



Town Council Meeting  
July 20, 2017



**A** quorum being duly present, Council President Eric Steinhilber called the July 20, 2017, Town Council meeting to order at 7:00 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

An announcement was made by President Steinhilber regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 18.

**PRESENT:** Frederick Chirigotis, James Crocker, Jr., William Crocker, Jr., Jennifer Cullum, Sara Cushing, John Flores, Jessica Rapp Grasseti, Paul Hebert, Eric Steinhilber, James Tinsley, Jr., Philip Wallace. **Absent:** Debra Dagwan, John Norman

The Pledge of Allegiance was led by President Steinhilber, followed by a moment of silence for the family of David Clough.

**PUBLIC COMMENT:**

Carl Richardson speaking on behalf of "People of Action" and the 2<sup>nd</sup> Annual Unity Day, happy to do this again on July 28<sup>th</sup> on the Village Green.

Mark Harmon of the Seapuit Road Committee regarding the proposed road repairs for five streets.

Don Campbell regarding the Cotuit Water Department, is looking for more information regarding 2018-014.

Laura Wensel talked to the Council about two important bills, (Exhibit A) Dover Amendment, and HB3593 (Exhibit B) and requested Council support of these two bills.

John Julius spoke about a hearing with the Zoning Board to prevent group homes from any single family area, as an R-1 zoning issue; reckless regard for our neighborhoods; come to the public hearing and support us.

Pat Richards of "Voices of the Village" program which helped to build neighborhoods; the offshoot of this program is called "neighbors helping neighbors." The fabric of our neighborhoods is in jeopardy with the group homes infiltrating into our neighborhoods.

William Smith my house has been broken into, and robbed; my family was violated by these incidents. The homeless in our community are to be helped. This is a critical time in our society. (Exhibit C)

Close Public Comment

**COUNCIL RESPONSE TO PUBLIC COMMENT:**

We need to take care of our mentally ill, and addicted homeless population. We have to follow the fair housing laws. Regarding 2018-014, this item is specifically to protect our ground water and maintain our trees. This area is not part of the Cotuit Fire District lands.

**TOWN MANAGER COMMUNICATIONS:**

Mark Ells, Town Manager update:

- o Closed our FY 17 budget
- o FY 19 is currently in planning stages
- o Cape Cod Regional Technical High School (CCRT) project-Superintendent to come before the Town Council at the August meeting
- o September 19<sup>th</sup> Special Election for debt exclusion vote
- o Significant damage to a tree at the Centerville Recreation Playground
- o Position of Building Commissioner
- o Director of Assessing has retired
- o Mary Dunn Wellfield
- o Program for the 6<sup>th</sup> and 7<sup>th</sup> grade at the HYCC
- o Discover Barnstable 2017
- o Drew Dalton's email regarding the Barnstable Town Budgeting book and the Boys State program

**Councilor Comments and Questions:**

We are losing our trees throughout the Cape; hope we can replace the tree at the Centerville Playground [agree, we are a tree city, we have the plans in place to replant]; as to the Tech School, my understanding, is the money comes off the top of our General Fund if it is not voted. [Correct] Onus is on CCRT to get out to the community; Building Commissioner will now report to the Town Manager; reviewing the organizational structure of the town; would like more details on the program for the 6<sup>th</sup> and 7<sup>th</sup> grade [will bring Patti in at the next meeting to update everyone] [Chief is looking to have a police officer at all times at the HYCC] Lines of communication, people need to understand that the vote for the CCRT it is a majority vote with all towns [Ruth Weil, Town Attorney, mass distribution of information we cannot do; elected officials have much more leeway;] very critical issue; with regards to the after school program, is it money? [How many students will need transportation?] commend you on a good year; what district does Drew reside in? Thank him for us.

**ACT ON MINUTES:** Upon a motion duly made and seconded it was voted to approve the minutes of the June 15, 2017 meeting.

**VOTE: PASSES UNANIMOUS**

**COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements:**

- o Concert series; summer stroll; talks at the old jail;
- o 5 cent deposit on nips; Pilgrim Nuclear Power Plant shutdown;
- o Historical Society Taste of Cotuit; Cahoon Museum of American Art; Rushy Marsh Farm Tour
- o Housing Court has been approved and funded;
- o Homeless outreach position has been funded;
- o Centerville Old Home week; Beach Party on Craigville Beach;
- o Decommissioning of the Nuclear Power Plant Committee

- **Presentation by Zenas Crocker, Barnstable Clean Water, Estuary summer update (Exhibit D)**
  - All water is connected
  - Quality of the water is declining
  - Across the Cape, not just Barnstable
  - Alternatives to clean up our water

Councilor Questions and comments: Explain how the town may assist in the dredging; [we need to sit down and look at that as we get the permits; want to work on the ponds as well] disheartened by how slow this process is; cut is becoming a safety hazard; town has neglected to maintain the waterways; hope the appeal is resolved quickly; past the time for the town to maintain the waterways; Barnstable Harbor and Hyannis Harbor do get dredged; have to see how one thing ties with the other; urging is that we get the water advisory committee here to give us the presentation to see the whole problem and the solutions. The town has the ability to move, Mill Pond dredging may help us jump ahead; we are long overdue and the town has to do its part. Mill Pond is exactly what we were talking about at these meetings; everything will be driven by the dollar. No part of the town is more important than the other;

<b>2017-167      REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION</b> <b>INTRO: 06/15/17, 07/20/17</b>
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Upon a motion duly made and seconded it was

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

**VOTE: PASSES UNANIMOUS (Hebert off dais)**

<b>2017-168      APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$482,000</b> <b>PURSUANT TO TEMPORARY REPAIR TO PRIVATE ROADS PROGRAM REGARDING</b> <b>BUNKER HILL ROAD IN OSTERVILLE, MA    INTRO: 06/15/17, 07/20/17</b>
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Dan Santos, Director of Public Works gave the rationale  
Open public hearing

Charles Sabat, did not vote for or support this proposal, opposed this item, for approximately \$4,000 per year, for the first 10 years. Deny this funding request, make them readjust to a reasonable price per household.

Mark Harmon - This is the second year we have gone through the process, these roads are in impossible condition right now.

Closed public hearing

**Councilor questions and comments:**

What is the single share and a half share. [That happens when the property has access on two separate roads] We started the road repairs, everyone on these roads are on oversized lots. We had no mechanism in place to help these roads and home owners; one chance only to do this process; sympathetic, concerned that you are disappointed by the process. Pretty wide discrepancy, how close or how far apart are the outside bids to ours [they do vary; unknown variable may be prevailing wages; we do a low bid procedure; we are required to provide prevailing wages, in the community it might be \$30 per hour versus \$70 per hour, along with a guarantee] once we appropriate can we go back [no] raises a larger question, at least 50% must sign off, maybe we need to revisit that number.

Upon a motion duly made and seconded it was

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

**VOTE: PASSES 11 YES**

<p><b>2017-169      APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$585,340 PURSUANT TO TEMPORARY REPAIR TO PRIVATE ROADS PROGRAM REGARDING BEACH PLUM HILL ROAD AND SMOKE VALLEY ROAD IN OSTERVILLE, MA INTRO: 06/15/17, 07/20/17</b></p>
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Dan Santos, Director of Public Works gave the rationale  
Open

Upon a motion duly made and seconded it was

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

**VOTE: PASSES 11 YES**

**2017-170 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$753,480 PURSUANT TO TEMPORARY REPAIR TO PRIVATE ROADS PROGRAM REGARDING ICE VALLEY ROAD AND FOX ISLAND ROAD IN OSTERVILLE. INTRO: 06/15/17, 07/20/17**

Dan Santos, Director of Public Works gave the rationale  
Open public hearing

Tom Nelson the roads in our neighborhood are very bad, we do not have a neighborhood association; process is flawed, does not cost triple to pave in Osterville.

Richard Liddy it is a lousy road, I don't think it could be done better, fully supportive of this item.

Close public hearing

**Councilor questions and comments:**

Can't go out to bid without going to companies that use the prevailing wages; I blame the planning board for allowing thin coats of asphalt; people do not know they live on private roads; many items over the last several meetings, sewer system is going to probably be happening in the next 5 to 7 years; we need to do something for these neighborhoods; in the 60's and 70's many of the contractors wanted to own their own roads; we now know the heavy costs; will be supporting this item. If we have the roads dug up, is there a possibility to put in the framework for the sewer [not likely in these particular roads] on a private road can it be opened up in five years? Move forward on this, sewer pipe is not the answer for the whole town.

Upon a motion duly made and seconded it was

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

**VOTE: PASSES 11 YES**

**2017-173 APPROPRIATION ORDER OF \$30,000 FOR A SPECIAL ELECTION TO BE HELD ON SEPTEMBER 19, 2017 INTRO: 06/15/17, 07/20/17**

Rationale given by Town Manager, Mark Ells  
Open public hearing seeing no one closed public hearing

**Councilor discussion and questions:**

Being paid through receipts; what area of the general fund? [Mark Milne, Finance Director tax rate has not yet been set]

Upon a motion duly made and seconded it was

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

**2018-001 RESOLVE ALLOWING MARK S. ELLS, TOWN MANAGER TO CONTINUE TEACHING AT CAPE COD COMMUNITY COLLEGE UNDER SECTION 8 OF THE TOWN MANAGER CONTRACT INTRO: 07/20/17**

Upon a motion duly made and seconded it was  
**RESOLVED:** That according to Section 8 of the Town Manager Contract Agreement between the Town of Barnstable and Mark S. Ells, the Barnstable Town Council does hereby approve Mark S. Ells to continue teaching at Cape Cod Community College for the period of July 1, 2017 to June 30, 2018  
**VOTE: PASSES UNANIMOUS**

**2018-002 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 07/20/17**

Upon a motion duly made and seconded it was  
**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Golf Committee:** John Cookson, 85 Waters Edge Road, Marstons Mills, as a regular member to a term expiring 06/30/20; Fred Parker, 50 Osprey Drive, Cotuit as a regular member to a term expiring 06/30/20; **Disability Commission:** Linda McKinney, 327 Lake Elizabeth Drive, Centerville as a regular member to a term expiring 06/30/20; **Renewable Energy Commission:** Sheila Place, 583 Whistleberry Drive, Marstons Mills as a regular member to a term expiring 06/30/19  
**VOTE:** Refer to a second reading on August 17<sup>th</sup>-unanimous

**2018-003 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 07/20/17**

Upon a motion duly made and seconded it was  
**RESOLVED:** That the Town Council reappoint the following individuals to a multiple-member Board/Committee/Commission: **Hyannis Main Street Waterfront Historic District Commission:** Taryn Thoman as a regular member to a term expiring 06/30/20; Brenda Mazzeo as a regular member to a term expiring 06/30/20; Paul Arnold as a regular member to a term expiring 06/30/20; **Library Committee:** Lois Cronin as a regular member to a term expiring 06/30/18; Suzanne Kelly as a regular member to a term expiring 06/30/18; Chrystal Lapine as a regular member to a term expiring 06/30/18; **Planning Board:** Mary Barry as a regular member to a term expiring 06/30/20; **Water Resource Advisory Committee:** Lindsey Counsell as a regular member to a term expiring 06/30/20; Farley Lewis as a regular member to a term expiring 06/30/20; Casey Dannhauser as a regular member to a term expiring 06/30/20; **Zoning Boards of Appeals:** Matthew Levesque as a regular member to a term expiring 06/30/20  
**VOTE:** Refer to a second reading on August 17<sup>th</sup> - unanimous

**2018-004 AUTHORIZING THE TOWN MANAGER TO EXECUTE A REGULATORY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND ROCKLAND TRUST COMPANY LOCATED AT 765 MAIN STREET HYANNIS, MA INTRO: 07/20/17**

Elizabeth Jenkins, Director of Planning and Development gave the rationale, David Lawlor representing Rockland Trust spoke about the benefit to the town

Upon a motion duly made and seconded it was

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

**VOTE: PASSES 11 YES**

**REGULATORY AGREEMENT**

ROCKLAND TRUST COMPANY  
765 MAIN STREET  
HYANNIS, MA 02601

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

WITNESS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

1. The Developer agrees to construct the Redevelopment on the Property in accordance with the Redevelopment Plans which are attached as **Exhibit A** to this Agreement and which are entitled as follows:
  - a. "Rockland Trust Site Development Plans, 765 Main Street, Hyannis, MA 02601 Applicant: Rockland Trust, 288 Union Street, Rockland, MA 02370, Engineer/Surveyor: Baxter Nye Engineering & Surveyor, Registered Professional Engineers and Land Surveyors, 78 North Street, Hyannis, MA 02601 Issued for : Site Plan review (04/07/2017), as follows:
    - i. 0.0 Cover Sheet, Sheet 1;
    - ii. 1.0 Legend and General Notes ;
    - iii. 2.0 Existing Conditions Plan;
    - iv. 3.0 Layout and Dimension Plan;
    - v. 3.1 Tower Turning Template Plan
    - vi. 4.0 Grading and Drainage Plan
    - vii. 4.1 Storm water Details and Notes;
    - viii. 5..0 Utility Plan;
    - ix. 6.0 Details;
    - x. 6.1 Details;
    - xi. 6.2 Cultec Stormfitter 330 Details;
    - xii. 6.3 Cultec Recharger 280 HD Details.
  - b. "Rockland Trust Proposed Renovations 765 Main Street, Hyannis, MA-A1-Proposed Upper Floor Plan Layout.
  - c. "Rockland Trust Proposed Renovations 765 Main Street, Hyannis, MA A2-Proposed Lower Plan Layout.
  - c. "Rockland trust Proposed Renovations 765 Main Street, Hyannis, MA

A3- Proposed Left Side Elevation".

- d. "Rockland Land Proposed Renovations 765 Main Street, Hyannis, MA A4-Proposed Rear Elevation".

2. The Town hereby grants the following waivers from the Town of Barnstable Zoning Ordinance for the Redevelopment, as requested by the Developer:

- a) Section 240-24.1.6(A): To allow use of the Property as a bank with drive-through in the OM District.
- b) Section 240-24.1.6(C) & 240-24.1.10(A)(4): Front, rear and side parking setback (*currently pre-existing non-conforming*) and where the altered setbacks are more conforming than existing conditions.
- c) Section 240-53(C) and 240-24.1.10(A)(4) Landscaping requirements for parking lots.
  - i. To provide 9% interior parking lot landscape where ordinance requires 10%.
- d) Signage – Sections 240-24.1.10(A)(6) and 240-67.
  - i. Waiver to allow signage in excess of 50 square feet and to allow adequate number of signs for identification and directional purposes.
  - ii. Signage shall be consistent with the Design Infrastructure Plan. Written approval of the signage plan shall be obtained from the Director of Planning and Development Director prior to installation.
  - iii. No waiver is requested or granted for internally illuminated signs.

3. The Town hereby grants the following waivers from Chapter 112, Article I Protection of Historic Properties for the Redevelopment, as requested by the Developer:

- a. Waiver from all requirements of §112-3 thereby allowing the development as depicted on the Redevelopment Plans.

4. The Redevelopment provides, without limitation, the following site design, traffic safety, and community benefits:

- a. Revitalization of long standing vacant property; revitalization is anticipated to eliminate or substantially reduce issues associated with blighted property including, but not limited to, homeless occupation and illicit activity.
- b. Redevelopment will significantly improve aesthetics at a gateway property into the Hyannis Growth Incentive Zone.
- c. Elimination of ten parking spaces directly located on property line abutting West End Rotary and Main Street. This will eliminate dangerous conditions of vehicles pulling out directly onto the West End Rotary and Main Street.

- d. Substantially improved traffic flow pattern allowing smoother ingress and egress on the property.
  - e. Exterior site lighting improvements, including use of LED lights and motion detector lights.
  - f. Construction of a sidewalk along the entire length of the Main Street frontage in accordance with all applicable standards.
  - g. Improved storm-water drainage management on-site with low impact design measures.
  - h. Replacing existing internally illuminated signs with new signs illuminated externally or with halo lighting as per Design Infrastructure Plan.
5. This Agreement shall run with the land, and all of the terms, conditions, and obligations contained in this Agreement shall be binding on any successor or assignor of the Applicant.
6. The term of this Agreement shall be ten (10) years from the effective date of the Agreement (hereafter, the "Term"), and the development rights authorized herein must be exercised prior to expiration of the Term or this Agreement or it shall be null and void. Once the development rights authorized herein have been timely exercised, all terms and conditions of this Agreement shall remain in effect until the Property is no longer used in accordance with the Redevelopment Plans in a manner that requires additional zoning relief.

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

Dated this \_\_\_ day of \_\_\_\_\_, 2017.

TOWN OF BARNSTABLE

ROCKLAND TRUST COMPANY  
a Massachusetts banking company

By: \_\_\_\_\_

By:

Name: Mark Ells Town Manager

Name:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

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

\_\_\_\_\_  
Notary Public  
My Commission  
expires: \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

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

\_\_\_\_\_  
Notary Public  
My Commission  
expires: \_\_\_\_\_

**2018-005 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$1,400 FROM THE GAY AND LESBIAN EQUITY (GALE) FUND TO THE BARNSTABLE SENIOR SERVICES DIVISION TO SUPPORT LESBIAN, GAY, BISEXUAL, TRANSGENDER (LGBT) PROGRAMMING AT THE BARNSTABLE SENIOR CENTER INTRO: 07/20/17**

Lynne Poyant, Director of Community Services

Upon a motion duly made and seconded it was

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

**VOTE: PASSES UNANIMOUS**

2018-012 TAKEN OUT OF ORDER\*\*\*\*

**2018-012 RESOLVE TO APPROVE THE APPOINTMENT OF BRIAN FLORENCE AS THE TOWN OF BARNSTABLE BUILDING COMMISSIONER INTRO: 07/20/2017**

Upon a motion duly made and seconded it was

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

**VOTE: PASSES UNANIMOUS**

**2018-006 AN ACT RELATIVE TO THE USE OF CERTAIN LAND IN THE TOWN OF BARNSTABLE WITHIN RESIDENTIAL DISTRICTS. INTRO: 07/20/17**

[Councilor Chirigotis left the dais, recusing himself]  
Rationale given by Town Attorney, Ruth Weil

**Councilor questions and comments:**

Not all group homes are included in this item,[if it is passed will allow the Town to regulate for not for profit zoning in those residential districts for educational uses]

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

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

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

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

Section 2: This act shall take effect upon passage.

**VOTE: PASSES UNANIMOUS (10 YES)**

**2018-007 EXTENSION OF TIME FOR UNENCUMBERED CAPITAL APPROPRIATIONS INTRO: 07/20/17**

Mark Milne, Finance Director gave the rationale

Upon a motion duly made and seconded it was **RESOLVED:** That the Town Council hereby extends the expiration date to June 30, 2020 in accordance with Chapter 86 §4 of the Town’s General Ordinances for certain specific appropriations as follows:

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

**VOTE: passes 10 yes (Chirgotis off dais)**

**2018-008 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$2, 077,481.00 FOR THE PURPOSE OF FUNDING THE REHABILITATION AND RECONSTRUCTION OF RUNWAY 15-33, REPLACE RUNWAY 15-33 VISUAL APPROACH SLOPE INDICATOR (VASI) WITH PRECISION APPROACH PATH INDICATOR (PAPI), RE-ALIGN A PORTION OF TAXIWAYS BRAVO AND CHARLIE, REPLACE EMERGENCY BACK-UP GENERATOR IN THE AIRFIELD LIGHTING VAULT INTRO: 07/20/17**

Upon a motion duly made and seconded it was **ORDERED:** That the sum of Two Million Seventy-Seven Thousand Four Hundred Eighty-One Dollars and No cents (**\$2,077,481.00**) be appropriated for the purpose of funding the rehabilitation and reconstruction of Runway 15-33, replace Runway 15-33 Visual

Approach Slope Indicator (VASI) with Precision Approach Path Indicator (PAPI), re-align a portion of Taxiways Bravo and Charlie, and replace emergency back-up generator in the airfield lighting vault at the airport; to be added to the amount appropriated under Council Order **2016-090**, and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$2,077,481.00** to be added to the borrowing authorization under Council Order **2016-090**; and furthermore, that the Barnstable Municipal Airport Commission is authorized to contract for and expend the appropriation made available for these purposes, and be authorized to accept any grants or gifts in relation thereto.

**VOTE referred to a public hearing on 8/17- unanimous**

**2018-009 APPROPRIATION ORDER IN THE AMOUNT OF \$163,800.00  
COMMUNITY PRESERVATION FUNDS FOR HARD AND SOFT COSTS ASSOCIATED  
WITH RESTORATION WORK TO THE CENTERVILLE RECREATION BUILDING  
LOCATED AT 524 MAIN STREET, CENTERVILLE, MA INTRO: 07/20/2017**

Upon a motion duly made and seconded it was

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

**VOTE: refer to a public hearing on August 17 - unanimous**

**2018-010 TRANSFER ORDER OF \$68,499.11 FOR THE LOMBARD PARK AND  
FIELD IMPROVEMENT PROJECT INTRO: 07/20/2017**

Dan Santos, Director of Public Works gave the rationale

Upon a motion duly made and seconded it was

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

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

**VOTE: PASSES UNANIMOUS**

**2018-011 RESOLVE TO CHANGE PRECINCT ELEVEN (11) POLLING LOCATION TO 2160 MEETINGHOUSE WAY, WEST BARNSTABLE, MA 02668 INTRO: 07/20/2017**

Town Clerk, Ann Quirk gave the rationale

Upon a motion duly made and seconded it was

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

**VOTE: PASSES UNANIMOUS**

**2018-013 CONFIRMATION OF APPOINTMENT OF MICHAEL ANDREW CLYBURN AS TRUSTEE TO THE AFFORDABLE HOUSING/GROWTH AND DEVELOPMENT TRUST FUND BOARD INTRO: 07/20/2017**

Rationale given by Mark Ells, Town Manager

Upon a motion duly made and seconded it was

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

**VOTE: PASSES UNANIMOUS**

**2018-014 AMENDING CHAPTER 240 OF THE ZONING ORDINANCE TO LIMIT LAND CLEARANCE WITHIN THE GROUND MOUNTED SOLAR PHOTOVOLTAIC OVERLAY DISTRICT INTRO: 07/20/2017**

Upon a motion duly made and seconded it was

**ORDERED:**

**Section 1.**

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

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

**Section 2.**

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

- a. Land clearing is prohibited within 800 feet from the outer boundary of any Zone I protective radius around a public water supply well or Wellfield established by 310 CMR 22.
- b. Land clearing in excess of two contiguous acres in connection with any single installation is prohibited.

- c. No such installation shall be segmented or broken into separate ownerships so as to avoid the prohibitions of (a) and (b) above.

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

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

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

### **Section 3.**

That Chapter 240, Article V, Section 240-44.2(E)(2)(a)[2] of the Zoning Ordinance is hereby amended by inserting the following second sentence therein as follows: “The square footage of each disturbed area shall be identified on a plan and details of any site alteration, including number and species of trees to be removed, shall be provided.”

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

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

### **Section 4.**

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

**VOTE: referred to planning board - unanimous**

### **ADJOURNMENT:**

Upon a motion duly made and seconded it was

**VOTED to adjourn:**

**Adjourned at 9:45 PM**

Respectfully submitted,

Ann M Quirk, CMC/CMMC  
Town Clerk/Town of Barnstable



NEXT REGULAR MEETING: August 17, 2017

EXHIBITS:

- A. Senate No. 194
- B. House Bill No. 3693
- C. Cape Cod Times 6-3-2017-James M. Cummings, Sheriff
- D. Barnstable Clean Water Coalition