



# The Town of Barnstable

## Town Council

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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

## TOWN COUNCIL MEETING

### AGENDA

June 21, 2007

7:00 PM

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **MOMENT OF SILENCE**
  - **PRESENTATION OF THE JANE ESHBAUGH COMMUNITY SERVICE AWARD**
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 JULY 19TH.**

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**B. NEW BUSINESS**

2007-166 - Ordered that Barnstable Establish an Agricultural Commission (**To Be Referred To A Second Reading July 19th**) . . . . . 28 - 29

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**Minutes** of Barnstable Town Council Meeting of June 14, 2007.

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**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)**

**BARNSTABLE TOWN COUNCIL**

**2007-148 APPROPRIATION ORDER FOR COMPREHENSIVE WATER  
QUALITY STUDY  
INTRO.: 05/17/07; 06/21/07**

**ORDERED:** That the sum of **\$50,000** be appropriated for the purpose of funding a comprehensive study of water quality, algae blooms, exotic plant growth and best remedial measures to define, protect and restore where necessary, the health of the Town's largest fresh water lake (Wequaquet), and to meet this appropriation, **\$50,000** 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.

**SPONSORS:** Town Manager John Klimm and Town Councilor Tom Rugo

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

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

**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-148  
INTRO.: 05/17/07**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**DATE:** April 30, 2007  
**SUBJECT:** FY 2007 Appropriation Order for Comprehensive Water Quality Study

**BACKGROUND:** this request is for the completion of a comprehensive study of water quality, algal blooms, exotic plant growth and best remedial measures to define, protect and restore where necessary the health of the Town's largest freshwater lake, Lake Wequaquet. Funding (\$25,000) to initiate the study was approved as part of the FY07 CIP.

**ANALYSIS:** Over the past 15+ years, Wequaquet has become increasingly susceptible to algal blooms. The Lake proper, and its Bearse's Pond and Gooseberry Cove sub-basins have been invaded by the southern aquatic plant, fanwort. In sum, these in-lake indicators of eutrophication suggest that a watchful eye on the pond's nutrient status be maintained. This study will do that. Also, expanding patch of fanwort along the Johnson Lane shoreline will be treated using Sonar. Finally, these funds will also be applied to the completion of a status report on existing data and studies on Town lakes and ponds. This product will facilitate the prioritizing of future lake-related CIP requests. Depending on the results of the study, in-lake remedial action may be indicated. If so, it would be included in a future capital appropriation request.

**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**

**2007-156 APPROPRIATION ORDER FOR FY 2007 AIRPORT CAPITAL BUDGET  
INTRO: 06/14/07; 06/21/07**

**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

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ 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:** Airport Manager Doc Mosby  
**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.

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

**STAFF ASSISTANCE:** Doc Mosby, Airport Manager

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

**BARNSTABLE TOWN COUNCIL**

**2007-157 AN ORDER CALLING FOR A NON-BINDING BALLOT QUESTION TO AMEND TOWN CHARTER ESTABLISHING A NINE-MEMBER COUNCIL**

**INTRO: 06/14/07; 06/21/07**

**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

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ 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).



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

**BARNSTABLE TOWN COUNCIL**

**2007-158 ORDER ON AFFORDABLE HOUSING/GROWTH & DEVELOPMENT  
FUND/TRUST/BOARD  
INTRO.: 06/14/07; 06/21/07**

**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.

**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**  
**2007-158**  
**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

**A. OLD BUSINESS (SECOND READING)**

**BARNSTABLE TOWN COUNCIL**

**2007-159 APPOINTMENTS**

**INTRO.: 06/14/07; 06/21/07**

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 02601, 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

**A. OLD BUSINESS (Joint Public Hearing with the Planning Board  
May Be Acted Upon) (Roll Call)**

**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; 06/21/07**

**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:

<b>SCCRCOD Uses</b>	<b>Minimum</b>	<b>Maximum</b>	<b>Guest Space</b>
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 (SCCRCOD). Once a parcel is included in the SCCRCOD, the property owner can apply for a special permit. The specific criteria for granting a special permit in the SCCRCOD are detailed in the zoning amendment.

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

**BARNSTABLE TOWN COUNCIL**

**2007-161 APPROPRIATION ORDER FOR SCHOOL TECHNOLOGY  
IMPROVEMENTS  
INTRO: 06/14/07; 06/21/07**

**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

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ 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 291<sup>st</sup> 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.<sup>1</sup> 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.

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<sup>1</sup> 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/>.

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

**BARNSTABLE TOWN COUNCIL**

**2007-162 COMMUNITY PRESERVATION FUND RESERVE SET-ASIDES AND  
APPROPRIATION FOR COMMUNITY PRESERVATION  
COMMITTEE ADMINISTRATIVE EXPENSES  
INTRO.: 06/14/07; 06/21/07**

**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

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ 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.

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

**BARNSTABLE TOWN COUNCIL**

**2007-163 APPROPRIATION ORDER FOR COMMUNITY PRESERVATION  
FUND FY 2008 DEBT SERVICE  
INTRO.: 06/14/07; 06/21/07**

**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

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ 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.

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

**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; 06/21/07**

**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

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ 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.

**B. NEW BUSINESS (To Be Referred To A Second Reading On July 19th)**

**BARNSTABLE TOWN COUNCIL**

**2007-166 ORDERED THAT BARNSTABLE ESTABLISH AN AGRICULTURAL COMMISSION  
INTRO.: 06/21/07**

**ORDERED,**

That the Administrative Code is hereby amended by inserting a new Section 241- xx AGRICULTURAL COMMISSION, as follows: There is hereby established an Agricultural Commission to be an advisory committee to the Town. The Agricultural Commission, in conjunction with other town agencies and committees as necessary, will establish methods to improve and increase agricultural and farming opportunities within the Town of Barnstable; assist existing and future agricultural businesses with their needs, and work to ensure an environment of healthy, safe products for human consumption.

The Agricultural Commission's focus will be to help create and maintain an agricultural environment conducive to sustainable economic development. In addition, the Agricultural Commission will work toward the preservation and improvement of private and public agricultural land and resources. The Agricultural Commission will bring private and public sector support and volunteers together to develop and carry out specific agricultural plans, where feasible, throughout the town. For the purposes of this order, agriculture shall include, but not be limited to, the production of crops, keeping and boarding of horses or livestock, horticulture, fresh water and marine aquaculture, forestry, nurseries, greenhouses, and other related activities.

**SPONSORS:** Town Councilor's Hank Farnham, Ann Canedy, Rick Barry and the Agricultural Commission Steering Committee.

**DATE**

**ACTION TAKEN**

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**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-166  
INTRO: 06/21/07**

**TO:** Town Council  
**FROM:** Town Councilor's, Henry Farnham, Ann Canedy, Rick Barry and the Agricultural Commission Steering Committee.  
**DATE:** June 12, 2007  
**SUBJECT:** Administrative Code Amendment to Establish an Agricultural Commission

**BACKGROUND:** Massachusetts provides for communities to have an agricultural commission to support the creation and preservation of agricultural initiatives in a community. There are now about 100 agricultural commissions throughout the commonwealth, and the needs for such a commission in Barnstable have become more apparent as the challenges to farmers of all types has grown in recent years.

Agricultural Commissions are performing valuable outreach and mediation efforts as well as education and conservation initiatives to help foster safer and more economically viable agricultural endeavors in communities. The Barnstable Agricultural Commission will assist town departments and committees, the town manager and the town council in these efforts.

**FISCAL IMPACT:** It is anticipated that savings would result from having the commission involved in resolving disputes between town and state agencies and private parties. Also, the commission will help develop and refine ways to improve agricultural efforts within Barnstable resulting in a positive impact on the town's economy.