



The Town of Barnstable

Town Council

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SPECIAL TOWN COUNCIL MEETING

AGENDA

June 14, 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**
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 JUNE 21ST.

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The council may act on items in a different order than they appear on this agenda

A. OLD BUSINESS (Continued Public Hearing 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; 06/14/07

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

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

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 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

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

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 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

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

240-44.1.4.4.1 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.

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; ___ Continue public hearing; ___ Discussion; ___ Close public hearing
___ 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 (Public Hearing May Be Acted Upon) (Roll Call)

BARNSTABLE TOWN COUNCIL

**2007-141 TO SEE IF THE TOWN COUNCIL WILL AMEND GENERAL ORDINANCE RELATIVE TO A REVISED GROUND WATER PROTECTION OVERLAY DISTRICT MAP
INTRO.: 05/03/07; 06/14/07**

TO SEE IF TOWN COUNCIL WILL VOTE TO AMEND THE GENERAL ORDINANCES AS FOLLOWS

IT IS ORDERED:

That Chapter 232, Sections 232-5 and 232-6 of the General Ordinances be amended as follows:

- a) Section 232-5 (B) by striking “Revised Groundwater Protection Overlay Districts Map. Planning Department, dated April, 1993” and substituting in its place “Revised Groundwater Protection Map Planning Division – February 2002.”
- b) Section 232-6 by striking “Revised Groundwater Protection Overlay Districts Map. Planning Department, dated April, 1993” and substituting in its place “Revised Groundwater Protection Map Planning Division – February 2002.”

SPONSORS: Town Councilor Richard Barry

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
2007-141
INTRO: 05/03/07**

TO: Town Council
FROM: Ruth Weil, Director of Growth Management
DATE: April 25, 2007
SUBJECT: Amending Sections 232-5 and 232-6 of the General Ordinances by Inserting Most Current Map Reference.

BACKGROUND: The purpose of these proposed amendments is to replace the 1993 Groundwater Protection Overlay Districts Map with the most recent map which was prepared on February, 2002.

ANALYSIS: The Board of Health has requested an update to the Town Ordinance Chapter 232: Wastewater Discharge. Under Sections 232-5 and 232-6, the ordinance refers to the “Revised Groundwater Protection Overlay Districts Map” dated April 1993. The Board has requested that the updated February, 2002 Groundwater Protection Overlay District map be referenced so that application of the Board of Health regulations can be consistent with the best science available.

FISCAL IMPACT: There is no fiscal impact.

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

BARNSTABLE TOWN COUNCIL

**2007-142 COMMUNITY PRESERVATION FUND APPROPRIATION FOR
HISTORIC RECORDS PRESERVATION
INTRO.: 05/03/07; 06/14/07**

ORDERED: that, pursuant to the provisions of G. L. c. 44B, the sum of Sixty Five Thousand, Two Hundred Sixty Six and No/100 (\$65,266.00) Dollars be appropriated and transferred from the amount set aside in the Community Preservation Fund on June 15, 2006 under agenda item number 2006-144 for “Unrestricted” CPA funds; and that the Town Clerk is authorized to contract for and expend the amount appropriated with the prior approval of the Town Manager in order to deacidify and bind in order to preserve ancient Town records.

SPONSOR: Town Manager upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-142
INTRO: 05/03/07**

TO: Town Council
FROM: Community Preservation Committee
DATE: March 2, 2007
SUBJECT: Rationale for the Deacidification and Binding ancient records

BACKGROUND: The Community Preservation Committee (CPC) met on February 20, 2007 and has recommended that the town support the funding request of \$65,266.00 from the Town Clerk to Deacidify and Bind Ancient records. This project is phase two of the two phase series.

RATIONALE: The first phase of this project that has been approved for funding in 2006 by the CPC allowed the laser fiche software program to be purchased. The software program is currently installed and running. Many historic volumes have been scanned into the system. Volunteers and the Clerk's office have been working to index the handwritten volumes. The Clerk's office is also working on transferring other meeting records to the program. Talin Bookbindery is in the process of working on the deacidification and binding of approximately 8 books. The second phase of this project is to continue with the indexing and binding books. The use of these funds will complete the entire project.

Preserving these books will help preserve the character and save these resources that are currently threatened by acidity. This project is vital to the Town's character. It is the Town's job to preserve that history for all times, for the use of historians and genealogists. If they are not preserved, the history will be jeopardized.

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

BARNSTABLE TOWN COUNCIL

**2007-144 COMMUNITY PRESERVATION FUND APPROPRIATION FOR
HISTORIC DOCUMENTS PRESERVATION (DANIEL DAVIS HOUSE)
INTRO.: 05/17/06; 06/14/07**

ORDERED: That, pursuant to the provisions of G. L. c. 44B, the sum of Fifteen Thousand, and No/100 (\$15,000.00) Dollars be appropriated and transferred from the amount set aside in the Community Preservation Fund on June 15, 2006 under agenda item number 2006-144 for “Unrestricted” CPA funds in order to preserve ancient documents, to be bound by restrictions, easements or other security, for public benefit.

SPONSOR: Town Manager at the request 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
2007-144
INTRO.: 05/17/07**

TO: Town Council
FROM: Community Preservation Committee
DATE: March 2, 2007
SUBJECT: Barnstable Historical Society – Historic Preservation

BACKGROUND: The Community Preservation Committee (CPC) met on February 20, 2007 and has recommended that the town support the funding request of \$15,000.00 from the Barnstable Historical Society for the preservation of various historic documents.

RATIONALE: The scope of the project “Barnstable’s Rich Heritage: A Preservation and Access Project” is to catalog, process, preserve, protect and make manuscripts, documents, and photograph collections accessible.

Over time, the Barnstable Historical Society has begun to collect various photograph and manuscript collections from the seven villages of Barnstable reflecting the history and heritage of hundreds of Cape Cod families. The collections have been thoroughly assessed and surveyed by a member of the archival consulting team *History Preserved*.

The manuscript collection includes business ledgers, correspondence, diaries, ephemera, newspapers, scrapbooks, minute books, daybooks, and published materials. The photographs include many formats, daguerreotypes, tintypes, and glass plate negatives. Dates include early colonial records, from the mid 17th century, to the mid 20th century.

These historically unique resources are in urgent need of cleaning, preservation work, repackaging, full cataloging, and proper storage. After completion of this work, the materials will be accessible to local residents, visitors, and researchers.

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

BARNSTABLE TOWN COUNCIL

**2007-145 COMMUNITY PRESERVATION FUND APPROPRIATION FOR
HISTORIC PRESERVATION (TRAYSER MUSEUM)
INTRO.: 05/17/06; 06/14/07**

ORDERED: That, pursuant to the provisions of G. L. c. 44B, the sum of Thirty Five Thousand and No/100 (\$35,000.00) Dollars be appropriated and transferred from the amount set aside for “Unrestricted” CPA Funds in the Community Preservation Fund on June 15, 2006 under agenda item number 2006-144 for the purpose of completing a Historic Structures Report that is required in order to undertake preservation, restoration, and rehabilitation, of the Trayser Museum, 3353 Main Street, Barnstable, MA, parcel 046 on Assessor’s map 299.

SPONSOR: Town Manager upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-145
INTRO.: 05/17/07**

TO: Town Council
FROM: Community Preservation Committee
DATE: March 27, 2007
SUBJECT: Trayser Museum Complex Historic Structures Report

RATIONALE: The three buildings that comprise the Trayser Museum Complex in Barnstable Village are a unique historic and cultural asset to the Town. The structures are in serious need of various repairs and restoration and in order to insure the appropriate level of historical restoration is achieved the buildings require an updated Historic Structures Report. The first and only Historic Structures Report on the Complex was completed 20 years ago in 1987. These reports are required by the Mass. Historic Commission before work can commence. The work will be performed by a consultant that has been approved by the state and the report will meet state specifications. The Community Preservation Committee recommends the funds for this report be approved.

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

BARNSTABLE TOWN COUNCIL

**2007-146 APPROPRIATION ORDER FOR LONG POND CENTERVILLE
HYDRILLA CONTROL
INTRO: 05/17/07; 06/14/07**

ORDERED: That the sum of **\$25,000** be appropriated for the purpose of funding the continuation of a multi-year project to eradicate the invasive weed Hydrilla from Long Pond, Centerville, and to meet this appropriation, **\$25,000** be transferred from available funds, 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

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
2007-146
INTRO.: 05/17/07**

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: April 30, 2007
SUBJECT: FY 2007 Appropriation Order for Hydrilla Control in Long Pond, Centerville

BACKGROUND: Hydrilla is capable of causing devastating impact on freshwater ponds, due to its rapid growth rate. It is easily spread from pond to pond. The Town and MA DEM are partnering on this control project to help Long Pond and to reduce the chance of Hydrilla spreading to other ponds in Barnstable and beyond.

ANALYSIS: This request is for the continuation of the effort to control the exotic invasive pond weed, Hydrilla, which is found in Massachusetts only at Long Pond. Hydrilla is capable of causing devastating impact to freshwater ponds, due to its rapid growth rate. It is easily spread from pond to pond. Actions taken thus far have included Sonar treatments, hand pulling, sampling, and surveys of other town ponds. As a result, Hydrilla has been drastically reduced in Long Pond; has been contained there, and has not spread to other town ponds.

FISCAL IMPACT: This is a one-time expense that will not be added to the operating budget in subsequent years. Funding for this request will be provided from the municipal savings account. After setting aside the sum of money needed for funding the FY08 operating budget the municipal savings account has a balance of \$2,705,665. This request can be funded from this resource.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of the appropriation order after the required public hearing.

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

BARNSTABLE TOWN COUNCIL

**2007-149 APPROPRIATION ORDER FOR REPAIRS TO THE BREAKWATER
TOWER AT THE ENTRANCE TO WEST BAY
INTRO.: 05/17/07; 06/14/07**

ORDERED: That the sum of **\$25,000** be appropriated for the purpose of funding the replacement of the breakwater tower at the entrance to West Bay, Osterville, and to meet this appropriation, **\$25,000** be transferred from available funds, 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 C. Klimm

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
2007-149
INTRO.: 05/17/07**

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: April 30, 2007
SUBJECT: Appropriation order for repairs to Breakwater Tower at the entrance to West Bay

BACKGROUND: The breakwater tower at the entrance to West Bay Osterville, a Town maintained structure, serves as a navigational aid to mariners assisting them in making landfall (particularly at night) at West Bay and further, to mark the location and existence of a breakwater. Several years of heavy surf conditions have caused the lower portion of the tower, and the rock/concrete base to which the tower is anchored, to erode.

ANALYSIS: One of the tower's 'legs' has rusted through completely, leaving the tower to stand with only 3 legs. It is now at a point where it is dangerous to service the light atop the tower, and the tower is in danger of toppling over and becoming inoperable. Should the tower collapse, there will no longer be this type of aid to navigation warning mariners of a possible danger. Safety will be compromised when making landfall from sea/sound. In addition, the tower is presently unsafe to climb in order to service the light should it become inoperable.

FISCAL IMPACT: This is a one-time expense that will not be added to the operating budget in subsequent years. Funding for this request will be provided from the municipal savings account. After setting aside the sum of money needed for funding the FY08 operating budget the municipal savings account has a balance of \$2,705,665. This request can be funded from this resource.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of the appropriation order after the required public hearing.

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2007-155 TRANSFER ORDER FOR FY 2007 DPW FACILITIES OPERATING
CAPITAL ACCOUNT
INTRO.: 06/14/07**

ORDERED: That the sum of \$46,774.00 be transferred from the FY 2007 Structures & Grounds utilities expenses line item (017405) to the FY 2007 Structures & Grounds operating capital account (017100).

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Rationale
- ___ Council discussion
- ___ Move/vote

**BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-155
INTRO.: 06/14/07**

TO: Town Council
FROM: John Klimm, Town Manager
DATE: May 15, 2007
SUBJECT: Transfer Order for FY2007 DPW Facilities Operating Capital Account

BACKGROUND: The Structures & Grounds Division is responsible for maintaining all mechanical systems for the Old Town Hall facility under the terms of the current lease agreement with the Hyannis Area Chamber of Commerce. The existing gas fired 35-ton absorption chiller system is in need of replacement and is currently inoperable and in a state of failure. Replacement parts are no longer available for these units and labor costs for repairs are exceeding replacement cost. The system provides AC for the entire 9,920 sq ft building including Town of Barnstable archive and records storage areas in the basement level. We are planning on replacing the units with a Yazaki high efficiency 40-ton gas fired double effect chiller/heater and Amcot 60-ton cooling tower. It is incumbent upon the Town to maintain all mechanical systems under the terms of the existing lease and repairs to the existing units is no longer a viable option. It has been determined that there will be adequate utilities cost savings to pay for this proposed equipment replacement. Council approval is required to transfer budget dollars from the utilities operating category to operating capital.

Additionally, Structures & Grounds will be utilizing \$6,421.75 of remaining funds from the Old Town Hall renovations capital account (702080) to assist with the acquisition.

ANALYSIS: The following items are proposed for funding:

New Yazaki 40 ton chiller	\$42,384.00
AMCOT 60 ton cooling tower	\$ 4,390.00

FISCAL IMPACT: There is no fiscal impact to the overall General Fund budget. This request only reallocates FY 2007 budget dollars between categories within the respective departments.

TOWN MANAGER RECOMMENDATION: The Town Manager requests favorable action by the Town Council.

B. NEW BUSINESS (To Be Referred To Public Hearing June 21st)

BARNSTABLE TOWN COUNCIL

**2007-156 APPROPRIATION ORDER FOR FY 2007 AIRPORT CAPITAL
BUDGET
INTRO: 06/14/07**

ORDERED: That the Town Council hereby appropriates the sum of \$35,000 for the connection of airport communication and surveillance systems to fiber optic lines and to meet this appropriation that \$35,000 be transferred from the airport's surplus funds.

SPONSOR: Town Manager John C. Klimm

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
2007-156
INTRO.: 06/07/07**

TO: Town Council
FROM: Doc Mosby Airport Manager
DATE: May 21, 2007
SUBJECT: FY 2007 Appropriation Order of \$35,000 for Airport Capital Improvement

BACKGROUND: The purpose of this appropriation order is to fund the cost increase associated with the connection to a fiber optic system at the Barnstable Municipal Airport. The original cost estimate of \$125,000 was a rough estimate to connect all surveillance and communication systems prior to the installation of the fiber optic lines that were installed by Nantucket Electric. The installation of the fiber optic lines is complete and updated cost estimates require an additional appropriation to connect the airport's systems.

ANALYSIS: Council order 2006-079 appropriated \$125,000 to connect the fiber optic lines to airport surveillance and communication systems. This amount is \$35,000 short of current cost estimates. This installation will significantly enhance security operations at the airport by connecting all security gates and surveillance cameras to the main terminal monitoring station. In addition, this fiber optic connection will reduce the dependency on telephone communications, and enable the airport to be connected directly to Town Hall and the Barnstable Police Department if desired.

FISCAL IMPACT: There is no impact to the Town's General Fund budget. The Airport has sufficient funds within its savings account to support this request.

STAFF ASSISTANCE: Doc Mosby, Airport Manager

B. NEW BUSINESS (To Be Referred To Public Hearing June 21st)

BARNSTABLE TOWN COUNCIL

**2007-157 AN ORDER CALLING FOR NON-BINDING BALLOT QUESTION TO
AMEND TOWN CHARTER ESTABLISHING A NINE-MEMBER
COUNCIL
INTRO: 06/14/07**

ORDERED, that the Town clerk place on the Ballot for the November 6th, 2007 regular municipal election, the following non-binding question:

"Shall the Town Council petition the general court for an amendment to the town charter establishing a town council composed of nine (9) members for four-year terms, four members to be elected at large and five members to be elected from districts initially to be composed of three (3) precincts?

YES

NO

SPONSORS: Town Council President Janet S. Joakim, Town Councilor's James F. Munafo, Jr., James H. Crocker, Jr. and Leah C. Curtis

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
2007-157
INTRO.: 06/14/07**

TO: Town Council
DATE: June 7, 2007
SUBJECT: An order calling for non-binding ballot question to amend town charter establishing a nine-member council

The Council Review Committee voted 9 - 1 to recommend a 9 member council made-up of 5 district members, elected from their district, and 4 at large members.

As stated in the Council Review Committee Report, members thought that including at large representation would bring the villages together and emphasized that:

- we are one town
- we want greater voter access to the leadership of the town
- we want some candidates to concentrate their campaigns on town-wide issues
- and we want the focus of the Council on the interests of the entire town

A Town Council legislative body as envisaged would be the first time that voters would have the opportunity to elect a majority of policy making elected officials (i.e., a citizen would be voting for one councilor from his/her district and four at-large-members of the Town Council).

B. NEW BUSINESS (To Be Referred To Public Hearing June 21st)

BARNSTABLE TOWN COUNCIL

**2007-158 ORDER ON AFFORDABLE HOUSING/GROWTH & DEVELOPMENT
FUND/TRUST/BOARD
INTRO.: 06/14/07**

ORDERED,

SECTION 1: Section 55C of chapter 44 of the general laws is hereby accepted.

SECTION 2: The Administrative Code is hereby amended by inserting at the end of Section 241-47.1.(t) the following:

(u) To administer the provisions of Section 55C of Chapter 44 of the General Laws, in a manner which is not inconsistent therewith. In so doing, the Town Manager shall be aided, in his discretion, by a Board of Trustees appointed by him in a manner consistent with paragraph (b) of said Section 55C. Furthermore, the powers to be exercised hereunder shall, consistent with paragraph (c) of said Section 55C, include the exercise of powers thereunder for the purpose of sound and prudent economic development as well as the purposes recited in said Section 55C.

SPONSORS:

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
2007-158
INTRO.: 06/14/07**

TO: Town Council
FROM: Town Manager John Klimm
DATE: May 30, 2007
SUBJECT: Administrative Code Amendment to Establish an Affordable Housing Trust Fund

BACKGROUND: State legislation, G.L. c. 44, s. 55C, provides for a local option procedure to establish a municipal housing affordable housing trust to aid community development projects and to support the creation and preservation of affordable housing. The recent pledge of One Million (\$1,000,000) Dollars for affordable housing in lieu of the construction of two affordable housing units, underscored the need to establish an affordable housing trust fund.

FISCAL IMPACT: A positive impact on the town budget is anticipated because this fund will serve as a conduit for revenues to meet and address these basic unmet community needs.

STAFF ASSISTANCE: Town Attorney

B. NEW BUSINESS (FIRST READING)

BARNSTABLE TOWN COUNCIL

2007-159 APPOINTMENTS
INTRO.: 06/14/07

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

YOUTH COMMISSION APPOINTMENTS:

Benjamin Farrell, BHS, 744 West Main Street, Hyannis, MA 02601, term expires 06/30/2009
Dan Fortunato, BHS, 744 West Main Street, Hyannis, MA 02672, term expires 06/30/2009
Michael O'Connell, BHS, 744 West Main Street, Hyannis, MA 02601, term expires 06/30/2009
Robyn Pitera, BHS, 744 West Main Street, Hyannis, MA 02601, term expires 06/30/2009
Christine Farber, Advisor, 290 West Main St., Hyannis, MA 02601, term expires 06/30/2009
Reid Hall, Advisor, BPD, PO Box B, Hyannis, MA 02601, term expires 06/30/2010

SPONSORS: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Rationale
- ___ Council discussion
- ___ Move/vote

B. NEW BUSINESS (To Be Referred to Joint Public Hearing with the Planning Board June 21st)

BARNSTABLE TOWN COUNCIL

2007-160 TO SEE IF THE TOWN COUNCIL WILL AMEND THE ZONING ORDINANCE TO ADD A CONTINUING CARE RETIREMENT COMMUNITY OVERLAY DISTRICT AS FOLLOWS:

INTRO.: 06/14/07

ORDERED:

SENIOR CONTINUING CARE RETIREMENT COMMUNITY OVERLAY DISTRICT

SECTION 1

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

SECTION 2

240-29 Senior Continuing Care Retirement Community Overlay District - SCCRCOD

SECTION 1

240-29.1: Purpose: The purpose of this section is to encourage the development of residential communities designed to offer shelter, convenience, services and personal and medical care, including nursing facility services, to senior persons while providing adequate and economical provision of streets, utilities and public spaces and preserving the natural and scenic qualities of the open areas. These facilities may offer a continuum of care, ranging from independent living to assisted living and nursing home care that reflects the changing needs of their residents.

240.29.2: Definitions:

Applicant: The person or persons, including a corporation or other legal entity, who applies for approval of a Senior Continuing Care Retirement Community Overlay District (SCCRCOD) hereunder. The Applicant must own, or be the beneficial owner of, all the land included in the proposed SCCRCOD, or have authority from the owner(s) to act for the owner (s) or hold an option or contract duly executed by the owner(s) and the Applicant giving the latter the right to acquire the land to be included in the site.

Assisted Living Units: One or two bedroom apartment units with bathroom facilities in which supportive services are offered for individuals who need assistance in activities of daily living.

Building Height: Building height shall be measured as the vertical distance from the grade plane to the average height of the highest roof plane that also has the highest ridge line.

Building Story: The vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

BARNSTABLE TOWN COUNCIL
2007-160 SENIOR CONTINUING CARE RETIREMENT COMMUNITY
OVERLAY DISTRICT (CONTINUED)

Continuing Care Retirement Community: A facility which may include a wide range of housing types including studio, one, two, and three, bedroom apartments, townhouses, duplexes, clusters or single family homes and which offers a continuum of services ranging from in-home services to on-site nursing home care. The facility may include independent living units, assisted living units and skilled nursing home facilities. The facility may include accessory uses for the benefit of the residents which accessory uses are subordinate and incidental to the Continuing Care Retirement Community use including, but not limited to, dining facilities, small medical clinics and recreational facilities.

Senior Person: Person aged 55 or older. It may include a developmentally disabled adult person under the age of 55.

Nursing or Convalescent Home: A facility for the assistance, maintenance, care, treatment or recuperation of mentally or physically handicapped, injured, invalid, convalescent or chronically ill persons on a full- or part-time basis, licensed by an appropriate governmental authority

Visitable: A residence that has: a) no steps between the exterior walking surface and interior first floor level; b) one external door at least three (3) feet wide; c) all first floor passage doors at least 2 feet 8 inches wide; and d) at least one toilet room on first floor.

240-29.3: Senior Continuing Care Retirement Community Overlay District: The SCCRCOD is an overlay district that allows a continuing care retirement community as a use by special permit and which overlay district may be superimposed on any parcel(s) of five (5) acres or more in any zoning district. Where the SCCRCOD authorizes uses not otherwise allowed in the underlying district, the provisions of the SCCRCOD shall control.

240.29, 4: Location: The SCCRCOD is to be shown on the Official Zoning Map of the Town of Barnstable.

240.29.5: Concept Plan: Prior to the rezoning of any property for inclusion in the SCCRCOD and as part of a petition for such rezoning, a schematic plan, called for purposes of this Section, a "Concept Plan", shall be filed by the applicant with the Planning Board for review at least twenty-one (21) days prior to a regularly scheduled meeting of the Planning Board. The Concept Plan shall be consistent with the provisions of this SCCRCOD ordinance. In deliberation on approval of a Concept Plan, the Planning Board shall give consideration to the Town of Barnstable Local Comprehensive Plan. The purpose of the Concept Plan is to ensure that the overall development scheme is consistent with Town policies and plans; adequately protects natural resources; provides safe traffic circulation consistent with the adjacent roadway network that also ensures adequate access to the development; and to ensure that the development is arranged to provide maximum protection of its residents from nuisance and hazard.

**BARNSTABLE TOWN COUNCIL
2007-160 SENIOR CONTINUING CARE RETIREMENT COMMUNITY
OVERLAY DISTRICT (CONTINUED)**

240.29.5.1: The Concept Plan shall include:

- a. A schematic site development plan showing in general, the location and square footage of all proposed buildings, general site grading, parking, landscaping, roads, walkways and access ways, open space, wetlands, lighting and signage;
- b. A general breakdown of building types: single family, two family, multi family, apartment, including total number of bedrooms for the entire development and non-residential structures;
- c. A schematic subdivision plan(s), if applicable;
- d. Specific floor plans, building plans or other detailed construction documents are **not** required at the Concept Plan stage.

240.29.5.2: The Barnstable Planning Board will notify the public of the time and date of the public meeting on the Concept Plan. Thereafter, the Barnstable Planning Board shall determine that (i) the Concept Plan has been approved; or (ii) the Concept Plan has been approved subject to modifications; or (iii) the Concept Plan has been disapproved. The Barnstable Planning Board shall provide to the applicant in writing the reasons for any denial of approval of the Concept Plan. The determination of the Barnstable Planning Board of the approvability of the Concept Plan shall be the basis for a recommendation to the Town Council for the rezoning petition.

240.29.6: Map Amendment: In order for approval of a SCCRCOD the applicant, after first having received a decision from the Planning Board on the approvability of its Concept Plan, must file a petition for the amendment of the Town of Barnstable Zoning Map for inclusion of the subject parcel(s) within the SCCRCOD.

240.29.7: Application for Special Permit. After successful rezoning of a SCCRCOD, an application for a special permit shall be submitted to the Planning Board within not more than six months from the effective date of such rezoning, on forms furnished by the Planning Board, accompanied by the following:

- a. A site plan in accordance with the Town of Barnstable site plan review regulations §§240-98 through 240-105 indicating the planned location of buildings and their use, off-street parking areas, driveways, easements, walks, the location, type and height of walls, and the extent of landscaping or other treatment for the protection of adjacent properties;
- b. Building elevation plans for all exterior facades of buildings and structures, at a scale of 1/16 inch equals one foot, or such scale as may be required by the Planning Board for detail drawings, indicating surface materials and colors, together with not less than three representative cross sections.
- c. A tabulation of the areas of the proposed site elements, including buildings (footprints and gross floor area), a breakdown of building types: single family, two family, multi family including total number of bedrooms for the entire development and non-residential structures; parking structures and surface parking areas (square footage and number of parking spaces) and stormwater management areas.

**BARNSTABLE TOWN COUNCIL
2007-160 SENIOR CONTINUING CARE RETIREMENT COMMUNITY OVERLAY
DISTRICT (CONTINUED)**

- d. Information pertaining to the entity that is to manage the SCCRCOD and the type of operating agreement contemplated.
- e. If a subdivision is proposed, then all documents as required for the subdivision, if any, shall be reviewed during the Special Permit process;
- f. A narrative detailing the services to be provided to the residents and the staff to be employed to provide those services.
- g. Description of all proposed accessory structures and uses.
- h. Building phasing schedule, if applicable.
- i. Description of any green building construction techniques being used.
- j. Description of how maximum water and energy efficiencies will be achieved.
- k. A landscape plan signed and stamped by a Massachusetts certified landscape architect which shall include a tabulation of landscaped areas (square footage, number of trees and other plantings).
- l. Proposed signage, consistent with the requirements of the underlying zoning district.
- m. Plans detailing provision for wastewater disposal.
- n. Description of any infrastructure improvements that may be necessary to provide water service to the project.
- o. Additional information as may be required by the Planning Board as reasonably necessary to making the determinations required by this section.

240.29.8: Joint Cape Cod Commission Review

- a. Upon a determination by the Building Commissioner that an application for site plan review for a development requiring a special permit under the SCCRCOD constitutes a Development of Regional impact (DRI) under Section 12(h) of the Cape Cod Commission Act, 1990 Mass. Acts, Ch. 716, a referral shall be made to the Cape Cod Commission, accompanied by a request that a joint review process of the proposed development be established between the Cape Cod Commission and the Planning Board.
- b. The joint review process shall include joint hearings between the Planning Board and the Cape Cod Commission, as feasible.

240.29.9: Standards: In order to be eligible for consideration for a special permit, the proposal must contain parcels included in the SCCRCOD and shall meet all of the following standards:

- a.. Compliance with Applicable Regulations and Standards: In the case of a subdivision, all plans and development shall comply with all applicable standards of the Planning Board's Subdivision Rules and Regulations, including such waivers as may be granted by the Planning Board.
- b Bulk Regulations: For all lots and building within the SCCRCOD the following Bulk Regulations shall apply as long as the Planning Board determines such bulk regulation is consistent with these standards:

Density:	as determined by SPGA
Lot area:	217,800 sq .ft.
Minimum Lot frontage:	40 feet
Property line and Road Layout setbacks:	as determined by SPGA
Maximum Building Height in feet/# of Stories:	40 feet/3stories
Minimum building separation:	as determined by SPGA

**BARNSTABLE TOWN COUNCIL
2007-160 SENIOR CONTINUING CARE RETIREMENT COMMUNITY
OVERLAY DISTRICT (CONTINUED)**

c. Parking: parking shall be provided as follows:

SCCRCOD Uses	Minimum	Maximum	Guest Space
Independent Living Dwelling Unit	.75 per dwelling unit	1.75 per dwelling unit	.5 per dwelling unit
Assisted Living Dwelling Unit	.5 per dwelling unit	1 per dwelling unit	.5 per dwelling unit
Skilled Care Facility	.5 per bed	1 per bed	.5 per bed
Employee – Dwelling Unit Administration	.75 per 5 dwelling units	1 per 5 dwelling units	N/A
Employee – Skilled Care Facility	.5 per bed	.75 per bed	N/A

d. Waiver of Parking Requirements:

The Planning Board may waive the number of parking spaces required for the above listed uses based on the following:

- A finding that the applicant provided a parking demand analysis performed by a licensed professional that demonstrates alternate parking requirements for the proposed use or combination of uses.
- or
- In determining the number of parking spaces required the following factors as well as any other relevant factors shall be considered:
 - The number of employees required by the use, whether such employees will reside on the premises, and hours during which any non-resident employees will be working;
 - The availability of public or private transportation;
 - The degree to which on site provision of services and facilities will affect the need of residents to travel off site;
 - The proximity of facilities and services to the site;

e. Parking and Loading Design Standards

1. Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping, ease of access. Parking facilities that provide the primary parking space assigned to a dwelling unit shall be within 100' of the unit entrance.
2. Any above grade parking or loading facility should be screened from public view to the extent necessary to eliminate unsightliness. Screening may consist of landscape materials, topographic feature, residential buildings or any combination of these. In the alternative the parking facility may treat exterior walls with architectural features typical of the development it serves.
3. Outdoor storage shall not be permitted.
4. These requirements are in addition to the parking and parking lot landscaping requirements of the underlying zoning district.

**BARNSTABLE TOWN COUNCIL
2007-160 SENIOR CONTINUING CARE RETIREMENT COMMUNITY
OVERLAY DISTRICT (CONTINUED)**

- f. Visitable; The applicant shall provide that all or some of the dwelling units, shall be visitable as determined by the SPGA.
- g, Design Standards:
 - 1. All buildings in the layout and design, including landscaping, the placement of pedestrian sidewalks and parking, 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. All buildings shall be arranged as to avoid undue exposure to concentrated loading or parking facilities wherever possible and shall be so oriented as to preserve visual and audible privacy between adjacent buildings.
 - 4. Primary landscape treatment shall consist of a combination of indigenous grasses, trees and shrubs commonly found on Cape Cod and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Planting areas should be designed to serve as stormwater treatment areas often known as rain gardens.
 - 5. Existing significant trees and natural vegetation shall be retained to the maximum extent possible. The front yard landscaped setback from the road lot line shall be ten (10) feet.
 - 6. One deciduous tree with a three-inch minimum caliper is required to be planted within the front setback for every 30 feet of frontage of property
 - 7. All landscaped areas shall be continuously maintained, irrigated, and fertilized. Plant materials shall be organically maintained to the maximum extent possible.
 - 8. All stormwater shall be treated as appropriate and discharged on site and shall incorporate low impact techniques for stormwater discharge.
 - 9. Minimum recommended light levels established by the Cape Cod Commission Technical Bulletin 95-001, DRI Standards and Submittal Requirements for Exterior Lighting Design shall apply. Site lighting, security lighting and architectural/landscape lighting shall provide illumination levels appropriate for the designed activity without exceeding minimum requirements..
- h. Circulation System Design Standards
 - 1. There shall be an adequate safe and convenient arrangement of pedestrian circulation facilities, sidewalks, roadways, driveways, off-street parking and loading space. Buildings and vehicular circulation open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
 - 2. Road, pedestrian sidewalks, walks and open space shall be designed as an integral part of an overall site design. Appropriately landscaped, paved and comfortably graded pedestrian sidewalks and walks shall be provided along the lines of the most intense use, particularly from building entrances to street, parking areas and adjacent buildings.

**BARNSTABLE TOWN COUNCIL
2007-160 SENIOR CONTINUING CARE RETIREMENT COMMUNITY
OVERLAY DISTRICT (CONTINUED)**

- 3. The use of separate service lanes shall separate private automobiles and service vehicles.
- 4. 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.

1. Impact Analysis: The applicant shall provide any additional data and analysis requested by the Planning Board to enable the Board to assess the fiscal community and environmental impacts of the proposed development, At its discretion, the Planning Board may impose reasonable fees upon the applicant for the hiring of outside consultants and the provisions of G.L. c. 44 §53G shall apply thereto.

240.29.10: Decision: The Planning Board may grant a special permit for a SCCRCOD where it makes the following findings:

- a. The SCCRCOD complies with all applicable Subdivision Rules and Regulations, the Zoning Ordinances and the requirements of this section except as they may be waived by the Board;
- b. The SCCRCOD does not cause substantial detriment to the neighborhood;
- c. The SCCRCOD is consistent with the Town of Barnstable Local Comprehensive Plan;
- d. The SCCRCOD provides an effective and unified treatment of the development on the project site making appropriate provision for environmental protection, the preservation of scenic features, sensitive habitat and other amenities of the site and the surrounding areas;
- e. The SCCRCOD is planned and developed to harmonize with any existing or proposed development in the surrounding area.
- f. The applicant has provided mitigation that sufficiently addresses the impacts of the SCCROD.
- g. The SCCROD provides services which are tailored to the needs of senior persons and may include meals, housekeeping, transportation, health care services and personal care assistance and the benefits of the development for the residents and the community outweigh the detriments.
- h. The SCCROD complies with the standards established in Section 240.29.9 except as they may be waived by the Board;

240.29.11: Non-transferability: The special permit for the SCCRCOD conditional use shall be issued to the owner only and is not transferable to a subsequent property owner, without the prior written approval of the Planning Board.

SPONSOR: Town Councilor Harold E. Tobey

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
2007-160
INTRO.: 06/14/07**

TO: Town Council
FROM: Town Councilor Harold Tobey
DATE: May 29, 2007
SUBJECT: Continuing Care Retirement Community Overlay District

BACKGROUND: As baby boomers approach retirement age and as the general population ages, there has been an identified need to provide a continuum of housing opportunities and associated supportive services to the senior population to allow them to age in place. Several developers have expressed an interest in providing this type of continuing care retirement community option, but have been stymied under the town's current zoning. After reviewing a variety of different approaches, the Planning Board Zoning Subcommittee concluded that an overlay district made the most sense. The attached zoning amendment establishes a procedure by which an applicant can present a Concept Plan to the Planning Board to create a Senior Continuing Care Retirement Community on a particular parcel of land. After review and decision by the Planning Board, the applicant then requests that the zoning map be amended to include the parcel in the Senior Continuing Care Retirement Community Overlay District (SCRCOD). Once a parcel is included in the SCRCOD, the property owner can apply for a special permit. The specific criteria for granting a special permit in the SCRCOD are detailed in the zoning amendment.

B. NEW BUSINESS (To Be Referred To Public Hearing June 21st)

BARNSTABLE TOWN COUNCIL

**2007-161 APPROPRIATION ORDER FOR SCHOOL TECHNOLOGY
IMPROVEMENTS
INTRO: 06/14/07**

ORDERED: That the Town Council hereby appropriates \$300,000 for improvements to the School Department's technology equipment and to meet this appropriation that \$300,000 be transferred from available funds.

SPONSOR: Town Councilor Janice L. Barton

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
2007-161
INTRO.: 06/14/07**

TO: Town Council
FROM: Dr. Patricia B. Grenier, Superintendent of Schools
DATE: May 20, 2007
SUBJECT: FY 2007 Appropriation Order for School Technology

BACKGROUND: According to the Massachusetts Department of Educational -Technology Department, Barnstable Public Schools is listed 291st out of 321 reporting districts in MA with regards to technology. This determination is based upon the state of current technology including hardware, funding, staffing, and infrastructure. Our current budget allocation represents less than 1% of the total district budget. A 1998 study conducted for the Milken Exchange on Education Technology found that among 1,990 districts in 27 states, 5.6 % of their capital budgets, on average, was spent on technology and 3.4 percent of their operating budgets.¹ Technology funding has been static for the past 8 years.

ANALYSIS: The one time injection will allow approximately 250 computers to be distributed to staff and students at the elementary, middle and high school levels. In addition, a pilot program to rollout Smart board technologies to every school in the district will be funded by this infusion.

FISCAL IMPACT: This is a one-time expense that will not be added to the School Department's base operating budget in fiscal year 2008. The funding for this appropriation will be provided from the school's savings account. The balance in the school's savings account after making a provision to cover the FY08 operating budget is \$580,654.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends approval of the appropriation order after the required public hearing.

¹ Solmon, Lewis C., "Progress of Technology in the Schools: Report on 27 States," 1998 study for the Milken Exchange on Education Technology. Available at <http://www.mff.org/edtech/>.

B. NEW BUSINESS (To Be Referred To Public Hearing June 21st)

BARNSTABLE TOWN COUNCIL

**2007-162 COMMUNITY PRESERVATION FUND RESERVE SET-ASIDES AND
APPROPRIATION FOR COMMUNITY PRESERVATION COMMITTEE
ADMINISTRATIVE EXPENSES
INTRO.: 06/14/07**

ORDERED: That, pursuant to the provisions of G. L. c. 44B § 6, for the fiscal year ending June 30, 2008, the following sums, or sums equaling ten percent (10%) of the annual revenues of the Community Preservation Fund if a different amount, be set aside for further appropriation and expenditure for the following purposes: Four Hundred Eighty Six Thousand Eight Hundred Ten and NO/100 (\$486,810.00) Dollars or ten percent (10%) for open space but not including land for recreational use; Four Hundred Eighty Six Thousand Eight Hundred Ten and NO/100 (\$486,810.00) Dollars or ten percent (10%) for historic resources; Four Hundred Eighty Six Thousand Eight Hundred Ten and NO/100 (\$486,810.00) Dollars or ten percent (10%) for community housing; and that the sum of One Hundred Fifty Thousand and NO/100 (\$150,000.00) Dollars be appropriated from the annual revenues of the Community Preservation Fund to be expended under the direction of the Town Manager, or the Community Preservation Committee with the prior approval of the Town Manager, for appraisal, title search, hazardous materials assessment, consulting services, and pre-development costs, and administrative expenses, and to assist in the development and performance of contracts for community preservation.

SPONSOR: Town Manager John C. Klimm, at the request 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
2007-162
INTRO.: 06/14/07**

TO: Barnstable Town Council
FROM: Town Manager John C. Klimm
DATE: June 1, 2007
SUBJECT: FY08 Community Preservation Fund Reserve Set-Asides and Appropriation
for Community Preservation Committee Administrative Expenses

BACKGROUND AND ANALYSIS: The CPA Committee has met and requested that we make reservations of annual estimated revenues for the three programs under the Community Preservation Fund and an appropriation for the purposes of financing the operating costs of the community preservation program.

FISCAL IMPACT: This is a reservation and appropriation from the Community Preservation Fund and has no adverse impact on the general fund.

B. NEW BUSINESS (To Be Referred To Public Hearing June 21st)

BARNSTABLE TOWN COUNCIL

**2007-163 APPROPRIATION ORDER FOR COMMUNITY PRESERVATION FUND
FY 2008 DEBT SERVICE
INTRO.: 06/14/07**

ORDERED: that the Town Council hereby appropriate \$3,055,079 for the purpose of paying the FY08 Community Preservation Fund debt service requirements, and to meet such appropriation, that \$2,464,098 be provided from current year revenues of the Community Preservation Fund and that \$591,611 be provided from surplus funds in the Community Preservation Fund.

SPONSOR: Town Manager John C. Klimm

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
2007-163
INTRO.: 06/14/07**

TO: Town Council
FROM: John Klimm, Town Manager
DATE: June 1, 2007
SUBJECT: Appropriation Order for FY 2008 Community Preservation Fund Debt Service

BACKGROUND: Part of the annual budget process includes an appropriation from the Community Preservation Fund to pay for the annual debt service associated with bonds issued under the program including those that were issued under the former Landbank Program.

ANALYSIS: The debt service requirements for FY 2007 for the Community Preservation Fund (CPF) are \$3,055,709. The estimated surtax revenue for the CPF in FY 2008 to be collected is \$2,464,098. The difference of \$591,611 will be covered by the fund balance brought forward from the Landbank Program as recommended by the Community Preservation Committee.

FISCAL IMPACT: There is no impact to the General Fund budget as a result of this appropriation. This appropriation will be provided from current year estimated revenues from the CPF and a portion of the fund balance generated under the Landbank Program.

TOWN MANAGER RECOMMENDATION: The Town Manager requests favorable action by the Town Council.

B. NEW BUSINESS (MAY BE ACTED UPON)

BARNSTABLE TOWN COUNCIL

**2007-164 TRANSFER ORDER FOR FY 2007 GENERAL FUND OPERATING BUDGET
INTRO.: 06/14/07**

ORDERED: That the sum of \$76,000.00 be transferred from the FY 2007 D.P.W. Salaries to the FY 2007 D.P.W. Operating Capital.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Rationale
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL
AGENDA ITEM SUMMARY
2007-164
INTRO.: 06/14/07

TO: Town Council
FROM: John Klimm, Town Manager
DATE: May 31, 2007
SUBJECT: Transfer Order for FY2007 DPW Facilities Operating Capital Account

BACKGROUND: This request is for building improvements at the sander storage shed at the DPW Highway Facility and to the Armory.

The existing sander storage shed has inadequate night lighting that is unsafe for our truck drivers; and the roof is a relatively flat deteriorating roof in a very poor state of repair, which allows snow and water to get into the sanding units and freeze. The flat roof is not structurally sound, and heavy snow and ice build-up is hazardous.

The Department of Public Works is responsible for the removal of snow and ice and the sanding of our roads. This rack is unsafe in its current condition and is in a state of failure with damp and rotting members exposed to the weather. Replacement is recommended as soon as funds are available. A separate transfer of funds is requested for safety reasons. The Department can realize a potentially significant savings by acquiring the sander racks now, through a joint construction bidding effort with the Barnstable Airport.

Temporary improvements are required at the Armory to allow for public occupancy of the main floor of the building. The funding transfer would allow for electrical, plumbing, fire alarms, and general carpentry/maintenance improvements to occur.

ANALYSIS: The following items are proposed for funding:

Up to three (3) Sander Shed Units, each unit composed of two (2) sheds with two (2) sander racks. Estimated cost per Sander Shed Unit is \$17,000.

Improvements to systems within the Armory to allow for temporary use are estimated at \$25,000.

FISCAL IMPACT: There is no fiscal impact to the overall General Fund budget. This request only reallocates FY 2007 budget dollars between categories within the respective departments.

TOWN MANAGER RECOMMENDATION: The Town Manager requests favorable action by the Town Council.

B. NEW BUSINESS (To Be Referred To Public Hearing June 21st))

BARNSTABLE TOWN COUNCIL

**2007-165 AN ORDER AUTHORIZING THE TOWN OF BARNSTABLE TO
ENTER INTO THE FORMATION OF A REGIONAL ELECTRIC
GENERATING COOPERATIVE:
INTRO.: 06/14/07**

ORDERED, that the Town Manager, on behalf of the Town, is authorized to join with the County of Barnstable and Cape Light Compact in the formation of a Massachusetts corporation that shall function as a regional electric generating cooperative, subject to such provisions as are set forth in the corporation’s Articles of Organization, as well as M.G.L. c. 164, Section 136 (the “Electric Co-op Law”) and M.G.L. c. 156B.

SPONSOR: Town Manger John C. Klimm

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
2007-165
INTRO.: 06/14/07**

TO: Town Council
FROM: John Klimm, Town Manager
DATE: June 5, 2007
SUBJECT: An Order Authorizing the Town of Barnstable to enter into the formation of a regional electric generating cooperative

RATIONALE: The purposes of the Cooperative are to develop and/or own renewable and non-renewable electric generation facilities, and to procure and/or sell long term electric supply or other energy-related goods or services (including renewable energy certificate contracts) at competitive prices to Members and, in furtherance of the foregoing purposes, to carry on any lawful business permitted for a corporation organized under c. 164, Section 136 and c. 156B of the General Laws of the Commonwealth of Massachusetts, as now in force or as hereafter amended. The Cooperative shall be organized and shall conduct its business primarily for the mutual benefit of its Members as patrons of the cooperative.

Copies of the Articles of Organization and By-laws are available on request.