



Town of Barnstable Town Council

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MEETING AGENDA TOWN HALL HEARING ROOM July 20, 2017 7:00 PM

Original posted on 7/18/17@10:46am.
Updated on 7/18/17@11:39to reflect Item
2018-014

Councilors:

Eric R. Steinhilber
President
Precinct 2

James H. Crocker Jr.
Vice President
Precinct 5

John G. Flores
Precinct 1

Paul Hebert
Precinct 3

Frederick Chirigotis
Precinct 4

William Crocker, Jr.
Precinct 6

Jessica Rapp
Grassetti
Precinct 7

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:
Cynthia A. Lovell

Administrative
Assistant:
Kelly Crahan

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. TOWN MANAGER COMMUNICATIONS

7. ACT ON MINUTES (Including Executive Session)

8. COMMUNICATIONS- from elected officials, boards, committees, staff commission reports, correspondence and announcements

- **Presentation by Zenas Crocker, Barnstable Clean Water,
Estuary summer update**

9. ORDERS OF THE DAY

A. Old Business

B. New Business

10. ADJOURNMENT

NEXT REGULAR MEETING: August 17, 2017

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A. OLD BUSINESS

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2018-008 Appropriation and Loan Order in the amount of **\$2,077,481.00** for the purpose of providing additional funding for the rehabilitation and reconstruction of runway **15-33**, replace runway **15-33** Visual Approach Slope Indicator (VASI), with a Precision Approach Path Indicator (PAPI), re-align a portion of taxiways Bravo and Charlie, and to replace the emergency back-up generator in the airfield lighting vault at the Barnstable Municipal Airport. **(Refer to Public Hearing 08/17/17) (Roll call) (2/3 vote)**29-34

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2018-012 Resolve to approve the appointment of Brian Florence as the Town of Barnstable Building Commissioner **(May be acted upon)** 41

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2018-014 Amending Chapter 240 of the Zoning Ordinance to limit land clearance within the Ground Mounted Solar Photovoltaic Overlay District **(Refer to Planning Board)**

Approve Minutes –June 15, 2017

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 (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM #2017-167
INTRO: 06/15/17, 07/20/17

2017-167 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council reappoints the following individuals to a multiple-member Board/Committee/Commission: **Board of Health:** Dr. Paul Caniff, as a regular member to a term expiring 06/30/20; **Conservation Commission:** John Abodeely, as a regular member to a term expiring 06/30/20; Laurence Morin as a regular member to a term expiring 06/30/20; **Economic Development Commission:** Christopher Kehoe, as a regular member to a term expiring 06/30/20; **Licensing Authority:** Martin Hoxie as a regular member to a term expiring 06/30/20; **Public Works Commission:** Dr. Paul Canniff, as a regular member to a term expiring 06/30/20; **Trust Fund Advisory Board:** Frances Parks, as a Human Services Representative member to a term expiring 06/30/20; Jayne Scanlon, as an Attorney-At-Law Representative member to a term expiring 06/30/20; Debra Blanchette, as a Government and Finance Representative member to a term expiring 06/30/20.

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
<u>06/15/17</u>	<u>First Reading</u>
_____	_____

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

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

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-168
INTRO: 06/15/17, 07/20/17**

**2017-168 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$482,000
PURSUANT TO TEMPORARY REPAIR TO PRIVATE ROADS
PROGRAM REGARDING BUNKER HILL ROAD IN OSTERVILLE, MA**

ORDERED: That the sum of **\$482,000** be appropriated for the purpose of making temporary repairs to Bunker Hill Road in Osterville, MA; a private road within the Town of Barnstable, including the payment of costs incidental or related thereto; and that to meet this appropriation the Town Treasurer, with the approval of the Town Manager, be authorized to borrow **\$482,000** in accordance with Chapter 350 of the Acts of 2014, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose and asses betterments, and the Town Manager is further authorized to accept any grants and/or gifts in relation thereto.

SPONSOR: Vice President, James H. Crocker, Jr. Precinct 5

DATE	ACTION TAKEN
<u>06/15/17</u>	<u>Refer to Public Hearing 07/20/17</u>

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

BARNSTABLE TOWN COUNCIL

ITEM # 2017-168
INTRO: 06/15/17, 07/20/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E. Department of Public Works Director
DATE: May 25, 2017
SUBJECT: Appropriation and Loan Order in the amount of **\$482,000** Pursuant to Temporary Repair to Private Roads Program regarding Bunker Hill Road in Osterville, MA

BACKGROUND: Chapter 174 of the Acts of 1994 and its subsequent amendment under Chapter 350 of the Acts of 2014 authorizes the Town to borrow and expend funds for the purpose of making repairs to private roads. Under this Program the abutters to roads being repaired can be charged betterment assessments for 100% of the actual costs of repairs which they can elect to pay in one lump sum or over a period of up to 20 years (with interest). None of these roads will be taken by the Town of Barnstable and will remain private roads. A majority of the property abutters to Bunker Hill Road in Osterville have expressed an interest in having repairs made to their private road and 64% of the abutters have signed a Consent and Acknowledgement Agreement for Betterment Assessment. The proposed work is the removal and replacement of the existing pavement, cleaning of existing drainage, and installation of additional drainage structures.

The cost of improvements: Estimated as **\$482,000** with a cost per 12.5 abutters, distributed as 12 full shares, not to exceed **\$38,560** per full abutter share and a single ½ share not to exceed **\$19,280**.

FISCAL IMPACT: There is no cost to the Town, as all costs will be covered by betterments assessed on the abutters. The Town will issue a bond to cover the cost of the repairs and use the revenue collected from the betterment assessments to make the annual loan repayments on the bond.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends this Appropriation and Loan Order

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

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

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-169
INTRO: 06/15/17, 07/20/17**

**2017-169 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$585,340
PURSUANT TO TEMPORARY REPAIR TO PRIVATE ROADS PROGRAM
REGARDING BEACH PLUM HILL ROAD AND SMOKE VALLEY ROAD IN
OSTERVILLE, MA**

ORDERED: That the sum of **\$585,340** be appropriated for the purpose of making temporary repairs to Beach Plum Hill Road and Smoke Valley Road in Osterville, MA a private road within the Town of Barnstable, including the payment of costs incidental or related thereto; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, be authorized to borrow **\$585,340** in accordance with Chapter 350 of the Acts of 2014, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose and assess betterments, and the Town Manager is further authorized to accept any grants and/or gifts in relation thereto.

SPONSOR: Vice President, James H. Crocker, Jr. Precinct 5

DATE	ACTION TAKEN
<u>06/15/17</u>	<u>Refer to Public Hearing 07/20/17</u>
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2017-169
INTRO: 06/15/17, 07/20/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E. Department of Public Works Director
DATE: June 15, 2017
SUBJECT: Appropriation and Loan Order in the amount of **\$585,340** Pursuant to Temporary Repair to Private Roads Program regarding Beach Plum Hill Road and Smoke Valley Road in Osterville, MA

BACKGROUND: Chapter 174 of the Acts of 1994 and its subsequent amendment under Chapter 350 of the Acts of 2014 authorizes the Town to borrow and expend funds for the purpose of making repairs to private roads. Under this Program the abutters to roads being repaired can be charged betterment assessments for 100% of the actual costs of repairs which they can elect to pay in one lump sum or over a period of up to 20 years (with interest). None of these roads will be taken by the Town of Barnstable and will remain private roads. A majority of the property abutters to Beach Plum Hill Road and Smoke Valley Road in Osterville have expressed an interest in having repairs made to their private road and 84% of the abutters have signed a Consent and Acknowledgement Agreement for Betterment Assessment. The proposed work is the removal and replacement of the existing pavement, cleaning of existing drainage, and installation of additional drainage structures.

The cost of improvements: Estimated as **\$585,340** with a cost per 21.5 abutters, distributed as 21 full shares, not to exceed \$27,225 per full abutter share and a single ½ share, not to exceed \$13,615.

FISCAL IMPACT: There is no cost to the Town, as all costs will be covered by betterments assessed on the abutters. The Town will issue a bond to cover the cost of the repairs and use the revenue collected from the betterment assessments to make the annual loan repayments on the bond.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends this Appropriation and Loan Order

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

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

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-170
INTRO: 06/15/17, 07/20/17**

**2017-170 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$753,480
PURSUANT TO TEMPORARY REPAIR TO PRIVATE ROADS
PROGRAM REGARDING ICE VALLEY ROAD AND FOX ISLAND
ROAD IN OSTERVILLE.**

ORDERED: That the sum of **\$753,480** be appropriated for the purpose of making temporary repairs to Ice Valley Road and Fox Island Road In Osterville, a private road within the Town of Barnstable, including the payment of costs incidental or related thereto and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, be authorized to borrow **\$753,480** in accordance with Chapter 350 of the Acts of 2014, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, and that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose and assess betterments, and the Town Manager is further authorized to accept any grants and/or gifts in relation thereto.

SPONSOR: Vice President James H. Crocker, Jr. Precinct 5

DATE	ACTION TAKEN
<u>06/15/17</u>	<u>Refer to Public Hearing 07/20/17</u>

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

BARNSTABLE TOWN COUNCIL

ITEM # 2017-170
INTRO: 06/15/17, 07/20/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E. Department of Public Works Director
DATE: June 15, 2017
SUBJECT: Appropriation and Loan Order in the amount of **\$753,480** Pursuant to Temporary Repair to Private Roads Program Regarding Ice Valley Road and Fox Island Road in Osterville, MA

BACKGROUND: Chapter 174 of the Acts of 1994 and its subsequent amendment under Chapter 350 of the Acts of 2014 authorizes the Town to borrow and expend funds for the purpose of making repairs to private roads. Under this Program the abutters to roads being repaired can be charged betterment assessments for 100% of the actual costs of repairs which they can elect to pay in one lump sum or over a period of up to 20 years (with interest). None of these roads will be taken by the Town of Barnstable and will remain private roads. A majority of the property abutters to Ice Valley Road and Fox Island Road in Osterville have expressed an interest in having repairs made to their private road and 57% of the abutters have signed a Consent and Acknowledgement Agreement for Betterment Assessment. The proposed work is the removal and replacement of the existing pavement, cleaning of existing drainage, and installation of additional drainage structures.

The cost of improvements: Estimated as **\$753,480** with a cost 23 abutters, distributed as 23 full shares, not to exceed **\$32,760** per abutter share.

FISCAL IMPACT: There is no cost to the Town, as all costs will be covered by betterments assessed on the abutters. The Town will issue a bond to cover the cost of the repairs and use the revenue collected from the betterment assessments to make the annual loan repayments on the bond.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends this Appropriation and Loan Order

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

A. OLD BUSINESS (Public Hearing) (Majority Vote)

BARNSTABLE TOWN COUNCIL

**ITEM #2017-173
INTRO: 06/15/17, 07/20/17**

2017-173 APPROPRIATION ORDER OF \$30,000 FOR A SPECIAL ELECTION TO BE HELD ON SEPTEMBER 19, 2017

ORDERED: That the sum of **\$30,000** be raised and appropriated for the fiscal year 2018 Administrative Services Department budget to cover the cost of a special election to be held on September 19, 2017.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>06/15/17</u>	<u>Refer to Public Hearing 07/20/17</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2017-173
INTRO: 06/15/17, 07/20/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Mark Milne, Director of Finance
DATE: June 15, 2017
SUBJECT: Appropriation Order in the amount of **\$30,000** for the September 19, 2017 Special Election

SUMMARY: The Town Council seeks to hold a special election on September 19, 2017 asking the voters in the Town of Barnstable if they approve of a debt exclusion to fund the construction of a new facility for the Cape Cod Technical Regional High School.

ANALYSIS: The Town Clerk estimates the cost for a town-wide election to be approximately **\$30,000**. This covers the cost of printing ballots, programming voting machines and staff costs including Poll Workers, Wardens, Police, Department of Public Works and other Town Clerk staff.

FISCAL IMPACT: This cost will be paid for from the estimated receipts to be raised in the General Fund for Fiscal Year 2018. Additionally, the cost will not be added to the Town Clerk's Fiscal Year 2019 Operating Budget going forward as it is for a special election.

STAFF ASSISTANCE: Mark Milne, Director of Finance

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2018-001

INTRO: 07/20/17

**2018-001 RESOLVE ALLOWING MARK S. ELLS, TOWN MANAGER TO
CONTINUE TEACHING AT CAPE COD COMMUNITY COLLEGE UNDER
SECTION 8 OF THE TOWN MANAGER CONTRACT**

RESOLVED: That according to Section 8 of the Town Manager Contract Agreement between the Town of Barnstable and Mark S. Ells, the Barnstable Town Council does hereby approve Mark S. Ells to continue teaching at Cape Cod Community College for the period of July 1, 2017 to June 30, 2018

SPONSOR: Eric R. Steinhilber, Town Council President

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

ITEM #2018-002
INTRO: 07/20/17

2018-002 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Golf Committee:** John Cookson, 85 Waters Edge Road, Marstons Mills, as a regular member to a term expiring 06/30/20; Fred Parker, 50 Osprey Drive, Cotuit as a regular member to a term expiring 06/30/20; **Disability Commission:** Linda McKinney, 327 Lake Elizabeth Drive, Centerville as a regular member to a term expiring 06/30/20; **Renewable Energy Commission:** Sheila Place, 583 Whistleberry Drive, Marstons Mills as a regular member to a term expiring 06/30/19

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

**ITEM #2018-003
INTRO: 07/20/17**

2018-003 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council reappoint the following individuals to a multiple-member Board/Committee/Commission: **Hyannis Main Street Waterfront Historic District Commission:** Taryn Thoman as a regular member to a term expiring 06/30/20; Brenda Mazzeo as a regular member to a term expiring 06/30/20; Paul Arnold as a regular member to a term expiring 06/30/20; **Library Committee:** Lois Cronin as a regular member to a term expiring 06/30/18; Suzanne Kelly as a regular member to a term expiring 06/30/18; Chrystal Lapine as a regular member to a term expiring 06/30/18; **Planning Board:** Mary Barry as a regular member to a term expiring 06/30/20; **Water Resource Advisory Committee:** Lindsey Counsell as a regular member to a term expiring 06/30/20; Farley Lewis as a regular member to a term expiring 06/30/20; Casey Dannhauser as a regular member to a term expiring 06/30/20; **Zoning Boards of Appeals:** Matthew Levesque as a regular member to a term expiring 06/30/20

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (Roll call) (2/3 vote)

BARNSTABLE TOWN COUNCIL

**ITEM #2018-004
INTRO: 07/20/17**

2018-004 AUTHORIZING THE TOWN MANAGER TO EXECUTE A REGULATORY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND ROCKLAND TRUST COMPANY LOCATED AT 765 MAIN STREET HYANNIS, MA

ORDERED: That the Town Manager is authorized pursuant to Section 168-5, General Ordinances of the Code of the Town of Barnstable (the “Code”), to enter into and execute a Regulatory Agreement between the Town of Barnstable and Rockland Trust Company, for the property 765 Main Street, Hyannis, 1.25 acres, shown on Town of Barnstable Assessor’s Map 290 as Parcel 098, and which is more particularly described in the deed recorded with the Barnstable County Registry of Deeds in Book 26821, Page 142 as filed with the Barnstable County Registry District of the Land Court (hereafter, the “Property”); and permitting the redevelopment of the Property and granting the requested zoning relief and approval under Chapter 112, Article I of the Code pursuant to and as described in this Regulatory Agreement.

SPONSOR: Councilor Jennifer Cullum, Precinct 13

DATE	ACTION TAKEN
<u>06/26/17</u>	<u>Planning Board unanimously approved</u>

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

REGULATORY AGREEMENT

ROCKLAND TRUST COMPANY
765 MAIN STREET
HYANNIS, MA 02601

This Regulatory Agreement (“Agreement”) is entered into by and between the applicant, Rockland Trust Company (the “Applicant” and/or “Developer”), a Massachusetts banking institution with a mailing address of 288 Union Street, Rockland, MA 02370 and the Town of Barnstable (the “Town”), a municipal corporation with a mailing address of 367 Main Street, Hyannis, MA 02601, on this ___ day of _____, 2017, pursuant to Section 240-24.1 of the Barnstable Zoning Ordinance and Chapter 168 of the Code of the Town of Barnstable.

WITNESS:

WHEREAS, this Agreement shall establish the following: permitted uses, densities, signage, and parking setbacks within the proposed Redevelopment (as defined herein), the duration of this Agreement, and any other terms and conditions mutually agreed upon between the Applicant and the Town;

WHEREAS, the Town is authorized to enter into this Agreement pursuant to Chapter 168 of the Code of the Town of Barnstable;

WHEREAS, the Applicant owns the property known as and numbered 765 Main Street, Hyannis, which is shown on Barnstable Assessor’s Map 290, as Parcel 098, and which is more particularly described in the deed recorded with the Barnstable County Registry of Deeds in Book 26821, Page 142 as filed with the Barnstable County Registry District of the Land Court (hereafter, the “Property”);

WHEREAS, the parcel which comprises the Property, as described in the preceding paragraph, is developed with a two-story brick first below grade second floor ground level, formerly a bank, consisting of approximately 11,731 square feet;

WHEREAS, the Property is bordering on the West Main rotary;

WHEREAS, the Property consists of approximately 1.25 acres of land, more or less, and is located in the Office-Multi-Family 240.24.1.4 (OM) zoning district;

WHEREAS, the Applicant proposes to renovate the entire interior of the building and modify the exterior of the structure including relocating the handicapped ramp, remove a utility room at the rear of the structure, adding an elevator in the rear of the building, adding a stand-alone structure to contain automatic teller machine (ATM) and with other changes, all as shown on the plans submitted and attached hereto as **Exhibit A** (hereafter, the “Redevelopment Plans,” and such proposed site work and improvements all as shown on the Redevelopment Plans are hereafter referred to herein, collectively, as the “Redevelopment”);

WHEREAS, the Redevelopment is consistent with the Town of Barnstable’s Design and Infrastructure Plan;

WHEREAS, the Town and Applicant desire to set forth in this Agreement their respective understandings and agreements with regard to the Redevelopment;

WHEREAS, the Applicant is willing to commit to the reuse of the Property substantially in accordance with this Agreement and desires to have a reasonable amount of flexibility to carry out the reuse and therefore considers this Agreement to be in its best interests;

WHEREAS, this Agreement shall vest land use development rights in the Property for the duration of this Agreement, and such rights shall not be subject to subsequent changes in local development ordinances, with the exception of changes necessary to protect the public health, safety or welfare;

WHEREAS, the Redevelopment will not require regulatory review under the Massachusetts Environmental Policy Act (MEPA);

WHEREAS, the Development is located in the Hyannis Growth Incentive Zone (GIZ) as approved by the Cape Cod Commission by decision dated April 6, 2006, as authorized by Barnstable County Ordinance 2005-13, Chapter G, Growth Incentive Zone Regulations of the Cape Cod Commission Regulations of General Application as extended by an Agreement to Extend Town of Barnstable Downtown Hyannis Growth Incentive Zone to October 6, 2017 between the Cape Cod Commission and the Town of Barnstable executed on December 14, 2015;

WHEREAS, the Redevelopment is not subject to review by the Cape Cod Commission as a Development of Regional Impact due to its location in the GIZ and due to the adoption of Barnstable County Ordinance 2006-06 establishing a cumulative development threshold within the GIZ, under which this Redevelopment may proceed and the Applicant has submitted a Jurisdictional Determination to the Town of Barnstable Building Department to confirm the same;

WHEREAS, the Redevelopment has undergone formal site plan review and the Town of Barnstable Site Plan Review Committee determined the Redevelopment Plans approvable by decision dated April 7, 2017;

WHEREAS, the Redevelopment proposal has undergone two hearings on the Regulatory Agreement application and received an affirmative majority vote from the Planning Board on June 26, 2017;

WHEREAS, the Redevelopment proposal has undergone a public hearing on the Agreement before the Barnstable Town Council and has received a two-thirds vote approving the Agreement on _____;

WHEREAS, this Agreement authorizes only the use, intensity of uses, dimensions and signage specified herein. Any substantial deviation from the authorized terms of this Agreement shall require review by the Town Council and Planning Board pursuant to Chapter 168-10 of the Code;

NOW, THEREFORE, in consideration of the agreements and covenants set forth hereinafter, and for other good and valuable consideration, the receipt and sufficiency of which each of the parties hereby acknowledge to each other, the Applicant and Town do enter into this Agreement, and hereby agree to covenant as follows:

1. The Developer agrees to construct the Redevelopment on the Property in accordance with the Redevelopment Plans which are attached as **Exhibit A** to this Agreement and which are entitled as follows:

- a. "Rockland Trust Site Development Plans, 765 Main Street, Hyannis, MA 02601
Applicant: Rockland Trust, 288 Union Street, Rockland, MA 02370, Engineer/Surveyor:
Baxter Nye Engineering & Surveyor, Registered Professional Engineers and Land
Surveyors, 78 North Street, Hyannis, MA 02601 Issued for : Site Plan review
(04/07/2017), as follows:
 - i. 0.0 Cover Sheet, Sheet 1;
 - ii. 1.0 Legend and General Notes ;
 - iii. 2.0 Existing Conditions Plan;
 - iv. 3.0 Layout and Dimension Plan;
 - v. 3.1 Tower Turning Template Plan
 - vi. 4.0 Grading and Drainage Plan
 - vii. 4.1 Storm water Details and Notes;
 - viii. 5..0 Utility Plan;
 - ix. 6.0 Details;
 - x. 6.1 Details;
 - xi. 6.2 Cultec Stormfitter 330 Details;
 - xii. 6.3 Cultec Recharger 280 HD Details.
 - b. "Rockland Trust Proposed Renovations 765 Main Street, Hyannis, MA-
A1-Proposed Upper Floor Plan Layout.
 - c. "Rockland Trust Proposed Renovations 765 Main Street, Hyannis, MA
A2-Proposed Lower Plan Layout.
 - c. "Rockland trust Proposed Renovations 765 Main Street, Hyannis, MA
A3- Proposed Left Side Elevation".
 - d. "Rockland Land Proposed Renovations 765 Main Street, Hyannis, MA
A4-Proposed Rear Elevation".
2. The Town hereby grants the following waivers from the Town of Barnstable Zoning Ordinance for the Redevelopment, as requested by the Developer:
- a)Section 240-24.1.6(A): To allow use of the Property as a bank with drive-through in the OM District.
 - b) Section 240-24.1.6(C) & 240-24.1.10(A)(4): Front, rear and side parking setback (*currently pre-existing non-conforming*) and where the altered setbacks are more conforming than existing conditions.
 - c) Section 240-53(C) and 240-24.1.10(A)(4) Landscaping requirements for parking lots.
 - i. To provide 9% interior parking lot landscape where ordinance requires 10%.
 - d) Signage – Sections 240-24.1.10(A)(6) and 240-67.
 - i. Waiver to allow signage in excess of 50 square feet and to allow adequate number of signs for identification and directional purposes.
 - ii. Signage shall be consistent with the Design Infrastructure Plan. Written approval of the signage plan shall be obtained from the Director of Planning and Development Director prior to installation.
 - iii. No waiver is requested or granted for internally illuminated signs.
3. The Town hereby grants the following waivers from Chapter 112, Article I Protection of Historic Properties for the Redevelopment, as requested by the Developer:

- a. Waiver from all requirements of §112-3 thereby allowing the development as depicted on the Redevelopment Plans.
4. The Redevelopment provides, without limitation, the following site design, traffic safety, and community benefits:
- a. Revitalization of long standing vacant property; revitalization is anticipated to eliminate or substantially reduce issues associated with blighted property including, but not limited to, homeless occupation and illicit activity.
 - b. Redevelopment will significantly improve aesthetics at a gateway property into the Hyannis Growth Incentive Zone.
 - c. Elimination of ten parking spaces directly located on property line abutting West End Rotary and Main Street. This will eliminate dangerous conditions of vehicles pulling out directly onto the West End Rotary and Main Street.
 - d. Substantially improved traffic flow pattern allowing smoother ingress and egress on the property.
 - e. Exterior site lighting improvements, including use of LED lights and motion detector lights.
 - f. Construction of a sidewalk along the entire length of the Main Street frontage in accordance with all applicable standards.
 - g. Improved storm-water drainage management on-site with low impact design measures.
 - h. Replacing existing internally illuminated signs with new signs illuminated externally or with halo lighting as per Design Infrastructure Plan.
5. This Agreement shall run with the land, and all of the terms, conditions, and obligations contained in this Agreement shall be binding on any successor or assignor of the Applicant.
6. The term of this Agreement shall be ten (10) years from the effective date of the Agreement (hereafter, the "Term"), and the development rights authorized herein must be exercised prior to expiration of the Term or this Agreement or it shall be null and void. Once the development rights authorized herein have been timely exercised, all terms and conditions of this Agreement shall remain in effect until the Property is no longer used in accordance with the Redevelopment Plans in a manner that requires additional zoning relief.

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

Dated this ____ day of _____, 2017.

TOWN OF BARNSTABLEROCKLAND TRUST COMPANY
 a Massachusetts banking company

By: _____ By: _____
 Name: Mark Ells Town Manager Name:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this _____ day of _____, 2017, before me, the undersigned notary public, personally appeared Mark Ells, Town Manager of the Town of Barnstable, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document in my presence.

Notary Public
My Commission expires: _____

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this _____ day of _____, 2017, before me, the undersigned notary public, personally appeared _____, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document in my presence.

Notary Public
My Commission expires: _____

EXHIBIT A: REDEVELOPMENT PLANS

BARNSTABLE TOWN COUNCIL

ITEM #2018-004
INTRO: 07/20/17

SUMMARY

TO: Town Council
FROM: David Lawler, Attorney for Rockland Trust Company
THROUGH: Elizabeth Jenkins, Planning & Development Director
DATE: July 20, 2017
SUBJECT: Regulatory Agreement with Rockland Trust Company for bank with drive-through at 765 Main Street, Hyannis, MA

BACKGROUND: The proposed Regulatory Agreement with Rockland Trust Company would allow the company to relocate their Hyannis offices to a branch bank location with drive-through at 765 Main Street on the West End Rotary. After two public hearings, the Planning Board unanimously voted to recommend adoption of the proposed Agreement on June 26, 2017. The proposed redevelopment plans received approval from the Site Plan Review Committee on April 7, 2017.

RATIONALE: Rockland Trust Company seeks a Regulatory Agreement for use of an existing structure at 765 Main Street, Hyannis. The subject location was operated as a bank from 1976 until it ceased operation sometime after the year 2000. The building has essentially been vacant since ceasing operations as a bank. The vacancy of the building has caused it to deteriorate and the back area of the property has attracted homeless and illicit activity.

Although the property had been a bank for many decades, it had ceased being a bank for at least three (3) years, thus losing its pre-existing nonconforming status in the Office/Multi-Family District, which is what necessitates the filing of this Regulatory Agreement.

The requested relief being sought under Section 240-24.16 OM (Office/Multifamily District) is for a bank with drive-through; Front parking set back*; Side/Rear parking set back*; and Interior Parking lot landscaping*. (* indicates that the proposed dimensions do not meet present dimensional requirements under Zoning. However, the proposed dimensional requirements are more conforming than what presently exists on the site.)

In addition to renovating the entire interior of the building, the Applicant is proposing to modify the exterior of the structure including relocating the handicapped ramp and various activities at the rear of the structure. The Applicant seeks a waiver under Chapter 112, Article I (Preservation of Historic Structures) since the building is greater than 75 years of age. The Applicant suggests that the proposed change will have no significant impact on any historic feature of the building.

The Applicant suggests that the proposed project has numerous benefits to the local neighborhood and Town. These benefits include but are not necessarily limited to: reclamation of an abandoned structure which is anticipated to resolve the multiple social issues associated with the property; reconfiguration of parking: at present the property has ten (10) parking spaces which back out directly onto Main Street and the West End Rotary; installation of a sidewalk; re-configuration of the site to have a safer and sophisticated traffic plan with three (3) curb cuts; renovating the building and site to make it more compliant with Zoning and the Building Code; and significant upgrades of the overall lot and landscaping with the inclusion of an enhanced storm water drainage system.

STAFF ASSISTANCE: Ruth Weil, Town Attorney

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM # 2018-005
INTRO: 07/20/17**

2018-005 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$1,400 FROM THE GAY AND LESBIAN EQUITY (GALE) FUND TO THE BARNSTABLE SENIOR SERVICES DIVISION TO SUPPORT LESBIAN, GAY, BISEXUAL, TRANSGENDER (LGBT) PROGRAMMING AT THE BARNSTABLE SENIOR CENTER

RESOLVED: That the Town of Barnstable hereby accepts a grant of **\$1,400** from the Gay and Lesbian Equity Fund (GALE) Fund to support the continuation of Lesbian, Gay, Bisexual, Transgender (LGBT) programming at the Barnstable Senior Center and does hereby authorize the Town Manager to contract for and expend said funds for that purpose.

SPONSOR: Town Manager Mark S. Ells

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2018-005
INTRO: 07/20/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lynne M. Poyant, Director of Community Services
DATE: July 20, 2017
SUBJECT: Acceptance of a grant in the amount of **\$1,400** from the Gay and Lesbian Equity (GALE) Fund to the Senior Services Division

RATIONALE: In 2017, the Barnstable Senior Center gratefully accepted grant funding in the amount of **\$1,400** from the Gay and Lesbian Equity (GALE) Fund in support of programs and social opportunities for LGBTQ older adults on Cape Cod. This is the third consecutive year that the Barnstable Senior Center has received funding from the GALE Fund. We are very pleased to report that this funding helped us to continue our earlier efforts to reach out to older Lesbian Gay Bisexual Transgender (LGBT) older adults, and we have made excellent progress in that endeavor.

There is no doubt that the word is spreading throughout the older LGBT community here on the Cape that the Barnstable Senior Center is a safe and welcoming place. This has been a year that has seen growth and acceptance by the LGBT community for the programs and events we have scheduled. It has been so gratifying to hear from the LGBT community that they appreciate our efforts and look forward to learning about future opportunities. Many older LGBT people have shared with us that they have dealt with loneliness and isolation, and they are so happy to have found a place that they can make those important connections without fear of being unwelcome.

Every person has a right to age with dignity and respect, and we believe that the programs supported by the GALE Fund assure that LGBT older adults are afforded that right. It has been a pleasure and privilege to offer opportunities that improve the quality of life for older LGBT adults. We thank the GALE Fund for their support to our efforts to provide a safe, welcoming and inclusive environment at the Barnstable Senior Center for all LGBT older adults in our Cape Cod community.

FISCAL IMPACT: There is no immediate financial impact to the Town's operating budget as a result of accepting this grant. However, additional grant funds will be required to continue the program once this grant has been exhausted. Otherwise, the service may have to be eliminated.

STAFF ASSISTANCE: Madeline Noonan, Director of Senior Services, Donna Marie Burns, Assistant Director of Senior Services

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM # 2018-006
INTRO: 07/20/17**

2018-006 AN ACT RELATIVE TO THE USE OF CERTAIN LAND IN THE TOWN OF BARNSTABLE WITHIN RESIDENTIAL DISTRICTS.

RESOLVED that the Town Manager submit a petition to the Great and General Court of the Commonwealth for a Special Act to regulate and restrict the use of land and structures for educational purposes by a nonprofit educational corporation within residential district as follows:

“AN ACT RELATIVE TO THE USE OF CERTAIN LAND IN THE TOWN OF BARNSTABLE WITHIN RESIDENTIAL DISTRICTS

Be it enacted by the Senate and House of Representatives in General Court assembled, and by authority of the same, as follows.

Section 1 Notwithstanding any general or special law to the contrary, including Section 3 of chapter 40A, the town of Barnstable is hereby authorized to regulate and restrict the use of land and structures for educational purposes owned or leased by a nonprofit educational corporation within all residentially zoned districts.

Section 2: This act shall take effect upon passage.

SPONSOR:

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2018-006

INTRO: 07/20/17

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Ruth Weil, Town Attorney
DATE: July 20, 2017
SUBJECT: An act relative to the use of certain land in the Town of Barnstable within residential districts

RATIONALE: Modeled after Special Legislation approved for the City of Cambridge in 1979, this Special Act would allow the town to regulate and restrict the use of land and structures for educational purposes owned or leased by a nonprofit educational corporation within all residentially zoned districts. The Special Legislation would allow the town to employ sound planning principles to determine appropriate locations for such educational uses within.

STAFF ASSISTANCE: Ruth Weil, Town Attorney

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM # 2018-007
INTRO: 07/20/17**

2018-007 EXTENSION OF TIME FOR UNENCUMBERED CAPITAL APPROPRIATIONS

RESOLVED: That the Town Council hereby extends the expiration date to June 30, 2020 in accordance with Chapter 86 §4 of the Town’s General Ordinances for certain specific appropriations as follows:

Council Order	Description	Original Appropriation	Expended	Remaining Balance
2010-067	Dredge Mill Pond	\$250,000.00	\$0.00	\$250,000.00
2014-108	Marstons Mills Fish Run	\$393,500.00	\$23,777.98	\$369,722.02
Total		\$643,500.00	\$23,777.98	\$619,722.02

SPONSOR: Mark S. Ells, Town Manager

DATE ACTION TAKEN

_____ _____

_____ _____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2018-007
INTRO: 07/20/17

SUMMARY

TO: Town Council
THROUGH: Mark Milne, Director of Finance
FROM: Mark S. Ells, Town Manager
DATE: July 20, 2017
SUBJECT: Resolve to extend the expiration date of specific appropriations

BACKGROUND: In accordance with the Town's General Ordinances, Chapter 86 §1, specific appropriations will revert back to the General fund after a 3 year period if the funds remain unencumbered by contractual obligations. Chapter 86 §4 of the ordinances allows the Town Council to extend the life of the specific appropriation.

ANALYSIS: The work necessary to complete these projects is on-going and the remaining funds will be used for their original purpose as follows:

Dredging Mill Pond:.....The proposal is to dredge Mill Pond of accumulated sediments for the purpose of enhancing the Pond's ability to remediate nitrogen. The pond is currently so silted- in that it is less than 1 foot in depth throughout most areas. Returning the pond to a more natural condition will keep nitrogen from moving to the lower portion of the Marstons Mills River and eventually to North Bay where it is responsible for the degradation of that water body within the Three Bays system.

Marstons Mills Fish Run:.....This project consists of replacing the existing fish run which is deteriorated to the point where it impedes on the successful passage of herring during the spring migration.1,100 feet of the run will be replaced between the Marstons Mills River and Middle Pond.

FISCAL IMPACT: The funding source for these appropriations was a bond issue. Remaining bond proceeds cannot be closed out to the General fund surplus. The unexpended funds will remain in the Town's Capital Projects Fund until they are fully expended or until they are transferred and expended for another project.

TOWN MANAGER RECOMMENDATION: The Town Manager requests favorable action by the Town Council.

**B. NEW BUSINESS (Refer to Public Hearing 08/17/17)
(Roll call) (2/3)**

BARNSTABLE TOWN COUNCIL

**ITEM NO: #2018-008
INTRO: 07/20/17**

2018-008 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$2,077,481.00 FOR THE PURPOSE OF FUNDING THE REHABILITATION AND RECONSTRUCTION OF RUNWAY 15-33, REPLACE RUNWAY 15-33 VISUAL APPROACH SLOPE INDICATOR (VASI) WITH PRECISION APPROACH PATH INDICATOR (PAPI), RE-ALIGN A PORTION OF TAXIWAYS BRAVO AND CHARLIE, REPLACE EMERGENCY BACK-UP GENERATOR IN THE AIRFIELD LIGHTING VAULT

ORDERED: That the sum of Two Million Seventy-Seven Thousand Four Hundred Eighty-One Dollars and No cents (**\$2,077,481.00**) be appropriated for the purpose of funding the rehabilitation and reconstruction of Runway 15-33, replace Runway 15-33 Visual Approach Slope Indicator (VASI) with Precision Approach Path Indicator (PAPI), re-align a portion of Taxiways Bravo and Charlie, and replace emergency back-up generator in the airfield lighting vault at the airport; to be added to the amount appropriated under Council Order **2016-090**, and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$2,077,481.00** to be added to the borrowing authorization under Council Order **2016-090**; and furthermore, 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: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM NO: #2018-008
INTRO: 07/20/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: R. W. (Bud) Breault, Jr., Airport Manager, and the Barnstable Municipal Airport Commission
DATE: July 20, 2017
SUBJECT: Appropriation and Loan Order of **\$2,077,481.00** for the purpose of providing additional funding for the rehabilitation and reconstruction of runway **15-33**, replace runway **15-33** Visual Approach Slope Indicator (VASI), with a Precision Approach Path Indicator (PAPI), re-Align a portion of taxiways Bravo and Charlie, and to replace the emergency back-up generator in the airfield lighting vault at the Airport.

BACKGROUND: Runway 15-33 is one of Barnstable Municipal Airport's (HYA) main runways. The main portion of the runway was last rehabilitated in 1985 and Runway 15 was extended in 1989. The pavement condition is listed as fair, soon to be poor.

Part of this project will reconstruct portions of Taxiways A and A1 (up to the runway hold lines) to meet current FAA advisory circular design requirements. The holding side of these taxiway stubs was updated during the Taxiway A reconstruction project in 2013.

A portion of Taxiway B east of Runway 15-33 will be realigned. The existing HYA Operations and ARFF building penetrates the Taxiway Object Free Area (TOFA) for Group-III aircraft. Approximately 700 feet of Taxiway B from runway 15-33 to the east ramp will be realigned placing the building outside of the TOFA.

Taxiway C is over thirty (30) years old and has exceeded its pavement life expectancy. A portion of Taxiway C was reconstructed in 2015. Taxiway C between Taxiway D and Taxiway A will be reconstructed and realigned to meet current FAA Advisory Circular (A/C) requirements.

The existing Runway 15-33 Visual Approach Slope Indicator (VASI) will be removed and a new FAA owned and operated Precision Approach Path Indicator (PAPI) will be installed in its place to improve operations and flight safety.

The existing emergency back-up generator in the airfield lighting vault is over thirty (30) years old and is due for replacement and will be incorporated within this project.

This project is also a part of the Federal Aviation Administration's (FAA) goals to improve and correct airport layout deficiencies, enhance aircraft safety, and insure compliance with regulatory guidance. It will correct flight safety and aircraft separation concerns and keep the airport in compliance with FAA

Part 139 certification requirements, and will provide a much needed rehabilitation/reconstruction of one of our two runways.

The following four (4) prior Appropriation Orders were combined into one overall project by the FAA and the MassDOT Aeronautics Division, and are included in the total project costs:

- (1) A.O. #**2014-085** in the amount of **\$400,000.00** was approved on May 15, 2014 for the purposes of funding preliminary design and permitting costs for this project; and
- (2) A.O. #**2015-124** in the amount of **\$90,000.00** was approved on May 21, 2015 for the purpose of funding the replacement of the existing airfield lighting vault emergency generator and removal of its underground diesel fuel tank; and
- (3) A.O. #**2016-090** in the amount of **\$6,373,000** was approved on April 7, 2016 for the purpose of funding the overall project cost at that time based upon an engineering construction estimate at the time of CIP submittal, and based upon preliminary engineering designs for the project and recent bid history for three other major reconstruction projects at the airport; and
- (4) A.O. #**2016-158** in the amount of **\$645,090** was approved on June 2, 2016 for the purpose of funding revised costs for the removal of additional earthwork to be compliant with new FAA taxiway and runway elevation requirements, and as a result of the final bids received to complete the project, and in order to meet Federal Aviation Administration (FAA) grant submittal requirements to retain discretionary FAA funding. The revised total project cost at this point was **\$7,290,090.00**.

In retrospect, the project scoping and design period was less than desirable for such a large project. The topographic survey was not received by our engineers until February 2016 and the project had to be ready for bid in early April 2016 to meet the May 1, 2016 FAA grant deadline. Due to the compressed schedule, and the FAA requirement to limit the project to rehabilitation due to insufficient discretionary funding availability, not all Airport and FAA comments on the design documents were received prior to bid, and several comments had to be addressed via future change order.

Receipt of the FAA grant did not occur until August 2016 which delayed the notice to proceed (NTP). Due to lead time requirements and the potential for significant weather delays, the project was delayed to start in the spring of 2017. Also, in August 2016 additional FAA discretionary funding became available. At that time the FAA and MADOT approved adding a new wind cone/segmented circle, new LED edge lights on Taxiway D, and the fiber optic cable/Airport Lighting Control Cable System (ALCS) to the runway reconstruction project via change order. An FAA Grant Amendment was executed to cover this work and existing appropriations were sufficient to cover this added work.

Between August 2016 and February 2017 review comments were addressed and the following items were added to the project via change order: the requirement to lower FAA cabling duct banks, move duct banks near runway 15/33 and the runway 6/24 intersection out of Runway Safety Area (RSA), re-route home run electrical cables, widen existing taxiways to meet current standards (per FAA request), and revise storm water drainage adjacent to the RSA. Additionally, at the pre-construction meeting held in February 2017, the Airport requested replacement of the 20 plus year old RWY 6 Runway End Identifier Lights (REILS), and to move the Automated Surface Observing System (ASOS), Precision Approach Path Indicator (PAPI), and Stand Alone Weather Sensor (SAWS) cables due to age and runway geometry issues to get them out of the RSA.

Once the rehabilitation project started in March of 2017 and after 40 days of work during construction, two major items were discovered that have impacted the project and required additional change order items to address.

- (1) Part of the project was to repaint Runway 6/24, and during the process it was discovered that the original painting was not in compliance with FAA requirements and the entire runway needed to be remarked with a revised paint layout and two coats of paint, and that previous paint had to be ground out due to excessive thickness and deterioration proving to be a hazard to aircraft; and
- (2) The second, and largest item, is that the planned “rehabilitation” project consisting of a 2” mill and overlay of the existing runway 15-33 pavement was unsuccessful. It was expected that the existing runway pavement would be approximately 4”-7” thick but we also discovered the extent of a pavement thickness discrepancy in that only 3.5”-4.5” of pavement has been encountered. In addition, the sub-surface pavement cracking was more extensive than planned. Following additional and more extensive pavement cores, it was recommended by our engineers and supported by the FAA and MassDOT that the existing approximately 4” of pavement be removed and replaced with 4” of new pavement to “reconstruct” Runway 15/33.

Finally, there were several other changes made to the project to save costs including elimination of thermoplastic markings, revise marking materials and procedures, eliminate bituminous prime coat, and eliminate asphalt surface treatment.

ANALYSIS: The total **net** cost of all construction related changes required to correct the problems encountered is **\$2,077,481**.

Reasons for the cost escalation are attributed primarily to the additional unforeseen issues noted above that generated the following additional costs and reductions that has led to three (3) separate construction change orders:

- (1) Change Order #1 includes increases in general conditions, fiber optics, cable for the airfield lighting control system (ALCS), REILS, electrical cabling, wind cone and segmented circle, additional taxiway widening, taxiway D edge lights, generator exhaust, revised RSA grading, phase 1 runway pavement modifications, FAA cabling, paint markings, and runway intersection electrical revisions for new costs of **\$1,434,235.00**; and reductions in runway painting, elimination of thermoplastic markings, elimination of bituminous prime coat and the elimination of a new asphalt surface treatment at this time for a savings in the amount of **\$1,191,540.00**; for a net additional cost of **\$242,696.00**.
- (2) Change Order #2 includes the “reconstruction” of 2,348 feet by 150 feet of runway 15/33 in the amount of **\$1,111,109.00**.
- (3) Change order #3 includes the “reconstruction” of the remainder of runway 15/33 and runway 6/24 new painting and markings requirements in the total amount of **\$803,814.00**.

The total net cost of all construction change orders is **\$2,157,619.00**.

There were additional engineering costs and administrative costs incurred as well in the amount of **\$39,567.00**.

The cost to replace the VASI with a new PAPI was **\$98,295.00**. The Airport and the FAA executed an additional reimbursable agreement in the amount of **\$98,295.00** and the FAA then issued an additional grant in the amount of **\$88,465.00** for their share of the project.

When the FAA awards grants they also include additional funds “up to” the amount of 15% of the original grant award for contingencies and cost overruns. For the purposes of this project, the FAA will be providing an additional **\$977,470.00** from the original grant to cover a portion of the increased costs.

At this time in the Federal Fiscal Year which ends on September 30, 2017, there are no additional discretionary funds available. The FAA prioritizes the use of individual airport’s Airport Improvement Project (AIP) funds based on safety and priority of need. The ongoing runway reconstruction project is a higher priority need than replacement of snow removal or firefighting equipment at this time. Therefore, in order for the FAA to issue an additional grant this Federal fiscal year, the airport is requesting the rescission of two prior appropriation orders, by separate Council Order, that were using the same Federal fiscal year 2017 AIP funds in excess of \$1 million dollars that will be redirected to this project. Therefore, in addition to the increase in the original grant funds, the FAA is issuing a new grant in the amount of **\$999,998.00** to cover the remainder of their 90% share of the cost of the change orders and other related costs. In addition, the MassDOT will be increasing their share of the total project costs to pay their 5% share.

Therefore the airport will be requesting that the following appropriation orders be rescinded:

- (1) A.O. #**2015-123** in the amount of **\$1,075,000.00** approved on May 21, 2015 for the purpose of funding the replacement of snow removal equipment; and
- (2) A.O. # **2016-091** in the amount of **\$100,000.00** approved on April 7, 2016 for the purpose of funding a new aircraft rescue and firefighting truck.

Based upon FAA safety priorities, these vehicles will be added to the Federal Fiscal Year 2018 or subsequent FAA ACIP funding for replacement. The impact on airport operations will primarily be a temporary increase in operation and maintenance costs for the existing vehicles to keep them in an operational status until they can be replaced in the next fiscal year CIP program.

The request for additional funds should be sufficient to complete the entire project. See the below table for a recap of the funding.

FISCAL IMPACT: This project is eligible for both FAA funding at a 90% reimbursement rate and MASSDOT AD funding assistance at a 5% reimbursement rate. The airport’s 5% costs will be paid from a combination of Reserve funds, long term bonding and a modification of our currently approved Passenger Facility Charges (PFCs).

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

BOARD AND COMMISSION ACTION: The Barnstable Municipal Airport Commission approved this request on June 27, 2017, and as amended.

STAFF ASSISTANCE: Airport Manager R. W. (Bud) Breault, Jr. and Assistant Airport Manager Katie Servis.

Runway 15-33 Rehabilitation/Reconstruction Project Funding Recap - 07/05/2017

Date	Appropriation or Cost	Amount	Grant Eligibility	Grant Amount	Remarks
	Initial Total project Cost	\$6,863,000			Original Total Project Cost
5/15/2014	A. O. 2014-085	\$400,000	FAA & MDOT	95% of eligible costs	RWY 15-33 Design & Permitting
5/21/2015	A.O. 2015-124	\$90,000	FAA & MDOT	95% of eligible costs	RWY & TWY Lighting Vault Emergency Generator
4/7/2016	A. O. 2016-090	\$6,373,000	FAA & MDOT	95% of eligible costs	Original Project Cost estimate for CIP and Appropriation
6/2/2016	A.O. 2016-158	\$645,090	FAA & MDOT	95% of eligible costs	Added funds following const bidding - prior to award
6/2/2016	Total A.O.s to date	\$7,508,090			Total Appropriations - based upon worst case scenario
	Revised TPC	\$7,290,090	FAA & MDOT at 95%		Revised Total Project Cost (TPC) - after bid opening
3/15/2016	VASI - PAPI	\$98,295	FAA & MDOT	95% of eligible costs	New FAA Reimbursable Agreement
6/27/2017	Construction Change Orders	\$2,157,619	FAA & MDOT	95% of eligible costs	Reconstruction cost increases - see narrative
6/27/2017	New Admin & Engineering	\$39,567	FAA & MDOT	95% of eligible costs	Reconstruction cost increases - see narrative
6/27/2017	Final Revised TPC	\$9,585,571	FAA & MDOT at 95%		Revised Total Project Cost (TPC) - after Change Orders
	Original FAA Grant	\$6,533,100		FAA 90% Grant	Original FAA Grant
3/15/2016	VASI-PAPI	\$88,465		FAA 90% Grant	Separate FAA Grant
6/28/2017	FAA Grant Amendment	\$977,470		90% of new const costs	Approved Modifications to Original FAA Grant
TBD	New FAA Grant Authorization	\$999,998		90% of new const costs	New FAA Grant Using Airport FFY17 AIP Fund Entitlement
	Sub-total for FAA	\$8,599,033		Revised FAA 90% Grant	Revised total FAA Grants
	MassDOT	\$477,724		Revised MDOT 5% grant	Revised total MassDOT Grants
	Airport	\$508,814		Revised Airport Share of 5%	Revised total Airport Share plus FAA Ineligible costs
TBD	Total Funding Needed	\$9,585,571		FAA - 90%; MDOT - 5%; Airport - 5% +/-	Revised Total Funding To Be Provided
8/17/2017	Additional A.O.	\$2,077,481			New Appropriation Needed
	Total Funds Appropriated	\$9,585,571			Total Appropriations to Fund Total Cost of Revised Project

B. NEW BUSINESS (Refer to Public Hearing 08/17/17)

BARNSTABLE TOWN COUNCIL

**ITEM# 2018-009
INTRO: 07/20/17**

2018-009 APPROPRIATION ORDER IN THE AMOUNT OF \$163,800.00 COMMUNITY PRESERVATION FUNDS FOR HARD AND SOFT COSTS ASSOCIATED WITH RESTORATION WORK TO THE CENTERVILLE RECREATION BUILDING LOCATED AT 524 MAIN STREET, CENTERVILLE, MA

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of One Hundred Sixty-three Thousand Eight Hundred and NO/100 (\$163,800.00) dollars be appropriated and transferred from the undesignated amount in the Community Preservation Fund and that the Town Manager is authorized to contract for and expend the appropriation made available for preservation, rehabilitation and restoration work on the historic resource consisting of the Centerville Recreation Building, 524 Main Street, Centerville, including the replacement of failed metal windows with historic wood replicated windows, installation of schoolhouse lighting and the repair of the ceilings subject to oversight by the Community Preservation Committee.

SPONSOR: Councilor Frederick Chirigotis, Precinct 5

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2018-009
INTRO: 07/20/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lindsey Counsell, Chair, Community Preservation Committee
DATE: July 20, 2017
SUBJECT: Appropriation order in the amount of **\$163,800.00** Community Preservation Funds for hard and soft costs associated with restoration work to the Centerville Recreation Building located at 524 Main Street, Centerville, Ma

BACKGROUND: The Centerville Recreation Building was constructed in 1880 as a schoolhouse, with additions constructed in 1932, and was later used as the village Post Office when a new school was built in 1957. The Post Office use was discontinued in 1976 when the building became a community meeting center. The building is listed as a Massachusetts Cultural Resource and a Contributing Building in the National Register Historic District. Work previously performed to preserve this town-owned resource of historical significance includes: replacement of siding, HP ramp installation, new grading and parking and door replacement.

The Town of Barnstable Department of Public Works (DPW) is seeking approval from the Town Council through the Town Manager for **\$163,800** in unreserved Community Preservation Act Funds representing a portion of the funds required for hard and soft costs associated with restoration work to the Centerville Recreation Building located at 524 Main Street, Centerville, MA. Restoration work includes the replacement of failed metal windows with historic wood replicated windows, installation of schoolhouse lighting and the repair of the ceilings. A previous allocation for **\$185,000** was approved in the Fiscal Year 2015 CIP for ADA restrooms, electrical power distribution improvements, alarm system, HVAC controls, insulation, window removal and replacement, HazMat testing and monitoring, and architectural/mechanical/electrical project management. The total amount of **\$323,000** from CPA Funds and remaining Fiscal Year 2015 CIP funds will be used together to fund this phase of the restoration.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of this Appropriation Order

STAFF ASSISTANCE: Lindsey Counsell, Chair, Community Preservation Committee and its members

B. NEW BUSINESS (May be acted upon) (Majority vote)

BARNSTABLE TOWN COUNCIL

**ITEM # 2018-010
INTRO: 07/20/2017**

2018-010 TRANSFER ORDER OF \$68,499.11 FOR THE LOMBARD PARK AND FIELD IMPROVEMENT PROJECT

ORDERED: That the sum of **\$68,499.11** be transferred from the following completed capital projects and added to the amount of funds appropriated under Council Order **2016-133** Lombard Park and Field Improvement Project:

2014-112	Veterans Beach Parking Lot	\$8,850.26
2014-105	Alum Treatment-Lovell's Pond	172.75
2014-068	Comprehensive Building Assessment	1,730.00
2013-116	Highway Facility Improvement Design	17,328.52
2013-116	Osterville Community Building Improvements	479.57
2013-112	Fanwort Removal	6,750.00
2013-111	Hydrilla Control	28,384.14
2012-097	S & G Building - Sewer	624.80
2011-069	Dredge-Blish Point Boat Ramp	92.25
2010-110	Roof Repairs 200 Main St.	4,086.82
Total		\$68,499.11

SPONSOR: Mark S. Ells, Town Manager

DATE ACTION TAKEN

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

BARNSTABLE TOWN COUNCIL

ITEM # 2018-010
INTRO: 07/20/2017

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel Santos, Director, Department of Public Works
DATE: July 20, 2017
SUBJECT: Transfer Order of **\$68,499.11** from completed capital projects to provided additional funding for the Lombard Park and Field Improvement Project as approved under Town Council Order **2016-113**

RATIONALE: The Department of Public Works in conjunction with the Purchasing Department has recently opened bids for the Lombard Field & Parking Project in West Barnstable.

Three lump sum bids were received as follows:

Collins Construction Company **\$1,585,000**
Robert B. Our Company **\$1,603,627**
RAD Sports **\$1,965,389**

The landscape architect estimated a bid price of \$1,520,485. All bids received were higher than the budgeted estimate. Based on the lowest bid, there is a funding deficit of \$64,515, or approximately 4% of the construction total.

The additional fund being requested will allow us to award the contract and begin construction in accordance with the proposed schedule.

FISCAL IMPACT: Final invoices and contract commitments on this list of projects proposed to fund this shortfall have been completed. If the Town does not transfer the remaining balancers for another use then the project balances will be closed and become part of the Town's free cash.

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

STAFF ASSISTANCE: Daniel Santos, Director, Department of Public Works, Mark Milne, Director of Finance

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM # 2018-011
INTRO: 07/20/17**

**2018-011 RESOLVE TO CHANGE PRECINCT ELEVEN (11) POLLING LOCATION TO
2160 MEETINGHOUSE WAY, WEST BARNSTABLE, MA 02668**

RESOLVED: The Barnstable Town Council does hereby change the polling location for Precinct Eleven (11) to the West Barnstable Fire Station located at 2160 Meetinghouse Way, West Barnstable, MA 02668.

SPONSOR: Councilor Philip Wallace, Precinct 11

DATE	ACTION TAKEN
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_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2018-011
INTRO: 07/20/17

SUMMARY

TO: Town Council
FROM:
THROUGH: Town Clerk, Ann Quirk
DATE: July 20, 2017
SUBJECT: Change of Polling Location for Precinct 11 to the West Barnstable Fire Station located at 2160 Meetinghouse Way, West Barnstable, MA 02668

RATIONALE: The relocation of the Precinct 11 polling location to the Barnstable West Elementary School for the November 8, 2016 election was viewed as a temporary measure necessitated by the need to quickly identify an accessible location as an alternative to the West Barnstable Community Building. In response to my request as to the availability of the West Barnstable Fire Station, Fire Chief Joseph Maruca graciously agreed to offer the Fire Station as the polling location for Precinct 11. Under state law, notification to households with one or more registered voters will be mailed. A printed description of the changed polling location will be posted at several locations within Precinct 11.

STAFF ASSISTANCE: Ruth Weil, Town Attorney, Ann Quirk, Town Clerk

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2018-012
INTRO: 07/20/17**

2018-012 RESOLVE TO APPROVE THE APPOINTMENT OF BRIAN FLORENCE AS THE TOWN OF BARNSTABLE BUILDING COMMISSIONER

RESOLVED, that the Town Council hereby approves the appointment by the Town Manager of the Brian Florence as the Town of Barnstable Building Commissioner.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2018-013
INTRO: 07/20/17**

2018-013 CONFIRMATION OF APPOINTMENT OF MICHAEL ANDREW CLYBURN AS TRUSTEE TO THE AFFORDABLE HOUSING/GROWTH AND DEVELOPMENT TRUST FUND BOARD

RESOVLED: That the Town Manager, pursuant to the provisions of M.G.L. c. 44 §55C and Section 241-47.1(u) of the Code of the Town of Barnstable is authorized, subject to confirmation of the Town Council, to appoint the Trustees of the Affordable Housing/Growth and Development Trust Fund Board, and the Town Manager hereby appoints Assistant Town Manager, Michael Andrew Clyburn to serve as a Trustee of the Affordable Housing/Growth and Development Trust Fund Board.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2018-013
INTRO: 07/20/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
DATE: July 17, 2017
SUBJECT: Appointment of the Trustees to the Affordable Housing/Growth and Development Trust Fund Board

BACKGROUND: By order dated June 21, 2007, the Town Council voted to exercise its local option by accepting M.G.L. c. 44, §53C, which allows for the establishment of a municipal housing affordable housing trust fund to aid community development projects and to support the creation and preservation of affordable housing. Under M.G.L. c. 44, §53C(b), the Town Manager is designated as one of the Trustees and the Town Manager is authorized to appoint the other Trustees, subject to confirmation by the Town Council. Also, under M.G.L. c. 44, §53C (f), the Trustees are deemed special municipal employees and the order includes a provision to amend the list of special municipal employees contained in the Code to include the Trust of the Affordable Housing/Growth and Development Trust Fund Board.

B. NEW BUSINESS (Refer to the Planning Board)

BARNSTABLE TOWN COUNCIL

**ITEM# 2018-014
INTRO: 07/20/17**

2018-014 AMENDING CHAPTER 240 OF THE ZONING ORDINANCE TO LIMIT LAND CLEARANCE WITHIN THE GROUND MOUNTED SOLAR PHOTOVOLTAIC OVERLAY DISTRICT

ORDERED:

Section 1.

That Chapter 240, Article V of the Zoning Ordinance is hereby amended by adding a definition of land clearing to Section 240-44.2(D) as follows:

LAND CLEARING – The act of removal or destruction of trees, shrubs and/or topsoil by direct or indirect action; and/or filling, excavation, grading, or trenching in the root area of a tree which has the potential to cause irreversible damage; Mowing, trimming, or pruning of vegetation to maintain it in a healthy, viable condition is not considered land clearing.

Section 2.

That Chapter 240, Article V, Section 240-44.2(L)(2) of the Zoning Ordinance is hereby amended by adding subsections a through c thereunder as follows:

- a. Land clearing is prohibited within 800 feet from the outer boundary of any Zone I protective radius around a public water supply well or Wellfield established by 310 CMR 22.
- b. Land clearing in excess of two contiguous acres in connection with any single installation is prohibited.
- c. No such installation shall be segmented or broken into separate ownerships so as to avoid the prohibitions of (a) and (b) above.

So as revised Section 240-44.2(L)(2), shall read as follows:

(2) Land clearing, soil erosion and habitat impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale, ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

- a.Land clearing is prohibited within 800 feet from the outer boundary of any Zone I protective radius around a public water supply well or Wellfield established by 310 CMR 22.
- bLand clearing in excess of two contiguous acres in connection with any single installation is prohibited.
- cNo such installation shall be segmented or broken into separate ownerships so as to avoid the prohibitions of (a) and (b) above.”

Section 3.

That Chapter 240, Article V, Section 240-44.2(E)(2)(a)[2] of the Zoning Ordinance is hereby amended by inserting the following second sentence therein as follows: “The square footage of

each disturbed area shall be identified on a plan and details of any site alteration, including number and species of trees to be removed, shall be provided.”

So as revised Section 240-44.2(E) (2) (a) [2] shall read as follows

“[2] Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures. The square footage of each disturbed area shall be identified on a plan and details of any site alteration, including number and species of trees to be removed, shall be provided.”

Section 4.

That Chapter 240, Article V, Section 240-44.2(H) of the Zoning Ordinance is hereby amended by striking out the word “*Nstar*” and inserting in its place the word “EVERSOURCE.”

SPONSOR: Jessica Rapp Grassetti, Councilor, Precinct 7

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2017-xxx
INTRO:

SUMMARY

TO: Town Council
FROM: Elizabeth Jenkins, Director, Growth Management Department
DATE: July 20, 2017
SUBJECT: Zoning Amendment to the Ground Mounted Solar Photovoltaic Overlay District to address land clearing

BACKGROUND/ANALYSIS/RATIONALE: The Ground Mounted Solar Photovoltaic Overlay District was adopted in 2010 to promote the creation of new large-scale ground-mounted solar installations. Areas included in the Overlay District were chosen to minimize impacts on scenic and natural resources; site selection was limited to areas that had been previously disturbed.

This proposal would adopt additional standards to minimize the impacts of new ground-mounted solar installations on natural resources and establish stronger protections for the public drinking water supply. The amendment would limit clear cutting or installation of solar projects within 800 feet of a DEP Zone I, tripling the radius of protection for any public drinking water well. The amendment would also prohibit land clearance of greater than two acres to reduce potential impacts to land with habitat and scenic value.

STAFF ASSISTANCE: Ruth Weil, Town Attorney; Charles McLaughlin, Assistant Town Attorney