



Town Council Meeting
February 3, 2022



A quorum being duly present, President Matthew Levesque called the February 3, 2022, Town Council meeting to order at 7:00 PM.

An announcement was made by President Levesque 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: (On Zoom) Nikolas Atsalis, David Bogan, Kristine Clark, Jennifer Cullum, Paul Hebert, Jeffrey Mendes, Paul Neary, Paula Schnepf, Tracy Shaughnessy, Gordon Starr, Eric Steinhilber **ABSENT:** Jessica Rapp Grasseti, Matthew Levesque

The Pledge of Allegiance was led by Councilor Mendes followed by a moment of silence.

Vice President Schnepf discussed the applicant's request to continue agenda item 2022 – 069. She noted Council will vote on the continuance request.

PUBLIC COMMENT:

Terri Vargas Wallace advocated for more housing in Barnstable. She felt local people need housing and businesses need year round people to frequent/to go to their businesses.

Brian Hughes would like information on quarterly basis regarding projected needs for housing and rental risks.

Andrew Gottlieb was opposed to Holtec Decommissioning International (HDI) dumping nuclear wastewater in to the Cape Cod Bay. He felt the Fishing Industry would be greatly impacted by this action and wanted to prevent the polluted dumping from happening in our waters.

Shawna Moos mentioned the Cape Housing Institutes upcoming March 1, 2022 public course. She urged Council to revitalize Downtown Hyannis with housing.

Meaghan Mort questioned why the Barnstable Land Trust is looking for assistance in generating alternative design concepts for the proposed development at Twin Brooks Golf Course.

Betty Ludtke felt something needed to be done to prevent the dumping of nuclear wastewater in the Cape Cod Bay. She also suggested the 310 Main Street property, which was proposed as a pump station be transferred back to sell able property with an Accessory Dwelling Unit (ADU).

Alisa Magnotta asked that the public be included in the Twin Brooks project. She felt there was a pressing need for housing.

Response to Public Comment:

(Atsalis) felt that the 310 Main Street property would go back on the market if Mother's Park was the parcel for the pump station. He explained whoever purchases the 310 property they could consider an ADU if they wanted it. He added the Barnstable Land Trust has the right to request ideas as the project is just in the starting block phase.

Town Manager's Report (Exhibit A)

- January 29, 2022 storm impact
 - Elizabeth Jenkins, Director Planning and Development provided an update on the Local Comprehensive Plan (LCP). She spoke about the application process roll out for the LCP Committee (LCPC) which was open to the public. (Cullum) Thank you for casting the widest net possible for LCPC members. (Schnepp) What is the deadline for applications? (Jenkins) End of business day on February 21st, 2022
- Business Barnstable
- Submit applications for 2022 Tourism Mini-Grant
- COVID-19 Small Business Recovery Grant
- Fiscal Year 2023
 - Mark Milne, Director of Finance discussed Barnstable County's distribution of American Rescue Plan Act (ARPA) funds.
 - Michael Lambros, Director of School Facilities provided an update on the Comprehensive Facilities Assessment.

(Cullum) Should the school change from a Model English as a Second Language (ESL) to a dual language/more bi-lingual system? (Mendes) What are the percentage of ESL and the needs of special needs? (Lambros) it is sixty percent of our district. (Hebert) Is the thinking to increase building? (Ells) that is what is the assessment will tell us.

- Beth Albert, Barnstable County Administrator discussed the \$41.3 million dollar funds. Vaira Harik, Assistant County Administrator spoke about the outreach survey for each town. She noted infrastructure priority was number one need with affordable housing as the second important need and childcare and public health spending coming in as a third need. (Hebert) We need vouchers to get people in to housing. County can be the backbone to the regional approach. We need to work together. (Ells) We will offer support with Mark Milne, Director of Finance, to help aid in the discussion.

ACT ON MINUTES:

Upon a motion duly made and seconded it was to accept the minutes of January 20, 2022 as presented.

VOTE: PASSES 11 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Hebert, Mendes, Neary, Schnepp, Shaughnessy, Starr, Steinhilber.

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

(Schnepp) mentioned Alisa Magnotta, Housing Assistance Corporation Chief of Executive Office was offering an upcoming event to discuss Loan and Housing Assistance ADU Homeowner Assistance Program.

Break – 8:12 pm – 8:20 PM

2022-069 AUTHORIZING THE TOWN MANAGER TO EXECUTE A MAJOR AMENDMENT TO THE ORIGINAL REGULATORY AGREEMENT 2019-03 BETWEEN THE TOWN OF BARNSTABLE AND AIRVIEW, LLC FOR THE PROPERTIES LOCATED AT 451 AND 467 IYANNOUGH ROAD, HYANNIS INTRO: 01/06/2022, 02/03/2022

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby authorizes the Town Manager pursuant to Sections 168-5 and 168-10 of Chapter 168 of the General Ordinances of the Code of the Town of Barnstable (the "Code") to amend the original Regulatory Agreement 2019-03 between the Town of Barnstable and Airview, LLC for the properties located at 451 and 467 Iyannough Road/Route 28, Hyannis, Massachusetts, shown on Town of Barnstable Assessor's Map 311 as Parcels 027, 081 and 082, respectively, and which are more particularly described in the deed recorded with the Barnstable County Registry of Deeds in Book 28116, Page 008 (collectively, the "Property"), consisting of approximately 2.108 acres of land, and further authorizing a drive-through with supplemental site improvements and granting the requested zoning relief pursuant to and as described in this First Major Amendment to Regulatory Agreement.

FIRST MAJOR AMENDMENT TO REGULATORY AGREEMENT

AIRVIEW, LLC

451 AND 467 IYANNOUGH ROAD, HYANNIS, MA 02601

This Regulatory Agreement Amendment ("Amended Agreement" or "Amended RA") is entered into by and between the applicant, **Airview, LLC** (the "Applicant" and/or "Developer"), a Massachusetts limited liability company with a mailing address of 297 North Street, Hyannis, MA 02601, 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 _____, 2021, pursuant to Section 240-24.1 of the Barnstable Zoning Ordinance and Chapter 168 of the Code of the Town of Barnstable.

WITNESS:

WHEREAS, the Applicant and the Town entered into a Regulatory Agreement dated July 15, 2020 ("RA 2019-03"), which is recorded in the Barnstable County Registry of Deed in Book 33111, Page 187;

WHEREAS, the Applicant has constructed Building A, a one-story retail pharmacy building with a drive through lane and a gross floor area of approximately 10,000 square feet, and Building B an approximately 6,000 square foot building together with numerous site improvements, including a significant reduction in curb-cuts, increased landscaping, new parking, pedestrian and site amenities, and new storm-water drainage;

WHEREAS, The Applicant applied for an amendment to RA 2019-03 to allow for a drive through window, additional signage, and minor revisions to the site plan to accommodate a drive through for a 2,500 square foot food service establishment/coffee shop located in Building B as shown on the Amended Redevelopment Plans are hereafter referred to herein, collectively, as the "Amended Redevelopment", all as shown on the plans submitted and attached hereto as **Exhibit A** (hereafter, the "Amended Redevelopment Plans");

WHEREAS, pursuant to sections 168-3 and 168-10 of the Code of the Town of Barnstable, the Town of Barnstable is authorized to amend RA 2019-03 with the Applicant;

WHEREAS, the Applicant continues to own the properties known as and numbered 451 and 467 Iyannough Road, Hyannis, which are shown on Barnstable Assessor's Map 311, as Parcels 027, 081 and 082 respectively, and which are more particularly described in the deed recorded with the Barnstable County Registry of Deeds in Book 28116, Page 008 (hereafter, collectively, the "Property");

WHEREAS, the Applicant commenced development of the Property consistent with the approvals under RA 2019-03 by constructing Buildings A and B, with Building A already occupied by a Walgreens Drug Store;

WHEREAS, this Amended Agreement shall establish additional permitted uses, densities, signage, traffic, and the drive through, within the approved Redevelopment (as defined within the original RA 2019-03), the duration of this Amended Agreement, and any other terms and conditions mutually agreed upon between the Applicant and the Town;

WHEREAS, the scale, placement, materials, design, and details of the buildings comply with the Design and Infrastructure Plan guidelines; and the Project and its supported mitigation provide the infrastructure necessary to support the project;

WHEREAS, the Town and Applicant desire to amend RA 2019-03 and this Amended Agreement reflects their respective understandings and agreements with regard to the Amended Redevelopment;

WHEREAS, the Applicant commits to use of the Property in accordance with this Amended Agreement and desires to have a reasonable amount of flexibility to carry out the amended use and therefore considers this Amended Agreement to be in its best interests;

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

WHEREAS, the Amended Agreement 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;

WHEREAS, the Amended Redevelopment proposal was reviewed by the Site Plan Review Committee (Building, Department of Public Works, Hyannis Fire District, etc.) pursuant to Article IX of the Zoning Ordinance. Per the Site Plan Review Letter dated February 8, 2021, the Committee determined that the proposal was approvable subject to obtaining Planning Board approval for the modification to the approved Regulatory Agreement, with recommendations for sufficient stacking and a focus on site improvements to ensure that pedestrian and vehicle circulation would be sufficient and safe provided the added drive-through.

WHEREAS, pursuant to Section 168 of the Code of the Town of Barnstable, the Town of Barnstable may enter into Regulatory Agreements with qualified applicants in areas shown on the Regulatory Agreements District Map. The subject property is located within the area delineated for regulatory agreements. Regulatory agreements may be amended pursuant to §168-5(D). This request qualifies as a substantial amendment, as additional zoning relief is necessary, and must be approved by the Planning Board and Town Council;

WHEREAS, the Applicant submitted a "Traffic Impact and Assess Study" dated May 27, 2021 performed by WorldTech Engineering ("WorldTech") and an additional Traffic Report in July 2021;

WHEREAS, after the initial hearing on the Application to amend RA 2019-03, the Planning Board requested a Peer Review of the traffic implications of the proposed amendments;

WHEREAS, the Planning Board hired Vanasse & Associates Inc. "Vanasse") to conduct the peer review ("Peer Review" at the Applicant's expense) and;

Vanasse submitted the Peer Review on October 5, 2021;

and WorldTech Engineering submitted a "Peer Review Memo Response" dated October 21, 2021;

WHEREAS, the final Traffic Impact and Assessment Study showed that anticipated traffic impacts are 97 new trips during the peak hour. This was deemed to create significant queuing leaving the Site as well as adding vehicular trips to an already congested regional roadway;

WHEREAS, the Applicant submitted a revised Site Plan dated November 22, 2021 from Baxter Nye Engineering & Surveying with additional signage and modifications to the parking lot layout;

WHEREAS, the Applicant submitted signage design and specifications and a rendering for the proposed drive through;

WHEREAS, the Amended Agreement application has undergone a public hearing opened on 08/23/2021 and closed on 11/22/2021 and received an affirmative majority vote from the Planning Board on 11/22/2021;

WHEREAS, the Amended Agreement has undergone a public hearing opened on XX/XX/XXXX and closed on XX/XX/XXXX before the Barnstable Town Council and received a _____ vote _____ the Agreement on _____, 2022;

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 Amended Agreement, and hereby agree to covenant as follows:

1. All conditions defined within the original RA 2019-03 shall remain in full force and effect.
2. The Amended Redevelopment shall consist of:
 - Addition of a drive-through for a 2,500 square foot food service establishment/coffee shop located in Building B with a drive through lane

and additional site improvements including wayfinding, drive through and traffic control signage, a clearance bar and a patio.

- A reduction in provided parking from 80 to 78 paved parking spaces.
 - The island directly at the rear of the Building B was increased to accommodate the drive through menu boards.
 - The southeast rear corner of the site was established as one-way circulation counter clockwise around Building B.
 - Within the southeast corner, parking was modified from ninety degree parking to angled parking to better accommodate one-way traffic and the reduced drive aisle width.
 - Modification to the median on Route 28, including addition of two flexible bollards, to be coordinated with MassDOT for approval in an effort to further limit the ability to take a left turn into the site.
 - Addition of a bike rack.
3. The Developer constructed the Redevelopment on the Property in accordance RA 2019-03.
 4. This Amended 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.
 5. Any substantial deviation from the authorized terms of this Amended Agreement shall require review by the Town Council and Planning Board pursuant to Chapter 168-10 of the Code.
 6. The Developer agrees to construct the Amended Redevelopment on the Property in accordance with the Amended Redevelopment Plans which are submitted herewith and which are entitled as follows:
 - a. "Layout and Dimension Plan", Sheet C3.0, revised November 22, 2021
 - b. "Landscape Planting Plan", Sheet L1, dated November 17, 2021
 - c. Building B Floor Plan and Elevation drawings as follows:
 - i. "FF & E Plan ", Sheet I101, dated November 22, 2021
 - ii. "Building Exterior Elevations", Sheet A201, dated September 3, 2021
 - iii. "Building Exterior Elevations", Sheet A202, dated September 3, 2021
 - d. Signage Plan "Starbucks Coffee #66563 467 Iyannough Road Hyannis, MA 02601", Sheets 1-11, dated November 19, 2021 and revised November 22, 2021

7. 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.
8. The remaining 3,500 square feet of space of Building "B" shall be occupied by office use or low impact retail use not to exceed the traffic impact established for office use (58 new total daily trips, 7 new AM peak hour trips and 9 PM peak hour trips) in accordance with the Traffic Impact and Access Study prepared by WorldTech Engineering dated July 2021. Office use shall not include medical or dental offices or clinics, unless approved by the Planning Board at a public hearing.
9. All new exterior lighting shall be "dark sky complaint" in order to retain all exterior lighting on the site.
10. All deliveries for both Building A and Building B shall be during non-peak hours. Deliveries shall be limited to the hours when the Starbucks is closed. Limited small deliveries may occur during the day via small vans, which can park in front of the store drop off and leave.
11. The northeastern driveway island shall be constructed substantial in conformance with the Layout and Dimension Plan updated November 22, 2021. The Massachusetts Department of Transportation shall review and approve the final design on the northeastern driveway island.
12. As a result of the traffic impacts to the surrounding roadways, the Applicant has agreed to provide \$100,000 towards the study and/or design of roadway and multi-modal improvements along the Route 132 and/or Route 28 corridor(s).
13. The Developer is responsible for obtaining all applicable permits and licenses.
14. No Certificate of Occupancy shall be issued until all conditions of this Amended Agreement have been met and Design and Infrastructure Plan approval has been issued.
15. Prior to the issuance of any building permits the Developer shall submit a bike rack detail.
16. This Amended Agreement is transferable to a person or entity other than the Applicant (hereafter, the "Transferee") with prior written notice to the Town Manager and contingent upon the Applicant being in compliance with all the requirements of this Agreement. However, no such notice to the Town shall be effective unless it includes a written acknowledgement by the Transferee that they have read this Regulatory Agreement, and any amendments thereto, and they agree to be bound by the terms and conditions set forth herein, in which event after such assignment the transferor shall be relieved of liability from and after the date of transfer. Upon receipt of such written notice of transfer, and subject to a determination by the Town Manager that that the Applicant is in compliance with all the then applicable requirements of the Agreement, the Transferee and the Town Manager shall execute a minor amendment of this Regulatory Agreement acknowledging the Transferee is a signatory of this Regulatory Agreement, agreeing to be bound by the terms and conditions set forth herein, and any subsequent amendments hereto, and assuming liability as of the date of transfer. No Planning Board or Town Council approval is required for such a minor amendment acknowledging such a transfer in ownership.
17. The Developer estimates that construction will commence within 30 days of the granting of the Building permits.

18. To the extent that the Amended Redevelopment Plans referenced in this Amended Agreement do not depict all the findings and conditions set forth in this Agreement, revised plans and/or notations shall be provided with the submission of final plans to the Building Commissioner. The amended Redevelopment shall remain in substantial conformance with the Site Plan Review approvals dated July 2, 2019 and February 8, 2021 and all conditions thereof and any modifications thereto including any conditions required should the Building Commissioner determine that modifications to the Site Plan Review approval are necessary as reflected in the final approved site plan.
19. Upon completion of all work, a registered engineer or land surveyor shall submit a letter of certification and an as-built plan, made upon knowledge and belief in accordance with professional standards that all work has been done in substantial compliance with the approved site plan (Barnstable Code Section 240-104(G)). This document shall be submitted before the issuance of the final certificate of occupancy.
20. The Town hereby grants the following waivers from the Town of Barnstable Zoning Ordinance for the Redevelopment, as requested by the Developer:
 - a. Section 240-24.1.4.1.11(A) (3) Drive-through windows. Drive-through windows are prohibited within the Hyannis Village Zoning Districts; with the exception that banks allowed as a principal permitted use may construct and operate a drive-through window upon the issuance of a special permit.
 - i. The proposed amendment to the RA 2019-03 requests the ability to construct a second drive through window for a 2,500 square foot food service establishment/coffee shop within Building B.
 - b. Sections 240-24.1.11(A) (6); 240-67(A), (B), and (C), and 240-65 (A)-(I), Signage. Airview, LLC seeks to amend the original RA 2019-03 to update the request associated with the need for the previously approved signage waivers to incorporate signage proposed for the food service establishment/coffee shop and to modify the request associated with signage established for Building A.
 - ii. Section 240-67(B) limits the maximum square footage of all signs to the lesser of 50 square feet or 10% of the building face. Excluding directional drive thru signage, the total square footage of signage for Building A (pharmacy) is 177.54 square feet and the total square footage of signage for Building B (proposed retail space) is 150 square feet.
 - iii. Section 240-67(C) limits the maximum size of any freestanding sign to 10 square feet except that the Building Commissioner can grant up to 24 square feet. The project proposes two freestanding signs each totaling 30 square feet.
 - iv. Section 240-65(A) limits each business to a total of two signs. Building A (proposed pharmacy) proposes 6 signs (four building signs and one panel on each of the two freestanding pylon signs). Building B (retail space) proposes four signs (a panel on each of the freestanding pylon signs for each location) with additional

signage to be determined.

- v. Section 240-65(d) allows one freestanding sign per business, which may not exceed half of the allowable size as permitted. The project proposes two freestanding signs each of which exceeds the allowable size.
- vi. Section 240-65 and 240-67 Signs in the HG District. Redevelopment proposes two free-standing signs – one along Route 28 and one along Barnstable Road. The Ordinance allows for only one free-standing sign per business.
- vii. Section 240-78 Internal Illumination drive through menu signage will be internally illuminated.
- viii. Section 240-75 allows for directional or safety signs provided such signs do not exceed one square foot in area, nor be more than three feet high. No more than four such signs are allowed per site. Building B proposes the following directional/safety signs:

18" CHANNEL LETTERS ON BUILDING (A)	22.94 SQ FT.
48" DT WALL SIGN (B) FT.	6.96 SQ.
CLEARANCE BAR (C) FT.	2.29 SQ.
46" ILLUMINATED DIRECTIONAL TYEO (D) Sign cabinet only FT.	7.99 SQ. FT. 2.6 SQ.
PRE-MENU BOARD (G) FT.	6.72 SQ.
FREESTANDING 5-PANEL MENU (H)	22.9 SQ. FT.
DOS ON CANOPY (I) FT.	9.62 SQ.

- c. Section 240-24.1.8(B) (3), Special Permit for retail uses that increase the number of vehicle trips per day and/or increase peak hour vehicle trips.
 - ix. Proposed 2,500 square foot food service establishment/coffee shop will result in increase of vehicle trips.
- d. Section 240-24.1.8(C)(2)(a), Special Permit for new vehicular access/change in use that increases vehicle trips per day and/or peak hour roadway use for

existing curb cuts on Route 28.

x. Proposed retail uses will result in increase of vehicle trips.

21. The failure of this agreement to address a particular permit, condition, term, or restrictions shall not relieve the qualified applicant of the necessity of complying with the law governing said permitting requirements, conditions, term or restriction;

22. Section 240-24.1.11(A) (4) (a) [1] and Section 240-56, Schedule of Parking Spaces.

xi. Airview, LLC seeks to amend the original RA 2019-3 to update the request associated with the need for a reduction from the required parking. The Amended Redevelopment provides a total of 78 parking spaces. The proposed redevelopment, with the remaining 3,500 square of Building B being used as office, requires a total of 83 parking spaces. If the remaining 3,500 square feet of Building B is used for low impact retail, the required parking would be 89 parking spaces. In either scenario, the required parking exceeds the provided parking.

23. This amended Regulatory Agreement may not be used to prevent the Town of Barnstable or other governmental agency from requiring the qualified applicant to comply with the laws, rules and regulations and policies enacted after the date of the regulatory agreement, if the Town of Barnstable or governmental agency determines that the imposition of and compliance with the newly effective laws and regulations are essential to ensure the public health, safety or welfare of the residents of all or part of the jurisdiction.

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

Town of Barnstable,
By,

Mark S. Ells
Town Manager

Date _____

Airview LLC,
By,

Stuart Bornstein

Date _____

PROPERTY DESCRIPTION

The land, together with the buildings thereon, situated in Barnstable (Hyannis), Barnstable County, Commonwealth of Massachusetts, consisting of two parcels, bounded and described as follows:

Parcel I

A certain parcel of land with the buildings thereon situated in Barnstable (Hyannis),

Barnstable County, Commonwealth of Massachusetts, bounded and described as follows:

NORTHERLY by Iyannough Road - Route 28, a public way, as shown on a plan hereinafter mentioned, 175.90 feet;

EASTERLY by land now or formerly of Henry Murphy, et ali, as shown on said plan, 202.99 feet;

SOUTHERLY by land now or formerly of Allan F. Jones, as shown on said plan, by two courses, 96.24 feet and 49.34 feet, respectively; and

WESTERLY by Parcel II described below, as shown on said plan, 247.96 feet.

The above described parcel contains 34,450 square feet of land, more or less, according to said plan.

The above described premises are shown on a plan entitled "Plan of Land in Hyannis - Barnstable - Mass. for Armands Restaurant, Scale: 1 IN = 40 FT, Date: 3 July 1958, Charles N. Savery, Co., Engineers & Surveyors, Cotuit- Falmouth Mass., Plan No. 75839," which said plan is recorded with the Barnstable County Registry of Deeds in Plan Book 144, Page 85.

Property Address: 451 Iyannough Road - Route 28, Hyannis, Massachusetts.

Parcel II

A certain parcel of land with the buildings thereon situated in Barnstable (Hyannis), Barnstable County, Commonwealth of Massachusetts, bounded and described as follows:

NORTHERLY by Route 28, a public way, as shown on a plan hereinafter mentioned, 150.00 feet;

EASTERLY by other land of the Town of Barnstable Cobb Trust as shown on said plan, 248.47 feet, being Parcel I described above;

SOUTHERLY by land now or formerly of Allan F. Jones as shown on said plan, 231.98 feet;

WESTERLY by land now or formerly of N. W. Kalat and M. H. Segel, Trustees, as shown on said plan, 236.98 feet;

NORTHERLY by other land of the Town of Barnstable Cobb Trust as shown on said plan, 100.00 feet; and

WESTERLY by said Cobb Trust land as shown on said plan, 107.97 feet.

The above described parcel contains 1.34 acres of land, more or less, according to said plan.

The above described premises are shown on a plan entitled "Town of Barnstable Plan of a

portion of a Cobb Lot in Hyannis (Barn's) Mass. to be conveyed to the Dennis F. Thomas Post No. 2578 Veterans Of Foreign Wars Building Association, Inc., Engineering Section D. P. W., Scale: 1 in. = 30 ft., Date: Aug. 18, 1982," and recorded with the Barnstable County Registry of Deeds in Plan Book 368, Page 97.

Property Address: 467 Iyannough Road – Route 28, Hyannis, Massachusetts 02601.

For title to Parcels and II see deed recorded in the Barnstable County Registry of Deeds in Book 28116, Page 008.

ASSENT TO REGULATORY AGREEMENT

The undersigned, Airview, LLC, a Massachusetts limited liability company, of 297 North Street, Hyannis, Massachusetts 02601, the owner of property in Hyannis, Barnstable County, Massachusetts, described in a Deed recorded in Book 28116, Page 008, does hereby consent to the recording of a Regulatory Agreement by and between Airview, LLC, a Massachusetts limited liability company and the Town of Barnstable dated _____, 2022. Airview, LLC further agrees to be bound by the terms and conditions contained in said Regulatory Agreement.

Executed this _____ day of _____, 2022.

Applicant:

Signature:

Print: _____

Date: _____

EXHIBIT A: REDEVELOPMENT PLANS

VOTE: OPEN AND CONTINUE TO PUBLIC HEARING 02/17/2022 - PASSES 10 YES 1 ABSTAIN (Bogan)

Roll Call: Atsalis, Clark, Cullum, Hebert, Mendes, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

2022-072 APPROPRIATION ORDER IN THE AMOUNT OF \$156,849 FOR THE BARNSTABLE POLICE DEPARTMENT FISCAL YEAR 2022 OPERATING EXPENSE BUDGET FOR THE PURPOSE OF FUNDING THE COSTS ASSOCIATED WITH THE HIRING OF TEN PATROL OFFICERS TO FILL CURRENTLY VACANT POSITIONS INTRO: 01/20/2022, 02/03/2022

Chief Matthew Sonnabend, Police Chief gave the rationale.

Open Public Hearing seeing no one close Public Hearing

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$156,849** be added to the Fiscal Year 2022 Police Department General Fund Operating Expense Budget for the purpose of funding the initial expenses related to hiring, training, uniform, ammunition and equipment purchases for 8 new police recruits and 2

transfer officers, and to fund this appropriation, that the amount of \$156,849 be provided from the General Fund Reserve.

VOTE: PASSES 11 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Hebert, Mendes, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

2022-074 APPROPRIATION ORDER IN THE AMOUNT OF \$10,000 FOR THE PURPOSE OF ACQUIRING AN EASEMENT OVER REAL PROPERTY LOCATED AT 195 PHINNEY'S LANE, BARNSTABLE (CENTERVILLE) SHOWN ON ASSESSOR'S MAP 209 AS PARCEL 020 TO BE ASSOCIATED WITH THE CONSTRUCTION OF NEW SEWER INFRASTRUCTURE INTRO: 01/20/2022, 02/03/2022

Councilor Steinhilber recused himself and left the meeting. Charles McLaughlin, Senior Attorney gave the rationale. He explained this route was the most efficient and garnered the most cost saving for the Town.

Open Public Hearing seeing no one close Public Hearing

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby authorizes the Town Manager to purchase, take by eminent domain under chapter 79 of the General Laws of Massachusetts, or otherwise acquire for sewer, infrastructure, and related purposes, an easement over a parcel of land located at 195 Phinney's Lane, Barnstable (Centerville) Massachusetts, shown on Town of Barnstable Assessors' Map 209, Parcel 020 and described in a deed recorded with Barnstable County Registry of Deeds in Book 33594, Page 345, and that the amount of **\$10,000** be appropriated for the purpose of funding this acquisition, and to fund the appropriation that \$10,000 be provided from the available resources in the Town's Sewer Construction and Private Way Maintenance and Improvement Special Revenue Fund; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

VOTE: PASSES 9 YES 1 ABSTAIN (Clark) 1 RECUSE (Steinhilber)

Roll Call: Atsalis, Bogan, Cullum, Hebert, Mendes, Neary, Schnepf, Shaughnessy, Starr.

Councilor Steinhilber rejoined the meeting.

2022-075 RESOLVE APPROVING A LETTER OPPOSING THE DISCHARGE OF RADIOACTIVE WASTEWATER INTO CAPE COD BAY INTRO: 02/02/2022

Councilor Gordon Starr gave the rationale. (Shaughnessy) suggested the amount of radioactive water be less specific when referring to gallons. (Mendes) Was the Native American community contacted regarding the possible contamination of the fishing grounds?

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby approve sending a letter, substantially in the form as presented at this meeting, to state and federal officials and policy makers, stating the Council's opposition to any plan to discharge radioactive wastewater into Cape Cod Bay by Holtec International, the current owner of Pilgrim Nuclear Power Station in Plymouth, or any other future owner.

VOTE: PASSES 11 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Hebert, Mendes, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

2022-076 AUTHORIZATION TO EXPEND A FISCAL YEAR 2022 PLANNING ASSISTANCE GRANT IN THE AMOUNT OF \$37,500 FROM THE COMMONWEALTH OF MASSACHUSETTS TO UPDATE DESIGN GUIDELINES AND HISTORIC DISTRICT GUIDELINES IN DOWNTOWN HYANNIS INTRO: 02/03/2022

Elizabeth Jenkins, Director of Planning and Development gave the rationale. She added the Planning Assistant Grant would be utilized to update design guidelines and historic districts guidelines in Downtown Hyannis.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2022 Planning Assistance Grant in the amount of **\$37,500** from the Commonwealth of Massachusetts, Executive Office of Energy and Environmental Affairs for the purpose of hiring a consultant to update the Town's downtown design guidelines (the "Design & Infrastructure Plan") together with the guidelines for the Hyannis Main Street Waterfront Historic District to promote new development balanced with the protection of historic resources and community heritage.

VOTE: PASSES 11 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Hebert, Mendes, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

2022-077 AUTHORIZATION TO EXPEND A FISCAL YEAR 2022 CULTURAL DISTRICT GRANT IN THE AMOUNT OF \$7,500 FROM THE MASSACHUSETTS CULTURAL COUNCIL'S CULTURAL DISTRICT GRANT PROGRAM FOR THE BARNSTABLE VILLAGE CULTURAL DISTRICT INTRO: 02/03/2022

Elizabeth Jenkins, Director of Planning and Development gave the rationale. She thanked Melissa Chartrand, Special Projects Coordinator Arts and Culture for all her hard work.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2022 grant in the amount of **\$7,500** from the Massachusetts Cultural Council's Cultural District Grant Program for the purpose of funding the installation of informational signage in front of five historically significant buildings promoting their historical heritage and providing links to the artsbarnstable.com website and to the self-guided walking tour of Barnstable Village.

VOTE: PASSES 11 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Hebert, Mendes, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

2022-078 AUTHORIZATION TO EXPEND A FISCAL YEAR 2022 CULTURAL DISTRICT GRANT IN THE AMOUNT OF \$7,500 FROM THE MASSACHUSETTS CULTURAL COUNCIL'S CULTURAL DISTRICT GRANT PROGRAM FOR THE HYANNIS HYARTS CULTURAL DISTRICT INTRO: 02/03/2022

Elizabeth Jenkins, Director of Planning and Development gave the rationale. She thanked Melissa Chartrand, Special Projects Coordinator Arts and Culture for all her hard work.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Fiscal Year 2022 grant in the amount of **\$7,500** from the Massachusetts Cultural Council's Cultural District Grant Program for the purpose of providing financial assistance to expand programming efforts along the Walkway-to-the-Sea, from the Hyannis Village Green to

the harbor front. This will increase revenue for the creative community, provide additional attractions to generate excitement and interest in our vibrant downtown, and enhance connectivity throughout the Hyannis HyArts Cultural District.

VOTE: PASSES 11 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Hebert, Mendes, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

2022-079 AUTHORIZATION TO EXPEND A GRANT IN THE AMOUNT OF \$6,805 FROM THE MASSACHUSETTS ASSOCIATION OF COUNCILS ON AGING TO SUPPORT CAREGIVER RESPITE AT THE BARNSTABLE ADULT COMMUNITY CENTER INTRO: 02/03/2022

Madeline Noonan, Director of Community Services gave the rationale.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a grant in the amount of **\$6,805** from the Massachusetts Association of Councils on Aging to support the Council on Aging Division's Respite Program by funding eleven 3-hour respite sessions through June 30, 2022.

VOTE: PASSES 11 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Hebert, Mendes, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

2022-080 TRANSFER ORDER IN THE AMOUNT OF \$104,000 FOR THE SCHOOL ADMINISTRATION BUILDING MECHANICAL IMPROVEMENT PROJECT INTRO: 2/03/2022

Dan Santos, Director of Public Works gave the rationale. (Bogan) This is prudent use of funds. (Hebert) This is a worthy project.

Upon a motion duly made and seconded it was

ORDERED: That the amount of **\$104,000** be transferred from the Capital Improvement Project approved under Town Council Order 2019-149, New Municipal Pier Design, and added to the Capital Improvement Project approved under Town Council Order 2019-148, School Administration Building Mechanical Improvement Project, for a revised total appropriation amount of \$1,100,000 for the purpose of funding project management and any contingencies that may arise in the project, including the payment of costs incidental or related thereto, and that the Town Manager is authorized to contract for and expend the funds made available for these purposes.

VOTE: PASSES 11 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Hebert, Mendes, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

VOTE: PASSES 11 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Hebert, Mendes, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

Adjourned at 9:07 PM

Respectfully submitted,

Janet E. Murphy
Assistant Town Clerk/Town of Barnstable

NEXT MEETING: February 17, 2022

Exhibits:

A Town Manager update