate airport parking ramps/aprons, the MassDOT Aeronautics Division will provide grant assistance for 50% of the project cost on the basis of an 80% payment from MassDOT Aeronautics in the amount of \$2,000,000; and the remaining 20% to be paid by the Airport Enterprise Fund Account in the amount of \$500,000. These funds must be expended by no later than June 30, 2014.

(3) As part of the State-wide program, the MassDOT Aeronautics Division has also placed the cost for the 50% balance of the project into the Governor's 2014 Transportation Bond Bill. If passed by the Legislature and approved by the Governor, 97.5% of the remaining cost would be paid by the Bond Bill in the amount of \$2,437,500; and the remaining 2.5% to be paid by the Airport Enterprise Fund Account in the amount of \$62,500. These funds must be expended by no later than November 30, 2014.

(4) Total net cost to the Airport Enterprise Fund Account would be \$562,500; a portion of which would be borrowed on a long term basis and a portion to be transferred from the Airport Reserves, the amounts to be determined

(5) The Barnstable Municipal Airport Enterprise Fund Reserve balance, as approved by the Department of Revenue for FY2014, is \$2,996,203.00.

(6) The project will be designed and bid such that it can be done in two phases, each phase depending upon receipt of funding and grant assurances. If funding is not approved or grants are not assured, the project will not proceed.

(7) Project engineering design will commence immediately, followed by a minimum required time for bidding and immediate construction to meet grant deadline requirements.

FISCAL IMPACT: This appropriation of funds should be sufficient to meet all anticipated expenses, and should be up to the grant reimbursement percentages noted above and reimbursable to the Barnstable Municipal Airport. There are adequate airport enterprise reserve funds available to pay for bond costs.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of this appropriation order.

BOARD AND COMMISSION ACTION: The Barnstable Municipal Airport Commission approved the capital project on November 19, 2013.

STAFF ASSISTANCE: R. W. Breault, Jr., Airport Manager

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-054
INTRO: 02/06/14**

2014-054 RESOLVE TO ESTABLISH TOWN COUNCIL AD-HOC COMMITTEES

RESOLVED, that the Council President in accordance with §241-8, B and Rule 11A, hereby designates the following ad-hoc committee:

Town Council Administrator Review Committee

SPONSOR: Councilor James Tinsley

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM # 2014-055
INTRO: 02/06/14**

2014-055 RESOLVE FOR COUNCIL ACTION ON THE TITLE OF LAND – WEST PARISH OF BARNSTABLE, 2049 MEETINGHOUSE WAY, WEST BARNSTABLE

”Be it resolved that the Town Council of the Town of Barnstable vote to adopt the following resolution:

RELEASE to West Parish of Barnstable, a corporation sole with an address of 2049 Meetinghouse Way, West Barnstable, MA 02668, all of the Town’s right, title and interest, if any, in and to the land located in Barnstable County, Massachusetts, bounded and described as follows

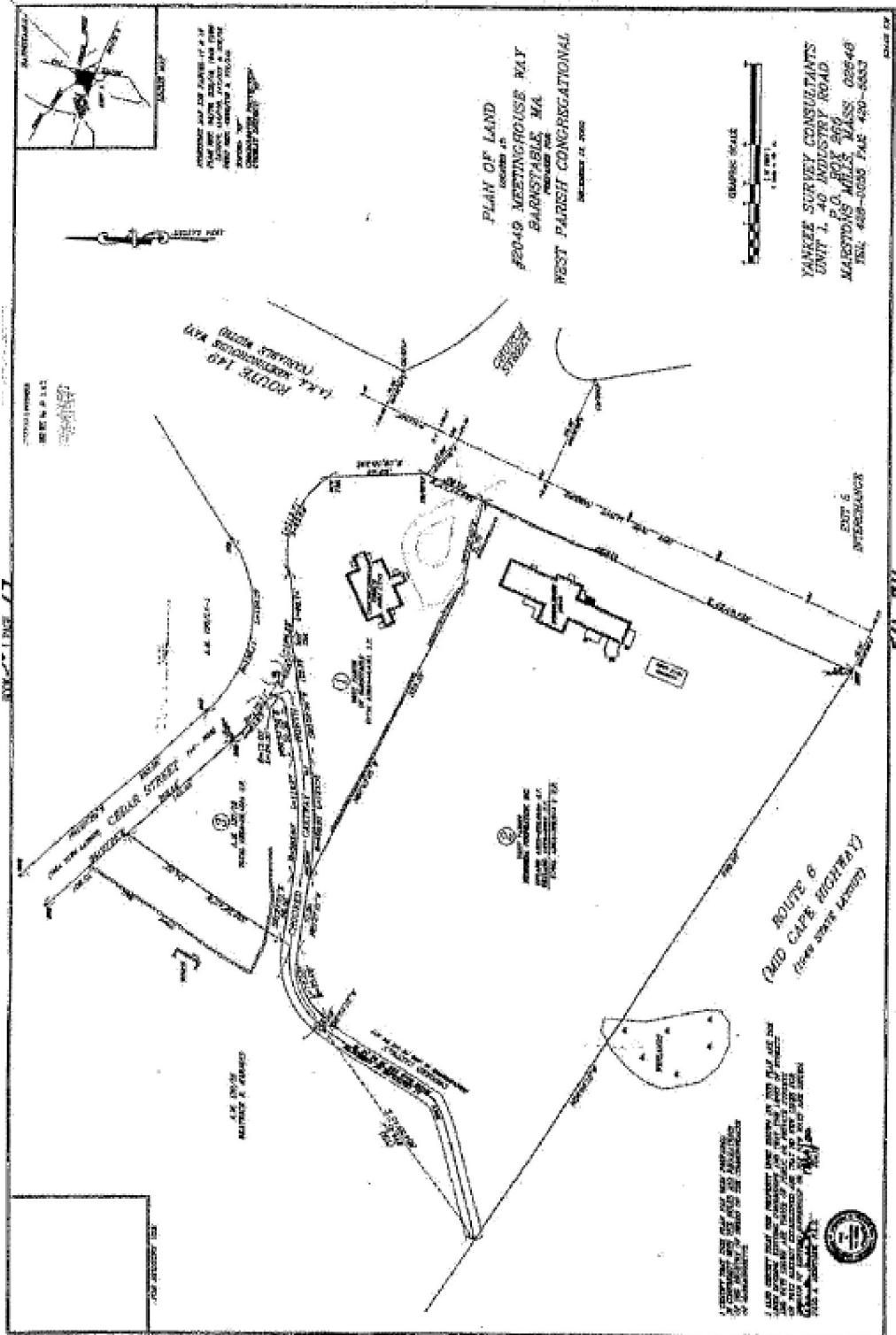
- EASTERLY** by Route 149 (a.k.a. Meetinghouse Way), as shown on a plan hereinafter mentioned, ninety-seven and 60/100 (97.60) feet;
- SOUTHEASTERLY** by Route 149 (a.k.a. Meetinghouse Way as shown on a plan, hereinafter mentioned, ninety-seven and 60/100 (97.60) feet;
- SOUTHWESTERLY** by land of West Parish Memorial Foundation, Inc. as shown said plan ninety-one and 751100 (91.75) feet;
- SOUTHWESTERLY** again by land of West Parish Memorial Foundation Inc. as shown on said plan three hundred thirty-three and 33/100 (333.333)
- NORTHWESTERLY** by Crooked Cartway North, as shown on said plan, in two courses totaling two hundred forty five and 64/100 (245.64) feet;
- NORTHERLY AND NORTHEASTERLY** by Cedar Street, as shown on said plan, in two courses, totaling one hundred eighty and 45/100 (180.45) feet

Being shown as Parcel I containing 44, 41 5 + S.F., on a plan entitled "Plan of Land located at #2049 Meetinghouse Way, Barnstable, MA prepared for West Parish Congregational" dated December 12, 2000 and recorded in the Barnstable Registry of Deeds in Plan Book 561 Page 74, and further to authorize the Town Manager to execute a deed consistent with the above description on behalf of the Town and to execute any and all other documents as necessary to carry out the purposes of the resolution”

SPONSOR: Town Councilor Phil Wallace

DATE	ACTION TAKEN
_____	_____

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



BARNSTABLE TOWN COUNCIL

ITEM# 2014-055
INTRO: 02/06/14

DATE: January 23, 2014
TO: Town Council
FROM: Councilor Phil Wallace

SUMMARY

BACKGROUND: The West Parish of Barnstable (hereinafter referred to as "West Parish") and the Massachusetts Historical Commission (hereinafter referred to as "MHC") have been working collaboratively to prepare a Preservation Restriction Agreement in accordance with the Town Council vote awarding West Parish \$275,000 for repairs to its building. The grant includes installation of a new roof as the current roof is presently covered with a tarp. This work was completed on behalf of the Town of Barnstable Community Preservation Committee by Attorney Barbara Harris.

In this finalization of this initiative, none of the parties associated with this process could locate a deed, despite extensive research, to the parcel of land as occupied by West Parish. The MHC will not approve the Preservation Restriction Agreement without a deed or confirmatory deed from the Town and without this approval, West Parish will be unable to utilize the \$275,000 funding provided by the Town for the necessary repairs to the roof. The roof in its current state has had to be covered by a tarp and irreparable damage to the interior of the structure could occur without the necessary repairs.

Construction for the building began in 1717 and was completed in 1719 and used as a Meetinghouse and location for religious services, Religion and government were inextricably bound in this early history as town meetings were held in the same locations as religious services. This linkage between religion and government remained until 1833 when the Commonwealth of Massachusetts passed a law separating church and state (although West Parish continued to be used for Town Meetings until 1849).

West Parish has a long and storied history with the Town and the Town has impliedly recognized the land where the property now sits as belonging to West Parish of Barnstable. The Town has historically assessed the parcel in which the property sits to West Parish (see attached Plan of Land prepared by Yankee Survey Consultants, dated December 12, 2000), identified by its address: 2049 Meetinghouse Way, West Barnstable. Additionally, when County Commissioners improved Route 149, property was taken against West Parish and in 1959; in a plan prepared by the Town to discontinue a portion off Crooked Cartway it clearly allows ownership in the West Barnstable Congregational Society. Further, there have been at least two plans recorded allowing the dimensions of the West Parish parcel showing their land to be approximately one acre in size.

It should be noted that the current "missing deed" issue occurred previously with the East Parish parcel. East Parish proposed and received essentially the same relief West Parish now seeks at a 1952 Town Meeting, in which there was a vote to convey the parcel they occupied, and had occupied for as many years as West Parish, to the organization (see deed dated August 20, 1957, and recorded August 20, 1957, and recorded in Book 981, Page 197 - shows conveyance of 1.36 acres of land by the Town to the Parish)

A conveyance of a release deed from the Town of Barnstable to West Parish will resolve the potential title issues presented above. Without this deed, MHC will not approve the Preservation Restriction Agreement. Conversely, with this proposed conveyance, MHC will approve the Preservation Restriction Agreement, allowing West Parish to proceed with its much-needed structural roof repairs.

FISCAL IMPACT: There will be no additional fiscal impact for the Town by adopting the proposed resolution below. The Town has previously awarded \$275,000 for repair to this historic structure via the Community Preservation Committee of the Town and its authority to release funds on behalf of the Community Preservation Act.

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-056
INTRO: 02/06/14**

2014-056 ACCEPTANCE OF AN \$800 GRANT FROM THE MID-CAPE CULTURAL COUNCIL FOR A YOUTH-CENTERED PROGRAM AT GUYER BARN

RESOLVED, That the Town Council hereby accepts a grant award in the amount of \$800.00 from the Mid Cape Cultural Council to support a youth-centered program for the Guyer Barn and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM #2014-056
INTRO: 02/06/14

SUMMARY

TO: Town Council
FROM: Jo Anne Buntich Miller, Director Growth Management Department
THROUGH Mid Cape Cultural Council
DATE: January 24, 2014

BACKGROUND: This \$800.00 Mid Cape Cultural Council grant award to Growth Management Department Economic Development Arts & Culture Program will be used to support our youth-centered program at the Guyer Barn where an ongoing series of fine and performing arts events are provided to children and teens that might not otherwise access creative arts opportunities.

ANALYSIS: Specifically, this grant will allow a new program, *The Movie Team*, to be provided at the Guyer Barn in the coming months. This unique filmmaking program for disadvantaged and at-risk teens on Cape Cod will provide participants the opportunity to explore their creativity. This program pairs area youth with local media professionals for a digital filmmaking workshop. Over the course of one weekend participants will learn many skills including, introduction to movie story and scriptwriting; film acting; camera operation; set design; costume and make-up; and the basics of post production and editing. The Guyer Barn Program Coordinator will facilitate the project. The program an excellent fit for this arts venue set within an environmental justice area.

FISCAL IMPACT: No matching funds are required for this grant award. This is the first year GMD has received an MCCC grant award. The Town was one of 16 applicants receiving funds this grant cycle, for a total of \$9,700.00 in grant awards.

STAFF ASSISTANCE: Melissa Hersh, GMD Economic Development Program, Arts and Culture Coordinator; Lisa Cavanaugh, Program Coordinator, Guyer Barn

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-057
INTRO: 02/06/14**

**2014-057 ACCEPTANCE OF A \$ 1,150 GRANT FROM THE ARTS FOUNDATION OF CAPE
COD SUPPORTING A YOUTH-CENTERED PROGRAM FOR THE GUYER BARN**

RESOLVED: That the Town Council hereby accepts a grant award in the amount of \$1,150.00 from the Arts Foundation of Cape Cod for the purpose of supporting a youth-centered program for the Guyer Barn and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM #2014-057
INTRO: 02/06/14

SUMMARY

TO: Town Council
FROM: Jo Anne Buntich Miller, Director Growth Management Department
THROUGH: Thomas Lynch, Town Manger
DATE: January 24, 2014

BACKGROUND: This \$1,150.00 grant award from the Arts Foundation of Cape Cod to the Growth Management Department Economic Development Arts & Culture Program will be used to support our youth-centered program at the Guyer Barn where an ongoing series of fine and performing arts events are provided to children and teens that might not otherwise access creative arts opportunities.

ANALYSIS: Specifically, this grant will allow a new program, *The Movie Team*, to be provided at the Guyer Barn in the coming months. This unique filmmaking program for disadvantaged and at-risk teens on Cape Cod will provide participants the opportunity to explore their creativity. This program pairs area youth with local media professionals for a digital filmmaking workshop. Over the course of one weekend participants will learn many skills including, introduction to movie story and scriptwriting; film acting; camera operation; set design; costume and make-up; and the basics of post production and editing. The Guyer Barn Program Coordinator will facilitate the project. The program an excellent fit for this arts venue set within an environmental justice area.

FISCAL IMPACT: No matching funds are required for this grant award.

This is the ninth consecutive year GMD has received an AFCC grant award. The Town was one of 39 applicants receiving funds this grant cycle. The AFCC committee awarded grants to 33 organizations totaling \$28,095.00.

STAFF ASSISTANCE: Melissa Hersh, GMD Economic Development Program, Arts and Culture Coordinator; Lisa Cavanaugh, Program Coordinator, Guyer Barn

B. NEW BUSINESS (May be acted upon) (Roll-call, 2/3)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-058
INTRO: 02/06/14**

**2014-058 ORDER DISCONTINUANCE OF A PORTION OF MAPLE STREET IN HYANNIS
TO BE HELD FOR PARK PURPOSES**

ORDERED: That the portion of Maple Street between Locust Street and Oak Street through Ridgewood Park in Hyannis as shown and further described on a plan entitled “Plan Showing Discontinuance of a Portion of Maple Street in Barnstable (Hyannis), MA dated December 12, 2013” prepared by Town of Barnstable DPW be discontinued and held for park purposes, and further that the existing sewer and water supply infrastructure (shown on the plan within the “Utility Area”) continue to be used and maintained consistent with the use of the park. The Town Manager is hereby authorized to execute, deliver and record any instruments to fulfill the purposes stated in this order.

SPONSOR: Councilor James Tinsley

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM #2014-058
INTRO: 02/06/14

SUMMARY

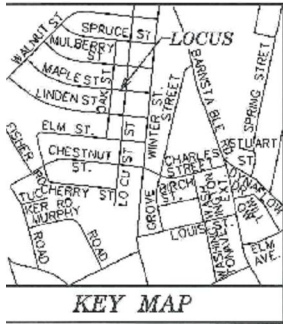
TO: Town Council
FROM: Jo Anne Miller Buntich, Growth Management Director
DATE: January 14, 2014
SUBJECT Discontinuing a Portion of Maple Street

BACKGROUND: Over the last three years GMD has worked with the neighborhood surrounding Ridgewood Park to arrive at a concept for park improvements. Early on the neighbors identified this small portion of Maple Street as an attractive nuisance and an impediment to the ideal functioning of the park as a neighborhood resource. This portion of Maple Street is no longer needed as a town way since there is ample passage over Mulberry, Oak, Locust and Linden Streets. Discontinuing this portion of Maple Street for park use is much more consistent with the existing park use abutting on both sides.

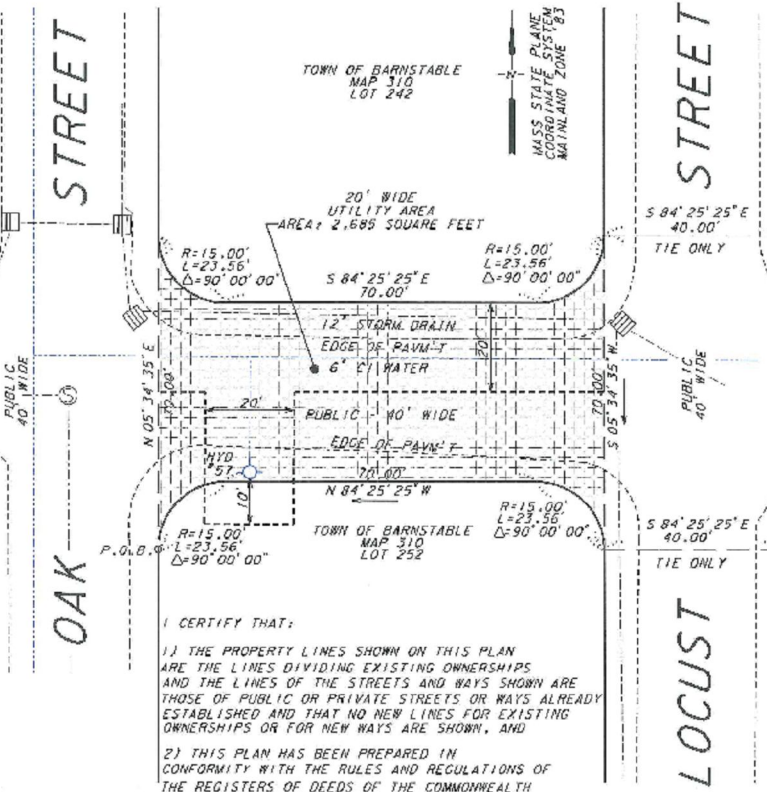
ANALYSIS: Working with the Legal Department and DPW Survey Section, title work and the survey plan for recording have been completed. The “Utility Area” shown on the plan is an area reserved for access to underground infrastructure. The final park design and construction will acknowledge the utility area with minimal improvements, most likely grassed areas without plantings or trees and pathways only where necessary.

The Town Manager supports changing this small area from a street to a park for several reasons: to unite the two existing park parcels on either side; to eliminate a neighborhood-identified attractive nuisance; and because this change will not interrupt the traffic flow in the neighborhood as there are several alternative ways to travel the neighborhood within a very short distance including Mulberry and Linden Streets.

FISCAL IMPACT: With park improvement funding in hand and bid documents in process, we respectfully request this discontinuance to accomplish neighborhood goals for Ridgewood Park.



RESERVED FOR REGISTRY



NOTES

1. FIELD SURVEY BY ELECTRONIC TOTAL STATION & GPS.
2. BOUNDS SHOWN ARE CONCRETE WITH DRILL HOLES.
3. FOR ROAD TAKINGS SHOWN HERE, SEE BOOK 481 AT PAGE 137, PLAN BOOK 43 PAGE 79 AND TOWN RECORDS ARTICLE 62 OF 1931.
4. FOR THE LAND TAKING, SEE BOOK 690 AT PAGE 292 AND PLAN BOOK 81 AT PAGE 145
5. THE AREA TO BE DISCONTINUED IS 4,193 SQUARE FEET.

I CERTIFY THAT:

- 1) THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR EXISTING OWNERSHIPS OR FOR NEW WAYS ARE SHOWN, AND
- 2) THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

PLAN SHOWING DISCONTINUANCE OF A PORTION OF MAPLE STREET IN BARNSTABLE (HYANNIS), MA.
 PREPARED FOR:
 THE TOWN ATTORNEY
 THE TOWN OF BARNSTABLE
 PREPARED BY
 D.P.W. - SURVEY DIVISION
 DATE: JANUARY 14, 2014
 SCALE: 1"=20'
 20 10 0 20 40 FEET
 SCALE IN FEET

ROBERT D. GOLDEN, PS DATE

Roadway Description of a Portion of MAPLE STREET
in Hyannis, MA

A certain portion of Maple Street, a public way 40' wide, taken by the Town by Article 62 of 1931 and being described in Book 481 at Page 137 and Plan Book 43 at Page 79, and shown on a plan entitled "Plan Showing Discontinuance of a Portion of Maple Street in Barnstable (Hyannis), MA, Prepared for the Town Attorney by the DPW Survey Division, Dated: December 12, 2013, Scale: 1"=20', and being bounded and described as follows:

Beginning at a point marking the SOUTHERLY-most return at the SOUTHEASTERLY comer of Oak Street, a public way 40' wide and Maple Street, a public way 40' wide;

Thence $N05^{\circ}34'35''E$ along the EASTERLY side line of Oak Street, 70.00' to the NORTHERLY return at the NORTHEASTERLY comer of Oak and Maple Streets;

Thence SOUTHEASTERLY along a curve to the left having a central angle of $90^{\circ}00'00''$, a radius of 15.00', a chord bearing of $S39^{\circ}25'25''E$, a chord length of 21.21', an arc length of 23.56' to the EASTERLY return at the NORTHEASTERLY comer of Oak and Maple Streets;

Thence $S84^{\circ}25'25''E$ along the NORTHERLY side line of Maple Street, 70.00' to the WESTERLY return at the NORTHWESTERLY comer of Maple and Locust Street, a public way 40.00' wide;

Thence NORTHEASTERLY along a curve to the left having a central angle of $90^{\circ}00'00''$, a radius of 15.00', a chord bearing of $N50^{\circ}34'35''E$, a chord length of 21.21', an arc length of 23.56' to the NORTHERLY return at the NORTHWESTERLY comer of and Maple and Locust Streets;

Thence $S05^{\circ}34'35''W$ along the WESTERLY side line of Locust Street 70.00' to the SOUTHERLY return at the SOUTHWESTERLY comer of Maple and Locust Streets;

Thence NORTHWESTERLY along a curve to the left having a central angle of $90^{\circ}00'00''$, a radius of 15.00', a chord bearing of $N39^{\circ}25'25''W$, a chord length of 21.21', an arc length of 23.56' to the EASTERLY return at the NORTHWESTERLY comer of Maple and Locust Streets;

Thence $N84^{\circ}25'25''W$ along the SOUTHERLY side line of Maple Street, 70.00' to the EASTERLY return at the SOUTHEASTERLY comer of Maple Street and said Oak Street;

Thence SOUTHWESTERLY along a curve to the left having a central angle of $90^{\circ}00'00''$, a radius of 15.00', a chord bearing of $S50^{\circ}34'35''W$, a chord length of 21.21', an arc length of 23.56' to the SOUTHERLY return at the SOUTHEASTERLY comer of and Maple and Oak Streets and the Point of Beginning.

Containing 4,193 square feet, more or less

B. NEW BUSINESS (First reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-059
INTRO: 02/06/14**

2014-059 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

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

COUNCIL ON AGING

Katherine-Lee Evans, 2321 Meetinghouse Way, West Barnstable as an alternate member to a term expiring 6/30/2014

Herbert Bodensiek, 58 Loomis Lane, Centerville as a member to a term expiring 6/30/2014

GOLF COMMITTEE

Edin Nacar, 34 New Haven Avenue, Marstons Mills as a member to a term expiring 6/30/2014

Edward Hickey, 54 Narrows Way, Cotuit as a member to a term expiring 6/30/2014

HYANNIS MAIN STREET WATERFRONT HISTORIC DISTRICT COMMITTEE

Taryn Thoman, 22 Mountain Ash Road, Marstons Mills as a member to a term expiring 6/30/2016

LAND ACQUISITION AND PRESERVATION COMMITTEE

Farley Lewis, 22 Wachusett Ave, Hyannisport as a member to a term expiring 6/30/2014

SPONSOR: The Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to public hearing 02/27/14)

BARNSTABLE TOWN COUNCIL

**ITEM # 2014-060
INTRO: 02/06/14**

2014-060 APPROPRIATION OF \$125,000 COMMUNITY PRESERVATION FUNDS TO ACQUIRE 1.05 ACRES OF LAND OFF LUMBERT MILL ROAD (HARJU ROAD), CENTERVILLE FOR OPEN SPACE PURPOSES

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of One Hundred Twenty-five Thousand and NO/100 (\$125,000.00) Dollars be appropriated and transferred from the Open Space portion of the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the total amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for the acquisition of 1.05 acres and other interests in land located off Lumbert Mill Road (Harju Road), map and parcel 147-079 (71 Harju Road) for the acquisition of open space and recreation and to grant conservation restrictions to government entities or nonprofit organizations.

SPONSOR: Thomas K. Lynch, Town Manager upon the recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-060
INTRO: 02/06/14

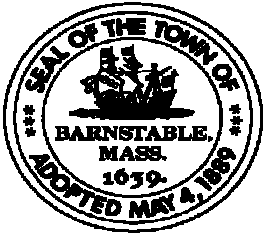
SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Lindsey B. Counsell, Community Preservation Committee Chair
DATE: January 31, 2013
SUBJECT: Appropriation of \$125,000 from Community Preservation Act Funds

BACKGROUND: The Town Manager's Office has requested funding from the Community Preservation Committee (CPC) in the amount of \$125,000.00 for the acquisition of a 1.05 acre parcel located off Lumbert Mill Road at 71 Harju Road in Centerville for open space purposes. This parcel is surrounded by other Town land and has been sought for acquisition for some time as it completes the earlier acquisitions. It is desirable from a recreation and habitat, wetlands and water supply protection perspective as it borders Lumbert Pond and is north of a COMM wellfield and across Lumbert Mill Road from the recent Tyburski acquisition and the impressive Skunknet River corridor. This property meets the criteria established for Open Space protection in the Community Preservation Plan approved by the CPC for 2013.

This land is the last remaining property in this watershed area not currently under ownership of the Town. The acquisition of this parcel will allow for protection in perpetuity under the Community Preservation Act and will provide connectivity to the existing town owned open space managed by the Conservation Division.

Centerville Village has been a focus for Open Space acquisitions as very few properties become available in this part of town due to the density of previous development.



Town of Barnstable Town Council

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



Councillors:

Jessica Rapp Grassetti
President
Precinct 7

Ann B. Canedy
Vice President
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Frederick Chirigotis
Precinct 4

James H. Crocker
Precinct 5

William Crocker, Jr.
Precinct 6

Debra S. Dagwan
Precinct 8

James M. Tinsley
Precinct 9

Sara Cushing
Precinct 10

Philip N. Wallace
Precinct 11

John T. Norman
Precinct 12

Jennifer L. Cullum
Precinct 13

Administrator to the
Town Council:
Barbara A. Ford

Administrative
Assistant:
Cynthia A. Lovell

MEETING AGENDA TOWN HALL HEARING ROOM February 6, 2014 7:00 PM

Updated Feb 4

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. MOMENT OF SILENCE
 - Presentation on the proposed Transportation Oriented Development (TOD) by Administrator Tom Cahir, Cape Cod Regional Transit Authority
4. PUBLIC COMMENT
5. COUNCIL RESPONSE TO PUBLIC COMMENT
6. ACT ON MINUTES (Includes Executive Session)
7. COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements. Reports from Agricultural Commission and the Waterways Committee
8. ORDERS OF THE DAY
 - A. Old Business
 - B. New Business
9. TOWN MANAGER COMMUNICATIONS
10. ADJOURNMENT

NEXT REGULAR MEETING: February 27, 2014

A. OLD BUSINESS

2014-045	Appropriation Order \$94,175 from the Bismore Park Special Revenue Fund for new parking station kiosks at Bismore Park (Public hearing) (Roll-call)	3 – 5
2014-050	Amendment to the Zoning Ordinances Chapter 240, Article III, by adding §240-30 “Medical Marijuana Overlay District” and District Regulations for establishing and operating registered marijuana dispensaries (Joint public hearing with the planning board) (Roll-call, 2/3)	6 - 12

B. NEW BUSINESS

2014-052	Acceptance of a \$4,600 hazardous emergency planning grant by the Barnstable County Department of Health and Environment to fund additional inspections by part-time hazardous materials specialist position (May be acted upon)	13 – 14
2014-053	Appropriation and loan order of \$5,000,000 for design and reconstruction of the east ramp at the Barnstable Municipal Airport (Refer to 02/27/14 public hearing)	15 – 17
2014-054	Resolve in accordance with Administrative Code §241-8, B and Council Rule 11A, establishing Town Council ad-hoc committees: Council Administrator Review (May be acted upon)	18
2014-055	Resolve releasing interest and title of West Parish of Barnstable, 2049 Meetinghouse Way, West Barnstable (May be acted upon)	19 – 21
2014-056	Acceptance of a \$800 grant from the Mid-Cape Cultural Council to support a youth-centered program at Guyer Barn (May be acted upon)	22 – 23
2014-057	Acceptance of a \$1,150 grant from the Arts Foundation of Cape Cod to support a youth-centered program at Guyer Barn (May be acted upon)	24 – 25
2014-058	Discontinuance of a portion of Maple Street in Hyannis to be held for park purposes (May be acted upon) (Roll-call, 2/3)	26 – 29
2014-059	Appointments to a board/committee/commission Council on Aging: Katherine-Lee Evans, Herbert Bodensiek; Golf Committee: Edin Nacar, Edward Hickey; Hyannis Main Street Waterfront Historic District Committee: Taryn Thoman; Land Acquisition and Preservation Committee: Farley Lewis (First reading)	30
2014-060	Appropriation of \$125,000 Community Preservation Funds to acquire 1.05 acres of land off Lumbert Mill Road (Harju Road) in Centerville for open space purposes (Refer to public hearing 02/27/14)	31 – 32

Approve Minutes - January 16, 2014

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

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

Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-045

INTRO: 12/20/13, 01/16/14, 02/06/14

2014-045 APPROPRIATION ORDER \$94,175 FROM THE BISMORE PARK SPECIAL REVENUE FUND FOR NEW PARKING STATION KIOSKS AT BISMORE PARK

ORDERED: That the sum of \$94,175 be appropriated for the purpose of funding new parking station kiosks and related costs for Bismore Park; and to meet this appropriation, that \$94,175 be transferred from the Bismore Park Special Revenue Fund.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>12/19/13</u>	<u>Referred to Jan 2, 2014 (Meeting canceled, process restarted)</u>
<u>01/16/14</u>	<u>Referred to Feb 6, 2014 for public hearing</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-045

INTRO: 12/20/13, 01/16/14, 02/06/14

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Richard Scali, Interim Director of Regulatory Services
DATE: December 12, 2013
SUBJECT: Appropriation Order of \$94,175 for new parking station kiosks and related costs at Bismore Park

BACKGROUND: The Town of Barnstable Regulatory Services Department is looking to upgrade and replace some old model pay stations located on Ocean Street, Hyannis with up to (5) brand new, state-of-the art multi-space meters with the capability of accepting coins, bills, credit cards, smart cards and contact less payment options. This system must have the ability to be managed and monitored remotely and be capable of operating in a Pay-by-Space environment.

The decision to convert from a Pay and Display multi-space format to a Pay-by-Space multi space format was based on the following conditions and goals:

1. The Pay-by-Space system will eliminate the need for customers to return to their vehicle to display the receipt on their dashboard as they currently do. They will now be able to simply “park and go”. This is particularly important for customers who are running late for a dinner reservation or to catch an excursion boat or ferry. This also means that the parking enforcement staff will be less likely to issue a violation to a customer who is in transit to pay or from paying to display proof of payment in the vehicle.
2. The Pay-by-Space system will provide customers a receipt that they can carry around with them so they will no longer have to guess how much time they have left on the meter.
3. With the Pay-by-Space system, customers will be able to pay for or add time to their meter from any other pay station in the Barnstable system. Since those who have already paid have their receipt that shows the lot number and space number they parked in, they will be able to go to any pay station and simply enter this information to add time.

Other important goals for obtaining the new parking revenue equipment include:

1. Increase Payment Options – the ability to accept not only coins (quarters, dollars) as is done today, but credit cards and pay by cell phone.
2. Multi-lingual Display – the ability to provide instructions/directions in multiple languages.
3. Advertising & Messaging Display the ability to display parking promotional information, business district promotions and special event information on the digital display when in resting mode.

4. "Green and Clean" the ability to provide 100% solar powered units as well as hard wire option.
5. Meter Communication Systems the ability to inform customers when certain payment systems are down and what payment systems are still being accepted; or to go to another nearby unit to pay. A remote monitoring system will also provide home office notice of distressed meters, remote rate changing ability in addition to providing real-time utilization and related data.
6. Improve Revenue/Reduce Operational Costs increase revenue through payment options and reduce cash/coin collection costs.
7. Flexibility to change back to Pay & Display if desired.

FISCAL IMPACT:

The appropriation requested is to fund the following items:

1. Up to 5 (Five) Multi-Space Parking Pay Stations at a cost of approximately \$18,000 each, for a total of \$90,000.
2. Digital Patrol Smart Phone Connections approximately \$5.00 per month per machine. Annual costs projected to be \$300; cost for FY14 is \$50.
3. Emergency Management Service (EMS) Approximately \$50 per month per machine. Annual costs projected to be \$3,000; cost for FY14 is \$250.
4. Service and parts contract is approximately \$125 per machine per month. Annual costs projected to be \$7,500. No cost for FY14 as warranty should cover the first year.
5. Awning designed for each machine approximately \$375.00 for each machine totaling \$1,875.00 for FY14.
6. Removal of old rusted meter posts approximately \$2,000 for FY 14.

Total appropriation request is for \$94,175; \$90,000 for 5 Pay Stations, \$1,875 for 5 Awnings, \$2,000 for removal of old posts, \$250 for Emergency management service and \$50 for Digital Patrol Smart Phone. The Bismore Park Special Revenue Fund has sufficient resources to fund this request and the request is in line with the fund's stated purpose. The current balance in the account is \$218,563. Gross revenue generated from Bismore parking meter receipts in fiscal year 2013 was \$222,572.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends the approval of the transfer of these funds.

STAFF ASSISTANCE: Richard Scali, Interim Director of Regulatory Services
Mark Milne, Finance Director

**A. OLD BUSINESS (Joint public hearing with the Planning Board)
(Roll-call, 2/3)**

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-050
INTRO: 01/16/14, 02/06/14**

**2014-050 AMENDING CHAPTER 240, ARTICLE III, OF THE ZONING ORDINANCES
AMENDING CHAPTER 240, THE ZONING ORDINANCES TO CREATE A MEDICAL
MARIJUANA OVERLAY DISTRICT AND DISTRICT REGULATIONS FOR
ESTABLISHING AND OPERATING REGISTERED MARIJUANA DISPENSARIES**

ORDERED:

Section 1

That Chapter 240, Article III of the Zoning Ordinance is hereby amended by adding a new §240-30 "Medical Marijuana Overlay District" as follows:

§240-30 Medical Marijuana Overlay District.

A. District established. A Medical Marijuana Overlay District is hereby established, and shall be considered as superimposed over any other districts established by this chapter, and is shown as an overlay on the Official Zoning Map established pursuant to §240-6, Zoning Map, herein.

B.

(1) Purpose. The purpose of the Medical Marijuana Overlay District is to provide for the limited establishment of Registered Marijuana Dispensaries as they are authorized pursuant to state regulations set forth at 105 CMR 725.000, Implementation of an Act for the Humanitarian Medical Use of Marijuana. Given that Registered Marijuana Dispensaries shall be limited in number and strictly regulated by the Massachusetts Department of Public Health, these zoning regulations intend to permit them where there is access to both regional roadways and public transportation, where they may be readily monitored by law enforcement for health and public safety purposes, and where their impacts are ameliorated by these locations.

(2) Use. Within the Medical Marijuana Overlay District a Registered Marijuana Dispensary that dispense, cultivates and prepares marijuana products may be permitted as a Conditional Use only within the Overlay District provided a special permit is first obtained from the Zoning Board of Appeals, subject to the provisions of Section 240-125.C herein and subject to the all additional standards and conditions of this section.

C. Special Permit Granting Authority. Within the MMOD the zoning Board of Appeals shall be the Special Permit Granting Authority.

D. Use. Notwithstanding the use limitations of the base zoning district or any other overlay zoning district, a Registered Marijuana Dispensary shall be allowed within the Medical Marijuana Overlay District upon the granting of a special permit, subject to the requirements set forth in this Section. Within the Medical Marijuana Overlay District, and only within the Medical Marijuana Overlay District, a Registered Marijuana Dispensary may be permitted, provided that a special permit is first obtained from the Zoning Board of Appeals, subject to the following standards and conditions.

E. Requirements/Standards

- (1) **Registration.** All permitted Registered Marijuana Dispensaries shall be properly registered with the Massachusetts Department of Public Health pursuant to 105 CMR 725.100 and shall comply with all applicable state and local public health regulations and all other applicable state and local laws, rules and regulations at all times. No Building Permit or Certificate of Occupancy shall be issued for a Registered Marijuana Dispensary that is not properly registered with the Massachusetts Department of Public Health.
- (2) **Building.** A Registered Marijuana Dispensary shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home deliveries to qualified clients pursuant to applicable state and local regulations.
- (3) **Proximity to Residential Uses.** A Medical Marijuana Treatment Center shall not be allowed within a building containing residential use, or upon a lot with residential use except an incidental residential use that may be necessary for RMD security.
- (4) **Separation Requirements.** The site is located at least one thousand feet (1000') distant from a religious institution/place of religious assembly, school, daycare center, preschool or afterschool facility or any facility in which children commonly congregate, or if not located at such a distance, it is determined by the Zoning Board of Appeals to be sufficiently buffered from such facilities such that its users will not be adversely impacted by the operation of the Registered Marijuana Dispensary but in no case shall the distance be less than 500' measured from parcel boundary to parcel boundary. In no case shall and RMD directly abut another RMD or any Medical Marijuana use.
- (5) **Dimensional Requirements.** Except where it is explicitly stated otherwise in this Section, Registered Marijuana Dispensary shall conform to the dimensional requirements applicable to non-residential uses within the underlying and other overlaying zoning districts.
- (6) **Parking.** The required number of parking (both long-term and short-term) spaces for a Registered Marijuana Dispensary shall be 1 space for every 200 SF of gross floor area for an RMD; and 1 space for every 700 SF of gross floor area for RMD Marijuana Infused Product manufacturing or marijuana cultivation. The Board of Appeals shall also rely on the recommendation of Site Plan Review.
- (7) **Loading.** The Board of Appeals may require loading bays based on the recommendation of Site Plan Review and/or based on the needs of the proposed use.

- (8) **Signage.** Signage shall not exceed 12 SF in area and no part of the sign shall exceed 8' above existing average grade. For other site signage, the requirements of Article VII of this Ordinance shall also apply through the underlying zoning district. The Zoning Board of Appeals may impose additional restrictions on signage as appropriate to mitigate any aesthetic impacts.
- (9) **Consistency with Registration Materials.** Plans and information provided to the Zoning Board of Appeals shall be consistent with the with the registration materials issued by the Massachusetts Department of Public Health and any other information and materials provided to the Massachusetts Department of Public Health.

F. Special Permit Requirements

- (1) **Application Requirements.** An application to the Zoning Board of Appeals shall include, at a minimum, the following information:
 - (a) Complete application form.
 - (b) Description of Activities: A narrative providing information about the type and scale of all activities that will take place on the proposed site, including but not limited to cultivating and processing of marijuana or marijuana infused products (MIPs), on-site sales, off-site deliveries, site security, hours of operation, community benefit, distribution of educational materials, and other programs or activities.
 - (c) Service Area: A scaled map and narrative describing the area proposed to be served by the Registered Marijuana Dispensary and the anticipated number of clients that will be served within that area. This description shall indicate where any other Registered Marijuana Dispensaries exist or have been proposed within the expected service area.
 - (d) Context Map: A scaled map depicting all properties and land uses within a two thousand-foot (2,000') radius of the project site, whether such uses are located in Barnstable or within surrounding communities, including but not limited to all religious institutions/places of religious assembly, schools, daycare centers, preschool or afterschool facilities or any facilities in which children commonly congregate .
 - (e) Site Plan: The proposal is subject to the provisions of Article IX, Section 240-102 Site Plan Review.
 - (f) Security Plan: The security plan shall be submitted to the Chief of Police who shall provide written comment to the Board as to the adequacy or inadequacy of the security provisions and plans.
 - (g) Building Elevations and Signage: Architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used. Perspective drawings and illustrations of the site from public ways and abutting properties are recommended but not required.
 - (h) Registration Materials: Copies of registration materials issued by the Massachusetts Department of Public Health and any materials submitted to the Massachusetts Department of Public Health for the purpose of seeking registration, to confirm that all information provided to the Zoning Board of Appeals is consistent with the information provided to the Massachusetts Department of Public Health.
- (2) **Special Permit Criteria.** In granting a special permit for a Registered Marijuana Dispensary, in addition to the general criteria for issuance of a special permit as set forth in § 240-125C herein

and in consideration of all application materials submitted and testimony received, the Zoning Board of Appeals shall find that the following criteria are met:

- (a) The Registered Marijuana Dispensary complies with all requirements of this Section including but not limited to subsections E and F in their entirety.
 - (b) The Registered Marijuana Dispensary is located to serve an area that currently does not have reasonable access to medical marijuana, or if it is proposed to serve an area that is already served by other Registered Marijuana Dispensaries, it has been established by the Massachusetts Department of Public Health that supplemental service is needed.
 - (c) The site is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, cyclists and public transportation users.
 - (d) Traffic generated by client trips, employee trips, and deliveries to and from the Registered Marijuana Dispensary shall not create a substantial adverse impact on nearby residential uses.
 - (e) Where necessary to shield adjacent uses, the Zoning Board of Appeals may require buffering by fencing, vegetation or other screening methods.
- (3) Prohibition on Transfer.** The special permit shall be issued to the owner of the Medical Marijuana Treatment Center and shall not transfer with a change in ownership of the business and/or property.
- (4) Limitation of Approval.** A special permit authorizing the establishment of a Registered Marijuana Dispensary shall be valid only for the registered entity to which the special permit was issued, and only for the site on which the Registered Marijuana Dispensary has been authorized by special permit. If the registration for a Registered Marijuana Dispensary has been revoked, transferred to another controlling entity, or relocated to a different site within the Medical Marijuana Overlay District, a new special permit shall be required prior to issuance of a Certificate of Occupancy.
- (5) Revocation/Nonrenewal.**
- (a) In accordance with 105 CMR 725.100(E) Expiration and Renewal of Registration, all materials submitted pursuant to the RMD compliance with that section shall also be submitted to the Zoning Board of Appeals record file. The Board reserves the right to hold a public hearing based on a review of the materials showing inconsistencies with special permit conditions and/or the requirements and standards of this section.
 - (b) In accordance with 105 CMR 105 (O) Requirements Upon Expiration, Revocation or Voiding of Certificate of Registration of RMD should DPH take action under this section the special permit shall be null and void.

E. Relationship to Other Laws. Nothing in this law poses an obstacle to federal enforcement of federal law. Nothing in this law supersedes Massachusetts law prohibiting the possession, cultivation, transport, distribution, or sale of marijuana for nonmedical purposes. Nothing in this law requires the violation of federal law or purports to give immunity under federal law.

F. Severability. The provisions of this law are severable and if any clause, sentence, paragraph or section of this measure, or an application thereof, shall be adjudged by any court of competent jurisdiction to be

invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or application adjudged invalid.

Section 2

That Chapter 240, Article XIII §240-128 "Definitions" of the Zoning Ordinance is hereby amended by adding the following definitions:

Marijuana - has the meaning given “marihuana” in Chapter 94C of the General Laws

Marijuana Dispensary, Registered. Registered Marijuana Dispensary, also known as RMD or Medical Marijuana Treatment Center, shall mean an establishment properly registered with the Massachusetts Department of Public Health under 105 CMR 725.100 that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers.

Section 3

That the official zoning map of the Town of Barnstable is hereby amended by adding the Medical Marijuana Overlay District as shown on maps entitled “Proposed Amendment to the Town Zoning Map creating the Medical Marijuana Overlay District” and “Proposed Amendment to the Barnstable Zoning Map creating the Medical Marijuana Overlay District” and “Proposed Amendment to the Hyannis Zoning Map Creating the Medical Marijuana Overlay District” all dated January 7, 2014 as prepared by the Town of Barnstable GIS Unit.

Section 4

That Chapter 240, Article II, § 240-5 "Establishment of Districts" of the Zoning Ordinance is hereby amended by adding the "Medical Marijuana Overlay District" under "Overlay Districts."

SPONSOR: Thomas K. Lynch, Town Manager

DATE

ACTION TAKEN

01/16/14 Referred to a joint public hearing with the planning board 02/06/14

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-050
INTRO: 01/16/14, 02/06/14

SUMMARY

TO: Town Council
FROM: Jo Anne Miller Buntich, Growth Management Director
DATE: January 7, 2014
SUBJECT: Amending the Zoning Ordinances with

The Law for the Humanitarian Medical Use of Marijuana was adopted by Massachusetts voters in November, 2012. The measure became law on January 1, 2013 (Chapter 369 of the Acts of 2012). In May, 2013, the Massachusetts Department of Public Health (DPH) promulgated regulations set forth in 105 CMR 725.000 by which DPH will approve, register and control the establishment of up to 35 Registered Marijuana Dispensaries (RMDs) statewide in the first year, with at least one (1) but no more than five (5) RMDs in each county. Local regulatory oversight is allowed by the regulations provided it does not conflict with state regulations.

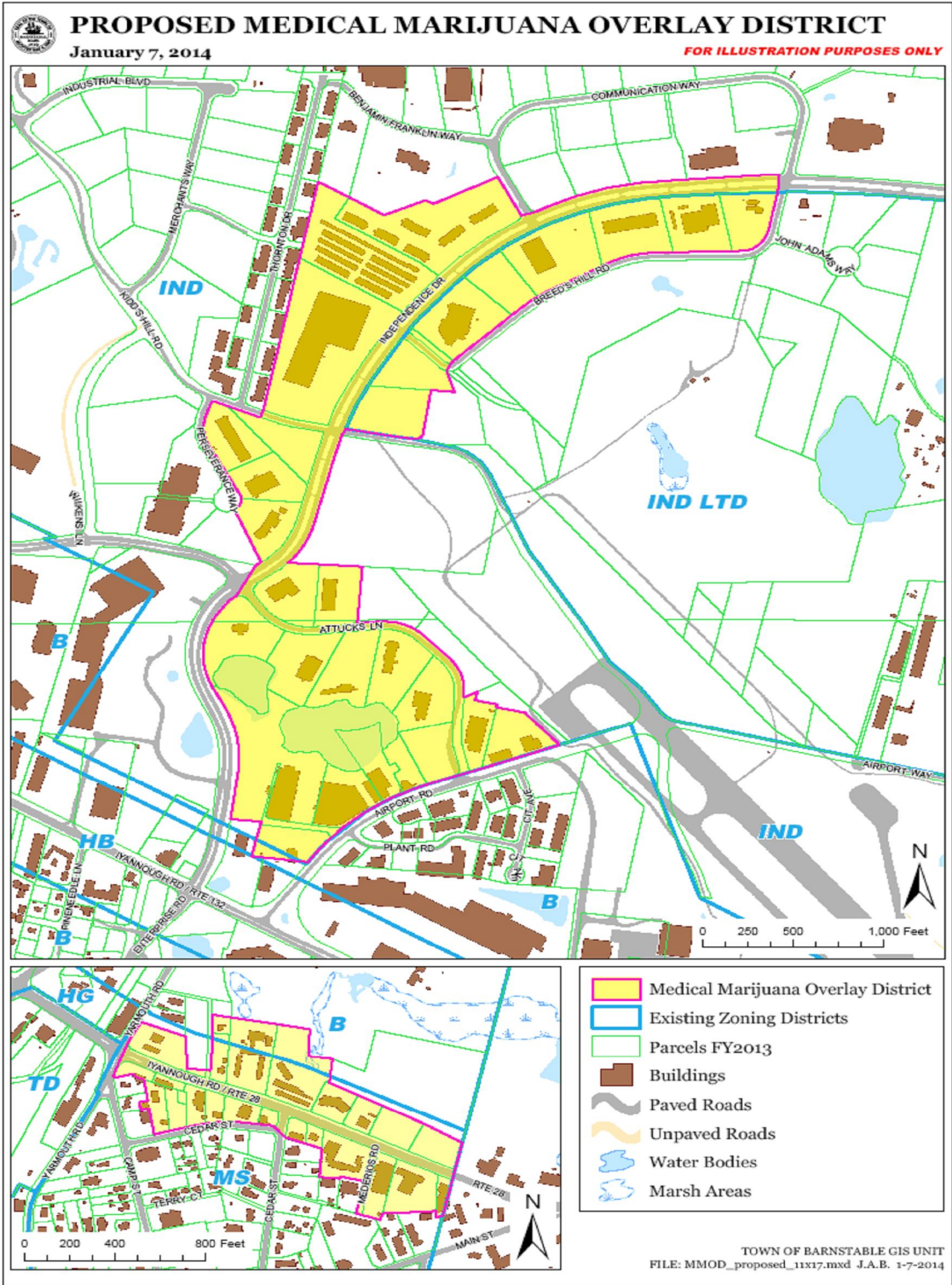
This zoning proposal includes regulations that will work in concert with state regulations while focusing on land use planning issues such as district character, compatibility among adjacent uses, transportation and parking, and urban design.

This draft zoning ordinance and zoning map amendment set out an overlay district where a Registered Marijuana Dispensary (RMD) use may be located in Hyannis at the very east end of Iyannough Road and in portions of the Industrial District.

Because RMDs will be limited in number, it is important to plan for them as regional service providers rather than typical retail establishments. These proposed locations provide access to both regional roadways and public transportation with the least impact on residential neighborhoods and incompatible land uses.

The proposed special permit process will supplement state requirements while avoiding conflicts with those state regulations and ensuring compatibility with the Town's overall planning and zoning goals.

In this draft, the medical marijuana uses are subject to a 1000' setback from sensitive receptors such as religious institutions/place of religious assembly, schools, daycare centers, preschools or afterschool facilities or any facility in which children commonly congregate.



B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-052
INTRO: 02/06/14**

2014-052 ACCEPTANCE OF \$4,600 HAZARDOUS MATERIALS EMERGENCY PLANNING GRANT PROVIDED BY BARNSTABLE COUNTY DEPARTMENT OF HEALTH AND ENVIRONMENT TO FUND ADDITIONAL INSPECTIONS BY THE PART-TIME HAZARDOUS MATERIALS SPECIALIST POSITION

RESOLVED, that the Town Council hereby accepts a grant award in the amount of \$4,600.00 from the Barnstable County Department of Health & Environment for the purpose of enhancing the Town's Toxic and Hazardous Materials Program and that the Town Manager is authorized to expend the grant monies for the purpose specified therein.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-052
INTRO: 02/06/14

SUMMARY

TO: Town Council
THROUGH: Thomas Lynch, Town Manager
FROM: Thomas McKean, C.H.O., Director of Public Health
DATE: January 17, 2014

BACKGROUND: The Public Health Division has been awarded a \$4,600 grant from the Barnstable County Department of Health & Environment. Currently, the Hazardous Materials Specialist position is funded part-time, at 19 hours per week. This position conducts inspections at businesses and governmental agencies, which handle or store toxic and hazardous materials. Acceptance of this grant would provide enough funding for this position to increase five additional hours per week, totaling 24 hours per week.

ANALYSIS: The acceptance of this grant will allow the Public Health Division to enhance the Toxic and Hazardous Materials Program in order to better protect the groundwater from contamination. There are more than 1,100 businesses and agencies in Barnstable, which store or use toxic and hazardous materials. The additional five hours per week will provide for additional inspections at sites, which are not currently inspected. The objectives of this Program are to conduct inspections at businesses and governmental agencies which handle or store toxic and hazardous materials, educate responsible parties in regards to proper storage and handling, and provide enforcement where necessary to prevent and control contamination to the ground and groundwater from spillage, illegal dumping, leaking tanks, floor drains, and other methods of discharges of toxic and hazardous materials into the environment.

This grant funding is temporary and ceases at the end of this fiscal year, on June 30, 2014.

FISCAL IMPACT: None

TOWNMANGER RECOMMENDATION: Town Manager Thomas Lynch recommends acceptance of this grant.

OTHER SUPPORT: Wayne Miller, M.D, Chairman of the Board of Health
Richard Scali, Interim Director of Regulatory Services

STAFF ASSISTANCE: Thomas McKean, C.H.O., Director of Public Health

B. NEW BUSINESS (Refer to public hearing 02/27/14)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-053
INTRO: 02/06/14**

2014-053 APPROPRIATION AND LOAN ORDER OF \$5,000,000 FOR THE DESIGN AND RECONSTRUCTION OF THE EAST RAMP AT THE BARNSTABLE MUNICIPAL AIRPORT

ORDERED: That the sum of Five Million Dollars and No Cents (\$5,000,000.00) be appropriated for the purposes of funding the design and reconstruction of the East Ramp at the Barnstable Municipal Airport; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$5,000,000, and that the Barnstable Municipal Airport Commission is authorized to contract for and expend the Appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-053
INTRO: 02/06/14

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: (1) R. W. Breault, Jr., Airport Manager
(2) Barnstable Municipal Airport Commission
DATE: January 16, 2014
SUBJECT: Appropriation and Loan Order to Fund the Design and Reconstruction of the East Ramp at the Barnstable Municipal Airport

BACKGROUND: The Airport's East Ramp off the old Mary Dunn Way requires reconstruction and expansion to meet current and future general aviation and corporate aircraft parking needs. This project will rebuild the existing East Ramp, adjacent to Taxiway B (Bravo), providing adequate space for the safe maneuvering and parking of the larger-wingspan corporate jets that make up the fleet that has been using the airport. This project is incorporated in the Federal Aviation Administration (FAA) approved Airport Layout Plan (ALP); it is included in the Cape Cod Commission approved Development of Regional Impact Report of January 25, 2007 as part of the Taxiway B (Bravo) project; it is included in the Draft Airport Master Plan, Environmental Impact Report (EIR) and draft Development Agreement with the Town and the Cape Cod Commission; and it is included FAA Aviation Capital Improvement Plan (ACIP) and in the Massachusetts Department of Transportation (MassDOT) Aeronautics Division Airport and Safety and Maintenance Program (ASMP).

Given the level of deterioration and age of the pavement, a major rehab is needed in order to preserve safe aircraft operations; portions of the East Ramp must be totally reconstructed or have a major rehabilitation, and will include miscellaneous associated airfield improvements. The pavement is inadequately designed for the weight-bearing capacity of larger private, military and corporate jet aircraft using the East ramp parking area. The ramp is being maintained on a regular basis, but the continual deterioration poses serious foreign object debris (FOD) threats to aircraft engines, and could result in serious injury or death to personnel; and there is a potential for taxiway closure and loss of use due to structural ramp and taxiway damage.

Typical pavement life is 20 years, and the circa 1972 East Ramp is in serious need of repair. In June of 2013, the MassDOT Aeronautics Division completed a statewide pavement management report that shows the East Ramp as having a pavement condition index (PCI) of 17 to 56 depending upon location, with 0 being the worst condition, to 100 being the best condition. A PCI of 10 to 70 requires complete reconstruction to major rehabilitation.

ANALYSIS:

(1) The estimated capital cost to design and reconstruct the entire East Ramp of approximately 465,800 square feet of tarmac is \$5,000,000 total project cost. This project was a late addition to the FAA ACIP and the MassDOT Aeronautics ASMP programs for FY2014 and the funds have just been identified for these purposes on very short notice.

(2) As part of a State-wide program to rehabilitate airport parking ramps/aprons, the MassDOT Aeronautics Division will provide grant assistance for 50% of the project cost on the basis of an 80% payment from MassDOT Aeronautics in the amount of \$2,000,000; and the remaining 20% to be paid by the Airport Enterprise Fund Account in the amount of \$500,000. These funds must be expended by no later than June 30, 2014.

(3) As part of the State-wide program, the MassDOT Aeronautics Division has also placed the cost for the 50% balance of the project into the Governor's 2014 Transportation Bond Bill. If passed by the Legislature and approved by the Governor, 97.5% of the remaining cost would be paid by the Bond Bill in the amount of \$2,437,500; and the remaining 2.5% to be paid by the Airport Enterprise Fund Account in the amount of \$62,500. These funds must be expended by no later than November 30, 2014.

(4) Total net cost to the Airport Enterprise Fund Account would be \$562,500; a portion of which would be borrowed on a long term basis and a portion to be transferred from the Airport Reserves, the amounts to be determined

(5) The Barnstable Municipal Airport Enterprise Fund Reserve balance, as approved by the Department of Revenue for FY2014, is \$2,996,203.00.

(6) The project will be designed and bid such that it can be done in two phases, each phase depending upon receipt of funding and grant assurances. If funding is not approved or grants are not assured, the project will not proceed.

(7) Project engineering design will commence immediately, followed by a minimum required time for bidding and immediate construction to meet grant deadline requirements.

FISCAL IMPACT: This appropriation of funds should be sufficient to meet all anticipated expenses, and should be up to the grant reimbursement percentages noted above and reimbursable to the Barnstable Municipal Airport. There are adequate airport enterprise reserve funds available to pay for bond costs.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of this appropriation order.

BOARD AND COMMISSION ACTION: The Barnstable Municipal Airport Commission approved the capital project on November 19, 2013.

STAFF ASSISTANCE: R. W. Breault, Jr., Airport Manager

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-054
INTRO: 02/06/14**

2014-054 RESOLVE TO ESTABLISH TOWN COUNCIL AD-HOC COMMITTEES

RESOLVED, that the Council President in accordance with §241-8, B and Rule 11A, hereby designates the following ad-hoc committee:

Town Council Administrator Review Committee

SPONSOR: Councilor James Tinsley

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM # 2014-055
INTRO: 02/06/14**

2014-055 RESOLVE FOR COUNCIL ACTION ON THE TITLE OF LAND – WEST PARISH OF BARNSTABLE, 2049 MEETINGHOUSE WAY, WEST BARNSTABLE

”Be it resolved that the Town Council of the Town of Barnstable vote to adopt the following resolution:

RELEASE to West Parish of Barnstable, a corporation sole with an address of 2049 Meetinghouse Way, West Barnstable, MA 02668, all of the Town’s right, title and interest, if any, in and to the land located in Barnstable County, Massachusetts, bounded and described as follows

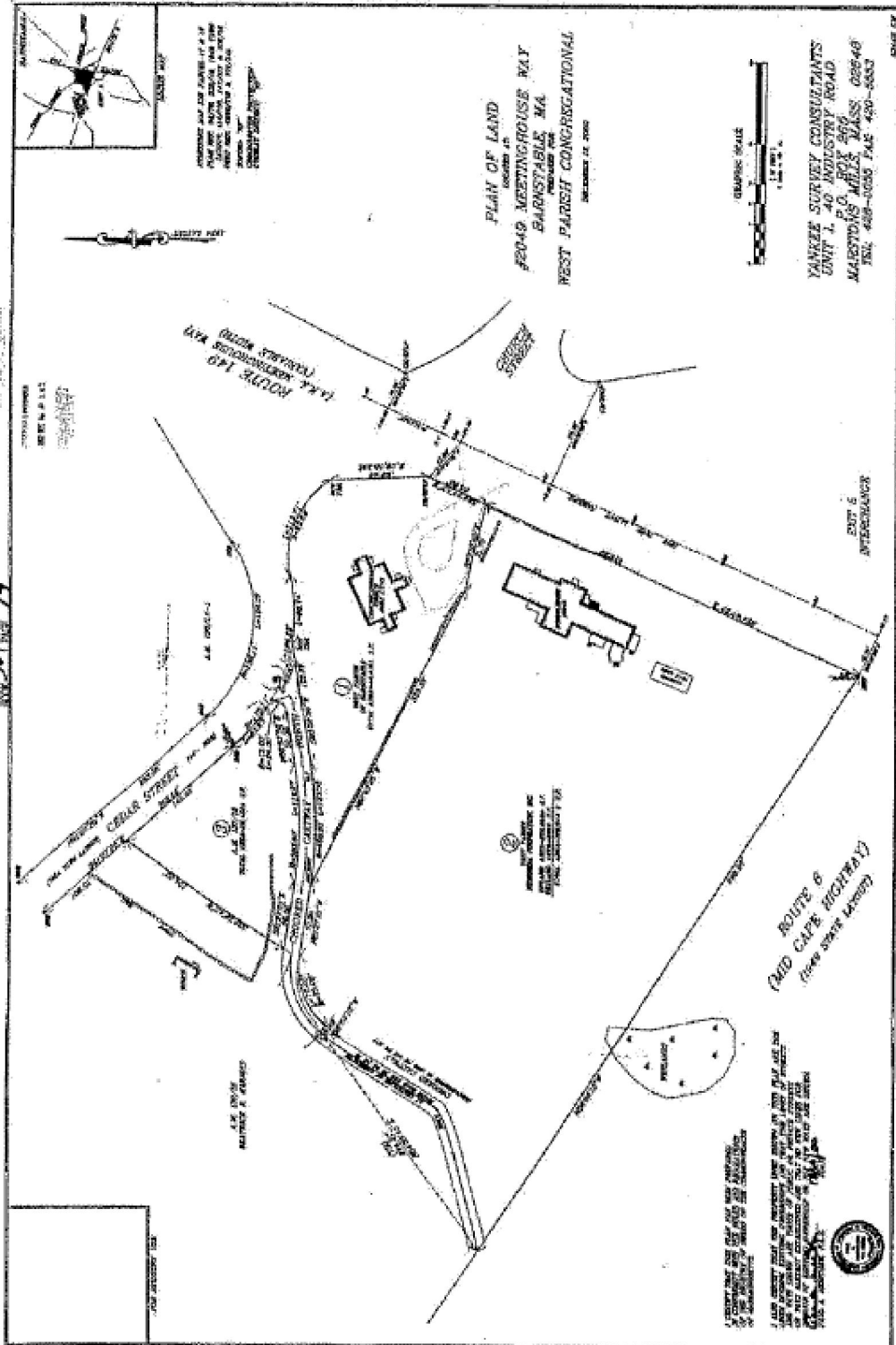
- EASTERLY** by Route 149 (a.k.a. Meetinghouse Way), as shown on a plan hereinafter mentioned, ninety-seven and 60/100 (97.60) feet;
- SOUTHEASTERLY** by Route 149 (a.k.a. Meetinghouse Way as shown on a plan, hereinafter mentioned, ninety-seven and 60/100 (97.60) feet;
- SOUTHWESTERLY** by land of West Parish Memorial Foundation, Inc. as shown said plan ninety-one and 751100 (91.75) feet;
- SOUTHWESTERLY** again by land of West Parish Memorial Foundation Inc. as shown on said plan three hundred thirty-three and 33/100 (333.333)
- NORTHWESTERLY** by Crooked Cartway North, as shown on said plan, in two courses totaling two hundred forty five and 64/100 (245.64) feet;
- NORTHERLY AND NORTHEASTERLY** by Cedar Street, as shown on said plan, in two courses, totaling one hundred eighty and 45/100 (180.45) feet

Being shown as Parcel I containing 44, 41 5 + S.F., on a plan entitled "Plan of Land located at #2049 Meetinghouse Way, Barnstable, MA prepared for West Parish Congregational" dated December 12, 2000 and recorded in the Barnstable Registry of Deeds in Plan Book 561 Page 74, and further to authorize the Town Manager to execute a deed consistent with the above description on behalf of the Town and to execute any and all other documents as necessary to carry out the purposes of the resolution”

SPONSOR: Town Councilor Phil Wallace

DATE	ACTION TAKEN
_____	_____

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



BARNSTABLE TOWN COUNCIL

ITEM# 2014-055
INTRO: 02/06/14

DATE: January 23, 2014
TO: Town Council
FROM: Councilor Phil Wallace

SUMMARY

BACKGROUND: The West Parish of Barnstable (hereinafter referred to as "West Parish") and the Massachusetts Historical Commission (hereinafter referred to as "MHC") have been working collaboratively to prepare a Preservation Restriction Agreement in accordance with the Town Council vote awarding West Parish \$275,000 for repairs to its building. The grant includes installation of a new roof as the current roof is presently covered with a tarp. This work was completed on behalf of the Town of Barnstable Community Preservation Committee by Attorney Barbara Harris.

In this finalization of this initiative, none of the parties associated with this process could locate a deed, despite extensive research, to the parcel of land as occupied by West Parish. The MHC will not approve the Preservation Restriction Agreement without a deed or confirmatory deed from the Town and without this approval, West Parish will be unable to utilize the \$275,000 funding provided by the Town for the necessary repairs to the roof. The roof in its current state has had to be covered by a tarp and irreparable damage to the interior of the structure could occur without the necessary repairs.

Construction for the building began in 1717 and was completed in 1719 and used as a Meetinghouse and location for religious services, Religion and government were inextricably bound in this early history as town meetings were held in the same locations as religious services. This linkage between religion and government remained until 1833 when the Commonwealth of Massachusetts passed a law separating church and state (although West Parish continued to be used for Town Meetings until 1849).

West Parish has a long and storied history with the Town and the Town has impliedly recognized the land where the property now sits as belonging to West Parish of Barnstable. The Town has historically assessed the parcel in which the property sits to West Parish (see attached Plan of Land prepared by Yankee Survey Consultants, dated December 12, 2000), identified by its address: 2049 Meetinghouse Way, West Barnstable. Additionally, when County Commissioners improved Route 149, property was taken against West Parish and in 1959; in a plan prepared by the Town to discontinue a portion off Crooked Cartway it clearly allows ownership in the West Barnstable Congregational Society. Further, there have been at least two plans recorded allowing the dimensions of the West Parish parcel showing their land to be approximately one acre in size.

It should be noted that the current "missing deed" issue occurred previously with the East Parish parcel. East Parish proposed and received essentially the same relief West Parish now seeks at a 1952 Town Meeting, in which there was a vote to convey the parcel they occupied, and had occupied for as many years as West Parish, to the organization (see deed dated August 20, 1957, and recorded August 20, 1957, and recorded in Book 981, Page 197 - shows conveyance of 1.36 acres of land by the Town to the Parish)

A conveyance of a release deed from the Town of Barnstable to West Parish will resolve the potential title issues presented above. Without this deed, MHC will not approve the Preservation Restriction Agreement. Conversely, with this proposed conveyance, MHC will approve the Preservation Restriction Agreement, allowing West Parish to proceed with its much-needed structural roof repairs.

FISCAL IMPACT: There will be no additional fiscal impact for the Town by adopting the proposed resolution below. The Town has previously awarded \$275,000 for repair to this historic structure via the Community Preservation Committee of the Town and its authority to release funds on behalf of the Community Preservation Act.

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-056
INTRO: 02/06/14**

2014-056 ACCEPTANCE OF AN \$800 GRANT FROM THE MID-CAPE CULTURAL COUNCIL FOR A YOUTH-CENTERED PROGRAM AT GUYER BARN

RESOLVED, That the Town Council hereby accepts a grant award in the amount of \$800.00 from the Mid Cape Cultural Council to support a youth-centered program for the Guyer Barn and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM #2014-056
INTRO: 02/06/14

SUMMARY

TO: Town Council
FROM: Jo Anne Buntich Miller, Director Growth Management Department
THROUGH Mid Cape Cultural Council
DATE: January 24, 2014

BACKGROUND: This \$800.00 Mid Cape Cultural Council grant award to Growth Management Department Economic Development Arts & Culture Program will be used to support our youth-centered program at the Guyer Barn where an ongoing series of fine and performing arts events are provided to children and teens that might not otherwise access creative arts opportunities.

ANALYSIS: Specifically, this grant will allow a new program, *The Movie Team*, to be provided at the Guyer Barn in the coming months. This unique filmmaking program for disadvantaged and at-risk teens on Cape Cod will provide participants the opportunity to explore their creativity. This program pairs area youth with local media professionals for a digital filmmaking workshop. Over the course of one weekend participants will learn many skills including, introduction to movie story and scriptwriting; film acting; camera operation; set design; costume and make-up; and the basics of post production and editing. The Guyer Barn Program Coordinator will facilitate the project. The program an excellent fit for this arts venue set within an environmental justice area.

FISCAL IMPACT: No matching funds are required for this grant award. This is the first year GMD has received an MCCC grant award. The Town was one of 16 applicants receiving funds this grant cycle, for a total of \$9,700.00 in grant awards.

STAFF ASSISTANCE: Melissa Hersh, GMD Economic Development Program, Arts and Culture Coordinator; Lisa Cavanaugh, Program Coordinator, Guyer Barn

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-057
INTRO: 02/06/14**

**2014-057 ACCEPTANCE OF A \$ 1,150 GRANT FROM THE ARTS FOUNDATION OF CAPE
COD SUPPORTING A YOUTH-CENTERED PROGRAM FOR THE GUYER BARN**

RESOLVED: That the Town Council hereby accepts a grant award in the amount of \$1,150.00 from the Arts Foundation of Cape Cod for the purpose of supporting a youth-centered program for the Guyer Barn and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM #2014-057
INTRO: 02/06/14

SUMMARY

TO: Town Council
FROM: Jo Anne Buntich Miller, Director Growth Management Department
THROUGH: Thomas Lynch, Town Manger
DATE: January 24, 2014

BACKGROUND: This \$1,150.00 grant award from the Arts Foundation of Cape Cod to the Growth Management Department Economic Development Arts & Culture Program will be used to support our youth-centered program at the Guyer Barn where an ongoing series of fine and performing arts events are provided to children and teens that might not otherwise access creative arts opportunities.

ANALYSIS: Specifically, this grant will allow a new program, *The Movie Team*, to be provided at the Guyer Barn in the coming months. This unique filmmaking program for disadvantaged and at-risk teens on Cape Cod will provide participants the opportunity to explore their creativity. This program pairs area youth with local media professionals for a digital filmmaking workshop. Over the course of one weekend participants will learn many skills including, introduction to movie story and scriptwriting; film acting; camera operation; set design; costume and make-up; and the basics of post production and editing. The Guyer Barn Program Coordinator will facilitate the project. The program an excellent fit for this arts venue set within an environmental justice area.

FISCAL IMPACT: No matching funds are required for this grant award.

This is the ninth consecutive year GMD has received an AFCC grant award. The Town was one of 39 applicants receiving funds this grant cycle. The AFCC committee awarded grants to 33 organizations totaling \$28,095.00.

STAFF ASSISTANCE: Melissa Hersh, GMD Economic Development Program, Arts and Culture Coordinator; Lisa Cavanaugh, Program Coordinator, Guyer Barn

B. NEW BUSINESS (May be acted upon) (Roll-call, 2/3)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-058
INTRO: 02/06/14**

**2014-058 ORDER DISCONTINUANCE OF A PORTION OF MAPLE STREET IN HYANNIS
TO BE HELD FOR PARK PURPOSES**

ORDERED: That the portion of Maple Street between Locust Street and Oak Street through Ridgewood Park in Hyannis as shown and further described on a plan entitled “Plan Showing Discontinuance of a Portion of Maple Street in Barnstable (Hyannis), MA dated December 12, 2013” prepared by Town of Barnstable DPW be discontinued and held for park purposes, and further that the existing sewer and water supply infrastructure (shown on the plan within the “Utility Area”) continue to be used and maintained consistent with the use of the park. The Town Manager is hereby authorized to execute, deliver and record any instruments to fulfill the purposes stated in this order.

SPONSOR: Councilor James Tinsley

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM #2014-058
INTRO: 02/06/14

SUMMARY

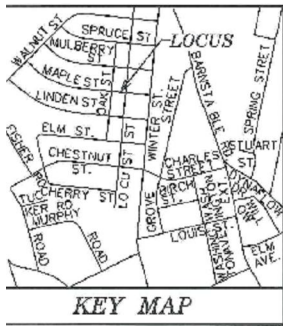
TO: Town Council
FROM: Jo Anne Miller Buntich, Growth Management Director
DATE: January 14, 2014
SUBJECT Discontinuing a Portion of Maple Street

BACKGROUND: Over the last three years GMD has worked with the neighborhood surrounding Ridgewood Park to arrive at a concept for park improvements. Early on the neighbors identified this small portion of Maple Street as an attractive nuisance and an impediment to the ideal functioning of the park as a neighborhood resource. This portion of Maple Street is no longer needed as a town way since there is ample passage over Mulberry, Oak, Locust and Linden Streets. Discontinuing this portion of Maple Street for park use is much more consistent with the existing park use abutting on both sides.

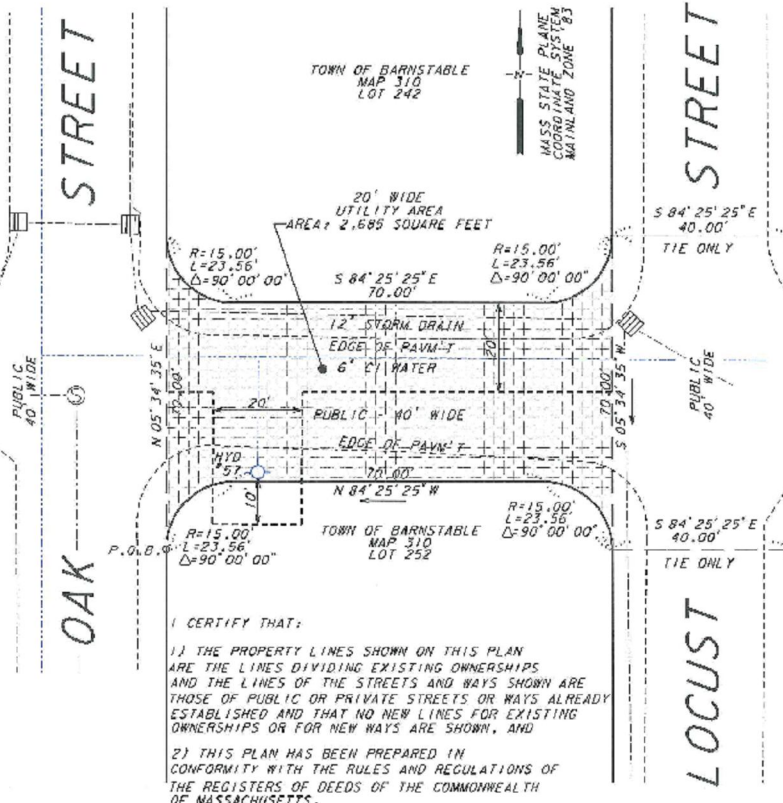
ANALYSIS: Working with the Legal Department and DPW Survey Section, title work and the survey plan for recording have been completed. The “Utility Area” shown on the plan is an area reserved for access to underground infrastructure. The final park design and construction will acknowledge the utility area with minimal improvements, most likely grassed areas without plantings or trees and pathways only where necessary.

The Town Manager supports changing this small area from a street to a park for several reasons: to unite the two existing park parcels on either side; to eliminate a neighborhood-identified attractive nuisance; and because this change will not interrupt the traffic flow in the neighborhood as there are several alternative ways to travel the neighborhood within a very short distance including Mulberry and Linden Streets.

FISCAL IMPACT: With park improvement funding in hand and bid documents in process, we respectfully request this discontinuance to accomplish neighborhood goals for Ridgewood Park.



RESERVED FOR REGISTRY



NOTES

1. FIELD SURVEY BY ELECTRONIC TOTAL STATION & GPS.
2. BOUNDS SHOWN ARE CONCRETE WITH DRILL HOLES.
3. FOR ROAD TAKINGS SHOWN HERE, SEE BOOK 481 AT PAGE 137, PLAN BOOK 43 PAGE 79 AND TOWN RECORDS ARTICLE 62 OF 1931.
4. FOR THE LAND TAKING, SEE BOOK 690 AT PAGE 292 AND PLAN BOOK 81 AT PAGE 145.
5. THE AREA TO BE DISCONTINUED IS 4,193 SQUARE FEET.

I CERTIFY THAT:

- 1) THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR EXISTING OWNERSHIPS OR FOR NEW WAYS ARE SHOWN, AND
- 2) THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

PLAN SHOWING DISCONTINUANCE OF A PORTION OF MAPLE STREET IN BARNSTABLE (HYANNIS), MA.
 PREPARED FOR:
 THE TOWN ATTORNEY
 THE TOWN OF BARNSTABLE
 PREPARED BY
 D.P.W. - SURVEY DIVISION
 DATE: JANUARY 14, 2014
 SCALE: 1"=20'
 20 10 0 20 40 FEET
 SCALE IN FEET

ROBERT D. GOLDEN, PS DATE

Roadway Description of a Portion of MAPLE STREET
in Hyannis, MA

A certain portion of Maple Street, a public way 40' wide, taken by the Town by Article 62 of 1931 and being described in Book 481 at Page 137 and Plan Book 43 at Page 79, and shown on a plan entitled "Plan Showing Discontinuance of a Portion of Maple Street in Barnstable (Hyannis), MA, Prepared for the Town Attorney by the DPW Survey Division, Dated: December 12, 2013, Scale: 1"=20', and being bounded and described as follows:

Beginning at a point marking the SOUTHERLY-most return at the SOUTHEASTERLY comer of Oak Street, a public way 40' wide and Maple Street, a public way 40' wide;

Thence N05°34'35"E along the EASTERLY side line of Oak Street, 70.00' to the NORTHERLY return at the NORTHEASTERLY comer of Oak and Maple Streets;

Thence SOUTHEASTERLY along a curve to the left having a central angle of 90°00'00", a radius of 15.00', a chord bearing of S39°25'25"E, a chord length of 21.21', an arc length of 23.56' to the EASTERLY return at the NORTHEASTERLY comer of Oak and Maple Streets;

Thence S84°25'25"E along the NORTHERLY side line of Maple Street, 70.00' to the WESTERLY return at the NORTHWESTERLY comer of Maple and Locust Street, a public way 40.00' wide;

Thence NORTHEASTERLY along a curve to the left having a central angle of 90°00'00", a radius of 15.00', a chord bearing of N50°34'35"E, a chord length of 21.21', an arc length of 23.56' to the NORTHERLY return at the NORTHWESTERLY comer of and Maple and Locust Streets;

Thence S05°34'35"W along the WESTERLY side line of Locust Street 70.00' to the SOUTHERLY return at the SOUTHWESTERLY comer of Maple and Locust Streets;

Thence NORTHWESTERLY along a curve to the left having a central angle of 90°00'00", a radius of 15.00', a chord bearing of N39°25'25"W, a chord length of 21.21', an arc length of 23.56' to the EASTERLY return at the NORTHWESTERLY comer of Maple and Locust Streets;

Thence N84°25'25"W along the SOUTHERLY side line of Maple Street, 70.00' to the EASTERLY return at the SOUTHEASTERLY comer of Maple Street and said Oak Street;

Thence SOUTHWESTERLY along a curve to the left having a central angle of 90°00'00", a radius of 15.00', a chord bearing of S50°34'35"W, a chord length of 21.21', an arc length of 23.56' to the SOUTHERLY return at the SOUTHEASTERLY comer of and Maple and Oak Streets and the Point of Beginning.

Containing 4,193 square feet, more or less

B. NEW BUSINESS (First reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2014-059
INTRO: 02/06/14**

2014-059 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

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

COUNCIL ON AGING

Katherine-Lee Evans, 2321 Meetinghouse Way, West Barnstable as an alternate member to a term expiring 6/30/2014

Herbert Bodensiek, 58 Loomis Lane, Centerville as a member to a term expiring 6/30/2014

GOLF COMMITTEE

Edin Nacar, 34 New Haven Avenue, Marstons Mills as a member to a term expiring 6/30/2014

Edward Hickey, 54 Narrows Way, Cotuit as a member to a term expiring 6/30/2014

HYANNIS MAIN STREET WATERFRONT HISTORIC DISTRICT COMMITTEE

Taryn Thoman, 22 Mountain Ash Road, Marstons Mills as a member to a term expiring 6/30/2016

LAND ACQUISITION AND PRESERVATION COMMITTEE

Farley Lewis, 22 Wachusett Ave, Hyannisport as a member to a term expiring 6/30/2014

SPONSOR: The Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Refer to public hearing 02/27/14)

BARNSTABLE TOWN COUNCIL

**ITEM # 2014-060
INTRO: 02/06/14**

2014-060 APPROPRIATION OF \$125,000 COMMUNITY PRESERVATION FUNDS TO ACQUIRE 1.05 ACRES OF LAND OFF LUMBERT MILL ROAD (HARJU ROAD), CENTERVILLE FOR OPEN SPACE PURPOSES

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of One Hundred Twenty-five Thousand and NO/100 (\$125,000.00) Dollars be appropriated and transferred from the Open Space portion of the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the total amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for the acquisition of 1.05 acres and other interests in land located off Lumbert Mill Road (Harju Road), map and parcel 147-079 (71 Harju Road) for the acquisition of open space and recreation and to grant conservation restrictions to government entities or nonprofit organizations.

SPONSOR: Thomas K. Lynch, Town Manager upon the recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2014-060
INTRO: 02/06/14

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Lindsey B. Counsell, Community Preservation Committee Chair
DATE: January 31, 2013
SUBJECT: Appropriation of \$125,000 from Community Preservation Act Funds

BACKGROUND: The Town Manager's Office has requested funding from the Community Preservation Committee (CPC) in the amount of \$125,000.00 for the acquisition of a 1.05 acre parcel located off Lumbert Mill Road at 71 Harju Road in Centerville for open space purposes. This parcel is surrounded by other Town land and has been sought for acquisition for some time as it completes the earlier acquisitions. It is desirable from a recreation and habitat, wetlands and water supply protection perspective as it borders Lumbert Pond and is north of a COMM wellfield and across Lumbert Mill Road from the recent Tyburski acquisition and the impressive Skunknet River corridor. This property meets the criteria established for Open Space protection in the Community Preservation Plan approved by the CPC for 2013.

This land is the last remaining property in this watershed area not currently under ownership of the Town. The acquisition of this parcel will allow for protection in perpetuity under the Community Preservation Act and will provide connectivity to the existing town owned open space managed by the Conservation Division.

Centerville Village has been a focus for Open Space acquisitions as very few properties become available in this part of town due to the density of previous development.