



Town of Barnstable Town Council

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MEETING AGENDA TOWN HALL HEARING ROOM August 17, 2017 7:00 PM

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

- **Update from Robert Sanborn, Superintendent,
Cape Cod Technical Regional High School**
- **Presentation by Lindsey Counsell, Chair, Water
Resources Advisory Committee, Wastewater
Management Plan**

9. ORDERS OF THE DAY

A. Old Business

B. New Business

10. ADJOURNMENT

NEXT REGULAR MEETING: September 7, 2017

Original posted on 08/15/17 @12:50pm
Updated on 08/16/17@11:07 am to reflect
the addition of 2018-023 and 2018-024
Appointments and Reappointments to a
Board/Committee/Commission. Updated
on 08/17/17@ 1:14pm to reflect change in
amount granted in Item # 2018-015

A. OLD BUSINESS

2017-165	Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning, Article III Section 33, to allow for sports and recreation facilities; Section 35 Groundwater Protection Overlay Districts to create special site clearing and storm water requirements for sports and recreation facility uses; and Section 128 definitions to define sports and recreation facility (Public Hearing) (Roll Call) (2/3 vote)	4-7
2018-002	Appointments to Boards / Committees /Commissions: 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(May be acted upon)	8
2018-003	Reappointments to Boards / Committees /Commissions: 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 Commission: 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 an alternate member to a term expiring 06/30/20 (May be acted upon)	9
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. (Public Hearing) (Roll call) (2/3 vote)	10-15
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 (Public Hearing) (Majority vote)	16-17
2018-014	Amending Chapter 240 of the Zoning Ordinance to limit land clearance within the Ground Mounted Solar Photovoltaic Overlay District (Public Hearing) (Roll call 2/3)	18-20

B. NEW BUSINESS

2018-015	Acceptance of a Fiscal Year 2017 Sustained Traffic Enforcement Program Grant (STEP) in the amount of \$17,848 from the Executive Office of Public Safety and Security, Highway Safety Division (May be acted upon)	21-23
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2018-016	Rescission of Appropriation and Loan Orders Barnstable Municipal Airport (May be acted upon)	24-26
2018-017	Authorizing the Town Manager to execute a Regulatory Agreement with the Town of Barnstable and Shoestring Properties, LP for the Dockside Residences at 110 School Street and 53 South Street, Hyannis, MA (First Reading)	27-35
2018-018	Acceptance of a grant renewal in the amount of \$42,615 from the Massachusetts Department of Mental Health to the Barnstable Police Department (May be acted upon)	36-38
2018-019	Appropriation order in the amount of \$200,000.00 Community Preservation Funds for Community Housing Support (Refer to Public Hearing 09/07/17)	39-40
2018-020	Appropriation Order in the amount of \$84,284.00 Community Preservation Funds for restoration work to the Burgess House and Barn, 559 Rt. 149, Marstons Mills, MA.; Map 079, Parcel 015 (Refer to Public Hearing 09/07/17)	41-42
2018-021	Appropriation Order in the amount of \$78,024.00 Community Preservation Funds, for the Sturgis Library to preserve the historic Barnstable Patriot Newspaper (Refer to Public Hearing 09/07/17)	43-44
2018-022	Petition submitted by voters of the Town of Barnstable requesting that the following Nonbinding Public Opinion Advisory question to be placed on the ballot for the town election to be held on November 07, 2017 regarding the Pilgrim Nuclear Power Plant Station. (May be acted upon)	45-47
2018-023	Appointments to a Board/Committee/Commission: Cultural Council: Lynne Belifore, 291 River Road, Marstons Mills as a regular member to a term expiring 06/30/20; Human Services Committee: Deborah Krau, 10 Pram Road, Hyannis as a regular member to a term expiring 06/30/19; Planning Board: Jeffrey Swartz, 132 Scudder Bay Circle, Centerville, as a regular member to a term expiring 06/30/20; Youth Commission: Sean Dowling, c/o Hyannis Youth and Community Center, Hyannis as a regular member to a term expiring 06/30/18; (First Reading)	48
2018-024	Reappointments to a Board / Committee / Commission: Community Preservation Committee: Terry Duenas as a regular member to a term expiring 6/30/20; Comprehensive Financial Advisory Committee: Ralph Krau a regular member to a term expiring 6/30/20; Library Committee: Lili Seely as a regular member to a term expiring 6/30/18; Zoning Board of Appeals: David Hirsch as a regular member to a term expiring 6/30/20 (First Reading)	49

Approve Minutes –July 20, 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.

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-165
INTRO: 06/15/17, 08/17/17**

**2017-165 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I
GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE III SECTION 33
TO ALLOW FOR SPORTS AND RECREATION FACILITIES; SECTION 35
GROUNDWATER PROTECTION OVERLAY DISTRICTS TO CREATE
SPECIAL SITE CLEARING AND STORMWATER REQUIREMENTS FOR
SPORTS AND RECREATION FACILITY USES; AND SECTION 128
DEFINITIONS TO DEFINE SPORTS AND RECREATION FACILITY**

ORDERED: That Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

SECTION 1

That Chapter 240, Article III, §33 “IND Industrial District” of the Zoning Ordinance is hereby amended as follows:

1. Add a new principal permitted use to §240-33A(1), as follows:

(g)Sports and Recreation Facility

2. Amend the Bulk Requirements set forth in §240-33E as follows:

1. Add a footnote 1 to the Minimum Yard Setbacks, Front, which provides:

1. For Sports and Recreation Facilities, outdoor uses (e.g., fields, tracks, courts and swimming pools, etc.) and their accessory structures with a footprint of less than 2,000 square feet shall have a minimum front yard setback of 20 feet; provided however, that for such outdoor uses which are temporarily (i.e., not more than 182 days) covered by an air-supported or removable bubble/dome, said temporary bubble/dome shall have a minimum front yard setback of 15 feet. Retaining walls (including those used for outdoor climbing) and outdoor field/court lighting for Sports and Recreation Facilities shall not be subject to these setbacks.

2. Add a footnote 2 to the Minimum Yard Setbacks, Side and Rear, which provides:

2. For Sports and Recreation Facilities, outdoor uses (e.g., fields, tracks, courts and swimming pools, etc.) and their accessory structures with a footprint of less than 2,000 square feet shall have a minimum side and rear setback of 10 feet; this 10 foot side/rear setback shall also apply to such outdoor uses which are temporarily (i.e., not more than 182 days) covered by an air-supported or removable bubble/dome. Retaining walls (including those used for outdoor climbing) and outdoor field/court lighting for Sports and Recreation Facilities shall not be subject to these setbacks.

3. After Maximum Building Height, change the footnote from “1” to “3” and add a clause after “whichever is lesser” so that it reads as follows:

4. Or two stories, whichever is lesser, except that for Sports and Recreation Facilities, the maximum building height shall be 55 feet measured to the highest point on the roof (not including antennas or similar roof fixtures).

5. Add a footnote 4 after “Maximum Lot Coverage as % of Lot Area” which provides:

6. For Sports and Recreation Facilities, the following outdoor uses shall not be considered structures included in this calculation: open air solar-mounted carports, fields (grass or turf), courts, tracks, swimming pools, rinks, retaining walls, and similar outdoor, open air features; additionally, any such outdoor uses which are temporarily (i.e., not more than 182 days) covered by an air-supported or removable bubble/dome shall not be included in this calculation.
7. Add “except they shall not apply to Sports and Recreation Facilities” to the end of §240-33 F, Special Screening Requirements, so that the section reads as follows:

F. Special screening requirements. The provision of §240-32F herein shall apply to all uses except they shall not apply to Sports and Recreation Facilities.

SECTION 2

That Chapter 240, Article III, §35 “Groundwater Protection Overlay Districts” of the Zoning Ordinance is hereby amended as follows:

1. At the end of both §240-35F(4) and §240-35G(4), Site Clearing provisions in the Wellhead Protection (WP) and Groundwater Protection (GP) Overlay Districts, add the following at the end of the last sentence:

For Sports and Recreation Facilities, the site clearing/natural state requirements shall not apply where the proposed Storm water Management System will be designed and constructed to provide a minimum water quality volume treatment equal to 1inch times the total impervious area of the post-development site; and to provide treatment to remove at least 44% Total Suspended Solids prior to discharge to the infiltration system. Additionally, a long-term operations and maintenance plan shall be developed and implemented to ensure that storm water management systems function as designed. At a minimum, the plan shall include:

1. Storm water management system(s) owners;
2. The party or parties responsible for operation and maintenance, including how future property owners will be notified of the presence of the storm water management system and the requirement for proper operation and maintenance;
3. The routine and non-routine maintenance tasks to be undertaken after construction is complete and a schedule for implementing those tasks;
4. A plan that is drawn to scale and shows the location of all storm water BMP’s in each treatment train along with the discharge point;
5. A description and delineation of public safety features; and
6. An estimated operations and maintenance budget.

The plan shall be subject to review and approval by the Director of Public Works as a condition of Site Plan Review Approval. Storm water Operation and Maintenance Reports documenting compliance with the plan shall be submitted annually to the Director of Public Works and Director of Planning & Development.

2. At the end of both §240-35F(3) and §240-35G(3), Lot Coverage provisions in the Wellhead Protection (WP) and Groundwater Protection (GP) Overlay Districts, add the following at the end of the last sentence:

For the purposes of this section, a temporary (i.e., not more than 182 days) air-supported or removable bubble/dome over a Sports and Recreation Facility’s outdoor use (e.g., outdoor field, track, court, and swimming pool) shall not be considered a building or structure.

SECTION 3

That Chapter 240, Article XIII, §128 “Definitions” is hereby amended by adding the following new definition:

SPORTS AND RECREATION FACILITY – A facility that offers indoor and outdoor sporting, recreation, physical fitness and training, and athletic competition venues. Such a facility may include multiple structures including a field house that contains one or more indoor: ice rinks, playing fields, athletic courts, track space, swimming pools, fitness training centers, locker rooms, batting cages, accessory retail and sports related pro-shops, athletic and fitness training center, including rehabilitation facilities, food concessions and restaurant, child care areas, sports-related museums and memorabilia, accessory office space and community meeting rooms. Such facilities may also contain outdoor playing fields, tracks and courts, swimming pools, viewing stands, scoreboards, outdoor lighting, and detached comfort stations (restrooms/concessions) and other accessory structures.

SPONSOR: John Flores, Councilor Precinct 1

DATE	ACTION TAKEN
<u>06/15/17</u>	<u>Refer to Planning Board</u>
<u>07/24/17</u>	<u>Planning Board unanimously voted in favor of this amendment</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2017-165
INTRO: 06/15/17, 08/17/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth Jenkins, Planning & Development Director
DATE: June 15, 2017
SUBJECT: Zoning Amendments to permit Sports & Recreation Facilities

BACKGROUND: This Zoning Ordinance amendment modifies the IND Industrial Zoning District to permit construction of an indoor/outdoor multi-sport recreational facility subject to specified dimensional requirements which are created for the use. Other than modifying the height requirements to allow for a maximum roof height of 55 feet and eliminating the industrial special screening requirements for this use, the majority of dimensional changes pertain to the outdoor component of the use. The amendment also changes the WP and GP site clearing requirements for such developments provided the development adheres to a detailed storm water operations and maintenance plan with specified water quality treatment requirements, which are above and beyond what the Zoning Ordinance presently requires. The proposed amendment also provides clarity to the Building Division regarding the applicable dimensional requirements for a temporary air-supported bubble/dome over any such outdoor uses. Finally, the amendment creates a proposed definition for the new use.

The Industrial District has access to the municipal wastewater treatment plant and there is adequate land area for this type of multi-sport complex. The Cape Cod Chamber of Commerce commissioned a study to explore youth and amateur sports tourism opportunities for the Cape and this zoning amendment will encourage that type of development to locate within the Town of Barnstable. The development of such a facility will provide additional recreational and sporting opportunities to the Town and the region, and will positively impact the local and regional economy, particularly in the shoulder and off-seasons.

STAFF ASSISTANCE: Elizabeth Jenkins, Director, Planning & Development Department

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM #2018-002
INTRO: 07/20/17, 08/17/17**

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

07/20/17 First Reading

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

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM #2018-003
INTRO: 07/20/17, 08/17/17**

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 an alternate member to a term expiring 06/30/20

SPONSOR: Appointments Committee

DATE ACTION TAKEN

07/20/17 First Reading

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

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

BARNSTABLE TOWN COUNCIL

**ITEM NO: #2018-008
INTRO: 07/20/17, 08/17/17**

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
<u>07/20/17</u>	<u>Refer to Public Hearing 08/17/17</u>

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

BARNSTABLE TOWN COUNCIL

ITEM NO: #2018-008
INTRO: 07/20/17, 08/17/17

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

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

BARNSTABLE TOWN COUNCIL

ITEM# 2018-009

INTRO: 07/20/17, 08/17/17

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
<u>07/20/17</u>	<u>Refer to Public Hearing 08/17/17</u>

- | | |
|---|-------|
| _____ | _____ |
| <input type="checkbox"/> Read Item | |
| <input type="checkbox"/> Rationale | |
| <input type="checkbox"/> Public Hearing | |
| <input type="checkbox"/> Close Public Hearing | |
| <input type="checkbox"/> Council Discussion | |
| <input type="checkbox"/> Move/Vote | |

BARNSTABLE TOWN COUNCIL

ITEM# 2018-009

INTRO: 07/20/17, 08/17/17

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2018-014
INTRO: 07/20/17, 08/17/17**

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.
- 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.

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 Grassetto, 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# 2018-014

INTRO: 07/20/17, 08/17/17

SUMMARY

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

BACKGROUND: 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.

RATIONALE: 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.

ANALYSIS: 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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2018-015
INTRO: 08/17/17**

2018-015 ACCEPTANCE OF A FISCAL YEAR 2017 SUSTAINED TRAFFIC ENFORCEMENT PROGRAM (STEP)GRANT IN THE AMOUNT OF \$17,848 FROM THE EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY, OFFICE OF GRANT AND RESEARCH, HIGHWAY SAFETY DIVISION

RESOLVED: That the Town Council hereby accepts a Sustained Traffic Enforcement Program (STEP) Grant award in the amount of **\$17,848** from the Executive Office of Public Safety and Security, Highway Safety Division

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2018-015

INTRO: 08/17/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Paul MacDonald, Chief of Police
DATE: July 18, 2017
SUBJECT: Acceptance of a 2017 Sustained Traffic Enforcement Program Grant (STEP) award in the amount of \$17,848 from the Executive Office of Public Safety and Security, Highway Safety Division

BACKGROUND: In early 2017 the Department received notice that they were qualified for application to this grant in the amount of \$55,000, which has since been reduced to an award of \$17,848. The main concept of the program is to allow an eligible department to schedule traffic enforcement patrols on specific times of year and days when their data show crashes and injuries are highest within their respective community. High Visibility Enforcement (HVE) patrols during these times, raises the perception of a greater risk of getting stopped and helps deter impaired and un-belted drivers. Eligibility is determined using crash data from two data collection tools utilized by the State - - the Massachusetts Traffic Records Analysis Center (MassTRAC) and the Data Driven Approaches to Crime and Traffic Safety (DDACTS). Based on crash rate data, the selected communities are considered "hotspots" for improving traffic safety that could lead to an overall improvement in key traffic safety categories across the Commonwealth. There are a total of 16 departments in the Commonwealth invited to make application for this grant.

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

- Decrease the number of serious traffic injuries by 10%
- Decrease the number of failure to yield by 10%
- Increase the use of seat belt use rate by 5%
- Decrease distracted driving by 10%
- Decrease the number of following too close crashes by 5%

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

- Rte 28 @ Bearse's Way
- Rte 28 @ Phinney's Lane
- Rte 132 @ Bearse's Way
- Rte 28 @ Old Stage Rd
- South County Road
- Rte 132 @ 6A
- Rte 28 @ Lumbert Mill

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

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

STAFF ASSISTANCE: Paul MacDonald, Chief of Police; Anne Spillane, Barnstable Police Department

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM #2018-016
INTRO: 08/17/17**

2018-016 APPROPRIATION AND LOAN ORDER RESCISSIONS

ORDERED: That the following previously approved appropriation and loan orders be rescinded:

Council OrderAmount

2015-123 Replacement of Snow Removal Equipment\$1,075,000

2016-091 Heavy Duty Vehicle Replacement\$100,000

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: R. W. Breault, Jr., Airport Manager; Barnstable Municipal Airport Commission
DATE: August 17, 2017
SUBJECT: Rescission of Appropriation and Loan Orders

BACKGROUND: An Appropriation and Loan Order in the amount of **\$2,077,481.00** has been submitted for the purpose of providing additional funding for the rehabilitation and reconstruction of runway **15-33**, to replace the runway **15-33** Visual Approach Slope Indicator (VASI) with a Precision Approach Path Indicator (PAPI), to 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.

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.

Between August 2016 and February 2017 project construction review comments were addressed and numerous items were added to the project via change order. In addition, once construction commenced in March of 2017 and after 40 days of work during construction, field conditions dictated adding more work that have impacted the project and required additional change order items to address.

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

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 that were using the same Federal fiscal year 2017 AIP funds in excess of \$1 million dollars that will be redirected to this project.

In addition to the increase in the original grant funds, and based upon these rescissions, 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. The Airport's share of the project has increased to cover its 5% share of the costs, and to include all FAA grant ineligible costs of the project.

Please see the attached table for an outline of project costs. The Airport's share of the total costs for this project will be **\$508,814** which includes **\$31,090** in ineligible costs and an increase in our costs of **\$108,305** from what was originally projected.

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.

These rescissions and the request for additional funds should be sufficient to complete the entire project.

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 these rescissions.

BOARD AND COMMISSION ACTION: The Barnstable Municipal Airport Commission Finance and Infrastructure Sub-Committees approved this request on July 12, 2017; and the Airport Commission will act on this request on August 18, 2017.

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

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

ITEM # 2018-017

INTRO: 08/17/17

2018-017 AUTHORIZING THE TOWN MANAGER TO EXECUTE A REGULATORY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND SHOESTRING PROPERTIES, LP FOR THE DOCKSIDE RESIDENCES AT 110 SCHOOL STREET AND 53 SOUTH 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 Shoestring Properties, LP, for the properties at 110 School Street and 53 South Street, Hyannis, shown on Town of Barnstable Assessor’s Map 326 as Parcels 121 and 125, as shown on a plan recorded at the Barnstable County Registry of Deeds in Plan Book 642, Page 74 as the “West” and “North” parcels (hereafter, the “Property”); and permitting the redevelopment of the Property and granting the requested zoning relief and modification of the specific provisions Chapter 9, Article I of the Code pursuant to and as described in this Regulatory Agreement.

REGULATORY AGREEMENT

110 School Street and 53 South Street, HYANNIS

This regulatory agreement (“Agreement”) is entered by and between the developer, Shoestring Properties, LLC, (“Developer”) and the Town of Barnstable (“Town”), a municipal corporation, on this ___ day of _____, 2017 pursuant to Section 240-24.1 of the Barnstable Zoning Ordinance and Section 168 of the Barnstable Code;

WITNESS:

WHEREAS, this Agreement shall establish the permitted uses, densities, and traffic within the Development (as hereinafter defined), the duration of the agreement, and any other terms or conditions mutually agreed upon between Developer and the Town;

WHEREAS, this Agreement shall vest land use development rights in the property for the duration of the 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 Town is authorized to enter into this Agreement pursuant to Chapters 168 and 240 of the Barnstable Code;

WHEREAS, Developer is the owner of the properties at 110 School Street, Hyannis, Massachusetts consisting of 32,870± square feet (0.75± acres), shown on Town of Barnstable Assessor’s Map 326 as Parcel 121 and 53 South Street, Hyannis, Massachusetts consisting of 24,820± square feet (0.57± acres), shown on Town of Barnstable Assessor’s Map 326 as Parcel 125. Collectively, the two parcels are referred to herein as “the Property”;

WHEREAS, Developer is willing to commit itself to the development of the project substantially in accordance with this Agreement and desires to have a reasonable amount of flexibility to carry out the Development and therefore considers this Agreement to be in its best interests;

WHEREAS, the Town and Developer desire to set forth in this Agreement their respective understandings and agreements with regard to development of the Property;

WHEREAS, the Development will not require regulatory review under the Massachusetts Environmental Policy Act (MEPA) or the Cape Cod Commission Act;

WHEREAS, Developer has made application to the Planning Board pursuant to Chapter 168 of the Barnstable Code;

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 Development 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 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, under which this development may proceed and Developer has submitted a Jurisdictional Determination to the Town of Barnstable Building Department to confirm the same;

WHEREAS, prior to applying for approval of this Agreement, the Developer, after a hearing before the Hyannis Main Street Waterfront Historic District Commission held on July 1, 2015, was granted a Certificate of Demolition for the two buildings located at 110 School Street, Hyannis, Massachusetts and has removed one of the buildings;

WHEREAS, prior to applying for approval of this Agreement, the Development was reviewed by the Town of Barnstable Site Plan Review Committee on August 6, 2015 (SPR 022-15) The Site Plan Review Committee voted to authorize the Developer to proceed with filing with the Conservation Commission and Planning Board for necessary permits with the understanding that the Development will be brought back to Site Plan Review for final approval when all plans have been finalized;

WHEREAS, prior to applying for approval of this Agreement, the Development has undergone informal review by the Hyannis Main Street Waterfront Historic District on July 1, 2015; March 1, 2017; April 19, 2017; and May 3, 2-17;

WHEREAS, the Property is currently developed with a restaurant, paved parking lot, retaining walls, a vacant building, remnants of an old foundation, and subsurface drainage structures;

WHEREAS, Developer proposes to: remove the restaurant building, paved parking lot, retaining walls, vacant building, remnants of an old foundation, and subsurface drainage structures and redevelop the property with a thirty three (33) unit condominium complex with underground parking, some surface parking, a swimming pool, and landscaping including a fountain area;

WHEREAS, the Developer is required to provide 56 parking spaces by the Town of Barnstable Zoning Ordinance and the Developer is proposing 62 parking spaces with each proposed condominium unit having one underground parking space with the property located at 53 South Street having 27 underground parking spaces; 3 parking spaces at grade; and 1 "delivery only" space; and the property located at 110 School Street having 23 underground parking spaces; 7 parking spaces at grade; and 1 "delivery only" space;

WHEREAS, the Developer will put the existing utility lines along School Street underground improving the view of Hyannis Harbor;

WHEREAS, the Developer will install a new water main in School Street which will improve the water pressure and volume of water to the hydrant located near the town landing and improve the infrastructure of the Hyannis Water Company;

WHEREAS, lighting on the proposed condominium property will provide lighting along School Street where there is presently no lighting;

WHEREAS, the Developer will replace the existing sidewalks along each side of School Street with sidewalks which comply with the Americans With Disabilities Act and Town of Barnstable requirements for public sidewalks;

WHEREAS, the Developer will grant to the Town of Barnstable an easement to allow the public to use the sidewalks to be constructed along School Street;

WHEREAS, the Developer is required by Chapter 9, Article I to provide three (3) affordable condominium homeownership units to individuals or households with a total annual income that does not exceed 65 percent of the median income for the Town of Barnstable, as determined annually by the United States Department of Housing and Urban Development. The Developer will provide three (3) offsite Workforce Housing Rental Units (80% of Median Income Qualification) at a dedicated location which will be deed restricted in perpetuity;

WHEREAS, Developer will require zoning relief to allow for multi-family residential development totaling more than seven units per acre as well as relief from front yard setback, side yard setback, rear yard setback, maximum building height, and building height number of stories, all as further defined in paragraph number 23 below;

WHEREAS, the Development was considered by the Planning Board at a public hearing on February 13, March 13, April 24, May 22, and June 26, 2017, at which time the Board voted to forward the Regulatory Agreement to the Town Council with the following recommendations on the waiver requests:

- i. to support the request for a waiver of the density requirements of the HD Harbor District to allow thirty-three condominium units on 1.32 acres;
- ii. to recommend against granting the requested waiver to the maximum building height requirement of 35 feet in the HD District to allow a maximum building height of 57.4 feet at 53 South Street and 54.8 feet at 110 School Street;
- iii. to support the request for a waiver from Chapter 9, Article I Inclusionary Affordable Housing Requirements requiring at least 10% of the residential units constructed to be dedicated by deed restriction to affordable housing units, on the condition the developer provide three off-site workforce housing rental units, deed restricted at 80% of the area median income and that those units be at an identified location.
- iv. to recommend against granting the requested waiver from Chapter 112, Article III – Section 241-42 Hyannis Main Street Waterfront Historic District Commission requirement for a Certificate of Appropriateness.

WHEREAS, Developer has undergone a public hearing on the Agreement application before the Town Council and received a 2/3rds vote approving the application on _____;

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

1. The Developer proposes to redevelop the property as follows:
 - a. The Developer proposes to remove the existing restaurant, parking lot, retaining walls, foundation remnants, and subsurface drainage and construct thirty three (33) condominium units in nine (9) buildings (Note: for fire department purposes there are only two (2) buildings because there are only two (2) foundations). The units will consist of a mixture of 1, 2, and 3 bedroom units. There will be two (2) one bedroom units with the balance of the units split approximately equally between two (2) and three (3) bedroom units. The Zoning Ordinance requires the project to have 56 parking spaces. A total of 62 parking spaces will be provided. One parking space for each condominium unit will be located in underground garages beneath the condominium units. Some guest parking will be available in the underground garages and additional guest parking will be provided at street level. Also to be constructed is a fountain area abutting South Street; two (2) trash sheds; a swimming pool with pool deck; and a courtyard area. Sidewalks running from South Street along each side of

School Street to the end of the property are to be constructed. The Developer will grant the Town an easement to allow the public to use the sidewalks. The Developer and its successor will maintain the sidewalks. In consideration of the Developer granting the Town an easement to allow the sidewalks constructed by Developer to be dedicated to public use, the Town of Barnstable will grant the Developer a license allowing the Developer to use the ten (10) parking spaces and two (2) “delivery only” spaces located partially on the Developer’s property and partially within the public way layout of School Street exclusively for deliveries to condominium unit owners and parking by condominium unit owners and their guests. The Gross Square Footage of the buildings to be constructed on the East Parcel (110 School Street) is 46,300± square feet and the Gross Square Footage of the garage to be constructed on the East Parcel is 18,397± square feet. The Gross Square Footage of the buildings to be constructed on the West Parcel (53 South Street) is 42,659± square feet and the Gross Square Footage of the garage to be constructed on the West Parcel is 15,200± square footage. The combined Gross Square Footage of the buildings to be constructed is 88,959 ± square feet and the combined Gross Square Footage of the garages to be constructed is 33,597 ± square feet (“the Development”);

- b. The Developer agrees to construct the project in accordance with the plans and specifications submitted to and approved by the Town, listed as follows and made a part of this Regulatory Agreement by reference:
- i. “Layout Site Plan of Land in (Hyannis) Barnstable, MA Prepared for Shoestring Properties, LLC Date: 7-13-2015 Revised: 10-5-2016 Revised 2-12-17” drawn by Down Cape Engineering, Inc.
 - ii. “Existing Conditions/Demolition Site Plan Of Land In (Hyannis) Barnstable, MA Prepared For Shoestring Properties LLC Date: 7-13-2015 Revised: 10-5-16 Revised 2-12-17” drawn by Down Cape Engineering, Inc.
 - iii. “Utilities Site Plan of Land In (Hyannis) Barnstable, MA Prepared For Shoestring Properties LLC Date: 7-13-2015 Revised: 10-5-16 Revised 2-12-17” drawn by Down Cape Engineering, Inc.
 - iv. “Grading Site Plan of Land In (Hyannis) Barnstable, MA Prepared For Shoestring Properties LLC Date: 7-13-2015 Revised: 10-5-16 Revised 2-12-17” drawn by Down Cape Engineering, Inc.
 - v. “Detail Sheet to Accompany Site Plan of Land In (Hyannis) Barnstable, MA Prepared for Shoestring Properties LLC Date: 7-13-2015 Revised 10-5-16 Revised 2-12-17” drawn by Down Cape Engineering, Inc.
 - vi. “Landscape Plan” prepared by Hawk Design, Inc. Landscape Architecture Land Planning Sagamore, MA. Date: 3.03.16 Revisions: Number 1 Date 5/27/16 Number. 2 5/18/17; Number. 3 5/22/17;
 - vii. Dockside Residences brochure prepared by Merge Architects dated April 8, 2016;
 - viii. “Dockside Residences Site Lighting: Bollards Only” prepared by Reflex Lighting dated 1-10-16.
2. The development rights granted hereunder shall be exercised and development permits may be obtained hereunder for a period of 10 years from the effective date of the Agreement, provided, however, that prior to the expiration of said 10 year period Developer may request a twelve month extension to obtain development permits. Upon receipt of necessary development permits, construction shall proceed continuously and expeditiously, but in no case shall construction exceed 2 years from receipt of necessary development permits;

3. Developer shall establish a condominium association or unit owners association to carry out the ongoing maintenance and upkeep of the property and buildings as well as complying with the terms and conditions of this Agreement. The association shall include all residential condominium units. For the purposes of this Agreement, the term "Developer" shall mean the Developer and/or Developer's successor condominium association(s) or any other successors in interest or assignees. The form and content of condominium association documents, including the condominium master deed and association bylaws, shall be approved by the Town of Barnstable Legal Department prior to the sale of any condominium units. Included in the documents will be a prohibition on leasing any unit for a period of less than one month (and no more than two leases in any one year) and a prohibition against subletting any unit;
4. Lighting for the Development shall be contained on-site, shall be down cast, shall not contribute to light pollution of the area, and shall be constructed consistent with the lighting plan identified in paragraph 1, above. The costs for electricity and maintenance shall be paid by the Developer;
5. The site shall be landscaped consistent with the landscaping plan identified in paragraph 1, above. All landscaping within the development shall be low water use and shall minimize the use of fertilizers and pesticides;
6. The overhead utility lines shall be buried underground within the School Street right of way;
7. Letter of Credit: Prior to the issuance of any foundation building permit, Developer will provide a Letter of Credit or cash in an amount to be approved by the Planning Board or its designee, said Letter of Credit or cash to be expended on the replacement of landscape materials if such replacement becomes necessary. Any unexpended portion of said Letter of Credit or cash shall be released by the Planning Board to Developer or his successor(s) after three years from the date of the initial landscape plantings, such date to be determined by the Building Commissioner, upon the request of Developer. The terms of the Letter of Credit are subject to review and approval by the Town of Barnstable Town Attorney;
8. Letter of Credit: To ensure completion of work within public ways and roadway restoration, Developer will provide a Letter of Credit or cash in an amount to be approved by the Planning Board or its designee, said Letter of Credit or cash to be expended on completion of work within the public ways and roadway restoration if completion of such work becomes necessary. Any unexpended portion of said Letter of Credit or cash shall be released by the Planning Board to Developer or his successor(s) after thirty (30) days from the date of the final acceptance of all work within the public ways, such date to be determined by the Town Engineer, upon the request of Developer. The terms of the Letter of Credit are subject to review and approval by the Town of Barnstable Town Attorney;
9. All plumbing fixtures in the new units shall be low water use fixtures and other water conservation measures are encouraged in the design and development of the project;
10. Consistent with approved plans, Developer shall construct a Passive Storm water Maintenance and Infiltration System to service the Development. All such work will be completed in accordance with the requirements of the Town of Barnstable Conservation Commission Order of Conditions MassDEP File Number SE3-5429 recorded in the Barnstable Registry of Deeds in Book 30275, Page 250;
11. Developer or its successor will assume all maintenance responsibilities for the Passive Storm water System servicing the Property, and the landscaping and irrigation at the Property;
12. Developer shall provide calculations demonstrating adequate water flow for fire suppression prepared by a fire protection engineer as required by the Hyannis Fire Department;
13. Developer is responsible for obtaining all applicable permits and licenses, including but not limited to the following: foundation permit, building permit, street excavation permit (necessary for work in all public spaces.), sewer permits and water permits. Only Town of Barnstable approved contractors are allowed to work on Town owned property. Contractors are required to have the insurance stipulated in the Street Excavation Rules and Regulations (SERR) and all work on town property must comply with all provisions of SERR. All work within the public way and public utility services shall be to Town Standards. All plans

shall be reviewed and approved by the Department of Public Works prior to initiating any work within the public way;

14. Developer will make best efforts to complete construction work in accordance with a construction schedule and sequencing plan submitted to the Town prior to the commencement of construction. Developer reserves the right to construct the project in two (2) phases. Developer shall have two (2) years from the date of commencement of work on Phase 1 of the project to complete Phase 2. To the extent construction impacts public property or public rites of passage, changes in the schedule, if needed as work progresses, are subject to the approval of the Town. The construction schedule shall, to the maximum extent feasible, avoid interference with ferry truck traffic. The developer shall notify the Town of Barnstable Growth Management Department and the Department of Public Works at least 48 hours in advance of working on Town property. The Developer will be responsible for all construction signage, directional signs, and police officers necessary for the performance of the work;
15. Exterior construction impacts shall be minimized and construction shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays, and 8:30 a.m. to 2:00 p.m. Saturdays. No construction shall occur on Sundays. The Building Commissioner shall establish protocols to minimize the location of staging, noise, dust, and vibration;
16. During all stages in the demolition, rehabilitation and new construction, all vehicles, equipment and materials associated with the development shall be required to be located off the right of way of South Street and School Street except as may be required to install utilities, and work authorized by this Agreement and as approved by Public Works and then only on a temporary basis. There shall be access from South Street over School Street on the Developer's property to Hyannis Harbor at all times;
17. Developer may install a trailer to be used as a construction office during construction of the Development. The location of the trailer on the premises is to be approved by the Town of Barnstable Building Commissioner in cooperation with the Hyannis Fire Department;
18. Developer may install a trailer to be used as a sales office. The location of the trailer on the premises is to be approved by the Town of Barnstable Building Commissioner in cooperation with the Hyannis Fire Department;
19. To the extent that the referenced plans do not depict all of the findings and conditions as set forth in this Agreement, revised plans and/or notations shall be provided. In addition to permits, plans and approvals listed above, any and all permits and licenses required shall be obtained;
20. Each residential unit shall have at least one dedicated parking space. The total number of parking spaces proposed for the Development (62) exceeds the number of spaces required by the Town of Barnstable Zoning Ordinance (56);
21. The Developer will provide three (3) offsite Workforce Housing Rental Units (80% Median Income Qualification) at a designated location which will be deed restricted in perpetuity;
22. The construction of the condominium complex will result in the following benefits to the Town:
 - a. Above ground utility lines will be put underground improving the view looking from South Street toward the harbor.
 - b. The existing sidewalk along School Street which do not comply with Americans with Disabilities Act requirements will be removed and replaced with compliant sidewalks. The sidewalks will comply with Town of Barnstable requirements for public sidewalks. The sidewalks along each side of School Street will be constructed connecting them to the existing sidewalks on South Street. Upon completion of construction, the Town will be granted an easement allowing public use of the sidewalks.
 - c. A new water main will be provided which will improve the infrastructure of the Hyannis Water Company and improve the water pressure and volume of water to the hydrant located near the Town Landing.

- d. School Street from South Street to the end of the public way near Hyannis Harbor will be paved over with a new top coating of asphalt.
- e. Crosswalks will be provided at the northerly end of School Street where it intersects with South Street, at the southerly end of the property near the Steamship Authority property; and between the condominium buildings as shown on the plans submitted.
- f. Vastly improved landscaping along South Street and School Street beautifying the area as shown on the “Landscape Plan” prepared by Hawk Design, Inc.
- g. Lighting on condominium property maintained by condominium association will provide street lighting along School Street as shown on the “Dockside Residences Site Lighting: Bollards Only” prepared by Reflex Lighting. Currently, there is no street lighting along this portion of School Street;
- h. Increase in Town property tax revenue
- i. New street drains will be installed in School Street and a drainage easement running in favor of the Town of Barnstable will be provided.
- j. All plumbing fixtures in the new units shall be low water use fixtures and other water conservation measures are encouraged in the design and development of the project.
- k. An increase in the number of Workforce Housing Units which can be counted towards the Town’s goal of having 10% of its housing stock affordable housing.

23. The Town hereby grants waivers from the following Zoning Ordinance sections:

- a. Section 240-24.2.7 HD Harbor District B. Special Permits (2) Multi-family residential development totaling not more than seven units per acre. Waived to allow thirty three condominium units on 1.32 ± acres, a density of 25 Units per acre.
- b. Section 240-24.1.7 C. Dimensional, bulk and other requirements:
 - Minimum Front Yard Setback of 20 feet is waived to allow a Front Yard Setback of 13.9± feet on the property located at 53 South Street and 10.2± feet on the property located at 110 School Street.
 - Minimum Side Yard Setback of 10 feet is waived to allow a Side Yard Setback of 9.8± feet on the property located at 110 School Street.
 - Minimum Rear Yard Setback of 10 feet is waived to allow a Rear Yard Setback of 9.8± feet on the property located at 110 School Street.
- c. Section 240-53 Landscape Requirements for parking lots
 - The requirement of a landscape setback for street level parking is hereby waived to allow zero setbacks for street level parking.
 - The requirement of one street tree with a minimum caliper of three inches be provided per 30 feet of road frontage distributed throughout the front yard setback area is waived to allow for the planting of trees per the Landscape Plan prepared by Hawk Design.

24. The Town hereby grants waivers from the following Town Code sections:

Chapter 9, Article I Inclusionary Affordable Housing Requirements – Section 9-4-D requiring at least 10% of the residential units constructed shall be dedicated by deed restriction to affordable housing units

is waived. The Developer will instead provide three (3) offsite Workforce Housing Rental Units (80% of Median Income Qualification) at a designated location.

25. Upon completion of all work, Developer shall cause a registered engineer or land surveyor to submit as-built plans accompanied by a letter of certification, made upon knowledge and belief in accordance with professional standards that all work has been done in substantial compliance with the approved site plan. This document shall be submitted prior to the issuance of the final certificate of occupancy;

26. The development allowed in this permit shall be considered full build-out of the property. The structures authorized shall not be expanded nor other buildings and structures added without prior permission from this Board.

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 Barnstable Developer, Shoestring Properties, LLC
By:

SPONSOR: Debra Dagwan, Councilor Precinct 8

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2018-017
INTRO: 08/17/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth Jenkins, Planning & Development Director; Shoestring Properties, LP
DATE: August 17, 2017
SUBJECT: Regulatory Agreement with Shoestring Properties, LP for Dockside Residences at 110 School Street and 53 South Street, Hyannis, MA

BACKGROUND: The proposed Regulatory Agreement with Shoestring Properties, LP would allow the redevelopment of two parcels in Hyannis' East End with 33 residential condominium units and associated site improvements. The Planning Board considered the proposed agreement at multiple public hearings and on June 26, 2017 voted to forward the proposed agreement to the Town Council, but without the support of requested waivers from maximum building height and the requirement to obtain a Certificate of Appropriateness from the Hyannis Main Street Waterfront Historic District Commission. The Planning Board issued a conditional approval on the proposal to meet Inclusionary Affordable Housing requirement with three off-site workforce housing units at a dedicated location.

RATIONALE: Shoestring Properties, LP seeks a regulatory agreement to redevelop the properties at 110 School Street and 53 South Street with 33 residential condominium units in nine buildings. The Developer proposes to remove the existing restaurant and parking lots currently on-site. The new units will consist of a mixture of 1, 2, and 3 bedroom units. A total of 62 parking spaces are proposed, with one parking space for each condominium unit located in underground garages. The gross square footage of the buildings to be constructed is 88,959 ± square feet and the combined gross square footage of the garages to be constructed is 33,597 ± square feet. Additional guest parking will be provided at street level.

Also to be constructed are a fountain area; two trash sheds; a swimming pool with pool deck; and a courtyard area. Other site improvements proposed include reconstructed sidewalks, new lighting, landscaping, storm water infrastructure, underground utilities and installation of a new water main.

The Developer suggests the construction of the condominium complex will result in benefits to the town, including the above utility and infrastructure improvements, an increase in Town property tax revenue and an increase in the number of workforce housing units in the Town.

STAFF ASSISTANCE: Ruth Weil, Town Attorney; Elizabeth Jenkins, Planning & Development Director

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2018-018
INTRO: 08/17/17**

**2018-018 ACCEPTANCE OF A GRANT RENEWAL IN THE AMOUNT OF \$42,615
FROM THE MASSACHUSETTS DEPARTMENT OF MENTAL HEALTH**

RESOLVED: That the Barnstable Town Council does hereby accept a grant renewal in the amount of \$42,615 from the Massachusetts Department of Mental Health entitled: *Training and Technical Assistance Centers, CIT Programs and Other Innovative Police-Based Behavioral health Jail Diversion Program Grant.*

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2018-018
INTRO: 08/17/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Paul B. MacDonald, Chief of Police
DATE: August 17, 2017
SUBJECT: Acceptance of a Grant Renewal in the amount of **\$42,615** to the Barnstable Police Department from Massachusetts Department of Mental Health

BACKGROUND: The Barnstable Police Department has been awarded a one-year grant renewal through the Department of Mental Health (DMH) to continue an Innovative Jail Diversion Program and Crisis Intervention Team in the Town of Barnstable. The Community Impact Unit (CIU) originally applied for the grant in December 2014. The Fiscal Year 2018 Department of Mental Health grant will be used as follows:

- To train 10 members of the Barnstable Police Department in an 8-hour Mental Health First Aid course;
- To fund a part-time behavioral health clinician to work in collaboration with the CIU;
- To fund 4 quarterly meetings for 7 Barnstable Police Officers trained in Community Crisis Intervention Team (CCIT);
- To fund 4 hours per month for management of the Innovative Jail Diversion Program Database and grant, and;
- To fund Jail Diversion-Appropriate Trainings for Community Service Officers, MHFA instructors and CCIT Officers.

The CIU is assigned to downtown Hyannis and consists of 1 Sergeant, 1 Clinician, and 5 Patrol Officers. Two officers perform community policing duties related to persons suffering from homelessness, mental illness, and/or substance abuse disorders. One officer will be assigned to the Hyannis Youth and Community Center to work with our youth population. Two plain-clothes officers balance the community policing efforts with strict enforcement of disorder crimes and quality-of-life issues.

During Fiscal Year 2017 the CIU worked diligently with community partners to provide services to individuals in crisis in the following ways:

- Management and coordination of the Barnstable Community Crisis Intervention Team (CCIT), who meets monthly to identify the most vulnerable individuals in the target population experiencing homelessness, mental illness, and/or substance addiction. The CCIT is a multi-agency team that works to divert individuals away from the criminal justice system and towards appropriate services and support through strategic planning.
- Coordinated weekly meetings of the Street Outreach Team, which collaborates daily to identify those individuals in downtown Hyannis who are in crisis and provides aggressive outreach and support services.
- Continued to partner with Gosnold of Cape Cod to provide follow-up visits to overdose victims in order to offer detox treatment and support services.
- Worked closely with the National Alliance on Mental Illness for Cape Cod & the Islands to improve emergency services to individuals in mental health crisis.
- To date 12 officers are trained as CCIT Officers and 55 % of the Barnstable Police Department is trained in Mental Health First Aid.

- Hired and trained 10 Community Service Officers (CSOs) who are assigned to foot patrol on Main Street and provide a highly visible presence while engaging the homeless population and communicating quality-of-life concerns to officers.

ANALYSIS: This DMH grant renewal will pay for valuable training for members of the Barnstable Police Department in Mental Health First Aid and CCIT; will fund the continued employment of a part-time behavioral health clinician assigned to the CIU; will fund the training of CSO's; and will pay overtime costs for valuable consultation and grant management to reflect on the overall program.

FISCAL IMPACT: There will be no negative financial impact. The total grant award of **\$42,615** covers the period of 7/1/17-6/30/18 and includes **\$15,000** for a clinician to work 10 hours a week; **\$4,725** to cover the overtime costs associated with the training of 10 officers in mental health first aid; and **\$1,776** allotted to class preparation and online training associated with MHFA; **\$6,615** to cover the overtime costs of quarterly meetings/training updates of CCIT Officers; **\$6,402** for monthly grant project management and recordkeeping; and **\$8,097** for Jail Diversion Program trainings including MHFA instructor training and conferences. The police department supplies office space and a cell phone to the Clinician, which serve as in-kind matches on the grant funding. The department also provides a team of one Sergeant, three Patrol Officers, and 10 Seasonal Community Service Officers to work in tandem with the Clinician.

This is a reimbursement grant.

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

STAFF ASSISTANCE: Paul B. MacDonald, Chief of Police; Sergeant Jennifer Ellis; Anne E. Spillane

B. NEW BUSINESS (Refer to Public Hearing 09/07/17)

BARNSTABLE TOWN COUNCIL

**ITEM # 2018-019
INTRO: 08/17/17**

2018-019 APPROPRIATION ORDER IN THE AMOUNT OF \$200,000.00 COMMUNITY PRESERVATION FUNDS FOR COMMUNITY HOUSING SUPPORT

ORDERED: That pursuant to the provisions of the Community Preservation Act, G.L. c 44B, the sum of Two Hundred Thousand and No/100 (\$200,000.00) Dollars be appropriated and transferred from the amount set aside for Community Housing in the Community Preservation Fund; and that the Town Manager is authorized to expend the amounts appropriated to continue support of the Accessory Affordable Apartment Community Preservation Act (CPA) Loan Program originally funded by appropriation of \$200,000.00 on February 28, 2013 under agenda item number 2013-072 which has been fully expended and execute, deliver, accept and record any documents for the purposes authorized herein.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2018-019
INTRO: 08/17/17

TO: Town Council
THROUGH: Mark S. Ells, Town Manager
FROM: Community Preservation Committee
DATE: August 17, 2017
SUBJECT: Appropriation order in the amount of **\$200,000.00** Community Preservation Funds for Community Housing Support

BACKGROUND: The Planning & Development Housing Coordinator and Town Manager are seeking approval from the Town Council through the Town Manager for Community Preservation Act (CPA) Community Housing funds in the amount of \$200,000. This funding request is to replenish the now depleted funds for the Accessory Affordable Apartment (AAA) CPA Loan Program originally was funded in 2014. Continuation of this existing project will provide loans of up to \$20,000 to eligible homeowners to create new affordable accessory apartment rental units. A small amount of the funds will be used for administration of the program. Affordable rental housing is the number one priority need in the Town's Housing Production Plan and the AAA Program provides the type of housing that is most needed. Because this is an existing program, these units can be created in a relatively short time frame for a low subsidy investment by the Town. The Town's existing accessory apartment program has permitted approximately 200 units of affordable rental housing which serve households whose income is less than 80% of the median income. The funds are secured by a loan agreement, mortgage and promissory note and are repayable upon sale of the house or loss of the affordable unit. The units are monitored annually to ensure program compliance.

FISCAL IMPACT: This appropriation has no impact on the general fund since the entire amount is appropriated and transferred from the community preservation fund.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends appropriation as recommended by the Community Preservation Committee.

STAFF ASSISTANCE: Community Preservation Committee

BARNSTABLE TOWN COUNCIL

**ITEM# 2018-020
INTRO: 08/17/17**

2018-020 APPROPRIATION ORDER IN THE AMOUNT OF \$84,284.00 COMMUNITY PRESERVATION FUNDS FOR RESTORATION WORK TO THE BURGESS HOUSE AND BARN, 559 RT. 149, MARSTONS MILLS, MA

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of Eighty-Four Thousand Two Hundred Eighty-Four and NO/100 (**\$84,284.00**) be appropriated and transferred from the amount set aside for historic preservation in the Community Preservation Fund and that the Department of Public Works is authorized to contract for and expend the appropriation made available for preservation, rehabilitation and restoration work on the historic resource consisting of the Burgess House and Barn buildings, 559 Route 149, Marstons Mills, including the restoration of existing windows, foundation work, replacement of gutters and downspouts, replication wood picket fence, American Disability Act (ADA) walks and building access, and lighting.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2018-020

INTRO: 08/17/17

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Community Preservation Committee
DATE: August 17, 2017
SUBJECT: Appropriation Order in the amount of **\$84,284.00** Community Preservation Funds for restoration work to the Burgess House and Barn, 559 Rt. 149, Marstons Mills, Ma Map 079, Parcel 015

BACKGROUND: The Department of Public Works (DPW) Town Architect is seeking approval from the Town Council through the Town Manager for Community Preservation Acts (CPA) Historic Preservation funds in the amount of **\$84,284**. This funding request is for hard and soft costs associated with Phase III restoration work on the Burgess House and Barn located at 559 Route 149, Marstons Mills. A significant amount of work previously completed by DPW in-house has reduced the amount of funding needed from other sources. Phase III work includes the restoration of existing windows, foundation work, replacement of gutters and downspouts, replication wood picket fence, American Disability Act (ADA) walks and building access, and lighting. The Burgess House also known as (a.k.a) Harvey Hinckley House was constructed in 1823 and is an example of a Federal Cape style building. The property is located on the designated scenic road of Route 149 and abuts Town-owned open space land. The property is cataloged with the Massachusetts Historical Commission and has received a Determination of Significant Building by the Barnstable Historical Commission for its association with the architectural and cultural history of the area. Once restoration is complete, the property will be used as the village community center for Marstons Mills. Preservation of this property is critical to preserving the rural character of Marstons Mills.

FISCAL IMPACT: This Appropriation has no impact on the General Fund since the entire amount is appropriated and transferred from the Community Preservation Fund.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager,

STAFF ASSISTANCE: Community Preservation Committee

BARNSTABLE TOWN COUNCIL

**ITEM # 2018-021
INTRO: 08/17/17**

2018-021 APPROPRIATION ORDER IN THE AMOUNT OF \$78,024.00 COMMUNITY PRESERVATION FUNDS, FOR STURGIS LIBRARY PRESERVATION OF THE HISTORIC BARNSTABLE PATRIOT NEWSPAPER

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G.L. c. 44B, the sum of Seventy-Eight Thousand Twenty-Four and NO/100 (**\$78,024.00**) dollars be appropriated and transferred from the amount set aside for historic preservation in the Community Preservation Fund, and that the Town Manager is authorized to expend the amount appropriated Community Preservation Commission for the purpose of preserving the historic Barnstable Patriot Newspaper by digitizing the remaining copies held by the Sturgis Library to be bound by restrictions, easements or other security for public benefit.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2018-021

INTRO: 08/17/17

TO: Town Council
FROM: Town Manager on Behalf of Community Preservation Committee
DATE: August 17, 2017
SUBJECT: Appropriation Order in the amount of **\$78,024.00** Community Preservation Funds, for Sturgis Library preservation of the historic Barnstable Patriot newspaper

BACKGROUND: The Sturgis Library is seeking approval from the Town Council through the Town Manager for CPA Historic Preservation funds in the amount of \$78,024. This funding request is for a local newspaper digitization project that is planned in partnership with the Dennis and Yarmouth Libraries and Community Preservation Committees and represents a one-third portion of the total estimated cost of \$234,073 to digitize the *Register* and the *Barnstable Patriot* newspapers. Twenty thousand dollars was appropriated on May 3, 2007, agenda item number 2007-117, to digitize and index the first 100 years of the *Barnstable Patriot*, which was established in 1830. The *Register*, established in 1836, has not been digitized and archives are only available on microfilm at the Yarmouth Port Library

ANALYSIS: The project, unanimously supported by CPC at their July 24, 2017 meeting, is to digitize the remainder of the *Barnstable Patriot* newspaper archives from years 1931 to date, and the *Register* in its entirety. The two newspapers complement each other and provide historical information, including social and cultural news, as well as vital records, real estate transactions, obituaries, photographs, opinions and more to researchers, students, authors, genealogists, historians, and others. The benefits of a digital archive, employing Olive Software, is that the newspaper archives are fully searchable and available to the public online for researching, printing, saving, e-mailing or sharing on social media.

FISCAL IMPACT: This appropriation has no impact on the general fund since the entire amount is appropriated and transferred from the community preservation fund.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends this appropriation.

STAFF ASSISTANCE: Community Preservation Committee

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM # 2018-022
INTRO: 08/17/17**

2018-022 PETITION SUBMITTED BY VOTERS OF THE TOWN OF BARNSTABLE REQUESTING THAT a NONBINDING PUBLIC OPINION ADVISORY QUESTION TO BE PLACED ON THE BALLOT FOR THE TOWN ELECTION TO BE HELD ON NOVEMBER 07, 2017, REGARDING THE PILGRIM NUCLEAR POWER STATION

ORDERED: That the Town Council directs the Town Clerk to cause the following nonbinding public opinion advisory question to be placed on the ballot for the Town election to be held on November 07, 2017

Should the people of the Town of Barnstable, MA direct the town’s government to communicate with Governor Baker to employ all means available to ensure spent nuclear fuel generated by the Pilgrim Nuclear Power Station be placed in secure dry casks as soon as technically feasible and consistent with the highest standards, ready to be moved to a permanent federal facility when available in order to protect the health, welfare, and economic interests of the Town of Barnstable, MA and its inhabitants and visitors?

Yes _____

No _____

CO-SPONSORS: Councilor John G. Flores, Precinct 1; Councilor Paul Hebert, Precinct 2

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2018-022

INTRO: 08/17/17

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Councilor John G. Flores; Councilor Paul Hebert
DATE: August 17, 2017
SUBJECT: Petition submitted by voters of the Town of Barnstable requesting that the following Nonbinding Public Opinion Advisory question to be placed on the ballot for the Town Election to be held on November 7, 2017.

RATIONALE: The Petition requests that the question be placed before the voters of the Town of Barnstable to have the Barnstable Town Council write to Governor Charles Baker to employ all means available to ensure spent nuclear fuel generated by the Pilgrim Nuclear Power Station be placed in secure dry casks as soon as technically feasible and consistent with the highest standards, ready to be moved to a permanent federal facility when available in order to protect the health, welfare, and economic interests of the Town of Barnstable and its inhabitants and visitors.

ANALYSIS: This is a new and different question than the vote of November 2009 to close Pilgrim Nuclear Power Station which had a very favorable response from the voters. Therefore it is imperative that Barnstable join the other Towns of Cape Cod that have already all voted in favor of the requested action with Provincetown voting at Town Meeting 100% Unanimous.

Furthermore, we should show our support for Governor Baker's Decommissioning Commission of which we are fortunate to have our own Councilor John G. Flores serving on this important Commission.

Councilor John G. Flores and Councilor Paul Hebert ask that we also vote unanimously in favor as a Council to placing this question on the November Town Ballot in respect and in duty to the citizens and voters of the Town of Barnstable whom we have by oath pledged to serve.

STAFF ASSISTANCE: Ruth Weil, Town Attorney

Public Advisory Question for the November, 2017 (Fall) Town of Barnstable, MA Election Ballot
To protect public health and safety, move spent fuel at Pilgrim Nuclear Power Station to secure dry casks as soon as possible.

Whereas, the original design for the Pilgrim Nuclear Power Station (PNPS) spent fuel pool was for 880 assemblies and now holds over 2,822 densely racked and tightly packed assemblies, and;

Whereas, the PNPS spent fuel pool holds over 11 times the amount of cesium released at Chernobyl, and;

Whereas, the MA Attorney General Office 2006 report cited an accident at PNPS could result in 24,000 latent cancers, \$488 billion in damages, and contamination of hundreds of miles downwind, and;

Whereas, 885 Boraflex panels, which prevent criticality and fire, will be susceptible to unacceptable levels of deterioration by September, 2017, and;

Whereas, the PNPS spent fuel pool is vulnerable to terrorist and cyber attack, and;

Whereas, citizens of the Town of BARNSTABLE, MA find this to be an unacceptable threat to our health and safety and must be resolved in the most timely manner.

Therefore, Should the people of the Town of BANSTABLE, MA direct the town's government to communicate with Governor Baker to employ all means available to ensure spent nuclear fuel generated by the Pilgrim Nuclear Power Station be placed in secure dry casks as soon as technically feasible and consistent with the highest standards, ready to be moved to a permanent federal facility when available in order to protect the health, welfare, and economic interests of the Town of BARNSTABLE, MA and its inhabitants and visitors?

Print Name	Signature	Street Address
✓ Andrea Janniello	Andrea M. Janniello	329 W. Main St 02601
✓ Paul Hebert	Paul E. Hebert	142 Strawberry Hill Rd Centerville
✓ Aaron Kanzer	Aaron Kanzer	45 Crystal Ridge Road, Centerville
✓ RICHARD GRIFFITH	Richard Griffith	153 Hollis Hill
✓ Susan Carlson	Susan Carlson	33 Natta Drive
✓ John Paul Nickerson	John Paul Nickerson	432 Sea St #5B, Hyannis
✓ Roberta Field	Roberta Field	6 Holiday Lane Hyannis
✓ Samuel Stratton	Sam Stratton	343 Strawberry Hill road Centerville, MA
✓ JEFF EAGLE	Jeff Eagle	42 NATTA DR, CENTERVILLE
✓ CAROLYN HEBERT	Carolyn M. Hebert	142 Strawberry Hill Rd, Centerville
✓ JAMES KERSHNER	James Kershner	4380 MAIN ST, BARNSTABLE
✓ Cynthia A. Lovell	Cynthia A. Lovell	12 New London Ave. N. Millis

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

ITEM #2018-023
INTRO: 08/17/17

2018-023 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Cultural Council:** Lynne Belifore, 291 River Road, Marstons Mills as a regular member to a term expiring 06/30/20; **Human Services Committee:** Deborah Krau, 10 Pram Road, Hyannis as a regular member to a term expiring 06/30/19; **Planning Board:** Jeffrey Swartz, 132 Scudder Bay Circle, Centerville, as a regular member to a term expiring 06/30/20; **Youth Commission:** Sean Dowling, c/o Hyannis Youth and Community Center, Hyannis as a regular member to a term expiring 06/30/18;

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

**ITEM #2018-024
INTRO: 08/17/17**

2018-024 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council reappoints the following individuals to a multiple-member Board/Committee/Commission: **Community Preservation Committee:** Terry Duenas as a regular member to a term expiring 6/30/20; **Comprehensive Financial Advisory Committee:** Ralph Krau a regular member to a term expiring 6/30/20; **Library Committee:** Lili Seely as a regular member to a term expiring 6/30/18; **Zoning Board of Appeals:** David Hirsch as a regular member to a term expiring 6/30/20;

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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