



Town of Barnstable
Town Council
James H. Crocker Jr. Hearing Room
367 Main Street, 2nd floor,
Hyannis, MA 02601
Office 508.862.4738 • Fax 508.862.4770
E-mail : council@town.barnstable.ma.us

TOWN COUNCIL MEETING

November 06, 2025

6:00 pm

Councillors:

Craig Tamash
President
Precinct 4

Kris Clark
Vice President
Precinct 11

Gordon Starr
Precinct 1

Dr. Kristin Terkelsen
Precinct 2

Betty Ludtke
Precinct 3

John Crow
Precinct 5

Paul C. Neary
Precinct 6

Seth Burdick
Precinct 7

Jeffrey Mendes
Precinct 8

Charles Bloom
Precinct 9

Matthew P. Levesque
Precinct 10

Paula Schnepf
Precinct 12

Felicia Penn
Precinct 13

Administrator:
Cynthia A. Lovell
Cynthia.lovell@town.barnstable.ma.us

The November 06, 2025 Meeting of the Barnstable Town Council shall be conducted in person at 367 Main Street 2nd Floor James H. Crocker Jr. Hearing Room, Hyannis, MA. The public may attend in person or participate remotely in Public Comment or during a Public Hearing via the Zoom link listed below.

1. The meeting will be televised live via Xfinity Channel 8 or 1070 or High-Definition Channel 1072 or may be accessed via the Government Access Channel live stream on the Town of Barnstable's website:

<http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Written Comments that will be distributed to the entire Town Council may be submitted to:

<https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/Town Council/Agenda-Comment.asp>

3. Remote Participation: The public may participate in Public Comment or Public Hearings by utilizing the Zoom video link or telephone number and access meeting code:

Join Zoom Meeting <https://townofbarnstable-us.zoom.us/j/88270146243> Meeting ID: 882 7014 6243
US Toll-free • 888 475 4499

PUBLIC SESSION

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. TOWN MANAGER COMMUNICATIONS (Pre-Recorded and available on Video on Demand on the Town website)

7. MINUTES

- ACT ON PUBLIC SESSION MINUTES: October 23, 2025

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

- Sandy Neck Board - Tom O'Neill, Chair
- Community Preservation Committee - Lindsey Counsell, Chair
- Barnstable Municipal Water Supply Board - Samuel Wilson, Chair

9. ORDERS OF THE DAY

- A. Old Business
- B. New Business

10. ADJOURNMENT

NEXT REGULAR MEETING: November 20, 2025

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2026-042	Appropriation Order in the amount of \$300,000 for the installation of fourteen (14) Rectangular Rapid Flashing Beacons (RRFBs) and the acceptance of an equipment grant having an estimated value of approximately \$300,000 from the Commonwealth of Massachusetts Department of Transportation (MassDOT) for fourteen (14) RRFBs (Public Hearing) (Roll Call Majority Vote Full Council)	3-4
2026-043	Appropriation Order in the amount of \$307,500 in Community Preservation Funds for the purpose of the Town acquiring a Conservation Restriction on a 25.74± acre retired cranberry bog located at 301 Parker Road in West Barnstable (Public Hearing) (Roll Call Majority Vote Full Council)	5-6
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2026-056	Order accepting the provisions of Section 17C of Chapter 90 of the Massachusetts General Laws (First Reading) (Refer to Second Reading 11/20/2025)	58-63

Please Note: The lists of matters are those reasonably anticipated by the Council President which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the extent permitted by law. It is possible that if it votes, the Council may go into executive session. The Council may also act on items in an order other than as 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, it may be continued to a future meeting, and with proper notice.

A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2026-042
INTRO: 10/23/2025, 11/06/2025

2026-042 APPROPRIATION ORDER IN THE AMOUNT OF \$300,000 FOR THE INSTALLATION OF RECTANGULAR RAPID FLASHING BEACONS (RRFBs) AND THE CONSTRUCTION OF ASSOCIATED CURB RAMPS AND AUTHORIZATION TO ACCEPT A FISCAL YEAR 2026 EQUIPMENT GRANT IN THE AMOUNT OF \$300,000 FROM THE COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF TRANSPORTATION FOR FOURTEEN (14) RRFBs

ORDERED: That the amount of **\$300,000** be appropriated from the General Fund Reserves for the purpose of funding the installation of fourteen (14) Rectangular Rapid Flashing Beacons (RRFBs) and the construction of associated curb ramps to comply with federal and state accessibility requirements and guidelines, and that the Town Manager is authorized to accept a Fiscal Year 2026 equipment grant for fourteen (14) RRFBs with an estimated value of **\$300,000** from the Commonwealth of Massachusetts, Department of Transportation.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>10/23/2025</u>	<u>Refer to Public Hearing 11/06/2025</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2026-042
INTRO: 10/23/2025, 11/06/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director, Department of Public Works
DATE: October 14, 2025
SUBJECT: Appropriation Order in the amount of **\$300,000** for the installation of fourteen (14) Rectangular Rapid Flashing Beacons (RRFBs) and the acceptance of an equipment grant having an estimated value of approximately **\$300,000** from the Commonwealth of Massachusetts Department of Transportation (MassDOT) for fourteen (14) RRFBs

BACKGROUND: MassDOT has offered the Town of Barnstable an equipment grant having an estimated value of \$300,000, in which MassDOT will supply and deliver rectangular rapid flashing beacons (RRFBs) for 14 locations in Town where traffic studies determined beacons are warranted. The Town will be responsible for installing the beacons and improving curb ramps; this work is estimated to cost the Town approximately \$300,000.

ANALYSIS: MassDOT and its consultant, Bowman, reviewed locations in the Town of Barnstable and determined that RRFBs are warranted at 14 locations in Town not already served by flashing beacons. These beacons are typically push-button activated. When a pedestrian presses the push button, a voice message provides instructions (“wait” and “yellow lights are flashing”), and flashing yellow strobes are activated for a period of time (typically about 20 to 30 seconds) to provide extra conspicuity for pedestrians and additional alert for drivers. We have a number of existing RRFBs in Town, which have been generally well received by members of the public.

FISCAL IMPACT: As noted above, the cost to the Town for installation is estimated to be approximately \$300,000, which will be offset by equipment delivered by MassDOT having an estimated value of approximately \$300,000. Funding will be provided from the General Fund reserves which were certified as of July 1, 2025 at \$36.2 million. The impact to the operating budget is de minimis and can be absorbed within the Department of Public Works’ current operating budget.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, supports this item.

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2026-043
INTRO: 10/23/2025, 11/06/2025

2026-043 APPROPRIATION ORDER IN THE AMOUNT OF \$307,500 IN COMMUNITY PRESERVATION FUNDS FOR THE PURPOSE OF THE TOWN ACQUIRING A CONSERVATION RESTRICTION ON A 25.74± ACRE RETIRED CRANBERRY BOG LOCATED AT 301 PARKER ROAD IN WEST BARNSTABLE

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G. L. c. 44B, the amount of Three Hundred Seven Thousand and Five Hundred Dollars (**\$307,500**) be appropriated first from the amount set-aside for Open Space and Recreation within the Community Preservation Fund and secondly from the Community Preservation Undesignated Fund for the purpose of the Town, acting by and through its Town Manager, acquiring a perpetual Conservation Restriction (CR) from Barnstable Land Trust, Inc. on a 25.74± acre retired cranberry bog located at 301 Parker Road, West Barnstable, shown as Assessors Map 176, Parcel 019, for open space, conservation and passive recreation purposes pursuant to G.L. c. 184, sections 31-32. The Town Council authorizes the Town Manager to negotiate the terms of the CR subject to minor changes to be made by the Secretary of Energy and Environmental Affairs. It is further ordered that the Town Manager is authorized to expend the amount appropriated on behalf of the Town for the acquisition of the CR, subject to oversight by the Community Preservation Committee, and to negotiate, accept, approve, execute, receive, deliver and record any written instruments to effectuate this Order and complete this transaction.

SPONSOR: Mark S. Ells, Town Manager, upon recommendation of the Community Preservation Committee.

DATE	ACTION TAKEN
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<u>10/23/2025</u>	<u>Refer to Public Hearing 11/06/2025</u>
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_____	_____
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|-------|-------------------------------|
| _____ | Read Item |
| _____ | Motion to Open Public Hearing |
| _____ | Rationale |
| _____ | Public Hearing |
| _____ | Close Public Hearing |
| _____ | Council Discussion |
| _____ | Vote |

BARNSTABLE TOWN COUNCIL

ITEM# 2026-043

INTRO: 10/23/2025, 11/06/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lindsey Counsell, Chair, Community Preservation Committee on Behalf of Community Preservation Committee
DATE: October 7, 2025
SUBJECT: Appropriation Order in the amount of **\$307,500** in Community Preservation Funds for the purpose of the Town acquiring a Conservation Restriction on a 25.74± acre retired cranberry bog located at 301 Parker Road in West Barnstable

BACKGROUND: At the September 16, 2025, Community Preservation Committee meeting, the six members present voted unanimously to recommend to the Town Council, through the Town Manager, Barnstable Land Trust Inc.'s (BLT) application for \$307,500 in Open Space/Recreation Community Preservation Funds to preserve, under a CR to be held by the Town, an ecologically important retired cranberry bog property. The property consists of 25.74± acres within the Great Marsh and Barnstable Harbor watershed, is located at 301 Parker Road in West Barnstable, and is shown as Assessors Map 176, Parcel 019. BLT's total purchase price of the property is \$615,000 with the Town providing \$307,500 at BLT's closing on the property for the Town's purchase of the CR. Under the CR that will be granted to the Town, the property will be preserved in perpetuity for open space, conservation and passive recreation purposes, including public access. The CR will allow BLT to fund and undertake restoration activities in the retired cranberry bog, subject to BLT having secured all required permits and the Town's reasonable approval.

ANALYSIS: The appraised value of the CR on this property is \$480,000 making the acquisition for \$307,500 cost-effective. Permanently protecting this key parcel will connect two extensive open space areas: Spruce Pond Conservation area and Bridge Creek Conservation area. Existing bog paths will provide excellent opportunities for passive recreation and enjoyment of panoramic scenic vistas.

FISCAL IMPACT: This appropriation has no impact on the General Fund since the entire amount would be appropriated from the Community Preservation Fund.

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

STAFF ASSISTANCE: Mark A. Milne, Director of Finance; Thomas J. LaRosa, First Assistant Town Attorney

VOLUNTEER ASSISTANCE: Lindsey Counsell, Chair, Community Preservation Committee

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

BARNSTABLE TOWN COUNCIL

ITEM# 2026-046
INTRO: 10/23/2025, 11/06/2025

**2026-046 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I
GENERAL ORDINANCES, CHAPTER 48 STRETCH ENERGY CODE, TO
CHANGE THE EFFECTIVE DATE**

ORDERED: That the Code of the Town of Barnstable, Part I General Ordinances, Chapter 48 Stretch Energy Code, as approved by the Town Council through Item No, 2026-014 on October 9, 2025, is hereby amended by deleting in § 48-4 the effective date of “January 1, 2026” and inserting in its place a new effective date of “July 1, 2026”.

SPONSOR: Councilor Gordon Starr, Precinct 1

DATE	ACTION TAKEN
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<u>10/23/2025</u>	<u>Refer to Public Hearing 11/06/2025</u>
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_____	_____
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_____	Read Item
_____	Motion to Open Public Hearing
_____	Rationale
_____	Public Hearing
_____	Close Public Hearing
_____	Council Discussion
_____	Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2026-046

INTRO: 10/23/2025, 11/06/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
DATE: October 23, 2025
SUBJECT: Amending the Code of the Town Of Barnstable, Part I General Ordinances, Chapter 48 Stretch Energy Code, to Change the Effective Date

BACKGROUND: At the Town Council meeting of October 9, 2026, the Town Council voted to adopt the Stretch Energy Code effective January 1, 2026. This amendment would change the effective date to July 1, 2026. Extending the effective date would enable the Town Manager to consider staffing needs and submit any needed funding requests to the Town Council. Moreover, because the Stretch Energy Code is new to Town inspectional and administrative staff, additional time is needed to ensure that staff are provided with training on code requirements, process and documentation. Such training will likely require several sessions and will need to come from outside sources. In addition, contractors will need time to adjust to the new Stretch Energy Code and get up to speed on code requirements, process and documentation. A delayed start date would be beneficial to those contractors, some of whom have voiced concerns about a January effective date.

FISCAL IMPACT: Funding for the training may need to be provided by a supplemental appropriation in FY26. Once the staffing needs are considered, future operating budgets should include any new staffing needs to effectively implement this Code, and a funding source will need to be identified. The Inspectional Services Department plans to bring forward fee adjustments in the near future which may include the necessary adjustments to provide the resources to fund the staffing needs to administer this Code.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this item.

A. OLD BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2026-047
INTRO: 10/23/2025, 11/06/2025

2026-047 ORDER AUTHORIZING THE GRANT OF AN EASEMENT TO THE WIANNO CLUB FOR PRIVATE SEWER LINES AND THE GRANT OF AN EASEMENT TO NSTAR ELECTRIC COMPANY FOR RELATED ELECTRIC SERVICE WITHIN CERTAIN TOWN PUBLIC WAYS IN OSTERVILLE

ORDERED: That the Town Council hereby authorizes the Town Manager, on behalf of the Town, for nominal monetary consideration, to grant a nonexclusive easement to the Wianno Club for the installation and use of subsurface, privately owned sewer pipes and an easement to NSTAR Electric Company for an underground electric line within the Town public ways of Sea View Avenue, Webster Street and Washington Avenue in Osterville as shown on a 5-sheet plan prepared by Sullivan Engineering & Consulting, Inc. and E.A.S. Survey, Inc., dated September 16, 2025, and attached hereto. The Town Manager is authorized to establish easement conditions, grant, accept, sign, deliver and record any documents, and may make or require minor modifications to the easement areas and the plans, as necessary to effectuate this Order and complete this transaction. The final easement granted to the Wianno Club shall require that the Wianno Club indemnify the Town for any injury, loss or expenses, including due to the release of oil, hazardous materials or sewage, arising from or in connection with Wianno Club's use and occupation of the easement areas; and shall further require that the Wianno Club shall secure a written Trench Permit from the Department of Public Works, and any other required permits or approvals, prior to occupying or opening the public way under the easement.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
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<u>10/23/2028</u>	<u>First Reading</u>
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_____	_____
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___ Read Item
___ Rationale
___ Council Discussion
___ Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2026-047
INTRO: 10/23/2025, 11/06/2025

SUMMARY

TO: Town Council
FROM: Thomas J. LaRosa, First Assistant Town Attorney
THROUGH: Mark S. Ells, Town Manager
DATE: October 23, 2025
SUBJECT: Order authorizing the grant of an easement to the Wianno Club for private sewer lines and the grant of an easement to NSTAR Electric Company for related electric service within certain town public ways in Osterville

BACKGROUND: The Wianno Club contacted the Department of Public Works (DPW) and the Town Attorney's Office regarding their need to upgrade their wastewater disposal systems. The Wianno Club informed the Town that, pursuant to an Administrative Consent Order with the state Department of Environmental Protection (MassDEP), they need to discontinue their existing septic systems and construct wastewater treatment and disposal facilities serving all Club properties exclusive of the golf course properties.

Several Town public ways separate the involved Club properties from the property on which they plan to build their new wastewater treatment plant. With that, the Club seeks rights to install sewer lines laterally across these roadways to reach the treatment facility. The Town cannot issue a grant of location to the Wianno Club since it is a private property owner and not a public utility. Instead, under the authority of this vote, the Town would issue an easement to the Club for the subsurface sewer lines. The vote also addresses that NSTAR Electric Company (d/b/a Eversource Energy) would need rights for an underground electric line to serve the Club's new wastewater treatment plant. The attached memorandum from the Club's consultant, Stantec Consulting Services, provides further background on the request. The Town has worked with the Wianno Club to minimize their proposed use of Town public ways.

Due to the requirements of MassDEP and the environmental benefits that would be achieved through upgrading from various septic systems to a wastewater treatment facility, the Town proposes to authorize the easement for nominal monetary consideration. The Club's properties are not identified in the Town's state-approved Comprehensive Wastewater Management Plan as scheduled to receive Town sewer service. As such, the above-referenced upgrades will be the Wianno Club's long-term wastewater solution.

The vote would authorize the Town Manager to finalize the easement. The Club is making some final edits to the plans, as recommended by the Town Surveyor. Accordingly, the vote would authorize the Town Manager to make or require edits to the plans. The vote also would require the Wianno Club to indemnify the Town for any injury or loss in connection with their use and occupation under the easement, as well as to secure a Trench Permit from DPW prior to occupying or opening the public way.

FINANCIAL IMPACT: The Town would receive nominal monetary consideration (\$1.00) for granting the easement.

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

STAFF ASSISTANCE: Thomas J. LaRosa, First Assistant Town Attorney; Griffin Beaudoin, P.E., Town Engineer; Shane Brenner, Town Surveyor



Stantec Consulting Services Inc.
146 Main Street, Hyannis MA 02601-3128

August 28, 2025

Barnstable Town Council
367 Main Street
Hyannis, MA 02601

Attention: Cynthia A. Lovell, Administrator to the Town Council

Reference: Wianno Club, 107 Sea View Avenue, Osterville MA - Sewer and Electric Easements

Dear Council Members:

Attached please find copies of five (5) easement sketch plans to allow for the construction, operation and maintenance of sewer lines and underground electric services within Town of Barnstable Public Roadways as required to service the wastewater treatment and disposal facilities currently being constructed pursuant to an Administrative Consent Order issued by the Massachusetts Department of Environmental Protection.

The Wianno Club is located in Osterville, Massachusetts and includes the main campus sited along Sea View Avenue and Washington Avenue and the golf course located along Parker Road. The main campus consists of the following five parcels identified on the Town of Barnstable Assessor's Maps that are separated by Sea View Avenue, Webster Street and Washington Avenue:

- Parcel #162024 (located south of Sea View Avenue) consisting of the clubhouse at 107 Sea View Avenue, the Tiffany House at 71 Sea View Avenue and the Beach Cottages at 61 Sea View Avenue (total area of 4.23 acres).
- Parcel #162017 (located north of Sea View Avenue, east of Webster Street and south of Washington Avenue) consisting of four buildings referred to as The Stables dormitory at 70 Sea View Avenue (total area of 1.21 acres).
- Parcel #162019 (located north of Sea View Avenue, west of Webster Street and south of Washington Avenue) consisting of three buildings referred to as the Putting Green Cottages at 100, 102 and 114 Sea View Avenue and The Wayside dormitory at 130 Sea View Avenue (total area of 2.67 acres).
- Parcel #162001 (located north of Washington Avenue) consisting of the Tennis building and two Junior Activities buildings at 82 Warren Street (total area of 8.75 acres)
- Parcel #139077 is a vacant parcel at 17 East Avenue (total area of 0.45 acre)

Requirement for Wastewater Treatment Plant

The Massachusetts Department of Environmental Protection (MassDEP) determined that pursuant to 310 CMR 15.000, the main campus buildings are considered to be sited on contiguous properties and are therefore regulated as a single facility. The determination to aggregate the flows was made despite the Wianno Club properties being separated by public roadways (Sea

Design with community in mind



August 28, 2025

Barnstable Town Council
Attention: Cynthia A. Lovell
Page 2 of 3

Reference: Wianno Club, 107 Sea View Avenue, Osterville MA - Sewer and Electric Easements

View Avenue, Webster Street and Washington Avenue). Since the Wianno Club facility has a combined sewage design flow in excess of 15,000 gallons per day, the MassDEP determined that the existing septic systems were non-conforming and required the Wianno Club to construct wastewater treatment and disposal facilities serving the entire site (exclusive of the golf course properties).

On August 31, 2020, the MassDEP and the Wianno Club executed an Administrative Consent Order (ACO, Enforcement Document No. 00009081 executed August 31, 2020) that outlined the requirements for the treatment facility and set compliance dates. Hydrogeologic Investigations and design plans have been approved, and the Groundwater Discharge Permit Number 1014-0 has been issued. The wastewater plans include construction of a 46,000 gpd wastewater treatment plant on Parcel 162001 located north of Washington Avenue and construction of a series of effluent disposal facilities on Parcel 162019 located north of Sea View Avenue, west of Webster Street and south of Washington Avenue. The separation of the facilities by public roadways requires the following easements for sewer main and electric service crossings:

1. Sewer Easement to cross Washington Avenue with an 8" diameter gravity sewer main and two (2) 4" diameter effluent force mains to connect the Wianno Club buildings (south of Washington Avenue) to the wastewater treatment plant site (north of Washington Avenue) and to connect the wastewater treatment plant to the effluent disposal facilities (south of Washington Avenue).
2. Sewer Easement to cross Webster Street with an 8" diameter gravity sewer main to connect the Putting Green Cottages and the Wayside Dormitory (west of Webster Street) to the sewage collection system (east of Webster Street) and with two (2) 4" diameter effluent force mains to connect the wastewater treatment plant to the effluent disposal facilities (west of Webster Street).
3. Sewer Easement to cross Sea View Avenue with an 8" diameter gravity sewer main to connect the clubhouse, Tiffany House and Beach Cottages (south of Sea View Avenue) to the sewer main located north of Sea View Avenue. The existing sewage force main that crosses Sea View Avenue to connect the clubhouse to the existing effluent disposal system will be abandoned.
4. Sewer Easement to cross Washington Avenue with a 3" diameter sewage force main to connect the Tennis building and two Junior Activities buildings (north of Washington Avenue) to the Putting Green Cottages sewer main (south of Washington Avenue).
5. An electric easement for NSTAR Electric Company d/b/a Eversource Energy to cross Washington Avenue and supply the wastewater treatment plant with a new three-phase underground electric service. An easement has been granted by the Wianno Club to NSTAR Electric Company d/b/a Eversource Energy for extending the underground three phase electric service across Wianno Club property

Design with community in mind



August 28, 2025

Barnstable Town Council
Attention: Cynthia A. Lovell
Page 3 of 3

Reference: Wianno Club, 107 Sea View Avenue, Osterville MA - Sewer and Electric Easements

from Sea View Avenue to the new transformer installed north of Washington Street at the wastewater treatment plant building site.

At the suggestion of the Town Engineer, the sewage collection system that was originally designed within Webster Street and Washington Avenue has been relocated to Wianno Club property limiting the sewer work within the public way to only the four required crossings. Additionally, as part of the permitting process for the wastewater collection, treatment and disposal facilities, submittals have been made to the Health Department (GWDP Application and establishment of an Escrow account pursuant to the ACO to be used for construction of the wastewater treatment plant), the Conservation Commission (Order of Conditions #SE3-6198), and the Barnstable Building Commissioner (Zoning Compliance and wastewater treatment plant Building Permit for Accessory Use Structure).

We look forward to discussing these easements with you and request that we be added to the next available Council meeting.

Regards,

STANTEC CONSULTING SERVICES INC.

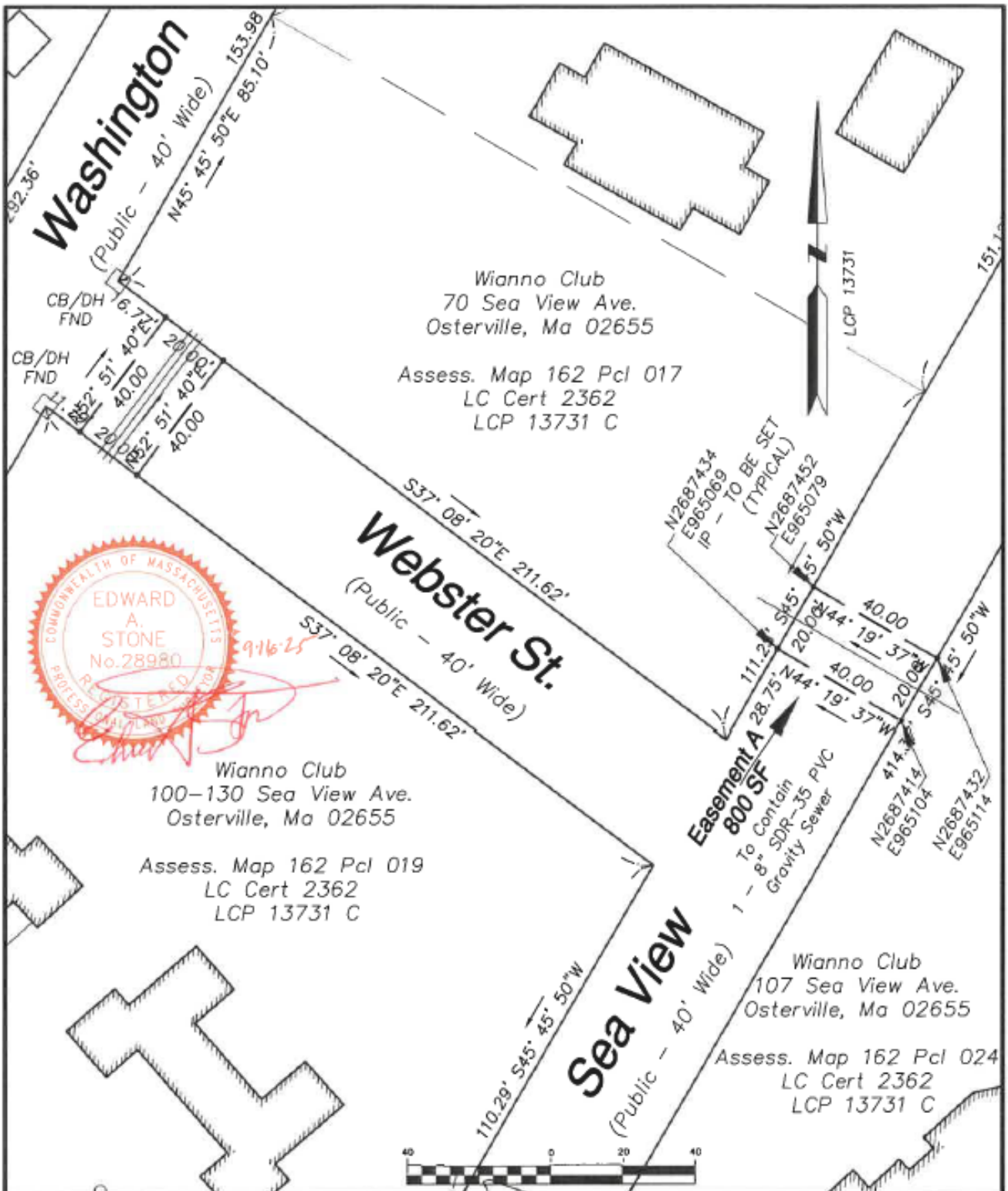
Kevin P. Klein, P.E.
Senior Associate
Phone: 508-591-4330
Kevin.klein@stantec.com

cc: Mark Krebs, Wianno Club
Michael Leon, Nutter, McClennen & Fish, LLP
Griffin Beaudoin, Town Engineer, Town of Barnstable DPW
Tom LaRosa, Assistant Town Attorney, Town of Barnstable

Attachments:

Plan titled "Wianno Club, "The Stables" Dorms" with easements highlighted, revised 8-21-2025
Sewer Easement Plans, 8.5"x11", dated 8-28-2025 (4 total)
Electric Easement Plan, 8.5"x11", dated 8-28-2025 (1 total)

Design with community in mind



TITLE: **Easement Sketch Plan - A**
At
70-130 Sea View Ave.
& 82 Warren Street
Barnstable (Osterville) Mass.

DATE: September 16, 2025 SCALE: 1" = 20'

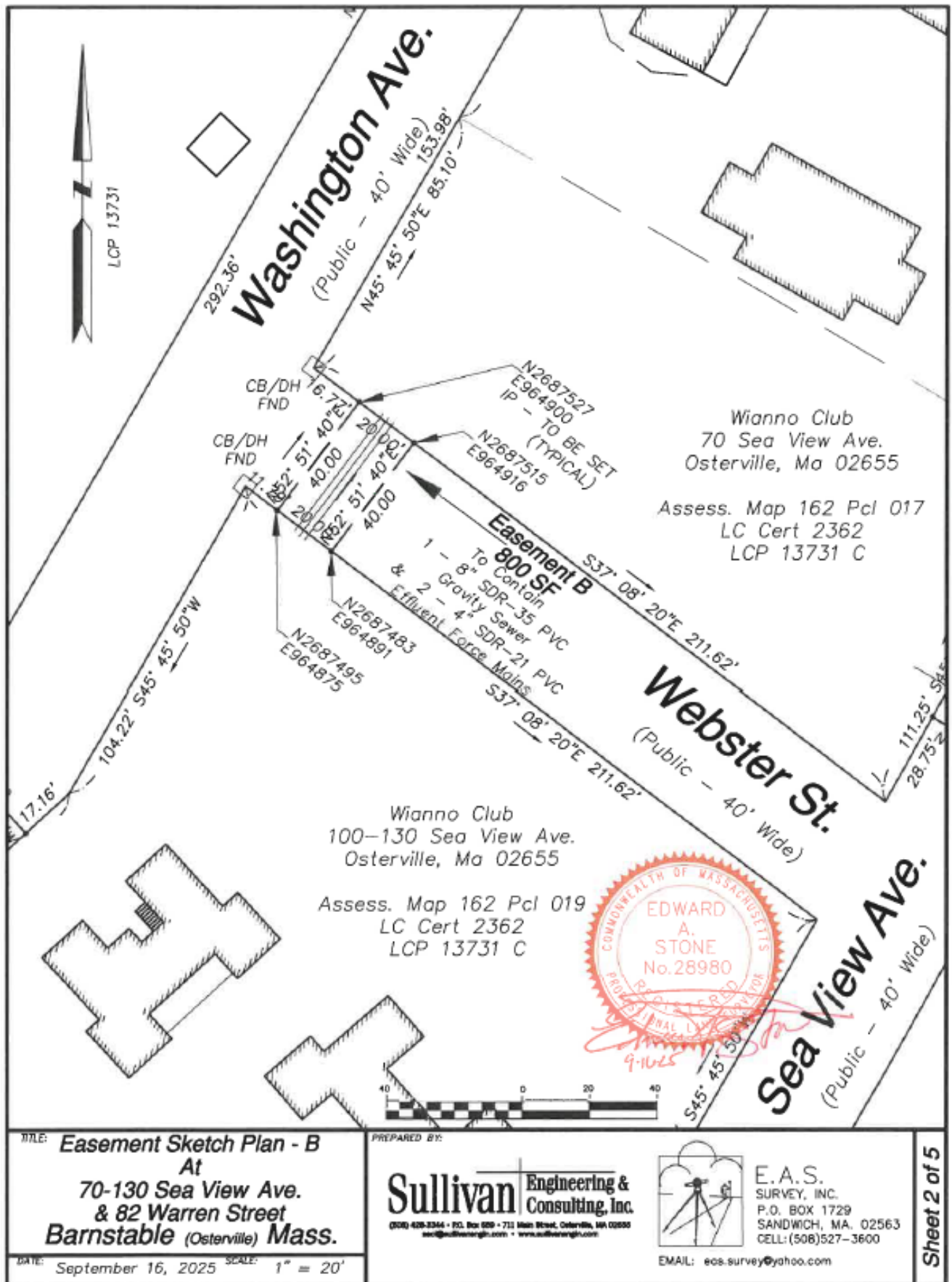
PREPARED BY:

Sullivan Engineering & Consulting, Inc.
(508) 426-3344 • P.O. Box 909 • 711 Main Street, Osterville, MA 02655
 esd@sullivanengr.com • www.sullivanengr.com



E.A.S.
SURVEY, INC.
P.O. BOX 1729
SANDWICH, MA. 02563
CELL: (508) 527-3600
EMAIL: eas.survey@yahoo.com

Sheet 1 of 5



TITLE: Easement Sketch Plan - B
At
70-130 Sea View Ave.
& 82 Warren Street
Barnstable (Osterville) Mass.

DATE: September 16, 2025 **SCALE:** 1" = 20'

PREPARED BY:

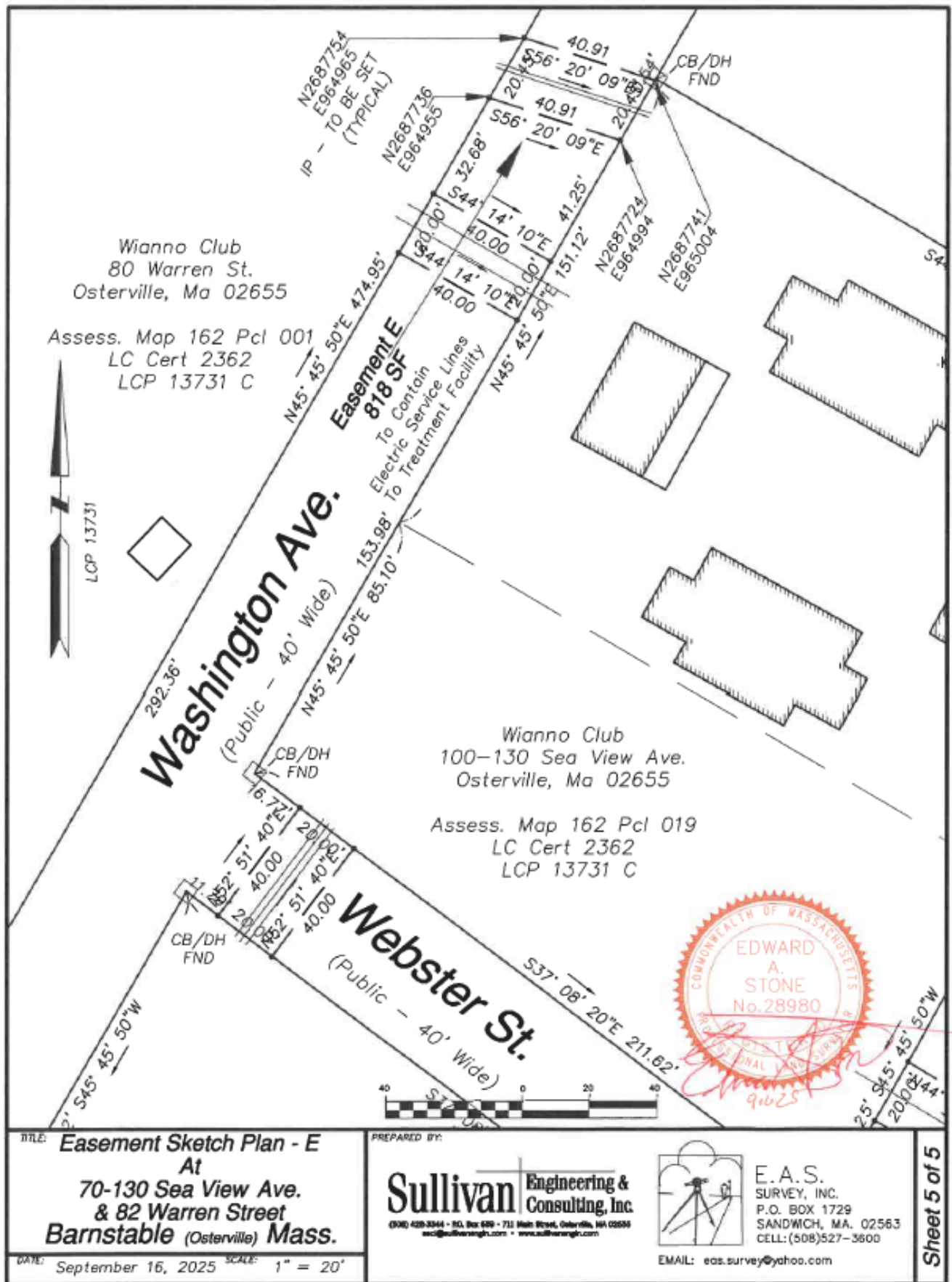
Sullivan Engineering & Consulting, Inc.
400 426-3344 • P.O. Box 889 • 711 Main Street, Osterville, MA 02655
sac@sullivaneng.com • www.sullivaneng.com



E.A.S. SURVEY, INC.
P.O. BOX 1729
SANDWICH, MA. 02563
CELL: (508) 527-3600

EMAIL: eas.survey@yahoo.com

Sheet 2 of 5



A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2026-048
INTRO: 10/23/2025, 11/06/2025

2026-048 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$704,155 FOR THE OSTERVILLE PLAYGROUND PROJECT LOCATED AT 93 WEST BAY ROAD IN OSTERVILLE

ORDERED: That the amount of Seven Hundred and Four Thousand One Hundred Fifty-Five Dollars (\$704,155) be appropriated and transferred for the purpose of funding the Osterville Playground Project located at 93 West Bay Road in Osterville, and to fund this appropriation, that pursuant to the provisions of the Community Preservation Act, G.L. c. 44B, the amount of \$400,000 be appropriated first from the amount set-aside for Open Space and Recreation within the Community Preservation Fund and secondly from the Undesignated Reserve in the Community Preservation Fund, and that \$292,168 be transferred from the remaining balance in Town Council Order 2017-086 and that \$11,987 be transferred from the remaining balance in Town Council Order 2019-146; and that the Town Manager is authorized to expend the appropriation made available for this purpose, with the expenditure of the involved Community Preservation Funds subject to oversight by the Community Preservation Committee.

SPONSOR: Mark S. Ells, Town Manager, upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
<u>10/23/2025</u>	<u>Refer to Public Hearing 11/06/2025</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2026-048

INTRO: 10/23/2025, 11/06/2025

SUMMARY

TO: Town Council
FROM: Mark Ells, Town Manager
THROUGH: Lindsey Counsell, Chair, Community Preservation Committee
DATE: October 23, 2025
SUBJECT: Appropriation and Transfer Order in the amount of **\$704,155** for the Osterville Playground project located at 93 West Bay Road in Osterville

BACKGROUND: At the September 15, 2025 Community Preservation Committee meeting, the six committee members present voted unanimously to recommend to the Town Council, through the Town Manager, the Department of Public Work's application for \$400,000 in Open Space/Recreation Community Preservation Funds to cover the full projected cost of the Osterville Playground Project. At its April 27, 2023 meeting, under Item No. 2023-147, the Town Council appropriated \$1,362,962 in initial funding for the new Osterville Playground, with \$904,072 provided from the amount set aside for Open Space and Recreation within the Community Preservation Fund, \$95,683 provided from the Undesignated Funds within the Community Preservation Fund, and \$363,207 provided from the General Fund Reserves. The project was subsequently advanced through the design phase with input from the community, which was facilitated by the steering group overseeing design development. The playground equipment has been selected, and construction documents are currently being prepared for the bidding process. Based on recent cost estimates, the project is projected to exceed the original budget, and \$704,155 of additional funding is requested, with \$400,000 coming from Community Preservation Funds and \$304,155 from balances remaining in previous appropriations that have been completed.

ANALYSIS: The playground replaces an outdated one removed years ago. The design was developed in partnership with the local Civic Association and the citizens of Osterville and will provide equal access to all residents.

FISCAL IMPACT: This appropriation has no impact on the General Fund since the entire amount is appropriated from the Community Preservation Fund and transferred from existing appropriations. Future maintenance of the playground will be the responsibility of the Department of Public Works, which can be absorbed within existing budget.

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

STAFF ASSISTANCE: Mark A. Milne, Director of Finance

VOLUNTEER STAFF ASSISTANCE: Lindsey Counsell, Chair, Community Preservation Committee

A. OLD BUSINESS (Public Hearing) (Roll Call Majority Vote Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2026-049
INTRO: 10/23/2025, 11/06/2025

2026-049 APPROPRIATION ORDER IN THE AMOUNT OF \$94,966 FOR THE PURPOSE OF FUNDING THE COSTS ASSOCIATED WITH HIRING 7 NEW PATROL OFFICERS IN THE BARNSTABLE POLICE DEPARTMENT

ORDERED: That the amount of **\$94,966** be appropriated from the General Fund reserves and added to the FY26 Police Department Budget for the purpose of funding the costs related to hiring 7 new police officers, including testing, training, uniforms, ammunition and equipment.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>10/23/2025</u>	<u>Refer to Public Hearing 11/06/2025</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2026-049
INTRO: 10/23/2025, 11/06/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
DATE: October 23, 2025
SUBJECT: Appropriation order in the amount of **\$94,966** for the purpose of funding the costs associated with hiring 7 new patrol officers in the Barnstable Police Department

BACKGROUND: 3 patrol officer recruits will be starting at the Plymouth Police Academy on October 20, 2025 and 2 patrol officer recruits will be starting the Cape Cod Academy on December 1, 2025. Additionally, the Department has just hired 2 patrol officers with prior experience from other police departments who are already academy-trained. At the time of the preparation and finalization of the Fiscal Year 2026 budget, the Police Department did not have confirmation on the number of vacancies that could be filled nor knowledge of the availability of police academy seats. The costs associated with the hiring of 7 police officers to fill current vacancies and to complete the hiring process (medical & psychological) requires a supplemental appropriation to the Police Department's Fiscal Year 2026 budget as follows:

Academy Bound New Hires

Training (5)	\$ 16,000
Uniform(5)	\$ 18,369
Equipment (5)	\$ 17,942
Ammunition (5)	\$ 7,327
Firearm (5)	\$ 4,945

Academy Trained New Hires

Uniforms (2)	\$ 5,708
Equipment (2)	\$ 5,924
Ammunition (2)	\$ 673

Medical & Psychological Assessments

Medical for Recruits (5)	\$ 5,470
Medical for 2 Transfers	\$ 2,188
Medical for 5 - No Hire	\$ 5,470
Psych Assessments (9)	\$ 4,950

Other Equipment Previously Purchased for New Hires (Not Needed to be Purchased)

Radios
ProBook's

TOTAL Fiscal Year 2026 Supplemental Budget Request – New Hires \$ 94,966

ANALYSIS: This supplemental appropriation request totals \$94,966 and is comprised of several parts: 1) pre-employment requirements including medical exams and psychological assessments; 2) academy tuition for recruits; 3) ammunition 4) equipment; and 5) uniform. The items listed above will need to be funded in Fiscal Year 2026 in order to complete the hiring components required by the Plymouth Police Academy and the Cape Cod Police Academy. The academy-bound recruits require more uniforms, equipment and ammunition resulting in a slightly higher cost per recruit than the trained recruits.

FISCAL IMPACT: The funding provided by this request will not be included in the Police Department's base operating budget going forward. This is a one-time request associated with the hiring of this specific round of candidates. The General Fund Reserves will be used to fund these costs, which were recently certified at \$36.2 million.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this supplemental appropriation request.

STAFF ASSISTANCE: Jean B. Challies, Chief of Police; Anne E. Spillane, Finance & Support Services Director, Barnstable Police Department

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

BARNSTABLE TOWN COUNCIL

ITEM# 2026-050
INTRO: 10/23/2025, 11/06/2025

2026-050 ALLOCATION OF TAX LEVY FISCAL YEAR 2026 – TAX FACTOR

RESOLVED: That the Town Council hereby votes to classify the Town of Barnstable under M.G.L. c. 40, § 56 at a Residential Factor of 1 (one) for the Fiscal Year 2026.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

____ Read Item
____ Motion to Open Public Hearing
____ Rationale
____ Public Hearing
____ Close Public Hearing
____ Council Discussion
____ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2026-050
INTRO: 10/23/2025, 11/06/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Mark A. Milne, Finance Director
DATE: October 16, 2025
SUBJECT: Allocation of Tax Levy Fiscal Year 2026 – Tax Factor

BACKGROUND: Under Massachusetts General Laws, c. 40, § 56, the Town Council is annually charged with determining the Allocation of Local Property Taxes by the adoption of a Minimum Residential Factor. This tax levy-shifting tool will not change the overall amount of the tax levy to be raised in Fiscal Year 2026; 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 (CIP) owners. Under a Residential Factor of 1, all property owners would pay taxes at the same rate per \$1,000 of valuation. For Fiscal Year 2026 the single tax rate is \$5.96 (tax levy of \$156,203,458 divided by total valuation of \$26,208,414,825 x \$1,000). The maximum permissible shift would increase the CIP tax rate by 150%, which would result in a CIP tax rate of \$8.95. Since 2007, the Town Council’s policy has been to select a Residential Factor of 1.

ANALYSIS: The Minimum Residential Factor is used to make sure the shift of the tax burden complies with the law (M.G.L. c. 58, § 1A). Residential taxpayers must pay at least 65% of their full and fair cash value share of the levy. Commercial/Industrial/Personal Property taxpayers cannot pay more than 150% of their full and fair cash value share of the levy.

If the calculated Minimum Residential Factor is less than 65%, a community cannot make the maximum shift and must use a Commercial/Industrial/Personal Property factor of less than 150%.

Class	Assessed Valuation	% Share	Combined RES/OS, CIP
Residential	\$23,570,993,873	89.9367%	
Open Space	\$0	0.0000%	89.9367%
Commercial	\$1,990,367,522	7.5944%	
Industrial	\$113,308,100	0.4323%	
Personal Property	\$533,745,330	2.0365%	10.0633%
Total	\$26,208,414,825	100.0000%	100.0000%

The "Percentage Share" is based on the "Full and Fair Cash Valuation" of each class, which is affected by the level of assessment for each class.

The Maximum Share of Levy for Commercial/Industrial/Personal Property: $150\% \div 10.0633\% = 14.9056\%$ (Max % Share).

This calculation shows the maximum percentage share of the levy allowed for the combined Commercial, Industrial and Personal Property classes (150% of the combined shares.) NOTE: Shift impact is reduced as the maximum percentage share decreases.

Minimum Share of Levy for Residential: $100\% - 14.9056\% (\text{Max CIP \% Share}) = 85.0944\% (\text{Min \% Share})$

This calculation shows the minimum percentage share of the levy allowed for the Residential class. This is computed by subtracting the Maximum Share for Commercial/Industrial/Personal Property from 100%.

Minimum Residential Factor (MRF): $85.0944\% (\text{Min \% Share}) \div 89.9367\% = 94.6159\%$ (Minimum Residential Factor)

This calculates the Minimum Residential Factor: divide the minimum percentage share for Residential by the actual percentage share for Residential.

MINIMUM RESIDENTIAL FACTOR: 94.6159%; G. L. Chapter 58, Section 1A mandates a minimum residential factor of not less than 65 percent.

When the Minimum Residential Factor is multiplied by the percentage share of the Residential full and fair cash value, it reduces the Residential share to its minimum percentage share of the Levy as calculated above.

FISCAL IMPACT: A factor greater than one (1) would shift more of the tax levy to the commercial, industrial, and personal property (CIP) tax classifications. For example, every 5% shift would result in over \$786,000 being shifted from the Residential class to the CIP class: with a tax rate reduction of \$0.03 to \$0.04 in the residential rate and an increase of about \$0.30 in the CIP tax rate. The tax rates and tax levies for each class of property are illustrated in the table below using 5% shifts.

CIP Shift	Levy Amounts					Estimated Tax Rates			
	Res LA	Comm LA	Ind LA	PP LA	Total LA	Res ET	Comm ET	Ind ET	PP ET
1.0000	140,568,652	11,869,813	675,727	3,183,059	156,297,251	6.67	5.96	5.96	5.96
1.0500	139,782,222	12,463,303	709,514	3,342,212	156,297,251	6.63	6.26	6.26	6.26
1.1000	138,995,792	13,056,794	743,300	3,501,365	156,297,251	6.60	6.56	6.56	6.56
1.1500	138,209,362	13,650,284	777,087	3,660,518	156,297,251	6.56	6.86	6.86	6.86
1.2000	137,422,932	14,243,775	810,873	3,819,671	156,297,251	6.52	7.16	7.16	7.16
1.2500	136,636,502	14,837,266	844,659	3,978,824	156,297,251	6.49	7.45	7.45	7.45
1.3000	135,850,072	15,430,756	878,446	4,137,977	156,297,251	6.45	7.75	7.75	7.75
1.3500	135,063,642	16,024,247	912,232	4,297,130	156,297,251	6.41	8.05	8.05	8.05
1.4000	134,277,213	16,617,738	946,018	4,456,282	156,297,251	6.37	8.35	8.35	8.35
1.4500	133,490,783	17,211,228	979,805	4,615,435	156,297,251	6.34	8.65	8.65	8.65
1.5000	132,704,353	17,804,719	1,013,591	4,774,588	156,297,251	6.30	8.95	8.95	8.95

STAFF ASSISTANCE: John Curran, Director of Assessing, Mark A. Milne, Finance Director

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this item.

A. OLD BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2026-051
INTRO: 10/23/2025, 11/06/2025

2026-051 ALLOCATION OF TAX LEVY FISCAL YEAR 2026 – RESIDENTIAL EXEMPTION

RESOLVED: That the Town Council hereby votes to adopt a Residential Exemption of twenty-five percent (25%) for Fiscal Year 2026.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
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<u>10/23/2025</u>	<u>First Reading</u>
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_____	_____
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_____	Read Item
_____	Rationale
_____	Council Discussion
_____	Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2026-051
INTRO: 10/23/2025, 11/06/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Mark A. Milne, Finance Director
DATE: October 16, 2025
SUBJECT: Allocation of Tax Levy Fiscal Year 2026 – Residential Exemption

BACKGROUND: Under Massachusetts General Laws, Chapter 59, Section 5C, 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 option will not change the overall amount of property taxes raised through the residential class of property. It allows communities to shift a portion of the residential property tax levy between residential property owners based on statutory criteria. The maximum exemption allowed is 35 percent of the average assessed value of all Class One (Residential) parcels. This exemption would be applied to all residential parcels which are qualified by the Town Assessor as the principal residence of the taxpayer. Principal residence is a taxpayer's domicile, that is, the taxpayer's 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 and does not affect the Commercial, Industrial and Personal Property class of taxpayers.

ANALYSIS: The exemption is calculated on the average residential parcel value, which is \$916,696 in Fiscal Year 2026. Using a 25% exemption (amount voted in FY25) the value of the exemption in FY26 would be \$229,174. The assessed property value is then reduced by the value of the exemption before the tax rate is applied to determine the tax bill amount. Since the exemption removes an amount of the taxable residential property value subject to taxation, and the tax levy paid by the residential class remains the same, the tax rate for this class of property increases. The lower the property value the greater the tax savings for a qualifying property. All non-qualifying properties pay more. This is illustrated in the table below.

Assessed Value	25% Residential Exemption	Taxable Value	Tax Rate no Exemption	Tax Rate 25% Exemption	Qualifying Property			Tax Bill Non-Qualifying Property	Additional Tax
					Tax Bill no Exemption	Tax Bill 25% Exemption	Savings (Additional Tax)		
\$500,000	\$229,174	\$270,826	\$5.96	\$6.67	\$2,980	\$1,806	\$1,174	\$3,335	\$355
\$750,000	\$229,174	\$520,826	\$5.96	\$6.67	\$4,470	\$3,474	\$996	\$5,003	\$533
\$1,000,000	\$229,174	\$770,826	\$5.96	\$6.67	\$5,960	\$5,141	\$819	\$6,670	\$710
\$1,250,000	\$229,174	\$1,020,826	\$5.96	\$6.67	\$7,450	\$6,809	\$641	\$8,338	\$888
\$1,500,000	\$229,174	\$1,270,826	\$5.96	\$6.67	\$8,940	\$8,476	\$464	\$10,005	\$1,065
\$1,750,000	\$229,174	\$1,520,826	\$5.96	\$6.67	\$10,430	\$10,144	\$286	\$11,673	\$1,243
\$2,000,000	\$229,174	\$1,770,826	\$5.96	\$6.67	\$11,920	\$11,811	\$109	\$13,340	\$1,420
\$2,208,883	\$229,174	\$1,979,709	\$5.96	\$6.67	\$13,165	\$13,205	-\$40	\$14,733	\$1,568
\$2,500,000	\$229,174	\$2,270,826	\$5.96	\$6.67	\$14,900	\$15,146	-\$246	\$16,675	\$1,775

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of this item.

B. NEW BUSINESS (May be acted upon) (Majority Vote)**BARNSTABLE TOWN COUNCIL****ITEM# 2026-052**
INTRO: 11/06/2025**2026-052 RESCISSION OF PREVIOUSLY AUTHORIZED LOAN ORDERS**

ORDERED: That the unissued loan authorizations in the total amount of **\$38,622,221** of the following loan orders be rescinded as follows:

Town Council Order	Description	Authorized	Rescind
2019-103	Aircraft Rescue & Firefighting Equipment	\$220,000	\$220,000
2019-109	Airport Access Road Drainage & Utility Repairs	\$1,000,000	\$1,000,000
2019-118	Hyannis Golf Course Cart Paths	\$414,000	\$61,000
2019-119	Channel Dredging	\$980,000	\$233
2019-215	Activated Carbon Filtration Units	\$3,000,000	\$170,982
2020-093	Airport Phase II Tree Clearing	\$300,000	\$300,000
2020-097	Airport Environmental Review for Airport Master Plan	\$1,150,000	\$1,150,000
2020-123	Hyannis Port, Simmons Pond & Straightway Wells, Treatment, Pilot Study & Conceptual Layout	\$350,000	\$70,158
2021-087	Airport Engineered Materials Arresting System (EMAS) Design, Construct & Replacement	\$7,500,000	\$7,500,000
2021-088 & 2023-002	Airport Runway 6-24 Design and Reconstruction	\$19,052,000	\$19,052,000
2021-091	Airport Mary Dunn Way Extension Construction	\$5,005,000	\$5,005,000
2021-179	Solids Handling Upgrades Construction	\$2,850,000	\$36,195
2021-180	Route 28 East Sewer Expansion	\$22,000,000	\$22,023
2024-010	Rosewood Lane Temporary Repairs	\$75,000	\$30,930
2024-146	School Unit Ventilator Replacement	\$3,353,700	\$3,353,700
2024-147	West Villages Auditorium RTU Replacement	\$650,000	\$650,000
	Total	\$67,899,700	\$38,622,221

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
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_____	_____
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_____	_____
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_____	Read Item
_____	Rationale
_____	Council Discussion
_____	Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2026-052
INTRO: 11/06/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Sean O'Brien, Treasurer/Collector
DATE: November 06, 2025
SUBJECT: Rescission of previously authorized Loan Orders

BACKGROUND: Many of the town's capital projects are financed by issuing municipal bonds to cover the costs. In some cases, federal and state grants were received to cover some of the costs. In addition, some projects came in under budget and the total original borrowing authorization is not needed.

ANALYSIS: Periodically, the Finance Division reviews all authorized and unissued debt and will conduct the house-cleaning task of rescinding unissued borrowing authorizations that are determined unnecessary. This procedure keeps the Town's status of authorized and unissued debt current. A total of \$38,622,221 has been identified that the Town will no longer need to borrow.

FISCAL IMPACT: The rescinding of these borrowing authorizations lowers the Town's authorized debt total which will have a favorable impact on its borrowing capacity.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends that the Town Council approve these rescissions.

STAFF SUPPORT: Sean O'Brien, Treasurer/Collector

B. NEW BUSINESS (First Reading) (Refer to Second Reading 11/20/2025)

BARNSTABLE TOWN COUNCIL

ITEM# 2026-053
INTRO: 11/06/2025

2026-053 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Comprehensive Financial Advisory Committee:** Rimas Paskorius, as a regular member to a term expiring 06/30/2028.

SPONSOR: Appointments Committee Members: Councilor Kristin Terkelsen, (Chair); Councilor Jeffrey Mendes; Councilor John Crow; Councilor Charles Bloom; and Councilor Seth Burdick

DATE	ACTION TAKEN
_____	_____
_____	_____

____ Read Item
____ Rationale
____ Council Discussion
____ Vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2026-054
INTRO: 11/06/2025

2026-054 RESOLVE APPROVING A CONSERVATION RESTRICTION TO BE GRANTED BY MARIE MALO TO BARNSTABLE LAND TRUST, INC. UPON 5.58± ACRES OF PROPERTY AT 755 LUMBERT MILL ROAD IN MARSTONS MILLS

RESOLVED: That, pursuant to M.G.L. c. 184, section 32, the Town Council hereby approves the Conservation Restriction (“CR”) attached hereto to be granted by Marie Malo, and Ms. Malo’s successors and assigns, to Barnstable Land Trust, Inc. upon 5.58± acres of property located at 755 Lumbert Mill Road in Marstons Mills, with the CR covering a portion of Assessors Map 123, Parcel 011; and further authorizes the Town Council President to sign the CR on the Town Council’s behalf.

SPONSORS: Mark S. Ells, Town Manager; and Councilor Gordon Starr, Precinct 1

DATE	ACTION TAKEN
_____	_____
_____	_____

____ Read Item
____ Rationale
____ Council Discussion
____ Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2026-054
INTRO: 11/06/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Thomas J. LaRosa, First Assistant Town Attorney
DATE: November 06, 2025
SUBJECT: Resolve approving a Conservation Restriction to be granted by Marie Malo to Barnstable Land Trust, Inc. upon 5.58± acres of property at 755 Lumbert Mill Road in Marstons Mills

BACKGROUND: Marie Malo owns the property located at 755 Lumbert Mill Road in Marstons Mills. Ms. Malo plans on donating, as a gift, a perpetual Conservation Restriction (“CR”) to Barnstable Land Trust, Inc. (“BLT”) over 5.58± acres of her 6.68± acre property, with the area associated with the existing single-family home being excluded from the CR.

The Town will not be a party to or have a role in the CR, and BLT would be responsible for monitoring and enforcing the CR. However, M.G.L. c. 184, § 32, requires that a CR held by a land trust, such as BLT, must be approved by the Secretary of Energy and Environmental Affairs, the Town Manager and the Town Council so that the CR may have a perpetual duration and otherwise have the protections afforded under section 32. This Item would provide the Town Council’s required approval of the CR and authorize the Town Council President to sign the CR on behalf of the Town Council.

The 5.58-acre CR will cover the entire property, except for a 0.8-acre area along Lumbert Mill Road on which a single-family residence is located. No structures exist on the CR area, except for a shed. The 5.58-acre CR area is within a Zone II wellhead protection area, as defined by MassDEP, and the CR will provide protection for water supply purposes, habitat and open space values. The CR area will be maintained in its natural character, without any new structures. Public access will not be included in the terms of this gift CR due to the property’s continuing use as a single-family home.

APPROVALS: The Open Space Committee voted to recommend the Conservation Restriction to the Town Council on October 6, 2025. The Conservation Commission voted its support on October 14, 2025.

FISCAL IMPACT: No fiscal impact.

STAFF SUPPORT: Thomas J. LaRosa, First Assistant Town Attorney

GRANTOR: Marie Malo

GRANTEE: Barnstable Land Trust, Inc.

ADDRESS OF PREMISES: 755 Lumbert Mill Road, (Marstons Mills), Barnstable, MA

FOR GRANTOR'S TITLE SEE: Barnstable County Registry of Deeds at Book 1695, Page 292.

FOR GRANTOR'S PLAN SEE: Barnstable County Registry of Deeds at Book 297, Page 18.

GRANT OF CONSERVATION RESTRICTION

I. STATEMENT OF GRANT

I, **MARIE MALO**, an individual with an address of 755 Lumbert Mill Road, Marstons Mills, Barnstable, MA 02648 being the sole owner of the Premises as defined herein, for my successors and assigns ("Grantor"), acting pursuant to Sections 31 and 32 of Chapter 184 of the Massachusetts General Laws, grant, with QUITCLAIM COVENANTS, to **BARNSTABLE LAND TRUST, INC.**, a Massachusetts nonprofit corporation with an office at 1540 Main Street, West Barnstable, MA 02668, its permitted successors and assigns ("Grantee"), for charitable consideration as this conveyance is to be considered and characterized as a gift in accordance with 26.U.S.C. Section 170(h), **IN PERPETUITY AND EXCLUSIVELY FOR CONSERVATION PURPOSES**, the following Conservation Restriction on land located in the Town of Barnstable, Barnstable County, Massachusetts containing a 5.88-acre portion of a 6.68-acre property ("Premises"), which Premises is more particularly described in Exhibit A and shown in the attached sketch plan in Exhibit B, both of which are incorporated herein and attached hereto.

II. PURPOSES:

This Conservation Restriction is defined in and authorized by Sections 31 and 32 of Chapter 184 of the Massachusetts General Laws and otherwise by law. The purposes of this Conservation Restriction ("Purposes") are to ensure that the Premises will be maintained in perpetuity in its natural, scenic, or open condition, and to prevent any use or change that would materially impair the Conservation Values (as defined below).

The Conservation Restriction was acquired utilizing, in part, the Conservation Land Tax Credit Program (CLTC #0716) pursuant to Section 6(p) of Chapter 62 and Section 38AA of Chapter 63 of the Massachusetts General Laws.

The Conservation Values protected by this Conservation Restriction include the following:

- Open Space. The Premises contributes to the protection of the scenic and natural character of the Village of Marstons Mills in the Town of Barnstable and the protection of the Premises will enhance the open-space value of these and nearby lands. The Premises abuts land already conserved, which includes the town-owned 20-acre± Weathervane Way Conservation Area across Lumbert Mill Road to the east, and its protection provides a forested buffer to the Barnstable United and West Villages Elementary Schools bordering the Premises to the west.
- Soils and Soil Health. The entire Premises is mapped as Forest of Statewide and Local Importance and 4 acres± of the Premises is mapped Farmland of Statewide Importance, as identified by the USDA Natural Resources Conservation Service. The protection of the Premises will promote healthy soils and healthy soils practices as such terms are defined in Chapter 358 of the Acts of 2020, which added definitions of these terms to Section 7A of Chapter 128 of the Massachusetts General Laws.

- Wildlife Habitat. The majority of the Premises includes a pitch pine-oak woodland community serving as habitat for a number of mammal, bird and insect species, protection of which aligns with the Massachusetts 2015 State Wildlife Action Plan.
- Water Quality. The Premises is located within the Skunknet and Centerville River watersheds and within the watershed to Scudder Bay and the Centerville River embayment. Protection of undisturbed wooded landscapes can help protect groundwater quality and help maintain water quality critical to coastal ecosystems.
- Water Supply. The entire Premises is within a designated Zone II Wellhead Protection Area as identified by the MA Department of Environmental Protection, the protection of which is critical to maintaining the public drinking water supply.
- Consistency with Clearly Delineated Barnstable County Conservation Policy. Protection of the Premises will assist in achieving Barnstable County conservation goals. In July 1991, the Barnstable County Assembly of Delegates, pursuant to the Cape Cod Commission Act (Chapter 716 of the Acts of 1989), adopted a *Regional Policy Plan* (RPP), amended in 1996, 2002, 2009, 2012, and 2018, which provided, *inter alia* (references are to the 2018 RPP, amended in 2021 to accommodate climate change goals and objectives):
 - “To protect, preserve, or restore wildlife and plant habitat to maintain the region’s natural diversity” (Wildlife and Plant Habitat Goal, p. 55).
 - In reference to this Wildlife and Plant Habitat Goal, the RPP states, “For many years habitat loss due to development has been the primary threat to the region’s habitats” (p. 32); and
 - “To conserve, preserve, or enhance a network of open space that contributes to the region’s natural community resources and systems” (Open Space Goal, p. 55). In reference to this Open Space Goal, the RPP states, “the open space of the Cape is critical to the health of the region’s natural systems, economy, and population. Open space provides habitat for the region’s diverse species and protection of the region’s drinking water supply” (p. 30).
 - “To maintain a sustainable supply of high-quality untreated drinking water and protect, preserve, or restore the ecological integrity of Cape Cod’s fresh and marine surface water resources.” (Water Resources Goal, p. 61).

Granting this Conservation Restriction will advance each of these goals outlined in the RPP. The Wildlife and Plant Habitat Goal will be served because the Premises contains a host of important plant and wildlife species. The Open Space Goal will be advanced because the Premises abuts existing conservation land and will protect and preserve natural, and cultural resources. The Water Resources Goal will be served by protecting groundwater quality.

- Consistency with Clearly Delineated Town of Barnstable Conservation Policy. Protection of the Premises will further the Town of Barnstable’s documented goals regarding conservation land. The Town outlined its conservation goals in its *Open Space and Recreational Plan* (1984, amended 1987, 1998, 2005, 2010, 2018), identifying goals, policies, and actions to guide conservation efforts, among them the goal of preserving “quality open spaces throughout the Town which protect and enhance its visual heritage.” Additional objectives include (*references are to the 2018 Plan*):

- 1) "Preservation of open space for protection of drinking water resources, and for protection of other natural, historic and scenic resources is a community-wide priority; and;

2) Protection of open space should continue to be an integral component of the Town's efforts." (p. 6)

To achieve this vision, the Plan sets several goals for the town including:

- 1) "To protect and maintain the maximum amount of open space to enhance environmental protection, recreational opportunities, and community character, and;
- 2) "Plan, coordinate and execute open space protection measures that complement community efforts to protect water supply, protect fresh and marine surface waters, [and] preserve historic, scenic and cultural resources..." (pp. 10-11).

Additionally, the Barnstable Town Council's Strategic Plan for fiscal year 2024-2025 identified the goal to "Conserve and protect areas in the town that are most significant as natural and historical resources for water supply, visual quality, outdoor recreation, public access, wildlife habitat and cultural history".

Moreover, in 1981, the Town of Barnstable adopted a Conservation Restriction Program consisting of policies and guidelines, in particular an *Open Space Policy*, approved by the Board of Selectmen, Assessors, and Conservation Commission, which encourages the use of conservation restrictions in perpetuity to protect natural resources in accordance with the purposes of the *Open Space and Recreation Plan*, and which further specified that purposes of a conservation restriction could include the following:

- preserve scenic views;
 - prevent the cutting of trees or forests;
 - preserve open space;
 - preserve important natural habitats of fish, wildlife or plants; and,
 - limit or prevent construction on land of natural resource value.
- Consistency with Clearly Delineated State Conservation Policy. Protection of the Premises will advance the goals of the Massachusetts Clean Energy and Climate Plan for 2050, published in 2022. The Commonwealth aims to permanently conserve at least 40% of Massachusetts lands and waters by 2050. The protection of the Premises will preserve 5.88 acres of natural woodlands that will assist the state in meeting this goal.
- Consistency with Clearly Delineated Federal Conservation Policy. Protection of the Premises meets the definition of "conservation purposes" as defined in 26 CFR 1.170A-14(d)(1), because its conservation would: reserve the land for education regarding the natural world; protect wildlife habitats; and it would contribute to the preservation of open space because it is proximate to other parcels already conserved.

III. PROHIBITED and PERMITTED ACTS AND USES

A. Prohibited Acts and Uses

The Grantor will not perform or allow others to perform the following acts and uses which are prohibited on, above, and below the Premises:

1. Structures and Improvements. Constructing, placing, or allowing to remain any temporary or permanent structure including without limitation any building, tennis court, landing strip, mobile home, swimming pool, asphalt or concrete pavement, graveled area, roads, sign, fence, gate, billboard or other advertising, antenna, utilities or other structures, utility pole,

tower, wind turbine solar panel, solar array, conduit, line, stormwater infrastructure, septic or wastewater disposal system, storage tank, or dam;

2. Extractive Activities/Uses. Mining, excavating, dredging, withdrawing, or removing soil, loam, peat, gravel, sand, rock, surface water, ground water, or other mineral substance or natural deposit, or otherwise altering the topography of the Premises;
3. Disposal/Storage. Placing, filling, storing or dumping of soil, refuse, trash, vehicle bodies or parts, rubbish, debris, junk, tree and other vegetation cuttings, liquid or solid waste or other substance or material whatsoever;
4. Adverse Impacts to Vegetation. Cutting, removing, or destroying trees, shrubs, grasses or other vegetation;
5. Adverse Impacts to Water, Soil, and Other Features. Activities detrimental to drainage, flood control, water conservation, water quality, erosion control, soil conservation, natural habitat, archaeological conservation, or ecosystem function;
6. Introduction of Invasive Species. Planting or introducing any species identified as invasive by the Massachusetts Invasive Plant Advisory Group or identified as invasive in such recognized inventories as the Massachusetts Introduced Pests Outreach Project, the Northeast Aquatic Nuisance Species Panel, or other such inventories, and any successor list as mutually agreed to by Grantor and Grantee;
7. Pesticides and Herbicides. Using or storing herbicides, pesticides, or other hazardous materials;
8. Motor Vehicles. Using, parking, or storing motorized vehicles, including motorcycles, mopeds, all-terrain vehicles, off-highway vehicles, motorboats or other motorized watercraft, snowmobiles, launching or landing aircraft, or any other motorized vehicles, acknowledging that vehicles necessary for public safety (i.e., fire, police, ambulance, other government officials) may have a legal right to enter the Premises;
9. Subdivision. Subdividing or conveying a part or portion of the Premises (as compared to conveyance of the Premises in its entirety which shall be permitted), it being the Grantor's and Grantee's intention to maintain the entire Premises under unified ownership;
10. Use of Premises for Developing Other Land. Using the Premises towards building or development requirements on this or any other parcel;
11. Adverse Impacts to Stone Walls, Boundary Markers. Disrupting, removing, or destroying stone walls, granite fence posts, or any other boundary markers;
12. Residential or Industrial Uses. Using the Premises for residential or industrial purposes;
13. Inconsistent Uses. Using the Premises for commercial purposes that are inconsistent with the Purposes or that would materially impair the Conservation Values, or for any other uses or activities that are inconsistent with the Purposes or that would materially impair the Conservation Values.

B. Permitted Acts and Uses

Notwithstanding the Prohibited Acts and Uses described in Paragraph III.A., the Grantor may conduct or permit the following acts and uses on the Premises, provided they do not materially impair the Purposes and/or Conservation Values. In conducting any Permitted Act and Use, Grantor shall minimize impacts to the Conservation Values to ensure any such impairment thereto is not material.

1. Vegetation Management. Maintaining vegetation, including pruning, trimming, cutting, and mowing, and removing brush, all to prevent, control, and manage hazards, disease, insect or fire damage, and/or in order to maintain the condition of the Premises as documented in the Baseline Report (see Paragraph XV.);
2. Non-native, Nuisance, or Invasive species. Removing non-native, nuisance, or invasive species, interplanting native species, and controlling species in a manner that minimizes damage to surrounding, non-target species and preserves water quality;
3. Composting. Stockpiling and composting stumps, trees, brush, limbs, and similar biodegradable materials originating on the Premises;
4. Natural Habitat and Ecosystem Improvement. With prior written approval of the Grantee, conducting measures designed to restore native biotic communities, or to maintain, enhance or restore wildlife, wildlife habitat, ecosystem function, or rare or endangered species including removal of existing fences, and other man-made debris, and planting native trees, shrubs, and other vegetation;
5. Archaeological Investigations. Conducting archaeological activities, including without limitation archaeological research, surveys, excavation and artifact retrieval, but only in accordance with an archaeological field investigation plan, which plan shall also address restoration following completion of the archaeological investigation, prepared by or on behalf of the Grantor and approved in advance of such activity, in writing, by the Massachusetts Historical Commission State Archaeologist (or appropriate successor official) and by the Grantee. A copy of the results of any such investigation on the Premises is to be provided to the Grantee;
6. Trails. Maintaining and constructing trails as follows:
 - a. Trail Maintenance. Conducting routine maintenance of trails, which may include widening trail corridors up to five (5) feet in width overall, with a treadway up to three (3) feet in width.
 - b. New Trails. With prior written approval of the Grantee, constructing new trails or relocating existing trails, provided that any construction or relocation results in trails that conform with the width limitations above.
 - c. Trail Features. With prior written approval of the Grantee, constructing bog bridging, boardwalks, footbridges, railings, steps, culverts, benching, cribbing, contouring, or other such features, together with the use of motorized equipment to construct such features;
7. Signs. Constructing, installing, maintaining, and replacing signs and informational kiosks with respect to the Permitted Acts and Uses, the Purposes, the Conservation Values, trespass, public access, identity and address of the Grantor, sale of the Premises, the Grantee's interest in the Premises, boundary and trail markings, any gift, grant, or other applicable source of support for the conservation of the Premises;

8. Motorized Vehicles. Using motorized mobility devices by persons with mobility impairments including Other-Power Driven Mobility Devices (OPDMD) as defined in federal law, and using motorized vehicles as necessary for conducting the Permitted Acts and Uses;
9. Existing Shed. Using, repairing, or removing, but not replacing or expanding the existing shed as documented in the Baseline Report (see Paragraph XV), the intention being to abandon previous agricultural use on the Premises and use the shed for storage purposes accessory to the residential property, and to remove the existing shed when it reaches the end of its usable life.
10. Outdoor Passive Recreational and Educational Activities. Hiking, horseback riding, snowshoeing, nature observation, nature and educational walks and outings, outdoor educational activities, and other non-motorized outdoor recreational and educational activities, except that use of a motorized vehicle, including an OPDMD, by a person with a mobility impairment shall be permitted.

C. Site Restoration

Upon completion of any Permitted Acts and Uses, any disturbed areas shall be restored substantially to the conditions that existed prior to said activities, including with respect to soil material, grade, and vegetated ground cover.

D. Compliance with Permits, Regulations, Laws

The exercise of any Permitted Acts and Uses under Paragraph III.B. shall be in compliance with all applicable federal, state and local laws, rules, regulations, zoning, and permits, and with the Constitution of the Commonwealth of Massachusetts. The inclusion of any Permitted Act or Use requiring a permit, license or other approval from a public agency does not imply that the Grantee or the Commonwealth takes any position whether such permit, license, or other approval should be issued.

E. Notice and Approval

1. Notifying Grantee. Whenever notice to or approval by Grantee is required, Grantor shall notify or request approval from Grantee, by a method requiring proof of receipt, in writing not less than sixty (60) days prior to the date Grantor intends to undertake the activity in question, unless a different time period is specified herein. The notice shall:
 - a. Describe the nature, scope, design, location, timetable and any other material aspect of the proposed activity;
 - b. Describe how the proposed activity complies with the terms and conditions of this Conservation Restriction, and will not materially impair the Purposes and/or Conservation Values;
 - c. Identify all permits, licenses, or approvals required for the proposed activity, and the status of any such permits, licenses, or approvals; and
 - d. Describe any other material aspect of the proposed activity in sufficient detail to permit the Grantee to make an informed judgment as to its consistency with the Purposes and Conservation Values.
2. Grantee Review. Where Grantee's approval is required, Grantee shall grant or withhold approval in writing within sixty (60) days of receipt of Grantor's request. Grantee's approval shall only be granted upon a showing that the proposed activity will minimize impacts to the Conservation Values and will not materially impair the Purposes and/or Conservation

Values. Grantee may require Grantor to secure expert review and evaluation of a proposed activity by a mutually agreed upon party.

3. Resubmittal. Grantee's failure to respond within sixty (60) days of receipt shall not constitute approval of the request. Grantor may subsequently submit the same or a similar request for approval.

IV. INSPECTION AND ENFORCEMENT

A. Entry onto the Premises

The Grantor hereby grants to the Grantee, and its duly authorized agents or representatives, the right to enter the Premises upon reasonable notice and at reasonable times, for the purpose of inspecting the Premises to determine compliance with or to enforce this Conservation Restriction.

B. Legal and Injunctive Relief

1. Enforcement. The rights hereby granted shall include the right to enforce this Conservation Restriction by appropriate legal proceedings and to obtain compensatory relief, including without limitation, compensation for interim losses (i.e., ecological and public use service losses that occur from the date of the violation until the date of restoration) and equitable relief against any violations, including, without limitation, injunctive relief and relief requiring restoration of the Premises to its condition prior to the time of the injury (it being agreed that the Grantee will have no adequate remedy at law in case of an injunction). The rights hereby granted shall be in addition to, and not in limitation of, any other rights and remedies available to the Grantee for the enforcement of this Conservation Restriction.
2. Notice and Cure. In the event the Grantee determines that a violation of this Conservation Restriction has occurred and intends to exercise any of the rights described herein, the Grantee shall, before exercising any such rights, notify the Grantor in writing of the violation. The Grantor shall have thirty (30) days from receipt of the written notice to halt the violation and remedy any damage caused by it, after which time Grantee may take further action, including instituting legal proceedings and entering the Premises to take reasonable measures to remedy, abate or correct such violation, without further notice. Provided, however, that this requirement of deferment of action for thirty (30) days applies only if Grantor immediately ceases the violation and Grantee determines that there is no ongoing violation. In instances where a violation may also constitute a violation of local, state, or federal law, the Grantee may notify the proper authorities of such violation.
3. Reimbursement of Costs and Expenses of Enforcement. Grantor covenants and agrees to reimburse to Grantee all reasonable costs and expenses (including counsel fees) incurred by the Grantee in enforcing this Conservation Restriction or in taking reasonable measures to remedy, abate or correct any violation thereof. In the event of a dispute over the boundaries of the Conservation Restriction, Grantor shall pay for a survey by a Massachusetts licensed professional land surveyor and to have the boundaries permanently marked.

C. Non-Waiver

Enforcement of the terms of this Conservation Restriction shall be at the sole discretion of Grantee. Any election by the Grantee as to the manner and timing of its right to enforce this Conservation Restriction or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

D. Disclaimer of Liability

By acceptance of this Conservation Restriction, the Grantee does not undertake any liability or obligation relating to the condition of the Premises pertaining to compliance with and including, but not limited to, hazardous materials, zoning, environmental laws and regulations, or acts not caused by the Grantee or its agents.

E. Acts Beyond the Grantor's Control

Nothing contained in this Conservation Restriction shall be construed to entitle the Grantee to bring any actions against the Grantor for any injury to or change in the Premises resulting from natural causes beyond the Grantor's control, including but not limited to fire, flood, weather, climate-related impacts, and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Premises resulting from such causes. In the event of any such occurrence, the Grantor and Grantee will cooperate in the restoration of the Premises, if desirable and feasible.

V. PUBLIC ACCESS

This Conservation Restriction does not grant any right of access to the general public and the Grantor retains its rights to prohibit access to the Premises by the general public.

VI. TERMINATION/RELEASE/EXTINGUISHMENT

A. Procedure

If circumstances arise in the future that render the Purposes impossible to accomplish, this Conservation Restriction can only be terminated, released, or extinguished, whether in whole or in part, by a court of competent jurisdiction under applicable law after review and approval by the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, or successor official ("Secretary"), and any other approvals as may be required by Section 32 of Chapter 184 of the Massachusetts General Laws.

B. Grantor's and Grantee's Right to Recover Proceeds

If any change in conditions ever gives rise to termination, release, or extinguishment of this Conservation Restriction under applicable law and the terms of this Conservation Restriction, then Grantee, on a subsequent sale, exchange, or involuntary conversion of the Premises, shall be entitled to a portion of the proceeds in accordance with Paragraph VI.C., subject, however, to any applicable law which expressly provides for a different disposition of the proceeds, and after complying with the terms of any gift, grant, or funding requirements. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

C. Grantee's Receipt of Property Right

Grantor and Grantee agree that the conveyance of this Conservation Restriction gives rise to a real property right, immediately vested in the Grantee, with a fair market value that is at least equal to the proportionate value that this Conservation Restriction, determined at the time of the conveyance, bears to the value of the unrestricted Premises. The proportionate value of the Grantee's property right as of the Effective Date (See Paragraph XII.) was determined to be 29%%¹. Such proportionate value of the Grantee's property right shall remain constant.

¹ \$235,000 CR appraised value ÷ \$815,000 total appraised property value = 29%

D. Cooperation Regarding Public Action

Whenever all or any part of the Premises or any interest therein is taken by public authority under power of eminent domain or other act of public authority, then the Grantor and the Grantee shall cooperate in recovering the full value of all direct and consequential damages resulting from such action. All related expenses incurred by the Grantor and the Grantee shall first be paid out of any recovered proceeds, and the remaining proceeds shall be distributed between the Grantor and Grantee in accordance with Paragraph VI.B. and Paragraph VI.C. If a less than fee interest is taken, the proceeds shall be equitably allocated according to the nature of the interest taken. The Grantee shall use its share of any proceeds in a manner consistent with the Purposes or the protection of the Conservation Values.

VII. DURATION and ASSIGNABILITY

A. Running of the Burden

The burdens of this Conservation Restriction shall run with the Premises in perpetuity, and shall be enforceable against the Grantor and the successors and assigns of the Grantor holding any interest in the Premises.

B. Execution of Instruments

The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Conservation Restriction. The Grantor, on behalf of itself and its successors and assigns, appoints the Grantee its attorney-in-fact to execute, acknowledge and deliver any such instruments on its behalf. Without limiting the foregoing, the Grantor and its successors and assigns agree themselves to execute any such instruments upon request.

C. Running of the Benefit

The benefits of this Conservation Restriction shall run to the Grantee, shall be in gross and shall not be assignable by the Grantee, except when all of the following conditions are met:

1. The Grantee requires that the Purposes continue to be carried out;
2. The assignee is not an owner of the fee in the Premises;
3. The assignee, at the time of the assignment, qualifies under 26 U.S.C. 170(h), and applicable regulations thereunder, if applicable, and is eligible to receive this Conservation Restriction under Section 32 of Chapter 184 of the Massachusetts General Laws; and
4. The assignment complies with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

VIII. SUBSEQUENT TRANSFERS

A. Procedure for Transfer

The Grantor agrees to incorporate by reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, including a leasehold interest and to notify the Grantee not less than twenty (20) days prior to the effective date of such transfer. Failure to do any of the above shall not impair the validity or enforceability of this Conservation Restriction. If the Grantor fails to reference the terms of this Conservation Restriction in any deed or other legal instrument which grants any interest in all or a portion of the Premises, then the Grantee may record it in the Barnstable County Registry of Deeds, and at the Grantor's expense, a notice of this Conservation Restriction. Any transfer will comply with Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, if applicable.

B. Grantor's Liability

The Grantor shall not be liable for violations occurring after their ownership. Liability for any acts or omissions occurring prior to any transfer and liability for any transfer if in violation of this Conservation Restriction shall survive the transfer. Any new owner shall cooperate in the restoration of the Premises or removal of violations caused by prior owner(s) and may be held responsible for any continuing violations.

IX. ESTOPPEL CERTIFICATES

Upon request by the Grantor, the Grantee shall, within thirty (30) days execute and deliver to the Grantor any document, including an estoppel certificate, which certifies the Grantor's compliance or non-compliance with any obligation of the Grantor contained in this Conservation Restriction.

X. NON MERGER

The parties intend that any future acquisition of the Premises shall not result in a merger of the Conservation Restriction into the fee. The Grantor agrees that it will not grant, and the Grantee agrees that it will not take title, to any part of the Premises without having first assigned this Conservation Restriction following the terms set forth in Paragraph VII.C to ensure that merger does not occur and that this Conservation Restriction continues to be enforceable by a non-fee owner.

XI. AMENDMENT

A. Limitations on Amendment

Grantor and Grantee may amend this Conservation Restriction only to correct an error or oversight, clarify an ambiguity, maintain or enhance the overall protection of the Conservation Values, or add real property to the Premises, provided that no amendment shall:

1. Affect this Conservation Restriction's perpetual duration;
2. Be inconsistent with or materially impair the Purposes;
3. Affect the qualification of this Conservation Restriction as a "qualified conservation contribution" or "interest in land" under any applicable laws, including 26 U.S.C. Section 170(h), and related regulations;
4. Affect the status of Grantee as a "qualified organization" or "eligible donee" under any applicable laws, including 26 U.S.C. Section 170(h) and related regulations, and Sections 31 and 32 of Chapter 184 of the Massachusetts General Laws;
5. Create an impermissible private benefit or private inurement in violation of federal tax law, as determined by an appraisal, conducted by an appraiser selected by the Grantee, of the economic impact of the proposed amendment;
6. Alter or remove the provisions described in Paragraph VI (Termination/Release/Extinguishment).
7. Cause the provisions of this Paragraph XI to be less restrictive; or
8. Cause the provisions described in Paragraph VII.C (Running of the Benefit) to be less restrictive

B. Amendment Approvals and Recording

No amendment shall be effective unless documented in a notarized writing executed by Grantee and Grantor, approved by the Town of Barnstable and by the Secretary in the public interest pursuant to

Section 32 of Chapter 184 of the Massachusetts General Laws, and recorded in the Barnstable County Registry of Deeds.

XII. EFFECTIVE DATE

This Conservation Restriction shall be effective when the Grantor and the Grantee have executed it, the administrative approvals required by Section 32 of Chapter 184 of the Massachusetts General Laws have been obtained, and it has been recorded in the Barnstable County Registry of Deeds.

XIII. NOTICES

Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage pre-paid, addressed as follows:

To Grantor: Marie Malo
755 Lumbert Mill Road
Marstons Mills, MA, 02648

To Grantee: Barnstable Land Trust, Inc.
1540 Main Street
West Barnstable, MA 02668

or to such other address as any of the above parties shall designate from time to time by written notice to the other or, if notice is returned to sender, to an address that is reasonably ascertainable by the parties.

XIV. GENERAL PROVISIONS

A. Controlling Law

The interpretation and performance of this Conservation Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

B. Liberal Construction

Any general rule of construction to the contrary notwithstanding, this Conservation Restriction shall be liberally construed in order to effect the Purposes and the policy and purposes of Sections 31 and 32 of Chapter 184 of the Massachusetts General Laws. If any provision in this instrument is found to be ambiguous, any interpretation consistent with the Purposes that would render the provision valid shall be favored over any interpretation that would render it invalid.

C. Severability

If any provision of this Conservation Restriction or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of this Conservation Restriction shall not be affected thereby.

D. Entire Agreement

This instrument sets forth the entire agreement of the Grantor and Grantee with respect to this Conservation Restriction and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Conservation Restriction, all of which are merged herein.

XV. BASELINE DOCUMENTATION REPORT

The Conservation Values, as well as the natural features, current uses of, and existing improvements on the Premises, such as, but not limited to, trails, woods roads, structures, meadows or other cleared areas, agricultural areas, and scenic views, as applicable, are described in a Baseline Documentation Report (“Baseline Report”) titled “Baseline Report for Malo Conservation Restriction”, and dated June 30, 2025 prepared by Grantee with the cooperation of the Grantor, consisting of maps, photographs, and other documents and on file with the Grantee and included by reference herein. The Baseline Report (i) is acknowledged by Grantor and Grantee to be a complete and accurate representation of the condition and values of the Premises as of the date of this Conservation Restriction, (ii) is intended to fully comply with applicable Treasury Regulations, (iii) is intended to serve as an objective information baseline for subsequent monitoring of compliance with the terms of this Conservation Restriction as described herein, and (iv) may be supplemented as conditions on the Premise change as allowed over time. Notwithstanding the foregoing, the parties may utilize any evidence of the condition of the Premises at the time of this grant in addition to the Baseline Report.

XVI. MISCELLANEOUS

A. Pre-existing Public Rights

Approval of this Conservation Restriction pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws by any municipal officials and by the Secretary, is not to be construed as representing the existence or non-existence of any pre-existing rights of the public, if any, in and to the Premises, and any such pre-existing rights of the public, if any, are not affected by the granting of this Conservation Restriction.

B. Release of Homestead

The Grantor hereby agrees to waive, subordinate, and release any and all Homestead rights pursuant to Chapter 188 of the Massachusetts General Laws it may have in favor of this Conservation Restriction with respect to any portion of the Premises affected by this Conservation Restriction, and hereby agrees to execute, deliver and/or record any and all instruments necessary to effectuate such waiver, subordination and release. In all other respects, the Grantor reserves and retains any and all Homestead rights, subject to this Conservation Restriction, pursuant to Section 10(e) of Chapter 188 of the Massachusetts General Laws.

C. No Surety Interest

The Grantor attests that there is no mortgage, promissory note, loan, lien, equity credit line, refinance assignment of mortgage, lease, financing statement or any other agreement which gives rise to a surety interest affecting the Premises.

D. Executory Limitation

If Grantee shall cease to exist or to be qualified to hold conservation restrictions pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws, or to be qualified organization under 26 U.S.C. 170(h), and applicable regulations thereunder, if applicable, and a prior assignment is not made pursuant to Paragraph VII, then Grantee’s rights and obligations under this Conservation Restriction shall vest in such organization as a court of competent jurisdiction shall direct pursuant to the applicable Massachusetts law and with due regard to the requirements for an assignment pursuant to Paragraph VII.-

E. Prior Encumbrances

This Conservation Restriction shall be in addition to and not in substitution of any other restrictions or easements of record affecting the Premises.

F. The following signature pages are included in this Grant:

Grantor – Marie Malo

Grantee Acceptance – Barnstable Land Trust, Inc.

Approval of Town of Barnstable Town Manager

Approval of Town of Barnstable Town Council

Approval of the Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts.

G. The following exhibits are attached and incorporated herein:

Exhibit A: Legal Description of Premises

Exhibit B: Sketch Plan of Premises

Exhibit C: Town Council Vote

Malo Conservation Restriction

WITNESS my hand and seal this ____ day of _____, 2025,

, individually
Marie Malo

THE COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss:

On this day of , 2025, before me, the undersigned notary public, personally appeared Marie Malo, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

ACCEPTANCE OF GRANT

The foregoing Conservation Restriction from **MARIE MALO** was accepted by **BARNSTABLE LAND TRUST, INC** this _____ day of _____, 2025.

Barnstable Land Trust, Inc.

Leigh Townes, President,
Barnstable Land Trust, Inc.

Jill McCleary, Treasurer
Barnstable Land Trust, Inc.

THE COMMONWEALTH OF MASSACHUSETTS

Barnstable County, ss.

On this _____ day of _____, 2025, before me, the undersigned notary public, personally appeared Leigh Townes, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My commission expires:

Barnstable County, ss.

On this _____ day of _____, 2025, before me, the undersigned notary public, personally appeared Jill McCleary and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public

My commission expires:

**APPROVAL OF THE TOWN OF BARNSTABLE
TOWN MANAGER**

I, Mark S. Ells, as Town Manager of the Town of Barnstable, Massachusetts, hereby approve in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws the foregoing Conservation Restriction from **MARIE MALO** to **BARNSTABLE LAND TRUST, INC.**

TOWN OF BARNSTABLE
BY ITS TOWN MANAGER:

Mark S. Ells

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

On the _____ day of _____, 2025, before me, the undersigned notary public, personally appeared Mark S. Ells, and proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Town Manager of the Town of Barnstable.

Notary Public
My Commission Expires

Malo Conservation Restriction
Malo Conservation Restriction
Malo Conservation Restriction

**APPROVAL OF THE TOWN OF BARNSTABLE
TOWN COUNCIL**

The undersigned, President of the Town Council of the Town of Barnstable, Massachusetts, hereby certifies that at a meeting duly held on , 2025, on agenda Item No. 2026-, the Town Council voted to approve the foregoing Conservation Restriction from **MARIE MALO** to **BARNSTABLE LAND TRUST, INC.**, in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws. An attested copy of the vote of the Town Council is attached hereto and included herein as Exhibit C.

Craig A. Tamash,
Town Council President

THE COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss:

On this day of , 2025, before me, the undersigned notary public, personally appeared Craig A. Tamash, proved to me through satisfactory evidence of identification which was personal knowledge to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as President of the Barnstable Town Council.

Notary Public
My Commission Expires:

**APPROVAL OF SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS OF THE
COMMONWEALTH OF MASSACHUSETTS**

The undersigned, Secretary of Energy and Environmental Affairs of the Commonwealth of Massachusetts, hereby approves the foregoing Conservation Restriction from **MARIE MALO** to **BARNSTABLE LAND TRUST, INC.**, in the public interest pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws.

Dated: _____, 2025
Rebecca L. Tepper

Secretary of Energy and Environmental Affairs

THE COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss:

On this day of , 2025, before me, the undersigned notary public, personally appeared Rebecca L. Tepper, and proved to me through satisfactory evidence of identification which was _____ to be the person whose name is signed on the proceeding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

EXHIBIT A

Legal Description of Premises

The Premises subject to this Conservation Restriction is a 5.88-acre, +/- portion of a 6.68-acre, +/- parcel of land located in the Town of Barnstable, Barnstable County, Commonwealth of Massachusetts, more particularly bounded and described as follows:

Beginning at the northwestern corner of the Premises located on the eastern sideline of East Osterville Road (an Ancient Way), thence running,

N 58° 49' 06" E, thirty-six (36) feet, more or less, to a concrete bound, thence continuing,

N 58° 49' 06" E, a distance of four hundred and thirty-three and 97/100 (433.97) feet, to a corner, thence turning and running,

S 31° 10' 54" E, a distance of one hundred and twenty-five and 00/100 (125.00) feet, thence continuing the same bearing,

S 31° 10' 54" E, a distance of two hundred and twenty-five (225) feet, more or less, thence turning and running,

S 58° 49' 06" W [the reverse direction of N 58° 49' 06" E as printed on Plan], a distance of eighty (80) feet, more or less, to a corner, thence turning and running,

S 31° 10' 54" E [the reverse direction of N 31° 10' 54" W as printed on Plan], a distance of fifteen and 00/100 (15.00) feet, to a corner, thence turning and running,

S 58° 49' 06" W, a distance of one hundred and fifty-five and 61/100 (155.61) feet, to a corner, thence turning and running,

S 31° 10' 54" E [the reverse direction of N 31° 10' 54" W as printed on Plan], a distance of one hundred and forty and 00/100 (140.00) feet, to a corner, thence turning and running,

S 58° 49' 06" W, a distance of four hundred and 65/100 (400.65) feet, to a concrete bound, thence continuing,

S 58° 49' 06" W, a distance of forty-three (43) feet, more or less, to a corner on the eastern sideline of East Osterville Road (an Ancient Way), thence turning and running,

Along the eastern sideline of East Osterville Road (an Ancient Way), a distance of five hundred and forty-five (545) feet, more or less, to the point of beginning.

Being a 5.88-acre, ±, portion of the land shown as '3B 6.68 ± Acres' on a plan of land titled "*Plan of Land in Barnstable, Marstons Mills, Mass. for Linton C. Richardson JR. et ux. and Marie Malo*", dated July 28, 1975, by Richard A. Baxter, Baxter & Nye Inc., Registered Land Surveyors, Osterville, Mass., recorded at Barnstable County Registry of Deeds in Plan Book 297, Page 18, a sketch plan derived from which is included herein and attached hereto as Exhibit B.

EXHIBIT B

Sketch Plan showing Conservation Restriction Premises and Excluded Area

For an official full-size plan see Barnstable County Registry of Deeds Plan Book 297 Page 18

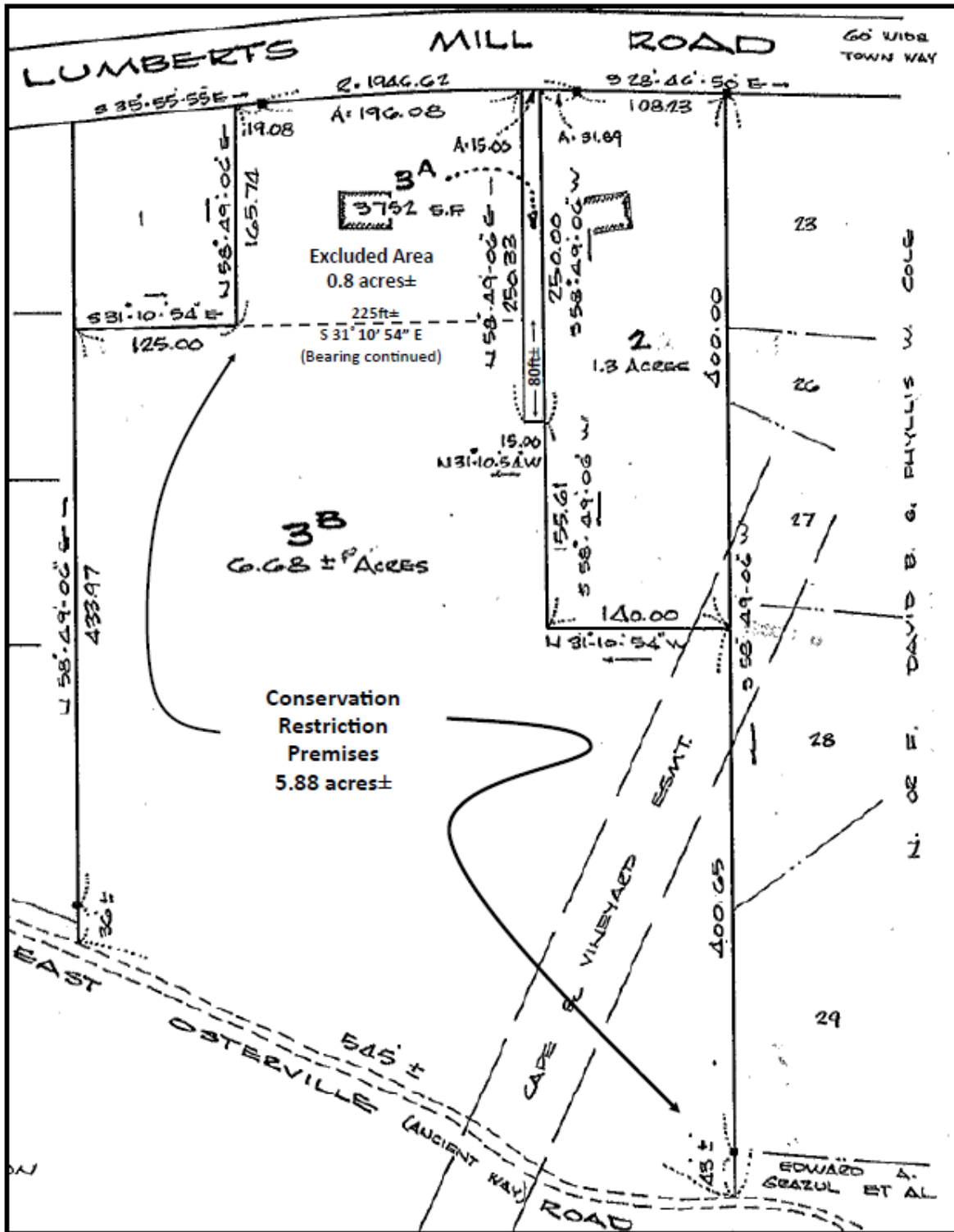


EXHIBIT C

Town Council Vote

Following

[Insert Town Clerk Certificate re: Vote]

B. NEW BUSINESS (Refer to Public Hearing on 11/20/2025)

BARNSTABLE TOWN COUNCIL

ITEM# 2026-055
INTRO: 11/06/2025

2026-055 APPROPRIATION ORDER IN THE AMOUNT OF \$600,000 IN COMMUNITY PRESERVATION FUNDS FOR THE PURPOSE OF THE TOWN ACQUIRING A CONSERVATION RESTRICTION ON A 13± ACRE PROPERTY LOCATED AT 3640 FALMOUTH ROAD IN MARSTONS MILLS

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G. L. c. 44B, the amount of **\$600,000** be appropriated first from the amount set-aside for Open Space and Recreation within the Community Preservation Fund and secondly from the Community Preservation Undesignated Fund for the purpose of the Town, acting by and through its Town Manager, acquiring a perpetual Conservation Restriction (CR) from Barnstable Land Trust, Inc. pursuant to M.G.L. c. 184, sections 31-32, on a 13± acre property located at 3640 Falmouth Road in Marstons Mills, shown as Assessors Map 058, Parcel 012, for open space, conservation and passive recreation purposes, as well as the right to engage in restoration activities in connection with the existing Mill Pond that is partially located on the property. The Town Council authorizes the Town Manager to negotiate the terms of the CR, subject to the approval of the Secretary of Energy and Environmental Affairs. It is further ordered that the Town Manager is authorized to expend the amount appropriated on behalf of the Town for the acquisition of the CR, subject to oversight by the Community Preservation Committee, and to negotiate, accept, approve, execute, receive, deliver and record any written instruments to effectuate this Order and complete this transaction.

SPONSOR: Mark S. Ells, Town Manager, upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2026-055
INTRO: 11/06/2025

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lindsey Counsell, Chair, Community Preservation Committee on behalf of the Community Preservation Committee
DATE: November 20, 2025
SUBJECT: Appropriation Order in the amount of **\$600,000** in Community Preservation Funds for the purpose of the Town acquiring a Conservation Restriction on a 13± acre property located at 3640 Falmouth Road in Marstons Mills

BACKGROUND: At the June 2, 2025, Community Preservation Committee meeting, the seven members present voted unanimously to recommend to the Town Council, through the Town Manager, Barnstable Land Trust Inc.'s (BLT) application for \$600,000 in Open Space/Recreation Community Preservation Funds to preserve, under a CR to be held by the Town, an undeveloped 13± acre property located at 3640 Falmouth Road in Marstons Mills. The property includes undeveloped land and part of the Mill Pond, and is shown as Assessors Map 058, Parcel 012. BLT's total purchase price of the property is \$1,200,000 with the Town providing the \$600,000 at BLT's closing on the property for the Town's purchase of the CR. Under the CR that will be granted to the Town by BLT, the property will be preserved in perpetuity for open space, conservation and passive recreation purposes, including public access, and will allow for rights to undertake activities on the property in connection with a potential restoration project in the Mill Pond.

ANALYSIS: The appraised value of the property is \$1,486,000. The appraised value of the CR is \$1,200,000 making the acquisition of the CR for \$600,000 cost-effective. The CR will permanently protect an ecologically important pond-front property serving as a scenic wildlife refuge. The property abuts extensive protected open space areas with connections to the existing trail network, and the CR will include the right of public access. The Open Space Committee voted to recommend the Conservation Restriction to the Town Council on September 8, 2025. The Conservation Commission voted its support on September 23, 2025.

FISCAL IMPACT: This appropriation has no impact on the General Fund since the entire amount would be appropriated from the Community Preservation Fund.

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

STAFF ASSISTANCE: Mark A. Milne, Director of Finance; Thomas J. LaRosa, First Assistant Town Attorney

VOLUNTEER ASSISTANCE: Lindsey Counsell, Chair, Community Preservation Committee

B. NEW BUSINESS (Refer to a Second Reading on 11/20/2025)

BARNSTABLE TOWN COUNCIL

ITEM# 2026-056
INTRO: 11/06/2025

2026-056 ORDER ACCEPTING THE PROVISIONS OF SECTION 17C OF CHAPTER 90 OF THE MASSACHUSETTS GENERAL LAWS

ORDERED: That the Town Council does hereby accept the provisions of Section 17C of Chapter 90 of the Massachusetts General Laws to allow the Town to establish a speed limit of 25 miles per hour on any roadway inside a “thickly settled or business district” in the Town, as defined by G.L. c. 90, sec. 1, on any way that is not a state highway; provided that the Town shall do so on a Town-wide basis for all roads inside the thickly settled or business districts in the Town; and further directs the Town Manager or his designee to notify the Division of Highways within the Massachusetts Department of Transportation upon establishing such a speed limit.

SPONSORS: Councilor Kristin Terkelsen, Precinct 2; and Councilor Betty Ludtke, Precinct 3

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2026-056
INTRO: 11/06/2025

SUMMARY

TO: Town Council
FROM: Councilor Kristin Terkelsen
DATE: November 06, 2025
SUBJECT: Order accepting the provisions of Section 17C of Chapter 90 of the Massachusetts General Laws

BACKGROUND: On October 28, 2024, a community forum was held at the Centerville-Osterville-Marstons Mills Fire station to allow the community to voice their concerns about roadway safety of their neighborhoods and streets. The meeting was well attended by an estimated 40-50 residents who asked for constructive changes to increase road safety and safeguard their quality of life.

Barnstable residents consistently report feeling unsafe walking, biking, running along residential roadways with their children and pets. These concerns have been voiced to the Barnstable Police Department, Town Councilors, and other town employees. This is not a new complaint or issue.

A small group of community volunteers met over the last year, gathering information and collecting data. Their work focused on the safety outcomes of the reduction in speed on residential roadways, which included:

1. For 25 mph crashes, an estimated 30% of pedestrians suffer severe injuries and about 12% die, and for 30 mph crashes, approximately 47% of pedestrians suffer severe injuries and 20% die. (Source: 2011 AAA Foundation for Traffic Safety report.)
2. “Crashes involving pedestrians are 70 percent more likely to be fatal if the vehicle involved is traveling at 30 mph versus 25 mph.” (Source: Morgan Madderom, Chicago Pedestrian and Traffic Safety Committee director.)
3. Albany, NY lowered its speed limit to 25 mph effective January 1, 2025, and the number of crashes dropped 29% from the same timeframe in 2024. (Source: WAMC Northeast Public Radio Northeast Report published 5/7/2025.)

RATIONALE: This item asks for the Town Council to accept the provisions of Section 17C of Chapter 90 of the Massachusetts General Laws to allow the Town to reduce the default statutory speed limit from 30 mph to 25 mph on any town-owned roads in “thickly settled or business districts” to safeguard our residents and visitors. The proposed vote further specifies that this would be implemented on a Town-wide basis, on all roads in such districts. Accepting this provision of the General Laws allows cities and towns to reduce the speed limit to 25 mph on any non-state roadway within a “thickly settled or business district” without having to undertake engineering studies, streamlining the process. A “thickly settled or business district” is defined by state law as “the territory contiguous to any way which is built up with structures devoted to business, or the territory contiguous to any way where the dwelling houses are situated at such distances as will average less than 200 feet between them for a distance of a quarter of a mile or over.”

Municipalities can either implement the lower speed limit Town-wide on all non-state roads within a thickly settled or business district or it can choose specific roads in those districts to which the lower speed limit would apply. New signage would be needed. If the lower speed limit is implemented Town-

wide, new signs would only be required at the Town's jurisdictional boundaries. If not implemented on a Town-wide basis, individual street signs would be needed. If the Town opts in, the new speed limit would only apply to streets that are currently governed by a statutory speed limit. If an existing special speed limit is in place, that special speed limit will continue to govern. Over 40 municipalities across Massachusetts, including Dennis and Worcester, have already adopted this measure, some on a Town- or City-wide basis, and some through the designation of specific streets.

Local fire chiefs support the adoption of M.G.L. c. 90, sec. 17C. See attached letters from the Barnstable Fire Department and the Centerville-Osterville-Marstons Mills Fire Department.

FISCAL IMPACT: Approval of this action will require the Department of Public Works to install approximately 200 signs at an estimated cost of \$200 per sign for a total of \$40,000. This cost was not included in the approved fiscal year 2026 Operating Budget. If approved, a supplemental budget appropriation order will be brought forward for the Town Council's approval with the funding source being the General Fund reserves which were last certified at \$36.2 million as of July 1, 2025.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, supports Council consideration of this item.



BARNSTABLE FIRE DEPARTMENT

3249 Main Street — P.O. Box 94
Barnstable, Massachusetts 02630
508-362-3312
FAX: 508-362-8444



Christopher A. Beal
FIRE CHIEF
cbeal@barnstablefire.org

Kevin F. Brailey
DEPUTY CHIEF
kbrailey@barnstablefire.org

March 17, 2025

Barnstable Town Council
367 Main Street
Hyannis, MA 02601

Subject: Request to Reduce Speed Limits in Residential Areas for Public Safety

Dear Members of the Barnstable Town Council,

I am writing to you on behalf of the Barnstable Fire Department to express our deep concern regarding the ongoing issue of speeding in residential neighborhoods and the urgent need to reduce the speed limit to **25 mph** in these areas. As Fire Chief, my primary responsibility is the safety and well-being of our community, and I believe this measure is a crucial step in protecting our residents, particularly our children.

Our firefighters and emergency responders witness firsthand the dangers posed by excessive speed in residential zones. We respond to far too many calls involving vehicle accidents, pedestrian near-misses, and incidents that could have been prevented with lower speed limits. Residential streets are not just roads—they are places where children play, families walk, and neighbors interact. Reducing the speed limit to **25 mph** would significantly decrease stopping distances and the severity of potential collisions, ultimately saving lives.

Studies have shown that a pedestrian struck by a vehicle traveling at 25 mph is far more likely to survive than one struck at 35 or 40 mph. Additionally, lower speeds give drivers more reaction time to avoid unexpected obstacles, such as a child running into the street or a bicyclist crossing an intersection. Many communities across Massachusetts have already adopted a **25 mph residential speed limit**, and the results have been overwhelmingly positive, with fewer crashes and a stronger sense of safety for residents.

As first responders, we urge the Town Council to take decisive action in making our neighborhoods safer by implementing this reduced speed limit. This change would not only enhance public safety but also support the quality of life in Barnstable's residential areas.

We appreciate your time and consideration of this important issue. I welcome the opportunity to discuss this further and to collaborate on solutions that prioritize the safety of our community. Please feel free to reach out at your convenience.

Sincerely,

Christopher A. Beal
Fire Chief
Barnstable Fire Department

www.barnstablefire.org



CENTERVILLE-OSTERVILLE-MARSTONS MILLS FIRE DISTRICT

DEPARTMENT OF FIRE-RESCUE & EMERGENCY SERVICES

1875 Route 28 • Centerville, MA 02632-3117
508-790-2375 x1 • FAX: 508-790-2385

Byron L. Eldridge, Chief
Patrick R. Hill, Deputy Chief

Shawn Lehane, Fire Prevention Officer
Timothy S. Booth, Fire Prevention Officer

February 12th, 2025

To Whom It May Concern,

As the Deputy Fire Chief of the Centerville-Osterville-Marstons Mills Fire Department, I strongly support lowering the residential speed limit in Barnstable from 30 mph to 25 mph. This change, in accordance with Massachusetts General Law (MGL c.90§17c), is a necessary step in enhancing public safety—particularly for our most vulnerable residents, including children.

Our department responds to numerous motor vehicle accidents where speed is a contributing factor, often leading to severe injuries or fatalities. In residential areas, even a small reduction in speed can significantly decrease stopping distance, improve driver reaction time, and reduce the severity of crashes. Most importantly, lower speeds create safer conditions for children walking, biking, or playing near roadways.

While speed limit reductions alone may not drastically alter driver behavior, when paired with enforcement, public education, and thoughtful roadway design, they effectively encourage safer travel speeds. Higher limits in residential areas often create speed disparities between cautious drivers and those traveling at what they perceive as reasonable, leading to dangerous behaviors such as tailgating and improper passing. A lower, more consistent speed limit helps prevent these risks and makes neighborhoods safer for everyone.

Many Massachusetts municipalities have already adopted this measure, recognizing the lifesaving benefits of reduced speed in densely populated areas. By taking this step, Barnstable prioritizes safety, aligns with best practices, and demonstrates a commitment to protecting all residents, especially children.

Thank you for your time and consideration. Please feel free to reach out with any questions.

Best regards,

Patrick R. Hill
Deputy Fire Chief

"Commitment to Our Community"