



Town of Barnstable Town Council

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Joint meeting with the Planning Board

MEETING AGENDA TOWN HALL HEARING ROOM December 6, 2018 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

Britt Beedenbender
Precinct 4

Paul C. Neary
Precinct 6

Jessica Rapp Grassetti
Precinct 7

Debra S. Dagwan
Precinct 8

James M. Tinsley
Precinct 9

Matthew Levesque
Precinct 10

Philip N. Wallace
Precinct 11

Paula Schnepf
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**
- 9. ORDERS OF THE DAY**
 - A. Old Business**
 - B. New Business**
 - **Town Council Nomination of 2019 Officers**

President:

Vice President:

10. ADJOURNMENT

NEXT REGULAR MEETING: December 20, 2018

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Approve Minutes –November 15, 2018

Please Note: The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than they appear on this agenda. Persons interested are advised, that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice. Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

A. OLD BUSINESS (Joint Public Hearing with the Planning Board) (Roll Call 2/3)

BARNSTABLE TOWN COUNCIL

ITEM# 2019-032

INTRO: 10/04/18, 11/01/18, 11/15/18, 12/06/18

2019-032 AMENDING ARTICLE V, CHAPTER 240, SECTION 25 OF THE ZONING ORDINANCE TO REVISE REGULATIONS FOR THE HIGHWAY BUSINESS DISTRICT

ORDERED:

Section 1.

That Chapter 240, Article III, Section 240-25 of the Zoning Ordinance, is hereby amended by striking the existing Section 240-25 HB Business District in its entirety and substituting in its place the following:

“§ 240-25. HB Business District

A. Purpose. The proposed amendments to the Highway Business District strive to encourage investment in Barnstable’s aging commercial corridors and respond to current market demands, while promoting an increase in property values, appropriate protection for adjacent residential land uses, and Barnstable’s unique character and exceptional quality of life.

B. Principal Permitted Uses. The following uses are permitted in the HB Business District:

- (1) Art Galleries
- (2) Artisan, Craftspersons, and Makers
- (3) Artists’ Lofts
- (4) Bank ¹
- (5) Bed & Breakfasts, subject to the provisions of § 240-11C(6)
- (6) Business Support Services
- (7) Contractor Service Establishments ^{2,3}
- (8) Dwelling, single-family
- (9) Dwelling, two-family
- (10) Dwelling, multi-family
- (11) Educational institutions
- (12) Fraternal or Social Organizations
- (13) Health Club
- (14) Mixed Use Development
- (15) Movie Theatre
- (16) Museums
- (17) Office, Business and Professional
- (18) Office, Dental or Medical

- (19) Performing Arts Facilities
- (20) Personal Service Establishments
- (21) Recreational Establishment
- (22) Research and development, technological and computer research, software development and data processing including computer operations services
- (23) Restaurant and other food establishment ¹
- (24) Retail and wholesale ¹
- (25) Self-storage Facility ²
- (26) Senior Living, Assisted Living
- (27) Senior Living, Nursing Homes
- (28) Veterinary Hospital/Clinic ²

¹ Drive-throughs shall be permitted accessory to such use, subject to the issuance of a Special Permit pursuant to subsection 240-25 (C) herein.

² The landscape setback from all residential property lines shall be 10 feet. Within the landscape buffer, existing mature trees shall be retained and shall be supplemented with plantings that will provide dense year-round screening, or a solid fence with landscape plantings on the residential side

³ Parking areas for commercial vehicles and any exterior areas used for loading or storage shall be screened from view from the public way

C. Conditional Uses. The following uses are permitted as conditional uses in the HB District, provided that a special permit is first obtained from the Zoning Board of Appeals subject to the provisions of §240-125C herein and subject to the specific standards for such conditional uses as required in this section, and to a finding that such uses do not substantially adversely affect the public health, safety, welfare, comfort or convenience of the community:

- (1) Auto service and repair shops ¹
- (2) Building, sale, rental, storage and repair of boats ¹
- (3) Car rental services ¹
- (4) Contractors' yards ^{1,2}
- (5) Funeral Home or Mortuary ¹
- (6) Hotel & Motel, subject to the provisions in 240-22(F) ¹
- (7) Manufacturing, light and industrial uses ^{1,2}
- (8) Retail, gasoline or diesel ¹
- (9) Warehouse or distribution ^{1,2}
- (10) Drive-throughs for banks, retail uses, and restaurants and other food service establishments

¹ The landscape setback from all residential property lines shall be 10 feet. Within the landscape buffer, existing mature trees shall be retained and shall be supplemented with plantings that will provide dense year-round screening, or a solid fence with landscape plantings on the residential side

² Parking areas for commercial vehicles and any exterior areas used for loading or storage shall be screened from view from the public way

D. Bulk Regulations

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Minimum Lot Width (feet)	Minimum Yard Setbacks (Feet)			Maximum Building Height (feet)	Maximum Lot Coverage as % of Lot Area
				Front	Rear	Side		
HB	15,000	20	100	20 ^{1,2}	20	10	38 ³	30

¹ Forty feet along Route 28 and Route 132

² The front yard setback shall be a landscape setback in which existing trees and shrubs shall be retained within and supplemented with other landscape materials in accordance with accepted landscape practices. Where natural vegetation cannot be retained, the front yard landscape setback shall be landscaped with a combination of grasses, trees and shrubs commonly found on Cape Cod. A minimum of one street tree with a minimum caliper of three inches shall be provided per 30 feet of road frontage and distributed throughout the front yard landscape setback area. No plantings shall obscure site entrance and exit drives and/or road intersections. All landscape areas shall be continuously maintained substantially in accordance with Article IX herein.

³ Or three stories, whichever is lesser.

E. District-Wide Design & Performance Standards

1. Applicability

Design and performance standards for the Highway Business District are provided in this subsection. The design and performance standards herein shall only apply to new development. New development is new construction on a vacant lot; or demolition and re-construction on a lot with existing structure(s). These standards shall not apply to the construction of new principal structures on lots already improved with a principal structure.

2. Building Design Standards.

- a. In addition to the Site Plan Review submittal requirements of Section 240-102, architectural elevations shall be submitted.
- b. Building façades.
 - i. Building facades shall not contain blank wall areas that exceed 25 linear feet, measured parallel to the street.
 - ii. New development shall vary the building footprint so that there are pronounced changes in the wall planes and building mass as defined herein. For every 50 linear feet of facade, at least 10 feet projection or setback in the facade should be accommodated. The recess or projection can be split into several components, but

changes in the facade line of 10 feet or greater are most likely to reduce the visual impact of the building mass.

c. **Building Entries.**

- i. All buildings shall have an orientation to and entrance from the sidewalk along the primary building frontage. Entrances shall be visually distinctive from the remaining portions of the façade along which they are located.

d. **Roof.**

- i. Parapet walls along the roof shall feature three-dimensional cornice treatments or other shadow-creating details.

e. **Building materials.**

- i. The following building materials are prohibited on any façade:
 - a) Plain concrete block
 - b) Glass block
 - c) Exposed aggregate (rough finish) concrete wall panels
 - d) Plastic
- ii. The following building materials are prohibited on any façade; however, such materials may be used as decorative or detail elements for up to 25% of the façade.
 - a) Corrugated metal

f. **Multi-Tenant Centers.** Multi-tenant retail centers shall comply with the following additional design standards.

- i. A cohesive character is required through the use of coordinated building design, hardscape treatment (special paving materials, lighting, etc.) and landscaping.

3. Parking Lot Design Standards.

- a. All new development shall comply with Section 240-54 - Location of parking lot in relation to buildings, which states: "Parking lots shall be located to the rear or side of a building unless such location would have an adverse environmental impact or is infeasible due to configuration of the site."

4. Site Design Standards.

- a. Sites shall incorporate safe pedestrian access to the building(s) from the public right-of-way and safe pedestrian circulation within the development. Where pedestrian connections cross primary vehicular driveways or aisles, the walkways shall be designed to clearly show the space is dedicated to pedestrian traffic through the use of raised or alternative surfaces.
- b. Parking areas shall include provisions for the "parking" of bicycles in bicycle racks in locations that are safely segregated from automobile traffic and parking. For parking areas of 10 or more spaces, bicycle racks facilitating locking shall be provided to accommodate one bicycle per 20 parking spaces or fraction thereof.

5. Screening.

a. Storage areas, loading docks, rooftop equipment, utility buildings and similar features shall be screened so as not to be visible to a pedestrian from within the right-of-way of a street abutting the property containing the building. The screening shall complement the design of the building through the use of similar materials, colors, finishes and architectural details. Plant materials may be used for ground level screening.

b. Access.

Driveways on Route 28, Route 132 and West Main Street shall be minimized. All driveways and changes to driveways shall:

- a. Provide the minimum number of driveways necessary to provide safe and convenient vehicular and emergency vehicle access.
- b. Provide shared access with adjacent development where feasible.
- c. Provide a driveway interconnection between adjacent parcels to avoid short trips and conflicts on the main road.

F. Definitions. The following terms are defined for the purpose of the HB and shall not be construed to apply to other regulations:

ARTISAN, CRAFTSPERSONS AND MAKERS – A small-scale use employing people who practice manual skills to produce ornamental or functional works in limited quantities. A key feature of works produced by artisans, craftspeople or makers is the high degree of manual or specialized technical expertise involved. Examples include artists or makers in a variety of mediums, designers, and art conservation.

ARTIST'S LOFT – A place designed to be used as both a dwelling and a place of work by an artist, artisan, or craftsman, including persons engaged in the application, teaching, or performance of fine arts, such as drawing, vocal or instrumental music, painting, sculpture, photography, graphics, media arts, and writing. The work activities shall not adversely impact the public health, safety, and welfare, or the livability, functioning, and appearance of adjacent property.

AUTO SERVICE AND REPAIR SHOPS – A facility for the general repair and maintenance of motor vehicles, including motor vehicle inspections and car washes. This definition shall exclude vehicle dismantling or salvage.

CONTRACTOR SERVICE ESTABLISHMENTS – Wholesale sales and distribution of building materials including plumbing, carpentry, lumber, electrical, heating and air conditioning, and other similar service or repair businesses; associated showrooms and sales/display space customarily accessory to such uses.

CONTRACTORS' YARDS – Landscaping, construction and site preparation, and other similar service businesses, provided that all outdoor storage of building materials, trucks and landscaping equipment and materials, are screened from view from public ways.

EDUCATIONAL INSTITUTIONS – A public or private facility that offers in-classroom instruction at the K-12 or post-secondary levels. The institution may also have research facilities and/or professional schools that grant master and doctoral degrees. Educational Institutions also include facilities that offer in-classroom vocational instruction in industrial, clerical, computer, managerial,

automotive, repair (electrical, plumbing, carpentry, etc.), or commercial skills, or a business conducted as a commercial enterprise, such as a school for general educational development or driving school.

FRATERNAL OR SOCIAL ORGANIZATIONS – A building or land used for the activities of an association of persons for the promotion of some nonprofit common objective, such as literature, science, politics, and good fellowship (not accessory to, or operated as, or in connection with a tavern, eating place, or other place open to the public), which meets periodically and may be limited to members.

FUNERAL HOME OR MORTUARY – An establishment providing services such as preparing the human dead for burial and arranging and managing funerals, and may include limited caretaker facilities. This classification excludes cemeteries, crematoriums, and columbarium's

HEALTH CLUB – A facility for the purpose of physical exercise or wellness open only to members and guests or open to the public for a fee. It shall include health and fitness clubs, and specialty fitness uses, such as yoga studios or cross-fit facilities and may include customary accessory uses

MIXED USE DEVELOPMENT – Development including at least one residential unit and at least one nonresidential use on a single lot; or development including several nonresidential uses on a single lot

MUSEUMS – A public or private facility, including an aquarium, established for preserving and exhibiting artistic, historical, scientific, natural or man-made objects of interest, designed to be used by members of the public for viewing, with or without an admission charge. Such activity may include, as an accessory use, the sale of memorabilia, crafts work and artwork, and the holding of meetings and social events

OFFICE, DENTAL OR MEDICAL – A building or portion of a building in which the primary use is the provision of health-care services to patients or clients by an appointment only. Such services may include the following: medical, dental, psychiatric, psychological, chiropractic, dialysis, acupuncture, reflexology, mental health professional, physical and/or occupational therapy, related medical services, or a laboratory which provides bacteriological, biological, medical, x-ray, pathological and similar analytical or diagnostic services to doctors or dentists

PERFORMING ARTS FACILITY – An enclosed space suitable for a variety of cultural arts performances, permanently available for the primary principal use of public performing arts presentations, such as plays, dances, and concerts, although incidental use for private meetings, exhibits and presentations shall be permitted. Such space may also include studios, classrooms, and galleries

PERSONAL SERVICE ESTABLISHMENT – An establishment engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, barbershop, beauty shop, dry cleaner, tailor, or other similar services

RECREATIONAL ESTABLISHMENT – An establishment engaged in the provision of public recreational services, including bowling and billiards

RETAIL, GASOLINE AND/OR DIESEL – A facility where gasoline, diesel or any other automotive engine fuel is stored only in underground tanks and offered for sale directly to the public on the premises. Retail, gasoline and/or diesel shall be subject to the requirements of Section 240-35 Groundwater Protection Overlay Districts

SELF-STORAGE FACILITY – A facility for the storage of personal property where individual renters control and access individual storage spaces. Ancillary retail sales of related items, such as moving supplies, and facility offices may also be included.

SENIOR LIVING, ASSISTED LIVING – A combination of housing, ancillary support services and personalized care that is designed to respond in a homelike setting to the individual needs of adults requiring help with activities of daily living, but who do not require the skilled medical care provided in a nursing home.

SENIOR LIVING, NURSING HOMES – A facility, including for the aged or chronically ill, providing bed-care and in-patient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services and including Skilled Nursing Care Facilities

VETERINARY HOSPITAL/CLINIC – A facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases and injuries. Use as a kennel shall be limited to short-term boarding and shall be only incidental to such hospital use.

SPONSOR: Zoning and Permitting Regulatory Committee: James Crocker, Town Council Vice President, Precinct 5; Councilor Jessica Rapp-Grassetti, Precinct 7, Councilor Debra Dagwan, Precinct 8; Councilor Paul Neary, Precinct 6; Councilor Matthew Levesque, Precinct 10 At Large Member, Hank Farnham

DATE	ACTION TAKEN
<u>10/04/18</u>	<u>Refer to a Joint Hearing with the Planning Board on 11/01/18</u>
<u>11/01/18</u>	<u>Opened and continued to a Joint Public Hearing with the Planning Board 11/15/18</u>
<u>11/15/18</u>	<u>Opened and Continued to a Joint Public Hearing with the Planning Board 12/06/18</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2019-032

INTRO: 10/04/18, 11/01/18, 11/15/18, 12/06/18

SUMMARY

TO: Town Council
THROUGH: Mark S. Ells, Town Manager
FROM: Town Council Zoning & Permitting Regulatory Committee through Elizabeth S. Jenkins, Planning & Development Director
DATE: October 04, 2018
SUBJECT: Amending the regulations pertaining to the Highway Business District

RATIONALE: The Highway Business (HB) District includes some of the most intensively-used commercial corridors in Barnstable, including portions of Route 28, Route 132, and West Main Street. The only two principal permitted uses allowed by-right in the HB District are offices (not including medical offices) and banks. Any new development or business use other than an offices and bank may require an application to the Zoning Board of Appeals.

The proposed amendment to HB District regulations revises the list of principal permitted uses to allow many uses already in existence within the district, creating more flexibility for owners and reducing what must be reviewed by the Zoning Board of Appeals by special permit or variance. The revised regulations include new language describing the purpose of HB District Regulations, expressing the intent to encourage investment in Barnstable's commercial corridors in light of current market demands.

The amendment proposes to revise bulk regulations to better reflect existing conditions within the district as well as the changing nature of nonresidential use. The amendment proposes to decrease the minimum lot area, lot width, and setbacks, and increase maximum building height from 30 ft. to 38 ft. (or three stories).

The amendments also include design and performance standards for new development. The purpose of these standards is to ensure that development resulting from the introduction of new by-right uses complements the character of existing structures and encourages a pedestrian-friendly environment. Building design standards include measures related to building orientation and materials, and site design standards emphasize pedestrian access and bicycle accommodations.

The proposed amendments to the district received a unanimous favorable recommendation from the Town Council Zoning and Regulatory Subcommittee members who were in attendance at the meeting on September 20, 2018.

STAFF ASSISTANCE: Paul Wackrow, Principal Planner

**A. OLD BUSINESS (Joint Public Hearing with Planning Board)
(Roll call 2/3 vote)**

BARNSTABLE TOWN COUNCIL

ITEM# 2019-042

INTRO: 11/01/2018, 11/15/18, 12/06/18

**2019-042 AMENDING CHAPTER 240, ARTICLE III, OF THE ZONING ORDINANCES
TO EXPAND THE HIGHWAY BUSINESS DISTRICT**

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

Section 1.

By amending Article II, Section 6, The Zoning Map of the Town of Barnstable, Massachusetts, is hereby amended by expanding the Highway Business (HB) District as shown on the maps entitled:

- “Proposed Amendment to the Town Zoning Map Expanding the Highway Business District in Centerville and Hyannis”
- “Proposed Amendment to the Centerville Zoning Map Expanding the Highway Business District in Centerville and Hyannis”
- “Proposed Amendment to the Hyannis Zoning Map Expanding the Highway Business District in Centerville and Hyannis”
- “Proposed Amendment to the Osterville Zoning Map Expanding the Highway Business District in Centerville and Hyannis.”

all dated October 26, 2018, as prepared by the Town of Barnstable GIS Unit.

Section 2

That Chapter 240, Article III, § 240-26 "Highway Office" of the Zoning Ordinance is hereby deleted.

Section 3

That Chapter 240, Article II, § 240-5 "Establishment of Districts" of the Zoning Ordinance is hereby amended by striking the Office Districts section and the associated “Highway Office District.”

SPONSORS: Zoning & Regulatory Committee members

DATE	ACTION TAKEN
<u>11/01/18</u>	<u>Refer to Joint Public Hearing with the Planning Board on 11/15/18</u>
<u>11/15/18</u>	<u>Opened and Continued to a Joint Public Hearing with the Planning Board 12/06/18</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2019-042

INTRO: 11/01/2018, 11/15/18, 12/06/18

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Town Council Zoning & Regulatory Committee
DATE: November 1, 2018
SUBJECT: Amending Chapter 240, Article III, of the Zoning Ordinances to Expand the Highway Business District

RATIONALE: This proposed amendment to Highway Business District boundaries would expand the commercial zoning in areas along the Route 28 corridor, the West Main Street corridor and around the West End Rotary in the Villages of Centerville and Hyannis. The areas to be rezoned feature preexisting nonconforming uses; zoning district boundaries that do not match parcel boundaries; and/or other locations where infill development potential may exist.

This map amendment is presented concurrently with proposed comprehensive changes to the Highway Business District. This amendment would rezone the entirety of the land area currently zoned HO Highway Office to Highway Business, and thus the HO District is proposed to be repealed with this amendment.

The proposed amendments to the district boundary received a favorable recommendation from the Town Council Zoning and Regulatory Subcommittee members in attendance at the meeting on October 18, 2018 listed as sponsors herein.

STAFF ASSISTANCE: Elizabeth Jenkins, Director of Planning & Development

A. OLD BUSINESS (Public Hearing) (Roll Call)

BARNSTABLE TOWN COUNCIL

ITEM# 2019-052
INTRO: 11/15/18, 12/06/18

2019-052 ALLOCATION OF TAX LEVY FISCAL YEAR 2019 – RESIDENTIAL EXEMPTION

RESOLVED, that the Town Council hereby votes to adopt a Residential Exemption of 20 percent for fiscal year 2019.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>11/15/18</u>	<u>Refer to Public Hearing 12/06/18</u>
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2019-052
INTRO: 11/15/18, 12/06/18

SUMMARY

TO: Town Council
THROUGH: Mark Milne, Finance Director, Edward O'Neil, Director of Assessing
FROM: Mark S. Ells, Town Manager
DATE: November 15, 2018
SUBJECT: Allocation of Tax Levy Fiscal Year 2019– Residential Exemption

BACKGROUND: According to Massachusetts General Law, Chapter 40, Section 56, of the Acts of 1982 and Chapter 79 of the Acts of 1983, the Town Council may adopt a Residential Exemption as part of determining the allocation of the tax levy between residential property owners. This tax levy-shifting tool will not change the overall amount of money that will be raised through property taxes; rather it allows the town to shift a portion of the residential property tax levy between property owners based on statutory criteria. The maximum exemption allowed is 35 percent of the average assessed value of all Class One (or Residential) parcels. This exemption would be applied to residential parcels which are qualified as the principal residence of the taxpayer. Principal residence is a taxpayer's domicile, that is, their fixed place of habitation, permanent home, and legal residence, as used for federal and state income tax purposes. This option shifts property taxes between residential taxpayers only and does not affect the Commercial, Industrial and Personal Property class of taxpayers. The Town Council has voted to adopt a 20% residential exemption for the past 13 fiscal years. If a 20% exemption amount is repeated for the Fiscal Year 2019 tax levy, residential taxpayers whose principal residence is in the Town of Barnstable will receive a tax reduction as long as their property assessment is approximately less than \$1,050,000 and the residential tax rate for all taxpayers will rise to cover the exempted portion of value of the qualified properties. The tax savings these property owners realize will be shifted to all non-resident property owners and residential property owners whose assessments are greater than approximately \$1,050,000. Under this option, property tax savings are greater as the assessed value of the property declines and the percentage exemption adopted increases.

STAFF ASSISTANCE: Mark Milne, Finance Director, Edward O'Neil, Director of Assessing

A. OLD BUSINESS (Public Hearing) (Roll Call)

BARNSTABLE TOWN COUNCIL

ITEM# 2019-053
INTRO: 11/15/18, 12/06/18

2019-053 ALLOCATION OF TAX LEVY FISCAL YEAR 2019 – TAX FACTOR

RESOLVED, that the Town Council hereby votes to classify the Town of Barnstable under the Classification Act at a Factor of 1 (one) for the Fiscal Year 2019

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>11/15/18</u>	<u>Refer to Public Hearing 12/06/18</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2019-053
INTRO: 11/15/18, 12/06/18

SUMMARY

TO: Town Council
THROUGH: Mark Milne, Finance Director; Edward O’Neil, Director of Assessing
FROM: Mark S. Ells, Town Manager
DATE: November 15, 2018
SUBJECT: Allocation of Tax Levy Fiscal Year 2019 – Tax Factor

BACKGROUND: According to Massachusetts General Law, Chapter 40, Section 56, of the Acts of 1982 and Chapter 79 of the Acts of 1983, the Town Council is annually charged with determining the Allocation of Local Property Taxes by the adoption of a Residential Factor. This tax levy-shifting tool will not change the overall amount of money that will be raised through property taxes; rather it allows the town to shift a portion of the tax levy between classes of property. The residential factor commonly referred to as the “Split Tax Rate” allows the Town Council to create separate tax rates; one for residential property owners and a separate one for commercial, industrial and personal property owners, (CIP owners). Under a residential “Factor of 1”, all property owners would pay taxes at the same rate per \$1,000 of valuation. The maximum permissible shift would increase the CIP tax rate by 175%. Since 2007, the Town Council’s policy has been to select a Residential Factor of “1”.

STAFF ASSISTANCE: Mark Milne, Finance Director; Edward O’Neil, Director of Assessing

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

ITEM # 2019-051
INTRO: 10/18/18, 11/01/18

2019-051 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Hyannis Main Street Waterfront Historic District Commission:** Elizabeth Young from an alternate position to a full member to a term expiring 06/30/19; Cecelia Carey, 939 Mary Dunn Road, Hyannis, as an alternate member to a term expiring 06/30/19; **Licensing Authority:** Davis Hirsch, 463 Elliott Road, Centerville, as an associate member to a term expiring 06/30/19; **Old Kings Highway Historic District Commission:** Elizabeth McCarthy, 111 Stonehedge Drive, Barnstable as an alternate member to a term expiring 06/30/21; **Planning Board:** Walter Watson, 25 Bog Berry Lane, Marstons Mills, as a regular member to a term expiring 06/30/19

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2018-054
INTRO: 12/06/18**

2018-054 ACCEPTANCE OF FISCAL YEAR 2019 CULTURAL DISTRICT GRANT IN THE AMOUNT OF \$5,000 FROM THE MASSACHUSETTS CULTURAL COUNCIL'S CULTURAL DISTRICT FOR THE BARNSTABLE VILLAGE CULTURAL DISTRICT

ORDERED: That the Town Council hereby accepts a grant award in the amount of \$5,000 from the Massachusetts Cultural Council's Cultural District Grant Program and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Mark Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2018-054
INTRO: 12/06/2018

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth S. Jenkins, AICP, Planning & Development Director
DATE: December 06, 2018
SUBJECT: Acceptance of a Fiscal Year 2019 Cultural District grant in the amount of \$5,000 from the Massachusetts Cultural Council's Cultural District for the Barnstable Village Cultural District

SUMMARY: The Town of Barnstable, through its Planning & Development Department, has been awarded a \$5,000 grant in support of the Barnstable Village Cultural District from the Massachusetts Cultural Council (MCC) Cultural District grant program. These funds leverage other funds to create, support and promote arts programming in Barnstable.

MCC requires communities with more than one cultural district to propose projects that will take place in all districts. Barnstable has two cultural districts, Barnstable Village Cultural District and the Hyannis HyArts Cultural District. The MCC requires use of these funds to be in line with the goals of the state's Cultural District Initiative, and with the District-specific objectives identified in their year-end annual reports to the MCC.

These grant funds help support costs for graphic design fees, layout and printing of a new historical walking tour map and Millway Beach informational sign. The brochure will have a connection to the Hyannis HyArts Cultural District, showing on the map its proximity to both districts along with driving directions and suggested parking lots. Distribution efforts include maps available in Barnstable Village business and retail outlets as well as in locations in the Hyannis HyArts Cultural District and at both the Greater Hyannis and Cape Cod Chambers of Commerce.

FISCAL IMPACT: No funding match was required for this grant award. No general funds will be expended on this program.

STAFF ASSISTANCE: Melissa Hersh, Arts & Culture Coordinator, Planning & Development Department

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2018-055
INTRO: 12/06/18**

2018-055 ACCEPTANCE OF A FISCAL YEAR 2019 CULTURAL DISTRICT GRANT IN THE AMOUNT OF \$5,000 FROM THE MASSACHUSETTS CULTURAL COUNCIL'S CULTURAL DISTRICT GRANT PROGRAM FOR HYANNIS HYARTS CULTURAL DISTRICT

ORDERED: That the Town Council hereby accepts a Fiscal Year 2019 grant in the amount of \$5,000 from the Massachusetts Cultural Council's Cultural District Grant Program and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Mark Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2018-055
INTRO: 12/06/18

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth S. Jenkins, AICP, Planning & Development Director
DATE: December 06, 2018
SUBJECT: Acceptance of a Fiscal Year 2019 Cultural District grant in the amount of **\$5,000** from the Massachusetts Cultural Council's Cultural District Grant Program for Hyannis HyArts Cultural District

SUMMARY: The Town of Barnstable, through its Planning & Development Department, has been awarded a grant in the amount of \$5,000 to support of the Hyannis HyArts Cultural District from the Massachusetts Cultural Council (MCC) Cultural District grant program. These funds leverage other funds to create, support and promote arts programming in the HyArts Cultural District.

MCC requires communities with more than one cultural district to propose projects that will take place in all districts. Barnstable has two cultural districts, Barnstable Village Cultural District and the Hyannis HyArts Cultural District. The MCC requires use of these funds to be in line with the goals of the state's Cultural District Initiative, and with the District-specific objectives identified in their year-end annual reports to the MCC.

These grant funds help support costs for the colorful lights installed at the Harbor Overlook, laying groundwork for future advanced light projection installations. In addition, funds support 2018 December holiday activities for shanty artists at the Harbor Overlook. The Saturday December dates coincide with cultural district partner activities including the Hyannis Main Street stroll and harbor boat parade. Festivities include an artist market, colorful light projection, free coffee and cookies, craft activities, and holiday themed décor and music. This Saturday event is designed to increase awareness of the new venue; immerse visitors in interactive experiences; emphasize walk-ability of the cultural district; provide year-round opportunities for the creative economy; positive experiences for visitors; and establish new partnerships and collaborations. We anticipate this will foster future collaborations and opportunities to expand the offerings at the Harbor Overlook to other seasons and help establish this venue as a year-round, must visit destination in the heart of the Hyannis HyArts Cultural District.

FISCAL IMPACT: No funding match was required for this grant award. No general funds will be expended on this program.

STAFF ASSISTANCE: Melissa Hersh, Arts & Culture Coordinator, Planning & Development Department

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2019-056
INTRO: 12/06/18**

2019-056 AMENDMENT TO THE ADMINISTRATIVE CODE TO DESIGNATE MEMBERS OF THE INFRASTRUCTURE AND ENERGY COMMISSION AS SPECIAL MUNICIPAL EMPLOYEES AND TO REMOVE FROM THE EXISTING SPECIAL MUNICIPAL EMPLOYEE DESIGNATION CERTAIN MULTIPLE MEMBER BODIES THAT NO LONGER EXIST

ORDERED:that the Council hereby designates the members of the Infrastructure and Energy Committee as special municipal employees for the purposes of the Conflict of Interest Law, Chapter 268A and that the Code of the Town of Barnstable Section 241 Attachment 1 is hereby amended by adding the Infrastructure and Energy Committee to the list of multiple member bodies so designated and by further amending the Code of the Town of Barnstable Section 241 Attachment 1 by deleting the Economic Development Commission, Government Study Committee, Personnel Board, Public Works Commission, Renewable Energy Commission and the Water Pollution Control Board from the list of multiple member bodies so designated.

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

**ITEM # 2019-057
INTRO: 12/06/18**

**2019-057 RESOLVE ON AN EXEMPTION FOR CHERYL POWELL, CHAIR
OF THE HYANNIS MAIN STREET WATER FRONT HISTORIC DISTRICT
COMMISSION OF AN INTEREST UNDER MASSACHUSETTS GENERAL
LAWS, CHAPTER 268A §19, THE CONFLICT OF INTEREST LAW**

RESOLVED: That, pursuant to M.G.L. c 268A §19, the financial interest of Cheryl Powell as a holder of stock in the Verizon Corporation is hereby found not to be so substantial as to interfere with the objective performance of her duties in the best interest of the Town in her role as the chair and a member of the Hyannis Main Street Waterfront Historic District Commission in the particular matters of two hearings scheduled before the Commission wherein Verizon New England Inc. has filed applications seeking a Certificate of Appropriateness and a Certificate of Hardship to allow for the reinforcement of and a 50 ± extension to an existing tower located at 49 Ocean Street, Hyannis, MA.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2019-057
INTRO: 12/06/18

SUMMARY

TO: Town Council President, Eric Steinhilber
DATE: December 6, 2018
SUBJECT: Exemption of Interest for Hyannis Main Street Waterfront Historic District Commission Member and Chair, Cheryl Powell

RATIONALE: Cheryl Powell, Hyannis Main Street Waterfront Historic Commission Member (HHDC) and Chair has submitted the following rationale as the basis for requesting the exemption of interest under G.L. c. 268A s 19:

“I am asking the Town Council to please grant, or not, permission for me to vote and chair the upcoming meeting in January regarding the proposed Verizon Tower extension, or to deny permission due to a possible conflict of interest. I am a stockholder of Verizon, both in a portfolio that I personally manage in the United States, and also in an overseas portfolio held and managed by a United Kingdom Corporation.

At our last HHDC meeting I chose to recuse myself from the Verizon proceedings. In the end, the proceedings were continued, till January, and the attorney officially representing Verizon suggested that I contact the state Ethics Commission regarding a possible conflict of interest, to verify. This was done, and the Ethics Commission noted that I was correct to recuse myself as my stock holdings in Verizon did pose a conflict of interest, also forwarding to me a form to present to the Town Council for exemption, should the Council wish to do so, the rationale being that my interest in Verizon is not so substantial as to interfere with my performing my duty as HHDC Board member and Chair.

In reality, I will probably still recuse myself since the Ethics Commission has confirmed that recusing myself at the past meeting was the correct course of action, according to Section 19, and my voting/chairing that meeting would be deemed as having acted improperly. I also note that this application is hotly contested and may well give rise for an appeal, and I would not wish to be the reason given to launch such an appeal.

It would be far simpler to not request the exemption to set aside the conflict and simply recuse myself. The Town Council may also choose to deny the request due to the conflict confirmed by the State Ethics Commission. However, since it was the attorney officially representing Verizon who suggested that the Ethics Commission be approached, I feel it is reasonable to assume that he is also aware of the procedure to request an exemption from the Town Council, and I would like to avoid any argument that it was irresponsible not to have made the request, being dismissive and not following proper protocol. The request is made for a decision to ensure that there is no blemish on either the Board, or the Council, submitting the request, yet still recusing myself so that there is no possibility to appeal whatever decision is made due to any perceived, and Ethics Commission confirmed, conflict.”

B. NEW BUSINESS (Refer to Public Hearing 12/20/18)

BARNSTABLE TOWN COUNCIL

**ITEM # 2019-058
INTRO: 12/06/18**

2019-058 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$850,000 FOR THE HYANNIS WEST ELEMENTARY SCHOOL ROOF TRUSS SYSTEM

ORDERED: That the sum of **\$850,000** be appropriated for the purpose of funding the implementation of repairs to the Hyannis West Elementary School roof truss system, including costs incidental or related thereto; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$850,000**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

FURTHER ORDERED: That **\$850,000** of the **\$4,236,000** borrowing authorized by Order No. **2016-081** on April 7, 2016 for Barnstable Community Horace Mann Charter Public School Roof and Façade Improvement Project, which is no longer needed for such project, is hereby rescinded.

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 # 2019-058
INTRO: 12/06/18

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Meg Mayo-Brown, Superintendent of Schools, David Kanyock, Director of School Facilities
DATE: December 06, 2018
SUBJECT: Appropriation and Loan Order in the amount of **\$850,000** for repairs of Hyannis West Elementary School roof truss system

RATIONALE: On June 4, 2018 school maintenance observed a downward bowing condition in the Hyannis West Elementary School Cafeteria ceiling. Upon investigation failure was observed in two locations of the roof truss system. The failure was sufficiently alarming to recommend the immediate installation of a temporary support system. The temporary support system was installed by CSI in the cafeteria and kitchen areas, work was undertaken immediately and finished that night.

Engineering review of conditions show the original design is a fairly complex truss system with some member connections severely overloaded when evaluated using conventional norms used by engineers at that time (1963). The overstressed connections may have begun to yield early in the life of the structure and in doing so began shedding load to elements with greater capacity.

Design work has been completed for full repair to the truss system over the cafeteria, kitchen and stage areas and replacement of two trusses with modified steel beams has been completed to verify engineering standards and provide example for project completion.

Professional analysis of the roofing system throughout the remainder of the school has not identified any concerns outside of the cafeteria, kitchen and stage area.

Third party project estimates recommend that funding of **\$850,000** will be required to complete repairs to the impacted areas to include shoring, demo, steel fabrication, and installation and ceiling replacement.

FISCAL IMPACT: Funding for this repair will be provided from a borrowing authorization with a corresponding reduction in the borrowing authorization in the loan previously authorized in Town Council order **2016-081** which was for the Barnstable Community Horace Mann Charter Public School façade and roof improvements. The project came in under budget offering the opportunity to transfer some of the remaining borrowing authorization for these purposes.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of the appropriation and loan order.

STAFF ASSISTANCE: David Kanyock, Director of School Facilities, Mark Milne, Finance Director

B. NEW BUSINESS (Refer to Public Hearing 12/20/18)

BARNSTABLE TOWN COUNCIL

**ITEM NO.: 2018-059
INTRO: 12/06/18**

2018-059 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$571,000 FOR THE MARY DUNN WELL NUMBER 4 REACTIVATION PROJECT

ORDERED: That the sum of **\$571,000** be appropriated for the purpose of reactivation of the Mary Dunn Well No. 4, including the payment of costs incidental or related thereto, and that to meet this appropriation, the Town Treasurer with the approval of the Town Manager, is authorized to borrow \$571,000, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2018-059
INTRO: 12/06/18

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
DATE: December 06, 2018
SUBJECT: Appropriation and Loan Order in the amount of \$571,000 for the Mary Dunn Well Number 4 Reactivation Project

BACKGROUND: In 2015, USEPA-mandated testing of the Hyannis Water System for Contaminants of Emerging Concern (CEC's) identified the presence of perfluorinated compounds and 1,4 Dioxane in the Maher wellfield.

On May 19, 2016, the USEPA announced the *final* Federal Health Advisory for perfluorinated compounds in drinking water. The new advisory level was significantly lower than the provisional level.

As the result of the final USEPA Health Advisory, the use of 3 wells at the Maher wellfield, that exceed the new standard, has been significantly curtailed. The Town has entered into an agreement with the Town of Yarmouth to provide water from their system through an interconnection in the vicinity of the Maher wellfield.

This project was developed during the summer of 2016, in the aftermath of the EPA lowering the PFOS / PFOA health advisory standard. Its purpose is to deal with the reactivation of the Straightway well 1 and the Mary Dunn 4 well to boost water production within a reduced permitting time line. The Straightway well 1 reactivation project is underway on schedule to produce water in the spring of 2019.

ANALYSIS: The Water Supply Division is seeking this funding to add funds to those remaining from the Straightway project. This project is fully designed, permitted and shovel-ready. Given the status, it will provide drinking water years ahead of any new proposed wells and we will be less reliant on Yarmouth water. We have positioned ourselves for low interest funding from the State Revolving fund and possibly principal forgiveness.

The Hyannis Water Board at their regularly scheduled meeting on Tuesday, October 23, 2018, voted unanimously to support this funding request.

FISCAL IMPACT: Funding for this project will be provided from a bond issue via the State Revolving Fund program, if eligible, or a General Obligation Bond. The Fiscal Year 2019 Operating Budget will not be affected by this appropriation. It is anticipated that the initial costs of the annual debt service for this project will occur in the Fiscal Year 2020 Operating Budget. The annual rate study for the water enterprise fund is underway and will take into account the annual debt service expense for the bond and recommend adjustments to the rate structure during the Fiscal Year 2020 rate hearings.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of the appropriation and loan order.

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works and Hans Keijser, Supervisor, Water Supply Division.