



The Town of Barnstable
Town Council

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Gary R. Brown
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Ann A. Canedy
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James F. Munafo, Jr.
Tom Rugo
Harold E. Tobey

Administrator:
Donald M. Grissom

Administrative
Assistant:
Barbara A. Ford

**TOWN COUNCIL MEETING
AGENDA
November 15, 2007
7:00 PM**

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- **Jo Anne Miller Buntich: Local Comprehensive Plan Presentation**
- 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 DECEMBER 6TH

A. OLD BUSINESS

2008-050 – Appointments (Second reading).....	3
2008-052 – Community Preservation Fund Appropriation-Pleasant Street, Hyannis (Public Hearing – May be acted upon)	4 - 5

B. NEW BUSINESS

2008-055 – Appropriation/Transfer \$30,000 for the purposes of conducting the March presidential primary (Refer to Public Hearing on 12/06/07)	6
2008-056 – Acceptance of FY08 Self-Help Grant (Pleasant St, Hyannis) (May be acted upon).....	7 - 8
2008-057 – Amendment to Zoning Ordinance – Continuing Care Retirement Community Overlay District (Refer to Joint Public Hearing with the Planning Board on 12/6/07)	9 - 16

Minutes of Barnstable Town Council Meeting of November 1, 2007

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

A. OLD BUSINESS (Second Reading - May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2008-050
INTRO: 11/01/07; 11/15/07

2008-050 APPOINTMENTS TO BOARD/COMMISSIONS

RESOLVED, that the Barnstable Town Council appoints the following individuals to a multiple member board/committee/commission.

AGRICULTURAL COMMISSION:

J. Timothy Friary, 241 Commerce Road, Barnstable 02630 to a term expiring 06/30/2008

Mary M. Knoble, 40 Asa Meigs Road, Marstons Mills 02648 to a term expiring 06/30/2008

William Plettner, 510 Willow St, West Barnstable 02668 to a term expiring 06/30/2009

David M. Ross, 60 Widgeon Lane, West Barnstable 02668 to a term expiring 06/30/2009

Hilary A. Sandler, 604 Cedar Street, West Barnstable 02668 to a term expiring 06/30/2010

Leslie B. Spencer, 151 Main Street, Cotuit 02635 to a term expiring 06/30/2010

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Public Hearing - May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2008-052
INTRO: 11/01/07, 11/15/07

2008-052 COMMUNITY PRESERVATION FUND APPROPRIATION- PLEASANT STREET, HYANNIS MAP 326 PARCEL 058

ORDERED, that pursuant to the provisions of G. L. c. 44B, the sum of Five Hundred Fifty-One Thousand One Hundred Thirty-Two and No/100 (\$551,132.00) Dollars be appropriated and transferred from the amount set aside for Open Space Funds in the Community Preservation Fund on June 21, 2007 under agenda item number 2007-162; and that the Town Manager is authorized to contract and expend the amount for the acquisition of and improvement to a parcel of land located at 115 Pleasant Street, Hyannis, MA on parcel 058 of map 326 and that the Town Manager is authorized to accept gifts and grants in relation thereto.

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

COMMUNITY PRESERVATION FUND APPROPRIATION 115 PLEASANT STREET, HYANNIS

ITEM# 2008-052
INTRO: 11/01/07, 11/15/07

SUMMARY

TO: Town Council
FROM: Community Preservation Committee
DATE: October 30, 2007
SUBJECT: 115 Pleasant Street Parcel Acquisition and Park Improvement Project

BACKGROUND: The Community Preservation Committee (CPC) met on October 29, 2007 and has recommended that the town support the funding request from the Town of Barnstable, Growth Management Department, for the Pleasant Street Parcel Acquisition Project and Park Improvements.

RATIONALE: The project goal is to acquire and improve the parcel located at 115 Pleasant Street, Hyannis, MA consisting of .35 acres being parcel 58 on map 326 for Open Space and Recreational use.

The total acquisition cost of the parcel is \$551,132.00, which includes closing costs and legal fees. The current estimated development cost of the parcel is approximately \$256,832.00. The total project cost for the acquisition and improvements are approximately \$807,964.00. Cape Cod Commission Open Space and Recreation Mitigation funds were allocated for this acquisition in the amount of \$256,832.00, an off set to the total project cost, leaving a balance of \$551,132.00. The Community Preservation Committee voted unanimously to approve the Pleasant Street Parcel Acquisition and Park Improvements.

Recently awarded an Urban Self Help Reimbursement Grant provided by the Executive Office of Energy and Environmental Affairs, the Town of Barnstable will receive funds in the amount of \$294,300.00 from the state post acquisition of the Pleasant Street parcel. Urban Self Help Grant funds will be reimbursed to the Community Preservation Committee, up to \$294,300.00, once they have been received from the State.

The Pleasant Street parcel is located adjacent to the eastern portion of the Maritime Museum lot and is a logical extension to the Walkway to the Sea. The improvements to the green space/park will be complete with an extension of the eight-foot wide harborwalk, which will complement the existing "Walkway to the Sea" at Aselton Park. Park benches and educational kiosks will be installed on the site explaining the environmental component of the proposed underground leaching system that will further filter stormwater runoff before entering the harbor. A reserve area in the park will be set aside for future recreational use, raising funds to allow for long-term maintenance of the park.

This acquisition of this parcel is crucial in providing the missing connectivity link on the Hyannis Harbor. Creating over four miles of a walkable pedestrian pathway leading from Main Street to the Hyannis Inner Harbor and furthering the "Walkway to the Sea" through Pleasant Street Park will allow visitors and residents to enjoy the commercial businesses, restaurants, transportation and many arts and cultural events along the harbor.

B. NEW BUSINESS (Refer to Public Hearing on 12/06/07)

BARNSTABLE TOWN COUNCIL

ITEM# 2008-055
INTRO: 11/15/07

2008-055 APPROPRIATION/TRANSFER ORDER – MARCH PRESIDENTIAL PRIMARY

ORDERED, that the sum of Thirty thousand (\$30,000.00) Dollars to be appropriated for the purposes of conducting the March Presidential Primary in 2008, and to meet this appropriation funds shall be transferred from available 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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2008-056
INTRO: 11/15/07

2008-056 ACCEPTANCE OF FY08 SELF-HELP GRANT OF \$294,300.00 (PLEASANT ST)

ORDERED, that the Town Council does hereby accept the Urban Self-Help Reimbursement Grant award in the amount of \$294,300.00 from the Executive Office of Energy and Environmental Affairs.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ACCEPTANCE OF FY08 SELF-HELP GRANT 115 PLEASANT STREET, HYANNIS

ITEM# 2008-056
INTRO: 11/15/07

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Patty Daley, Interim Director Growth Management
DATE: November 8, 2007
SUBJECT: Urban Self-Help Reimbursement Grant from the Executive Office of Energy and Environmental Affairs

BACKGROUND: The Growth Management Department applied for and has been awarded the Urban Self-Help Reimbursement Grant from the Executive Office of Energy and Environmental Affairs in the amount of \$294,300.00. Portions of the grant funds will be used to reimburse the Community Preservation Committee for funds that were provided for the acquisition of a parcel of land located at 115 Pleasant Street, Hyannis, MA 02601 on parcel 058 on map 326. The acquisition of this parcel will provide an important link for a connected walkway along the Hyannis Inner Harbor from Bismore Park to Pleasant Street and further along the harbor. The parcel will be permanently dedicated as parkland.

ANALYSIS: Acceptance of this grant will contribute to the downtown revitalization efforts by improving public recreation space on Hyannis Harbor.

FISCAL IMPACT: This grant will support funds from the Cape Cod Commission mitigation of open space land acquisition in the Town of Barnstable.

RECOMMENDATION: The Town Manager recommends acceptance of this grant.

STAFF ASSISTANCE: Alisha Parker and Ruth J. Weil

A. NEW BUSINESS (Refer to Joint Public Hearing with the Planning Board on 12/06/07)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-057
INTRO: 11/15/07**

2008-057 AMENDMENT TO ZONING ORDINANCE – CONTINUING CARE RETIREMENT COMMUNITY OVERLAY DISTRICT

ORDERED: SENIOR CONTINUING CARE RETIREMENT COMMUNITY OVERLAY DISTRICT

SECTION 1

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

SECTION 2

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

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 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 shall offer a continuum of care, ranging from independent living to assisted living and nursing home care that reflects the changing needs of their residents. In addition, it is the purpose of this section to allow for the creation of Inclusionary off-site units that are consistent with the provisions of Chapter 9 of the Barnstable Code, with the exception of any provision that requires that units shall be provided on-site. In the event that off-site units are allowed, the applicant shall provide 2% of affordable units on-site and an additional 10% of affordable units off-site.

240.29.2: Definitions: The following definitions shall apply to this Section 29.2. In addition, the definitions contained in Chapters 9, Inclusionary, and 240, Zoning, shall take precedence in event of a conflict with any other definition in the Code.

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: Residential living units 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 ridgeline.

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.

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 shall 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 as determined by the Town of Barnstable Planning Board. Other than nursing home beds, the SCCRCOD shall meet the Town's Inclusionary Ordinance, Chapter 9 of the Barnstable Code, requiring that 10% of the units be affordable as "affordable" is currently defined under Chapter 9, however, inclusionary units may be provided off-site consistent with the provisions of this section.

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

Senior Person: Person aged 55 or older or in the case of a couple, one spouse must be over the age of 55. It may include a developmentally disabled adult person under the age of 55.

Special Permit Granting Authority: For the purposes of this section, the Barnstable Planning Board shall be the Special Permit Granting Authority.

Nursing Home or Skilled Nursing Facility: Any dwelling or building with sleeping rooms for people who are housed or lodged with meals and nursing care for hire, as licensed by the Massachusetts Department of Public Health under MGL c 111 § 71-73 as amended.

Visitability: Shall mean that a dwelling unit 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. This requirement shall not apply to off-site inclusionary units.

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):

a. for Senior Continuing Care Retirement Communities – on five (5) acres or more of contiguous upland in any zoning district deemed appropriate as determined by the Town of Barnstable Planning Board, consistent with this section. Where the SCCRCOD authorizes uses not otherwise allowed in the underlying district, the provisions of the SCCRCOD shall control.

b. for off-site inclusionary units – on 2.75 acres or more of contiguous upland in any zoning district deemed appropriate as determined by the Town of Barnstable Planning Board, consistent with this section. Off-site, inclusionary units directly related to the development of a Senior Continuing Care Retirement Community shall consist of multifamily building(s) on lots with a minimum of 2.75 acres of contiguous upland lot area, connected to the municipal sewage treatment plant, and proposed as a redevelopment or replacement of an existing building in existence as December 6, 2007, which building or buildings have been used and licensed as a nursing home or skilled nursing facility within ten (10) years of the date of application for any special permit. Inclusionary units are not required to meet the definition of a continuing care retirement community.

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 proposed for development as a Senior Continuing Care Retirement Community, and, upon application, the development of off-site inclusionary units directly related to a Senior Continuing Care Retirement Community for inclusion in the SCCRCOD and as part of a petition for such rezoning, one or more schematic plan(s), 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.

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, and accessory structures, including total number of bedrooms for the entire development;
- 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; however, floor plans or other documents may be required regarding off-site inclusionary units in order to allow the Barnstable Planning Board to determine whether such units are provided on or off site.

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 six months from the effective date of such rezoning. In the event the SCCROD rezoning approves both a Senior Continuing Care Retirement Community and an off-site inclusionary multifamily development, the applicant shall submit a separate special permit request for each development proposal. The Planning Board may grant extensions for the time of filing for a special permit as may be deemed appropriate due to the size and scope of the proposed development. The application for special permit shall be submitted 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 plans and elevations for all buildings and structures as may be required to fully describe the project.
- c. A tabulation of the areas of the proposed site elements, (including footprints and gross floor area), including total number of buildings, number of bedrooms, accessory structures; parking structures and surface parking areas (square footage and number of parking spaces) and stormwater management areas.
- d. Information pertaining to the proposed 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 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 including a description of how maximum water and energy efficiencies will be achieved.
- j. A landscape plan signed and stamped by a Massachusetts certified landscape architect.
- k. Proposed signage, consistent with the requirements of the underlying zoning district.
- l. Plans detailing provision for wastewater disposal.
- m. Description of any infrastructure improvements that may be necessary to provide for the project.
- n. 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 within the SCCRCOD the minimum lot area shall be 217,800 sq. ft. of contiguous upland, however, for off-site inclusionary developments the minimum lot area shall be 2.75 acres of contiguous upland. For all lots and buildings within the SCCRCOD, the density, minimum lot frontage, property line and road layout setbacks, minimum building height and number of stories and minimum building separation requirements of the underlying zoning district shall apply unless the Planning Board finds that a waiver of any of those requirements is beneficial to create a SCCRCOD which better preserves open space without creating adverse environmental or aesthetic impacts or facilitates the delivery of services to senior persons or provides benefits which outweigh any detriments or provides sufficient mitigation to offset impacts.
- c. Parking: parking shall be provided as follows:

SCCRCOD Uses	Minimum	Guest Space
Independent Living Dwelling Unit	.75 per dwelling unit	.5 per dwelling unit
Assisted Living Dwelling Unit	.5 per dwelling unit	.5 per dwelling unit
Skilled Care Facility	.5 per bed	.5 per bed
Employee – Dwelling Unit Administration	.75 per 5 dwelling units	N/A
Employee – Skilled Care Facility	.5 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 upon a finding that the applicant has provided a parking demand analysis that adequately demonstrates alternate parking requirements for the proposed use or combination of uses.
- e. **Parking and Loading Design Standards.**
 - 1. 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. Above ground, multi-level parking garages are discouraged.
 - 2. Outdoor storage shall not be permitted.

These requirements are in addition to the parking and parking lot landscaping requirements of the underlying zoning district.

- f. **Visitability** The applicant shall provide that all of the dwelling units within a Senior Continuing Care Retirement Community shall be visitable as determined by the PGA.
- g. **Municipal Sewer.** All multifamily buildings providing off-site inclusionary units shall be connected to the municipal sewage treatment plant.
- h. **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. 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.
 - 3. Existing significant trees and natural vegetation shall be retained to the maximum extent possible. A minimum of one tree with a three-inch minimum caliper is required to be planted within the front setback for every 30 feet of frontage of property
 - 4. All landscaped areas shall be continuously maintained, irrigated, and organically fertilized.
 - 5. All stormwater shall be treated as appropriate and discharged on site and shall incorporate low impact techniques for stormwater discharge.
 - 6. 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
 - 7. 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.
 - 8. For off-site inclusionary units, redevelopment shall reduce impervious surfaces to the maximum extent possible, shall incorporate rain gardens and other best management practices for stormwater disposal, shall take vehicular access off of alternative roadways to major roadways such as Rt. 28 and Rt. 132, and shall, wherever possible, include vehicular interconnections with abutting properties to ease traffic congestion on major roadways.
- i. **Impact Analysis:** The applicant shall provide 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 and related off-site inclusionary multifamily development , provided that to be eligible to apply for a special permit for the off-site inclusionary multi-family units a special permit shall

have been granted for the related Senior Continuing Care Retirement Community, which special permit is final. Before granting a special permit, the Planning Board shall make the following findings:

- a. The SCCRCOD complies with all applicable Subdivision Rules and Regulations except as 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 SCCRCOD.
- g. The SCCRCOD provides services that 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 outweighs the detriments.
- h. The SCCRCOD complies with the standards established in Section 240.29.9 except as they may be waived by the Board based upon a finding that the waivers granted do not jeopardize health and safety and do not diminish environmental and aesthetic protections.
- i. The offsite multifamily affordable housing development meets the requirements of Chapter 9, Inclusionary Housing, as well as the requirements of this chapter, and that all affordable units shall be provided prior to the issuance of any occupancy permits for the Senior Continuing Care Retirement Community development.

240.29.11 Transferability: Any special permit for the SCCRCOD shall be transferable upon the prior written approval of the Planning Board.

SPONSORS: Councilors Ann B. Canedy; Harold E. Tobey; James H. Crocker, Jr. and 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

AMENDMENT TO ZONING ORDINANCE CONTINUING CARE RETIREMENT COMMUNITY OVERLAY DISTRICT

**ITEM# 2008-057
INTRO: 11/15/07**

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Patty Daley, Interim Director Growth Management
DATE: November 9, 2007
SUBJECT: SCCROD Amendment

BACKGROUND: The Growth Management Department has been requested to present language to allow off-site inclusionary affordable housing units provided in conjunction with senior continuing care facilities. Chapter 9 of the Barnstable Code, Inclusionary, currently requires that all inclusionary affordable units be provided on-site. Due to the menu of services provided in a continuing care facility for a fee, it may not be economically feasible to provide all affordable units on-site in an equitable manner. The proposed amendment would allow the developer of a senior continuing care facility to provide affordable units off-site. Such off-site units would be limited to multi-family building(s) that were previously permitted and used as a nursing home or skilled nursing care facility and that are connected to municipal sewer.

STAFF ASSISTANCE: Patty Daley