



The Town of Barnstable Town Council

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TOWN COUNCIL AGENDA

March 15, 2007

7:00 PM

Councilors:

Janet S. Joakim
President

Gary R. Brown
Vice President

Richard G. Barry
Janice L. Barton
Ann A. Canedy
Frederick Chirigotis
James H. Crocker, Jr.
Leah C. Curtis
Henry C. Farnham
J. Gregory Milne
James F. Munafo, Jr.
Tom Rugo
Harold E. Tobey

Administrator:
Donald M. Grissom

Town Council
Secretary:
Cheryl A. Phillips

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **MOMENT OF SILENCE**
 - **SCHOOL BASED HEALTH PROCLAMATION**
 - **SUSAN RASK PROCLAMATION**
4. **PUBLIC COMMENT (May be limited to 2 minutes)**
5. **COUNCIL RESPONSE TO PUBLIC COMMENT**
6. **ACT ON MINUTES**
7. **COMMUNICATIONS FROM ELECTED OFFICIALS,
BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE,
ANNOUNCEMENTS AND COMMITTEE REPORTS**
8. **ORDERS OF THE DAY**
 - A. OLD BUSINESS B. NEW BUSINESS**
9. **TOWN MANAGER COMMUNICATIONS**
10. **ADJOURNMENT**

NEXT MEETING APRIL 5TH.

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Minutes of Barnstable Town Council Meeting of March 1, 2007.

Please Note: It is possible, if it so votes, the Council may go into executive session.
The council may act on items in a different order than they appear on this agenda

A. OLD BUSINESS (Public Hearing May Be Acted Upon) (Roll Call 2/3)

BARNSTABLE TOWN COUNCIL

**2007-076 ORDINANCE AMENDMENT PROVIDING FOR A INCREASE IN
COMPENSATION FOR MEMBERS OF THE TOWN COUNCIL
INTRO.: 02/01/07; 02/15/07; 03/15/07**

**ORDERED,
SECTION 1.**

That Sections 220-12, 220-13 and 220-14 of the Code of the Town of Barnstable is hereby amended by striking out said sections and substituting in place thereof the following:

“§ 220-12. Town Councilors.

The compensation for town councilors shall be \$12,000.00 per year.

§ 220-13. President.

The compensation for the president shall be \$16,500.00 per year.

§ 220-14. Vice President.

The compensation for the vice president shall be \$14,000.00 per year.”

§ 220-15. Expense Allowance,

The Town Council sets the expense allowance at \$ 0.00 (zero dollars).

Upon submitting vouchers and supporting receipts for expenses incurred in carrying out of their duties and specific services previously authorized by the Town Council President, Council members shall be reimbursed from Town Council Budget. Reimbursement and apportionment shall be limited to those allowed by the Town of Barnstable.

Other reimbursable expenses may include the cost of attendance at conferences of municipal associations and other professional meetings or visitations when such attendance and expense payment has had prior Town Council President approval.

SECTION 2. That Section 1 shall take effect on January 1, 2008.

SPONSORS: James F. Munafo, Jr., Town Councilor and Harold E. Tobey, Town Councilor

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to open public hearing
- ___ Rationale
- ___ Public hearing
- ___ Close public hearing
- ___ Council discussion
- ___ Move/vote

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-076
INTRO.: 02/01/07**

TO: Town Council
FROM: James F. Munafo, Jr., Town Councilor
DATE: January 23, 2007
SUBJECT: Councilor Compensation

RATIONALE: As presented the Councilor compensation amount proposed takes into account and not limited to the following;

The Barnstable Town Council last approved a compensation increase in November of 1997, It has been over 9 years since the Barnstable Town Council last approved a compensation increase.

The CFAC and Personal Advisory Board recommended that the council fulfill it's duties as outlined in the charter

This ordinance will not take effect until January 2008 and the next sitting council.

With Constituent services, appearances, mail, phone calls, committee, subcommittee, committee liaison roles, meetings, workshops, hearings, regular & special council meetings, a town councilor's work load is no less than 1 day a week. The proposed regular council compensation of \$12,000 represents one fifth of a middle managers position.

The expense allowance called for in section 2-12 of the Town Charter was set at \$0.00, it is believed that the current increase in salary and the ability for reimbursement of expenses is sufficient at this time.

2006 BENCHMARK SURVEY

Municipality	Members	Salary	Population	Budget 06
BEVERLY	9	\$11,700.00	38,807	\$88,004,000.00
REVERE	11	\$13,300.00	47,283	\$105,210,192.00
WALTHAM	15	\$14,015.00	59,226	\$167,061,621.00
MALDEN	11	\$17,500.00	56,000	\$123,463,054.00
MEDFORD	7	\$17,512.00	55,765	\$119,300,848.00

The policy of this and past Town Councils has been to be as prudent as possible. This compensation increase represents not only recognition of the expanded time commitment and increased costs incurred by Barnstable Town Councilors, but also the personal sacrifices made in the execution of their duties.

A. OLD BUSINESS (Joint Public Hearing With Planning Board May Be Acted Upon) (Roll Call 2/3)

BARNSTABLE TOWN COUNCIL

**2007-082 TOWN OF BARNSTABLE ZONING ORDINANCE FOR LAND-BASED WIND ENERGY CONVERSION
INTRO.: 02/01/07; 03/01/07; 03/15/07**

240-44.1 Land-Based Wind Energy Conversion Facilities (WECFs)

240-44.1.1 Purpose and Intent

It is the express purpose of this ordinance to accommodate distributed generation/wind energy conversion facilities in appropriate locations, while minimizing any adverse visual, safety and environmental impacts of the facilities. The ordinance enables the review of wind energy conversion facilities by the town's Zoning Board of Appeals, clarifying the criteria for siting such a facility. This ordinance is intended to be used in conjunction with other regulations adopted by the town, including historic district regulations, site plan review and other local ordinances designed to encourage appropriate land use and environmental protection.

240-44.1.2 Definitions

Clear area: The distance from the lowest point of the blade tip to the ground.

Height: Height is measured from the grade at the base of the tower to the top of the fixed tower (moveable blades are not included).

Special Permit Granting Authority (SPGA): Shall be the Zoning Board of Appeals.

Wind Energy Conversion Facility (WECF): All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, all transmission, storage, collection and supply equipment, substations, transformers, site access, service roads and machinery associated with the use. A wind energy conversion facility may consist of one or more wind turbines.

Wind Monitoring or Meteorological ("test" or "met") Towers: Tower used for supporting anemometer, wind vane and other equipment to assess the wind resource at a predetermined height above the ground.

Wind turbine: A device that converts kinetic energy of the wind into rotational energy to turn an electrical generator shaft.

240-44.1.3 District Regulations

240-44.1.3.1 Use Regulations

All wind energy conversion facilities or wind monitoring towers shall require a building permit and may be permitted only as an accessory use to permitted uses in all zoning districts.

240-44.1.3.1.1 Wind Energy Conversion Facility and Wind Monitoring or Meteorological Towers

The construction of any wind energy conversion facility or wind monitoring/meteorological tower shall be permitted in all zoning districts, subject to issuance of a Special Permit and provided the proposed use complies with all Dimensional and Special Permit Regulations set forth in Section 240-125C. (unless waived by the SPGA). Any subsequent change or

BARNSTABLE TOWN COUNCIL
2007-082 TOWN OF BARNSTABLE ZONING ORDINANCE
FOR LAND-BASED WIND ENERGY CONVERSION (CONTINUED)
INTRO.: 02/01/07

modification of wind energy equipment shall be subject to review by the Building Commissioner.

240-44.1.3.2 Dimensional Requirements

All wind energy conversion facilities shall comply with the requirements set forth in this section, unless waived by the SPGA as part of the Special Permit review process.

240-44.1.3.2.1 Type: Monopole design only, no guy wires allowed, may not be attached to any structure.

240-44.1.3.2.2 Setback: The base of any WECF shall be set back from any property line or road layout line and/or wetland demarcation line, including cranberry bogs, by not less than one and one half (1½) times the proposed height of the tower if abutting residentially zoned properties and one times (1) the proposed height of the tower if abutting non-residentially zoned properties. The SPGA may allow the setback to be reduced as part of the special permit process if the project proponent can demonstrate that additional height is needed and that the additional benefits of the higher tower outweigh any increased adverse impacts.

240-44.1.4 Special Permit Regulations

The SPGA shall grant a Special Permit only if it finds that the proposal complies with the provisions of this zoning ordinance (unless waived) and is consistent with the applicable criteria for granting Special Permits.

240-44.1.4.1 General

Proposed wind energy conversion facilities shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable electrical, construction, noise, safety, environmental and communications requirements.

240-44.1.4.1.1 Economic Benefit

The proponent shall demonstrate through a cost/benefit analysis that the project is economically feasible and sustainable.

240-44.1.4.2 Design Standards

240-44.1.4.2.1 Visual Impact

The proponent shall demonstrate through project siting and proposed mitigation that the wind energy conversion facility minimizes any impact on the visual character of surrounding neighborhoods and the community. This may include, but not be limited to, information regarding site selection, turbine design, buffering, lighting. All electrical conduit shall be underground.

240-44.1.4.2.2 Color

Wind energy conversion facilities shall be painted non-reflective muted colors that blend with the sky, without graphics or other decoration.

240-44.1.4.2.3 Equipment Shelters

All equipment necessary for monitoring and operation of the wind energy conversion facilities should preferably be contained within the turbine tower. If this is infeasible, ancillary equipment

BARNSTABLE TOWN COUNCIL
2007-082 TOWN OF BARNSTABLE ZONING ORDINANCE
FOR LAND-BASED WIND ENERGY CONVERSION (CONTINUED)
INTRO.: 02/01/07

may be located outside the tower, provided it is contained either within an underground vault, or enclosed within a separate structure or behind a year-round landscape or vegetated buffer.

240-44.1.4.2.4 Lighting and Signage

- a) Wind turbines shall be lighted only if required by the Federal Aviation Administration (FAA). The proponent shall provide a copy of the FAA's determination to establish the required markings and/or lights for the structure.
- b) Lighting of equipment structures and any other facilities on site (except lighting required by the FAA) shall be shielded from abutting properties.
- c) No signage allowed.

240-44.1.4.3 **Environmental Standards**

240-44.1.4.3.1 Noise

The wind energy conversion facility and associated equipment shall conform to the standard of ten (10) decibels (DB) above ambient noise level at the property line. The applicant shall provide an analysis prepared by a qualified engineer, to be presented to the SPGA to demonstrate compliance with these noise standards and shall be consistent with Massachusetts Department of Environmental Protection guidance for noise measurement.

240-44.1.4.3.2 Shadowing/Flicker

Wind energy conversion facilities shall be sited in a manner that does not result in significant shadowing or flicker impacts. The proponent has the burden of proving that this effect does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

240-44.1.4.3.3 Safety Standards

- a) No hazardous materials or waste shall be discharged on the site of any wind energy conversion facility. If any hazardous materials or wastes are to be used on site, there shall be provisions for full containment of such materials or waste.
- b) Climbing access to tower shall be limited by placing climbing apparatus no lower than ten (10) feet from the ground.
- c) The clear area shall be no less than ten (10) feet.
- d) The wind turbine shall conform to FAA Safety Standards, as amended.

240-44.1.4.4 **Abandonment or Discontinuation of Use**

240-44.1.4.4.1 At such time that a wind energy conversion facility is scheduled to be abandoned or discontinued, the applicant will notify the town by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.

In the event that an applicant fails to give such notice, the facility shall be considered abandoned or discontinued if the facility is inoperable for 180 days. In the case of a multi-turbine facility, the SPGA shall determine in its decision what proportion of the facility would be inoperable for the facility to be considered abandoned.

**BARNSTABLE TOWN COUNCIL
 2007-082 TOWN OF BARNSTABLE ZONING ORDINANCE
 FOR LAND-BASED WIND ENERGY CONVERSION (CONTINUED)
 INTRO.: 02/01/07**

240-44.1.4.4.2 Upon abandonment or discontinuation of use, the owner shall physically remove the wind energy conversion facility within ninety (90) days from the date of abandonment or discontinuation of use. This period may be extended at the request of the operator and at the discretion of the SPGA. "Physically remove" shall include, but not be limited to:

- a) Removal of the wind turbine and tower, all machinery, equipment, equipment shelters, security barriers and all appurtenant structures from the subject property;
- b) Proper disposal of all solid or hazardous materials and wastes from the site in accordance with local and state solid waste disposal regulations;
- c) Restoration of the location of the wind energy conversion facility to its natural condition, except that any landscaping, grading or below-grade foundation may remain in the after-condition.

240-44.1.4.4.3 If an applicant fails to remove a wind energy conversion facility in accordance with this section of this bylaw, the town shall have the authority to enter the subject property and physically remove the facility. The SPGA may require the applicant to provide a form of surety (i.e. post a bond, letter of credit or establish an escrow account or other) at the SPGA's election at the time of construction to cover costs of the removal in the event the town must remove the facility. The amount of such surety shall be equal to 150 percent of the cost of compliance with this section. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for a Cost of Living Adjustment after 10 and 15 years.

240-44.1.4.4.4 Professional Fees

The town may retain a technical expert/consultant to verify information presented by the applicant. The cost for such a technical expert/consultant will be at the expense of the applicant.

SPONSOR: Ann B. Canedy, Town Councilor

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to open public hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public Hearing
- ___ Council Discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-082
INTRO.: 02/01/07

TO: Town Council
FROM: Ann Canedy, Precinct 1 Town Councilor
DATE: January 24, 2007
SUBJECT: Zoning Ordinance for Land-Based Wind Energy Conversion Facilities

BACKGROUND: With the demand for alternative energy sources at an all time high and with the smattering of applications for both residential and commercial wind turbines here on Cape Cod, the Planning Board Subcommittee on Zoning decided to be pro-active in the permitting of Land-Based Wind Energy Conversion Facilities or WECFs. The initial impetus to the Subcommittee was the permitting of two residential wind turbines in the Town of Sandwich. The Sandwich Zoning Board of Appeals was asked to review the application and found they had no clear criteria with which to review an application. A quick read of the Town of Barnstable Zoning Ordinances indicated that neither did Barnstable: while turbines were allowed in residential districts by special permit, no criteria was listed to aid in review.

For over five months the Subcommittee researched WECF bylaws and ordinances in towns both on Cape and off Cape: Bourne, Dracut, Fairhaven, Falmouth, Gloucester, Harwich, Hull, Lynn, Orleans, Salem, Scituate, Westport and Williamstown. The Subcommittee examined model bylaws posted on both the Massachusetts Division of Energy Resources (DOER) and the Cape Cod Commission (CCC) websites. In addition to reviewing the proposal for Cape Cod Community College, several members visited existing wind turbine sites: Town of Hull's turbine near the High School; IBEW turbine off Rte. 93 South Boston; Mass Maritime's turbine in Buzzard's Bay; and Cape Tech's turbine in Harwich. The Subcommittee invited proponents of both small scale residential and large scale commercial turbines to its meetings to learn more about the technology. After reviewing the information, the Subcommittee drafted an ordinance that addresses some of the key issues in siting turbines: height, economic viability, noise, visibility, and abutter impacts related to location.

ANALYSIS: According to the language in the proposed ordinance one would need a parcel of land that would allow the turbine to be 1 and 1/2 times the height of the tower AWAY from any abutting property line. This accomplishes the goal of having the turbine sited toward the middle of the lot and not on the abutter's boundary. Therefore if the tower is 70 feet tall in order to catch the wind, then the tower needs to be located 105 feet away from any property line which translates into a parcel of land at least 210 feet wide plus the width of the tower, possibly 10 more feet, which equals a parcel of land 220 feet wide and 220 feet long which is 48,400 square feet, over an acre of land. A 30 foot tower is not going to be efficient as it will be difficult to catch the wind at such a low height. In Barnstable, the maximum height allowed for a single family home is 30 feet. A 30 foot tower fits on a 10,000 square foot lot (30' height x 1.5 setback factor = 45' x 2 since it has to be 45' from each side of the parcel which equals 90' plus 10' for the base of the tower = 100 x 100 or 10,000 square feet. Similarly a 1/2 acre (square) lot would be restricted to a 50 foot height limit which is right in the middle of the height of most trees, and therefore would not be acceptable. It may not be cost effective to erect such a turbine.

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY (CONTINUED)
2007-082
INTRO.: 02/01/07**

As a point of reference, the turbine at Cape Cod Tech in Harwich is on a 127 foot tower, the turbine at Upper Cape Tech in Bourne is on an 80 ft. tower.

FISCAL IMPACT: Requiring the demonstration of “economic viability” will provide for turbines that are positively influencing property values which translates into additional property tax revenue and potentially encourages smart business growth in the community, as well as supporting existing business.

BOARD/COMMITTEE/STAFF ASSISTANCE: Planning Board Subcommittee on Zoning, Steve Shuman, Subcommittee Chair

A. OLD BUSINESS (Joint Public Hearing with Planning Board May Be Acted Upon) (Roll Call 2/3)

BARNSTABLE TOWN COUNCIL

**2007-083 TO SEE IF TOWN COUNCIL WILL VOTE TO AMEND THE ZONING ORDINANCE TO EXTEND THE BOUNDARY OF THE HYANNIS GATEWAY ZONING DISTRICT
INTRO.: 02/15/07; 03/01/07; 03/15/07**

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE MASSACHUSETTS DO ORDAIN AS FOLLOWS:

ORDERED: That Chapter 240, Article II of the Zoning Ordinance, Section 240-6 the Zoning Map, is amended by extending the boundary of the Hyannis Gateway (HG) zoning district within the Hyannis Village Zoning Districts as shown on maps on file with the Town Clerk entitled “Zoning Map of the Town of Barnstable, Massachusetts, Index Map”, and “Sheet 3 of 7, Hyannis”, both maps notated “Proposed Amendment to Modify the HG and RB Zones in Hyannis File Copy Date February 5, 2007” and as shown on “Downtown Hyannis Rezoning Illustration Map Proposed Amendment to Modify the HG and RB Zones in Hyannis” dated 2/6/2007.

SPONSOR: Town Council Vice President Gary R. Brown

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to open public hearing
- ___ Rationale
- ___ Public hearing
- ___ Close Public hearing
- ___ Council discussion
- ___ Move/vote

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-083
INTRO.: 02/01/07**

TO: Town Council
FROM: Town Councilor Gary Brown
DATE: February 6, 2007
SUBJECT: To see if the town council will vote to amend the zoning ordinance to extend the boundary of the Hyannis Gateway Zoning District

RATIONALE: The following amendments have been identified for adoption within the Hyannis Village Zoning Districts.

The first involves a zoning map amendment to include two small existing lots in the Hyannis Gateway (HG) District. The lots proposed for inclusion in the HG District are in total 7,405 square feet and in common ownership with abutting parcels that are currently included in the HG District.

The current line as it exists in relationship to the properties assumes the development of the road called Washington Avenue Extension, designated on Town maps in 1957. Although developed as a road on the other side of Charles Street, this tiny end of it, now referred to as the butt, was never actually created into a road, and the land parceled as lots with addresses on Washington Ave. Ext. and other proposed lots, 36 Pine Court, and 65 Washington Ave. Ext. by the current arbitrary zoning are rendered completely useless.

The required building specs for developing new residences have changed, making it impossible to ever develop these lots into houses, since there is no room for septic installations. Remaining zoned as residential, but in fact surrounded by and essentially extensions of commercial property, the owner's hands are tied.

The third lot in question, 37 Pine Court, has been assimilated into the back yard of 72 Grove Street. It is surrounded by commercial use, and would be more valuable if it were possible to make it available for that use.

A. OLD BUSINESS (PUBLIC HEARING MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2007-085 COMMUNITY PRESERVATION FUND APPROPRIATION FOR
NICKERSON COTTAGE PRESERVATION
INTRO.: 02/15/07; 03/15/07**

ORDERED: that, pursuant to the provisions of G. L. c. 44B, the sum of Ten Thousand and No/100 (\$10,000.00) Dollars be appropriated and transferred from the amount set aside for Historic resources in the Community Preservation Fund on June 15, 2006 under agenda item number 2006-144; and that the Town Manager is authorized to contract for and expend the amount appropriated for the preservation of the Historic Nickerson Cottage including without limitation through relocation.

SPONSOR: Ann Canedy, Town Councilor and Town Manager pending recommendation of the Community Preservation Committee.

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to open public hearing
- ___ Rationale
- ___ Public hearing
- ___ Close public hearing
- ___ Council discussion
- ___ Move/vote

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-085
INTRO.: 02/15/07**

TO: Town Manager John C. Klimm
FROM: Town Councilor Ann Canedy
DATE: February 27, 2007
RE: Preservation and Relocation of Nickerson Cottage

RATIONALE: The entire length of Sandy Neck, and the buildings thereon, are listed in the National Register as the “Sandy Neck Cultural Resources District.” One of these buildings is the town owned Nickerson Cottage which is located on land designated as “Open Space” under a Conservation Restriction. The goal of this project is to move the cottage to a less ecologically sensitive site thereby preserving the historic structure within the Sandy Neck Cultural Resource District.

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2007-089 ORDER AUTHORIZING SALE OF LAND SHOWN ON ASSESSORS
MAP 194 PARCEL 035, 0 CAP'N CROSBY ROAD, WEST BARNSTABLE
INTRO.: 03/15/07**

RESOLVED: Notwithstanding the price of \$100,000.00 authorized under agenda item number 2007-054, the Town Manager is authorized to dispose of all right, title and interest in surplus Town land having a street address of 0 Cap'n Crosby Road, West Barnstable, shown on Assessors Map 194 as Parcel 035 for a price not less than \$25,000.00, being the highest and only bid received, and to execute and deliver any and all documents necessary in accordance with the terms of this Order.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____
___ Read item	
___ Discussion	
___ Move/vote	

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-089
INTRO.: 03/15/07**

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: February 28, 2007
SUBJECT: Order Authorizing Sale of Land Shown on Assessors Map 194
Parcel 035, 0 Cap'n Crosby Road, West Barnstable

RATIONALE: A request for proposals was duly issued and advertised for disposition of this property as required under c. 30B, and the only proposal received was from an abutting property owner, for a price of \$25,000.00. The parcel is too small to likely be of interest to other than an abutter.

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2007-100 ACCEPTANCE OF GIFTS FOR THE SHIRLEY BLAIR FLYNN
CENTER FOR THE CREATIVE ARTS
INTRO.: 03/15/07**

RESOLVED: That the Town Council, pursuant to the provisions of G.L. c. 44, §53A, hereby establishes an account for the purpose of receiving gifts to help defray the cost and expenses relating to the establishment, construction, rehabilitation and ongoing operation and maintenance of the Shirley Blair Flynn Center for the Creative Arts on Pearl Street in Hyannis, including the properties located at 46 Pearl Street, 50 Pearl Street and the Guyer Barn and authorizes the expenditure of monies from said gift account for those purposes.

SPONSOR: Town Manager John C. Klimm

DATE ACTION TAKEN

___ Read item

___ Discussion

___ Move/vote

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-100
INTRO: 03/15/07**

TO: Town Council
FROM: Town Manager John C. Klimm
THROUGH: Ruth Weil
DATE: March 5, 2007
SUBJECT: Authorization for Town Council to Establish an Account to Receive Gifts and Expend Funds to Fund the Shirley Blair Flynn Center for the Creative Arts

BACKGROUND: The Town of Barnstable recognizes the importance of arts and culture as part of any economic revitalization, and is continuing its efforts to establish Hyannis as a regional center for creative and performing arts. In recent years, the Town has introduced the Harbor Your Arts (HyA) Program, with local artists' shanties at Bismore Park and a seasonal performing arts series at Aselton Park. Both programs have been widely acclaimed as a welcome addition to Hyannis Harbor, and were very well received by Cape residents, visitors, and the arts and culture community.

The artist community is equally excited about the Town's next arts and culture initiative, the creation of the Shirley Blair Flynn Center for the Creative Arts on Pearl Street in Hyannis. The project will combine two recently acquired properties with adjacent town owned property and the Guyer Barn Gallery to create a unique combination of affordable artist live/work space and expanded gallery space. The Arts Center will benefit area residents and businesses and serve as a magnet for visitors to the region.

This account will be used to accept funds for the creation of the Shirley Blair Flynn Center for the Creative Arts, as well as program expenses including but not limited to the operation of the gallery space.

FISCAL IMPACT: None. The account and expenditures will be funded through donations.

STAFF ASSISTANCE: Ruth J. Weil

A. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2007-102 RESOLVE THAT THE TOWN COUNCIL CREATE AN RFP COMMITTEE TO SET PARAMETERS FOR A COMPREHENSIVE STUDY OF THE FIRE SERVICES FOR THE FIVE FIRE DISTRICTS IN THE TOWN OF BARNSTABLE
INTRO.: 03/15/07**

RESOLVED: That the Town Council create an RFP Committee that mirrors the composition of the Fire District Study Preparation Committee with its geographic and occupational diversity. The purpose of this RFP Committee is to set the parameters for a comprehensive and objective study of the fire services of the five fire districts to answer the question: “Is the Town of Barnstable receiving the services currently provided by the Fire Districts in the most efficient and effective manner possible?”

SPONSORS: Janice L. Barton, Town Councilor, Leah C. Curtis, Town Councilor and Ann B. Canedy, Town Councilor

DATE	ACTION TAKEN
_____	_____
_____	_____
___ Read item	
___ Discussion	
___ Move/vote	

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-102
INTRO.: 03/15/07**

TO: Town Council
FROM: Janice L. Barton, Town Councilor
DATE: March 6, 2007
SUBJECT: Creation of an RFP Committee to Set Parameters for Comprehensive Study of the Fire Services of the Five Fire Districts

RATIONALE: The Fire District Study Preparation Committee was created at the March 2005 meeting of the Barnstable Town Council by President Gary Brown. The Charge of the Committee was to gather information, determine goals, set parameters, research funding and create a request for proposals for groups to conduct a study, if one was determined to be necessary. The Committee began meeting in May 2005 and met eight times.

The Committee, after a great deal of discussion and deliberation, agreed unanimously that the only way to definitively assess whether some form of reorganization would be beneficial for all of the residents in the Town would be through an objective, independent, professional and comprehensive evaluation.

Based on that conclusion, the Committee recommends that the Town of Barnstable commission a comprehensive study on the state of its fire districts including an examination and recommendations on whether reorganization of the same, in part or in whole or at all, is advantageous.

The Committee has further determined by consensus that it does not have the proper composition to create an RFP.

The composition of a committee to draft a request for proposals to commission a study is vital to the success of this endeavor. Each affected party to this question must be represented in the committee. The composition of the Committee should mirror the composition of the Study Committee, and should include an official from each District, town officials, labor leaders, and a representative of the Town staff knowledgeable in the structuring of RFPs and awarding contracts.

The Committee recommends that care must be taken to select a consulting firm for the Study that has expertise, experience and understanding in fire and advanced life support EMS service work. Also, it is strongly suggested that the company selected to do the study have the credibility to conduct the study in an unbiased, professional manner, and should not be from within the Town of Barnstable. The RFP should state that the consulting firm chosen needs to commit to seeing the project through to completion, and be available on a consultation basis as necessary.

CONSENT AGENDA (FIRST READING)

BARNSTABLE TOWN COUNCIL

2007-081 APPOINTMENTS

INTRO.: 03/15/07

That the Barnstable Town Council appoint the following individuals to a multiple member board/committee/commission:

HUMAN SERVICES COMMITTEE APPOINTMENTS:

Estelle Fritzing, Exec. Dir., CACCI, 115 Enterprise Rd., Hyannis, MA 02601, term expires 06/30/2010

Claire Goyer, Exec. Dir., Duffy Health Center, 105 Park St., Hyannis, MA 02601, term expires 06/30/2010

Coreen Brinckerhoff, Cape Organization for the Rights of the Disabled, 1019 Iyanough Rd. #4, Hyannis, MA 02601, term expires 06/30/2010

Marie Segersten, DMH/Tri-City, 77 High School Ext, Hyannis, MA 02601, term expires 06/30/2010

Joseph DaLuz, President, NAACP, Mitchell's Way, Hyannis, MA 02601, term expires 06/30/2010

Rev. Deacon Richard Murphy, St. Francis Xavier, 30 Arborway Hyannis, MA 02601, term expires 06/30/2010

Kathy Quatromoni, Dir. of Community Programs, District Attorney's Office, Box 455, Barnstable, MA 02630, term expires 06/30/2010

Nancy Bacher, National Alliance for the Mentally Ill/Cape Cod, 5 Mark Lane, Hyannis, MA 02601 term expires 06/30/2009

Roy Fogelgren, Cape Cod Council of Churches, Box 758, Hyannis, MA 02601 term expires 06/30/2010

Paul Hebert, President Champ Houses, 82 School St., Hyannis, MA 02601, term expires 06/30/2009

Len Stewart, Dir., Barnstable County Health and Human Services, Box 472, Barnstable, MA 02630, term expires 06/30/2009

David B. Reidy, Execu., Dir., Mid-Upper Cape Community Health Center, 30 Elm Avenue, Hyannis, MA 02601, term expires 06/30/2009

Cynthia Cole, Exec. Dir., Hyannis BID, Box 547, Hyannis, MA 02601, term expires 06/30/2009

Chief Paul MacDonald, Barnstable Police Dept., Box B, Hyannis, MA 02601, term expires 06/30/2009

Rick Brigham, NOAH Shelter HAC, 460 W. Main St., Hyannis, MA 02601, term expires 06/30/2008

Mary Pat Messmer, CEO, Cape Cod Child Development, 83 Pearl St., Hyannis, MA 02601, term expiration 06/30/2008

Bill Doherty, Barnstable County Commissioner, PO Box 427, Barnstable, MA, 02630 term expires 06/30/2008

Merrill Blum, Veterans Transition House, PO Box 2873, 565 Main Street, Hyannis, MA 02601, term expires 06/30/2008

Kim Kalweit, VINFEN Corp., 310 Barnstable Rd., Hyannis, MA 02601, term expires 06/30/2008

Roy Richardson, CHIPs Homes, 9 Park Avenue, Centerville, MA 02632, term expires 06/20/2008

SPONSORS: Appointments Committee

DATE **ACTION TAKEN**

___ Read item

___ Discussion; ___ Move/vote

**CONSENT AGENDA (First Reading To Be Referred To Joint Public Hearing
April 5th)**

BARNSTABLE TOWN COUNCIL

**2007-101 ZONING ORDINANCE FOR POND VILLAGE DISTRICT OF CRITICAL
PLANNING CONCERN (PVDCPC)
INTRO.: 03/15/07**

**“NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE
MASSACHUSETTS DO ORDAIN AS FOLLOWS:**

ORDERED:

SECTION 1

That Chapter 240, Article II of the Zoning Ordinance, Section 240-6 the Zoning Map, is amended by creating a new zoning district known as R-2C which covers the area shown on a reference map entitled “Proposed Pond Village DCPCs 1 and 2, Draft Map” and described as follows: the northerly boundary is Cape Cod Bay/Barnstable Harbor; the easterly boundary includes those parcels on the east side of Scudder Lane; the southerly boundary includes those parcels on the south side of Rte. 6A from the Scudder Lane intersection to the Railroad Overpass; and the westerly boundary follows the property line of the so-called Blair parcel up to the Mass Audubon parcels to Barnstable Harbor.

SECTION 2

That Chapter 240, Article III of the Zoning Ordinance is hereby amended as follows by adding a new Section 240-12, Pond Village (Barnstable) District of Critical Planning Concern (PVDCPC) R-2C. Pond Village is located north of Route 6A in the vicinity of Scudder Lane, Calves Pasture Lane and Hinckley Pond. The district includes those parcels on the easterly side of Scudder Lane and on the southerly side of Rte. 6A from the Railroad Overpass to the Scudder Lane intersection. The purpose of this ordinance is to allow more appropriate land use development to preserve and contribute to the historic, agricultural and/or maritime character of the Pond Village Neighborhood. The ordinance enables the review of development as it relates to pedestrian access and outdoor public spaces to the waterfront and /or pondfront. This ordinance is intended to be used in conjunction with other regulations already adopted by the town, including historic district regulations, site plan review and other local ordinances designed to encourage appropriate land use and environmental protection.

**Section 240-12. Pond Village (Barnstable) District of Critical Planning Concern (PVDCPC)
R-2C**

- A. Principal permitted uses. The following uses are permitted in the R-2C District:
 - (1) Single-family residential dwelling (detached).
- B. Accessory uses. The following uses are permitted as accessory uses in the R-2C District:
 - (1) Family apartments (see section 240-47.1).
 - (2) Keeping, stabling and maintenance of horses subject to the provisions of Section 240-11B(2).
 - (3) Home occupation (see Section 240-46).
 - (4) Renting of rooms to not more than three non-family members by the family residing in a single-family residence.
- C. Special permit granting authority and special permit criteria. Within the R-2C District, the Planning Board shall be the special permit granting authority. The Planning Board shall follow the criteria and procedures set forth in § 240-125C of the Barnstable Zoning Ordinance when acting on a special permit application. In addition to the criteria set forth in § 240-125, the Planning Board shall find that the issuance of the special permit is consistent with one or more of the following criteria:

BARNSTABLE TOWN COUNCIL
2007-101 ZONING ORDINANCE FOR POND VILLAGE DISTRICT OF CRITICAL
PLANNING CONCERN (PVDCPC) INTRO.: 03/15/07 (Continued)

- (1) The development maintains or improves pedestrian access and/or outdoor public spaces specifically to any one of the following: Audubon parcels, Hinckley Pond, and Scudder Lane Landing;
- (2) The development contributes to the historic, agricultural and/or maritime character of the Pond Village area;
- (3) The development eliminates or minimizes curb cuts and driveways on Scudder Lane, Calves Pasture Lane, and Sheperds Way;
- (4) The development provides or preserves views from public ways and spaces to the waterfront and/or pondfront and provides or preserves public access to the waterfront and/or pondfront;
- (5) The development is consistent with the findings of the PVDCPC.

D. Special permit uses. The following uses are permitted as special permit uses in the R-2C District provided that a special permit is first obtained from the Planning Board:

- (1) Keeping, stabling and maintenance of horses in excess of the density provisions of 240-11B(2)(b) herein, either on the same lot or adjacent lot as the principal building to which such use is accessory.
- (2) Windmills and other devices for the conversion of wind energy to electrical or mechanical energy but only as an accessory use. (See *new proposed* Section 240-44.1)
- (3) Open Space Residential Developments. (See Section 240-17)

E. Dimensional relief. Within the R-2C District, the SPGA may provide relief from minimum lot area, minimum lot frontage, maximum building setback, minimum yard setbacks, floor area ratio limits, when such relief is necessary to ensure that a proposed development is consistent with the PVDCPC findings and Special Permit Criteria.

F. Bulk regulations:

Minimum lot area, contiguous upland (square feet)	87,120
Minimum lot frontage (feet)	125
Minimum <i>road layout setback</i> (feet)	50
Minimum <i>property line setback</i> (feet)	20
Minimum wetland <i>setback</i> (feet)	50
(except 100 feet from Hinckley's Pond and the edge of the Coastal Bank along Barnstable Harbor)	
Maximum <i>building height</i> in feet	30
Maximum building height in stories	3
(Provided that at least one of the allowable stories is either the basement or a <i>habitable attic</i> .)	
Floor Area Ratio (FAR):	.06

G. Grandfathering. Within the R-2C District, any lot that met the minimum lot area and minimum lot frontage requirements of the RF-1 or RF-2 Districts respectively, prior to the effective date of the Pond Village DCPC nomination of August 26, 2005 as specified in the Cape Cod Commission Acceptance Decision dated September 15, 2005 shall not be subject to R-2C minimum lot area or minimum lot frontage requirements as specified above in subsection F, but shall be subject to the minimum road layout setback, minimum property line setback, minimum wetland setback, maximum building height, maximum building height in stories, and floor area ratio.

**BARNSTABLE TOWN COUNCIL
2007-101 ZONING ORDINANCE FOR POND VILLAGE DISTRICT OF CRITICAL
PLANNING CONCERN (PVDCPC) INTRO.: 03/15/07 (Continued)**

H. Definitons

Building Height: The vertical distance from the *grade plane* to the average height of the *highest roof plane*.

FAR (floor area ratio): FAR is measured by dividing the gross floor area of all stories above grade of all buildings on site by the total lot area, all upland, including any restricted or unrestricted upland. This shall not limit a single building or the aggregate of multiple buildings on any lot to less than 2000 gross square feet.

Grade Plane: A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. The reference plane shall be established by using the lowest points of grade within the area between the building and a point six feet from the building.

Habitable Attic: The *habitable space* between the rafters of a pitched roof and the floor next below.

Highest Roof Plane: The roof plane having the highest ridge and having the highest average height (exclusive of cupolas or spires) or the flat roof that is higher than any pitched roof.

Property Line Setback: The perpendicular distance between any property line (other than the property line abutting a road layout) and a line running parallel to that property line.

Road Layout Setback: The perpendicular distance between the road layout and a line running parallel to the road layout.

Setback: The area between a road layout or property line and the setback line where no building or structure is allowed except:

1. Accessories such as arbors, garden trellises or clothes poles;
2. Roof eaves projecting not more than 3 feet;
3. Chimneys, window sills, belt courses, rain leaders and similar architectural features projecting not more than 2 feet;
4. Steps and stoops less than 18" in height and 25 square feet in area.

Story: That portion of a building between the upper surface of a floor and the upper surface of the floor or roof next above.

Story Above Grade: Any *story* having its finished floor surface entirely above grade except that a basement shall be considered a *story above grade* where the finished surface of the floor above the basement is:

1. More than four feet above the *grade plane*;
2. More than four feet above the finished ground level for more than 50% of the total building perimeter; or
3. More than eight feet above the finished ground level at any point."

SPONSOR: Ann B. Canedy, Precinct 1 Town Councilor

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Discussion
- ___ Move/vote

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-101**

INTRO.: 03/15/07

TO: Town Council
FROM: Ann Canedy, Precinct 1 Town Councilor
DATE: March 5, 2007
SUBJECT: Zoning Ordinance for Pond Village District of Critical Planning Concern (PVDCPC)
BACKGROUND: Pond Village is adjacent to West Barnstable and shares similar topographical characteristics with West Barnstable. However, when the entire town went to two acre lots under the Town wide DCPC several years ago, Barnstable Village (like Hyannis) remained at one acre zoning. As a result, Barnstable Village, especially the Pond Village area, has been subjected to increased and rapid development pressure. Additionally, there was increased evidence of degradation of Hinckley Pond which lies in the center of this neighborhood and increased frequency of closings because of nitrogen loading and high bacteria counts at the Scudder Landing, a site for recreational and commercial fishing. Several permanent residents of Pond Village became concerned about the future of this rural area. At the request of these residents, a neighborhood meeting was held on June 28, 2004 to discuss ways they could protect their neighborhood.

The Pond Village residents wanted to take a comprehensive look at their neighborhood since rules and regulations were seemingly being applied piecemeal. For example the OKH has some limited and largely subjective authority on individual parcels in the area but only if those parcels are in front of them. Zoning only speaks to minimum setbacks and not to building envelopes. There is no protection of view sheds. There is no drainage requirements on or proposed improvements to the private ways leading to the properties being developed. It became apparent to the neighborhood that the existing standards in effect in the area were not going to protect the cultural, historical, environmental and aesthetic environs that made this area unique. One acre lot size, 20' frontage, 30' front yard setback and 15' side/rear yard setback with no lot coverage provided for large unrestrained building envelopes and spec building and development was encroaching into the coastal embankment and pond frontage.

The Pond Village residents saw a DCPC designation as a tool to stop the immediate and rapid development pressure and allow a comprehensive and thoughtful review of land use in this area. The residents elected to hire the environmental engineering firm Horsley & Witten to draft a DCPC nomination for the neighborhood to present to the Planning Board, as a natural conduit to formulating and suggesting zoning changes.

The Planning Board held several public hearings beginning on March 14, and ending on May 9, 2005. It should be noted that a public hearing is not required by the DCPC regs but public input was actively sought. The Planning Board ultimately directed the town planner to prepare a document for review at the May 23, 2005 Planning Board meeting where the document was amended and a final version presented to the Planning Board on June 6, 2005 which was then forwarded to the Cape Cod Commission (CCC).

The CCC accepted both the original and revised nominations on September 26, 2005. The Commission voted to approve a decision on the approval of the nominations on October 31, 2005 and approved the DCPC on January 18, 2006. All of these votes were done at public hearings noticed in the local newspapers and were attended by numerous Pond Village residents. While not required to notify abutters, efforts were made to "spread the word" about these public hearings.

BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY (Continued)
2007-101
INTRO.: 03/15/07

Beginning in February 2006 ,CCC staff along with Planning Department Staff and interested residents of Pond Village met informally to establish how the actual crafting of the proposed land use controls outlined in the approved CCC/County Commission decisions could be completed. It was determined that a “Steering Committee” would need to be established that was small enough to actually get work done but broad enough to represent all interests in the area. Members of the public who were for and some who were skeptical and even against the designation were placed on this Committee.

The initial meeting of the “Steering Committee” was March 6, 2006. At that meeting it was decided to keep all Pond Village residents informed of all steering committee meetings via email/direct mailings. Steering Committee meetings were scheduled for the first and third Mondays of each month at the Growth Management Offices at 200 Main Street, Hyannis. Minutes have been kept and were attached to each agenda notice sent out to over 50 neighborhood residents and interested parties.

The regs that have been promulgated are the result of many months of work, many drafts, input from many residents, a neighborhood meeting, input from experts and compromise.

The Steering Committee proposes to continue its work beyond the proposal of this zoning ordinance in the areas of boardwalks and piers, conservation and health issues, the remediation of Hinckley Pond, repair of Route 6A and other issues related to this area.

FISCAL IMPACT: The proposed zoning regulations will positively influence property values which translates into additional property tax revenue and encourages smart growth in the community.

BOARD/COMMITTEE/STAFF ASSISTANCE: Pond Village Steering Committee,
Planning Board

CONSENT AGENDA (FIRST READING)

BARNSTABLE TOWN COUNCIL

2007-103 APPOINTMENTS

INTRO.: 03/15/07

That the Barnstable Town Council appoint the following individuals to a multiple member board/committee/commission:

COMPREHENSIVE FINANCIAL ADVISORY COMMITTEE APPOINTMENT:

Robert H. Temkin, 294 Millway, PO Box 255, Barnstable, MA 02630, term expires 06/30/2009

SCHOLARSHIP COMMITTEE APPOINTMENT:

Jan Cliggott, 6 Tidal Lane, Hyannis, MA 02601, term expires 06/30/2008

WATER POLLUTION CONTROL BOARD APPOINTMENT:

Paul J. Canniff, DMD, 106 Hayes Road, Centerville, MA 02632, term expires 06/30/2009

WATER QUALITY COMMITTEE APPOINTMENT:

Sheila Mulcahy, 9 Chippingstone Road, Marstons Mills, MA 02648, term expires 06/30/2009

SPONSORS: Appointments Committee

DATE

ACTION TAKEN

___ Read item

___ Discussion

___ Move/vote

B. NEW BUSINESS (TO BE REFERRED TO PLANNING BOARD FOR REVIEW)

BARNSTABLE TOWN COUNCIL

**2007-104 CONTINUING CARE RESIDENTIAL COMMUNITY PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT
INTRO.: 03/15/07**

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE MASSACHUSETTS DO ORDAIN AS FOLLOWS:

ORDERED:

SECTION 1

That Chapter 240, Article II of the Zoning Ordinance, Section 240-6 the Zoning Map, is amended by creating a new overlay zoning district known as CCRC PUD which covers the area shown on a reference map entitled “Proposed Amendment CCRC PUD Overlay Zoning District”, dated March 9, 2007, and more specifically shown on the Town Assessor’s Maps as parcels noted as Assessor Map 314 parcels 044, 045, 046, 047, 048, 049 and Assessor Map 314 parcels 036, 037, 038 and Assessor Map 315 parcel 042.

SECTION 2

That Chapter 240, Article III of the Zoning Ordinance, is amended by adding a new Section 240-29 Continuing Care Residential Community Planned Unit Development Overlay District as follows:

240-29 Continuing Care Residential Community Planned Unit Development Overlay District - CCRC PUD

240-29.1 Purpose: The purpose of the Continuing Care Residential Community Planned Unit Development Overlay District is to encourage flexibility in the design and development of land within the District in order to promote its use as an independent assisted living skilled nursing care facility while providing adequate and economical provision of streets, utilities and public spaces and preserving the natural and scenic qualities of the open areas.

240-29.2 Procedure: The owner or owners or lessees of tracts of land consisting of five (5) acres or more in the CCRC Planned Unit Development Overlay District may submit to the Zoning Board of Appeals, a request for a Special Permit to allow for a plan of development and use of such tracts meeting the requirements set forth below:

- A. The Zoning Board of Appeals shall be the Special Permit Granting Authority and shall follow the procedures for issuing special permits as provided for in Section 240- 125 C herein.
- B. Lot area and lot frontage requirements may be reduced provided the overall density is not reduced and yard requirements need only be applied in relationship to the tract boundaries.
- C. Bulk Regulations shall be as follows:

Zoning District	Min. lot area sq. ft.	Min lot frontage in ft.	Minimum yard setbacks in ft.			Maximum bldg height in ft.	Max Lot Coverage as % of Lot Area
			FRONT	SIDE	REAR		
CCRC PUD	217,800 (5 AC)	400	60	30	30	50	N/A

**2007-104 CONTINUING CARE RESIDENTIAL COMMUNITY PLANNED
UNIT DEVELOPMENT OVERLAY DISTRICT (Continued)
INTRO.: 03/15/07**

240-29.2 Permitted Uses with issuance of Special Permit for Planned Unit Development: The permitted uses shall include: residential uses such as garden apartments, town houses, multi-family housing as assisted living development.

240-29.3 Standards for Reviewing and Approving Planned Unit Developments: Before any action on any of the plans for a Planned Unit Development, a site plan and any supplemental plans shall be submitted to the Site Plan Review Committee for study and review. The Committee shall report its recommendations for approval or disapproval, together with the reasons therefore and any additional requirements within twenty (20) days of receipt of a site plan. Reasonable requirements may be recommended by the Committee Planning Board for the protection of adjoining residential property. The Zoning Board of Appeals shall approve the planned unit development only if it finds that the planned unit development satisfies all of the following standards:

A. General Standards

1. The Planned Unit Development shall be consistent with the Town of Barnstable Comprehensive Plan
2. The Planned Unit Development shall provide for an effective and unified treatment of the development possibilities on the project site making appropriate provision for the preservation of scenic features and amenities of the site and the surrounding areas
3. The Planned Unit Development shall be planned and developed to harmonize with any existing or proposed development in the area surrounding the site Design Standards
 1. All buildings in the layout and design shall be an integral part of the development and have convenient access to and from adjacent uses
 2. Individual buildings shall be related to each other in design, masses, materials, placement and connections to provide a visually and physically integrated development
 3. Treatment of the sides and rear of all buildings within the Planned Unit Development shall be comparable in amenity and appearance to the treatment given to street frontages of these same buildings
 4. The design of buildings and the parking facilities shall take advantage of the topography of the project site where appropriate, to provide separate levels of access
 5. All buildings shall be arranged as to avoid undue exposure to concentrated loading or parking facilities where ever possible and shall be so oriented as to preserve visual and audible privacy between adjacent buildings
 6. All buildings shall be arranged as to be accessible to emergency vehicles

B. Landscape Design Standards

1. Landscape treatment for plazas, roads, paths, service and parking areas shall be designed as an integral part of a coordinated landscape design
2. Primary landscape treatment shall consist of shrubs, ground cover, and street trees, and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape materials selected should be appropriate to the growing conditions of the Town of Barnstable's environment.

C. Circulation System Design Standards

1. There shall be an adequate safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space

**2007-104 CONTINUING CARE RESIDENTIAL COMMUNITY PLANNED
UNIT DEVELOPMENT OVERLAY DISTRICT (Continued)
INTRO.: 03/15/07**

2. Road, pedestrian walks and open space shall be designed as an integral part of an overall site design. They shall be properly related to existing and proposed buildings, and appropriately landscaped
3. There shall be an adequate amount, in a suitable location, of pedestrian walks and landscaped spaces to discourage pedestrian use of vehicular ways and parking spaces and to separate pedestrian walks and public transportation loading places from general vehicular circulation facilities
4. Buildings and vehicular circulation open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic
5. Landscaped, paved and comfortably graded pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to street, parking areas and adjacent buildings
6. The location and design of pedestrian walks should emphasize desirable views of new and existing development in the area
7. Encourage the maximum separation of private automobiles and service vehicles through the use of separate service lanes
8. Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, etc., shall be of good appearance, easily maintained, and indicative of their function

D. Parking and Loading Design Standards

1. Parking facilities shall be landscaped and screened from public view to the extent necessary to eliminate unsightliness and monotony of parked cars
2. Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping, ease of access, and shall be developed as an integral part of an overall site design
3. Any above grade loading facility should be screened from public view to the extent necessary to eliminate unsightliness
4. Outdoor storage shall not be permitted

SPONSOR: Town Councilor Harold Tobey

DATE

ACTION TAKEN

BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-104
INTRO.: 03/15/07

TO: Town Council
FROM: Town Councilor Harold Tobey
DATE: March 8, 2007
SUBJECT: Continuing Care Residential Community Planned Unit Development Overlay District

BACKGROUND: The locus is approximately 24 acres and is sited in Independence Park within the Industrial Zoning District abutting both Independence Way and Communication Way, Barnstable Village. In order for any proposed continuing care residential project to move forward on these parcels of land, the referenced parcels must be re-zoned. The anticipated use of the reference parcels could be allowed through the use of a Planned Unit Overlay District planning and zoning tool.

The proposed zoning change creates a new CCRC PUD District as Section 240-29. The new CCRC PUD District is proposed to allow for the following uses: residential uses such as garden apartments, town houses, multi-family housing; for assisted living developments.

The Zoning map will be re-drawn to show the new 'CCRC PUD Overlay District' in the Barnstable Village section of the Industrial Zone. Map revisions will be worked out with GIS and Planning.

FISCAL IMPACT: There is a positive impact on the town budget with these revisions as the development of this property will bring revenue to the town.

STAFF ASSISTANCE: Growth Management Department

B. NEW BUSINESS (To Be Referred To Public Hearing April 5th)

BARNSTABLE TOWN COUNCIL

**2007-105 TO SEE IF TOWN COUNCIL WILL VOTE TO AMEND THE
GENERAL ORDINANCE TO EXTEND THE BOUNDARY OF
THE HYANNIS REGULATORY AGREEMENT DISTRICT
INTRO.: 03/15/07**

**NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE
MASSACHUSETTS DO ORDAIN AS FOLLOWS:**

ORDERED:

SECTION 1

That Chapter 168, Regulatory Agreement Ordinance, is amended by extending the boundary of the Hyannis Regulatory Agreement District as shown on a map on file with the Town Clerk entitled "Hyannis Regulatory Agreement District Map", dated August 30, 2005, by amending said map as shown on the map entitled "Proposed Amendment Within HG and IND Zone Hyannis Regulatory Agreement District Map", dated 3/9/2007 and as further depicted on a map entitled "Illustration Map for Proposed Amendment Within HG and IND Zone Hyannis Regulatory Agreement District Map", dated 3/9/07.

SECTION 2

That Chapter 168, the Regulatory Agreement Ordinance, is hereby amended by striking out Section 168-1.A and inserting in place thereof the following:

It is the purpose and intent of this chapter to enable the Town of Barnstable to enter into development agreements (hereinafter "regulatory agreements") in the areas delineated on the attached map, dated March 9, 2007, entitled "Hyannis Regulatory Agreement District."

SECTION 3

That Chapter 168, the Regulatory Agreement Ordinance, is hereby amended by striking out Section 168-1.A.B and inserting in place thereof the following:

This chapter shall apply within the Hyannis Regulatory Agreement District, shown on the attached map.

SPONSOR: Town Councilor Harold Tobey

DATE	ACTION TAKEN
_____	_____
_____	_____
___	Motion to open public hearing
___	Rationale
___	Public hearing
___	Close Public hearing
___	Council discussion
___	Move/vote

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-105
INTRO.: 3/15/07**

TO: Town Council
FROM: Town Councilor Harold Tobey
DATE: March 9, 2007
SUBJECT: Amendment to Hyannis Regulatory Agreement District

BACKGROUND/ANALYSIS/RATIONALE: The following amendment has been identified for adoption:

This involves a map amendment to the area within which the Town may enter into Regulatory Agreements to include:

- (1) two small, existing lots that were recently added to the Hyannis Gateway (HG) District. The lots proposed for inclusion in the Hyannis Regulatory Agreement District are in total 7,405 square feet and in common ownership with abutting parcels that are currently included in the Hyannis Regulatory Agreement District; and
- (2) approximately 24.21 acres located in the IND Zoning District and more specifically identified as Map 314, Parcels 044 through 049; Map 314, Parcels 036 through 038; and Map 315, Parcel 042.

FISCAL IMPACT: There is no fiscal impact.

STAFF ASSISTANCE: Patricia Daley, Director of Comprehensive Planning and Tom Broadrick, Director of Regulatory Review

CONSENT AGENDA (To Be Referred To Public Hearing April 5th)

BARNSTABLE TOWN COUNCIL

2007-090 THROUGH 2007-099 CAPITAL IMPROVEMENT PLAN BUDGET APPROPRIATIONS INTRO.: 03/15/07

2007-090 APPROPRIATION ORDER

Marina Enterprise Fund Reserve Capital Improvement Plan

ORDERED: That the sum of **\$60,000** be appropriated for the purpose of funding the design and permitting of a replacement for the existing 443 lineal feet of wooden bulkhead along the eastern and southern sides of the Barnstable Harbor Marina as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, **\$60,000** be transferred from available funds within the Marina Reserve Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes, and be authorized to accept any grants or gifts in relation thereto

SPONSOR: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to open public hearing
- ___ Rationale
- ___ Public hearing
- ___ Close Public hearing
- ___ Council discussion
- ___ Move/vote

2007-091 APPROPRIATION AND LOAN ORDER

Sewer Enterprise Fund Capital Improvement Plan

ORDERED: That the sum of **\$570,000** be appropriated for the purpose of funding the purchase and installation of a replacement generator used to supply emergency power at the Waste Water Treatment Plant in Hyannis as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$570,000**, and that the Town Manager is authorized to contract for and expend the Appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to open public hearing
- ___ Rationale
- ___ Public hearing
- ___ Close Public hearing
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL
2007-090 THROUGH 2007-099 CAPITAL BUDGET APPROPRIATIONS (Continued)
INTRO.: 03/15/07

2007-092 APPROPRIATION ORDER

Capital Trust Fund Capital Improvement Plan

ORDERED: That the sum of **\$3,250,000** be appropriated for the purpose of funding the repair of the Town's public roads and drainage systems as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, **\$3,250,000** be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes, and be authorized to accept any grants or gifts in relation thereto

SPONSOR: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to open public hearing
- ___ Rationale
- ___ Public hearing
- ___ Close Public hearing
- ___ Council discussion
- ___ Move/vote

2007-093 APPROPRIATION AND LOAN ORDER

Capital Trust Fund Capital Improvement Plan

ORDERED: That the sum of **\$275,000** be appropriated for the purpose of funding the following update and enhancement of the Town's Geographic Information System(GIS): (1) an update of the system's base maps by conducting an aerial photo flyover of the Town in the spring of 2008; and (2) to enhance the system by conducting a LiDAR (Light Detection and Ranging) aerial survey necessary to developing a town-wide digital terrain model and creating new town-wide contour mapping as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$275,000**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to open public hearing
- ___ Rationale
- ___ Public hearing
- ___ Close Public hearing
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL
2007-090 THROUGH 2007-099 CAPITAL BUDGET APPROPRIATIONS (Continued)
INTRO.: 03/15/07

2007-094 APPROPRIATION AND LOAN ORDER

Capital Trust Fund Capital Improvement Plan

ORDERED: That the sum of **\$250,000** be appropriated for the purpose of funding the construction of sidewalks along town-owned roads as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$250,000**, and that the Town Manager is authorized to contract for and expend the Appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to open public hearing
- ___ Rationale
- ___ Public hearing
- ___ Close Public hearing
- ___ Council discussion
- ___ Move/vote

2007-095 APPROPRIATION AND LOAN ORDER

Capital Trust Fund Capital Improvement Plan

ORDERED: That the sum of **\$297,000** be appropriated for the purpose of funding the following improvements to Municipal buildings: (1) renovation of Joshua's Pond Beach House and the design of a new or renovated Craigville Beach House; and (2) health and safety improvements to Barnstable Town Hall including upgrades to the 4th floor air-conditioning system, insulating chilled water piping and repairs to the elevator as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$297,000**, and that the Town Manager is authorized to contract for and expend the Appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to open public hearing
- ___ Rationale
- ___ Public hearing
- ___ Close Public hearing
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL
2007-090 THROUGH 2007-099 CAPITAL BUDGET APPROPRIATIONS (Continued)
INTRO.: 03/15/07

2007-096 APPROPRIATION AND LOAN ORDER

Capital Trust Fund Capital Improvement Plan

ORDERED: That the sum of **\$250,000** be appropriated for the purpose of funding an on-going program to improve coastal water quality by addressing road runoff and road related water quality problems affecting coastal waters as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$250,000**, and that the Town Manager is authorized to contract for and expend the Appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to open public hearing
- ___ Rationale
- ___ Public hearing
- ___ Close Public hearing
- ___ Council discussion
- ___ Move/vote

2007-097 APPROPRIATION AND LOAN ORDER

Capital Trust Fund Capital Improvement Plan

ORDERED: That the sum of **\$250,000** be appropriated for the purpose of funding the following improvements to the town's lakes and ponds: (1) reestablish a permanent connection from Rushy Marsh Pond in Cotuit to Nantucket Sound; (2) dredging design and permitting of Mill Pond in Marstons Mills to restore the ecology of the pond that will result eventually in limiting the nutrient enrichment of the Three Bays; and (3) design and permitting of an alum treatment to Mystic Lake in Marstons Mills to confine sediment nutrients as outlined in the FY 2008 - FY 2012 Capital Improvement Plan as recommended by the Town Manager. And that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$275,000**, and that the Town Manager is authorized to contract for and expend the Appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Town Manager John Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Motion to open public hearing
- ___ Rationale
- ___ Public hearing
- ___ Close Public hearing
- ___ Council discussion
- ___ Move/vote

