



# Town of Barnstable

## Town Council

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Donald M. Grissom

Administrative  
Assistant:  
Barbara A. Ford

## **TOWN COUNCIL MEETING**

### **AGENDA**

**February 7, 2008**

**7:00 PM**

- 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: FEBRUARY 28, 2008**

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<b>ITEM NO.</b>	<b>INDEX TITLE</b>	<b>PAGE</b>
<b>A. OLD BUSINESS</b>		
<b>2008-057</b>	Amendment to the Zoning Ordinance & Zoning Map – SCCRCOD ( <b>Continued Joint Public Hearing-with Planning Board - May be acted upon</b> ) ( <b>Roll Call – 2/3</b> ) .....	3 - 10
<b>2008-076</b>	Amendment to Chapter 76 of the General Code – Schedule of Fees ( <b>Public Hearing - May be acted upon</b> ) ( <b>Roll Call</b> ).....	11 - 19
<b>2008-083</b>	Appropriation/Transfer Order from Community Preservation Fund for Open Space ( <b>Public Hearing – May be acted upon</b> ) .....	20 - 21
<b>B. NEW BUSINESS</b>		
<b>2008-084</b>	Acceptance of a Barnstable County Land Management Grant at Bridge Creek for grassland restoration ( <b>May be acted upon</b> ) .....	22 – 23
<b>2008-085</b>	Acceptance of a grant from the Cape Cod Five Cents Savings Bank Charitable Foundation for the Senior Center ( <b>May be acted upon</b> ) .....	24 - 25
<b>2008-086</b>	Acceptance of a grant from the Friends of the Schoolhouse to support the ongoing provision of meals at the Adult Supportive Day Program ( <b>May be acted upon</b> ) .....	26 - 27
<b>2008-087</b>	Acceptance of a grant from the IBM Corporation to support transportation services to local elders ( <b>May be acted upon</b> ) .....	28 – 29
<b>2008-088</b>	Appointments to board/committee/commission ( <b>First Reading</b> ) .....	30
<b>2008-089</b>	Amendment to Zoning Ordinance – in furtherance of Planning Board Approved Concept Plan ( <b>Refer to Joint Public Hearing with Planning Board on 02/28/08</b> ) .....	31 - 32
<b>2008-090</b>	SCCRC – Application for rezoning 2008-1 – in furtherance of Planning Board Approved Concept Plan ( <b>Refer to Joint Public Hearing with Planning Board on 02/28/08</b> ) .....	33 - 34

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**Minutes** of Barnstable Town Council Meeting of January 17, 2008

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

**A. OLD BUSINESS (Continued Joint Public Hearing with the Planning Board - may be acted upon) (Roll Call-2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2008-057**

**INTRO: 11/15/07, 12/06/07, 01/17/08, 02/07/08**

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

**ORDERED:**

**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:

**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.

**240.29.2: Definitions:** The following definitions shall apply to this Section 29.2.

**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 facility 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, such affordable 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.
3. 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 SPGA.

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 offsite 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 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 SCCRCOD.



- g. The SCCRCOD 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 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 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 & ZONING MAP SENIOR CONTINUING CARE RETIREMENT COMMUNITY OVERLAY DISTRICT**

**ITEM# 2008-057**

**INTRO: 11/15/07, 12/06/07, 01/17/08, 02/07/08**

### **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

**B. OLD BUSINESS (PUBLIC HEARING – MAY BE ACTED UPON) (ROLL CALL)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2008-076  
INTRO: 01/17/08, 02/07/08**

**2008-076 AMEND SCHEDULE OF FEES, CHAPTER 76 OF THE GENERAL CODE**

**ORDERED**, that Chapter 76 of the General Code of the Town of Barnstable is hereby amended by deleting the current Chapter 76 language and replacing it with the following language. (See current fee/proposed fee comparison chart attached to the agenda summary.)

**SCHEDULE OF FEES**

**ARTICLE I RETENTION OF FEES BY GOLF PRO [Adopted 5-21-1992 (Art. XX of Ch. II of the General Ordinances as updated through 7-7-2003)]**

**§ 76-1. Amount allowed to be retained.**

Notwithstanding the provisions of any other ordinance of the Town to the contrary, the golf professional and the assistant golf professional at the Barnstable Municipal Golf Course is hereby authorized to retain, as part of their official compensation, in addition to their salaries, the following amounts: for the golf professional, fees not in excess of 10% of his/her base pay annually; for the assistant golf professional, fees not in excess of 25% of his/her base pay annually. When fees charged and received for golf instruction exceed the percentages noted, the Town shall retain such receipts.

**ARTICLE II Schedule of Fees [Adopted 5-6-2004 by Order No. 2004-066 (Art. XIII of Ch. II of the General Ordinances as updated through 7-7-2003)]**

**§ 76-2. Schedule adopted.**

The following Schedule of Fees shall be in effect in the Town of Barnstable.

**§ 76-3. Weights and Measures annual fees (MGL C. 98, s 56).**

Description	Fees	
	1 – 3	4 or more
Scale with capacity over 10,000 lbs.	\$250	\$225
Scale with capacity 5,000-10,000 lbs.	\$135	\$110
Scale with capacity 100-5,000 lbs.	\$ 80	\$ 70
Scale with capacity less than 100 lbs.	\$ 50	\$ 45
Weights (each)	\$ 8	\$ 6
Liquid measures	\$ 30	\$ 30
Liquid measure meters	-----	-----
Lubricant meters	\$ 50	\$ 45
Motor fuel meters	\$ 50	\$ 45
Vehicle tank meters	\$110	\$100
Vehicle tank meter gravity	\$175	\$150
Bulk storage tank meter	\$175	\$150
Mechanical pumps, each stop	\$ 10	\$ 10
Taxi meters (semi-annually)	\$ 55	\$ 50
Commercial odometer – hubodometer	\$ 55	\$ 50
Leather measure	\$175	\$150
Dry measure, one bushel or less	\$ 85	\$ 85
Dry measure, more than one bushel	\$120	\$120
All other measuring devices	\$125	\$125
Rope, wire or chain measuring devices	\$ 25	\$ 20
Reinspection fee (after official rejection)	\$ 95	\$ 95

**§ 76-4. Miscellaneous licenses and permits. [Amended 6-1-2006 by Order No. 2006-128]**

<b>MGL C./Section</b>	<b>Description</b>	<b>Fees</b>
101, § 33	Temporary license to sell for charitable purposes	\$ 10
138, § 30A	License for pharmacist to sell alcoholic beverages	\$2,000
140, § 2	Licenses for inns and restaurants	\$ 100
140, § 21B	License to serve nonalcoholic beverages	\$ 100
140, § 32B	License for mobile home parks	\$ 50
140, § 32B	License for motels	\$ 50
140, § 34	License for lodging house	\$ 50
140, § 49	License for vehicle for sale of food	\$ 250
140, § 56A	License for shooting gallery	\$ 100
140, § 59	Auto dealer license	\$ 150
140, § 177A	License for automatic amusement devices	\$ 100
140, § 183A	Entertainment annual	\$ 250
140, § 183A	Entertainment daily	\$ 25
140, § 1851	License for fortune tellers	\$ 250
140, § 192	License for rental boats (freshwater)	\$ 100
	License to store hazardous materials	\$ 100
	Septic system inspection filing	\$ 25
	Board of Health request for variance	\$ 85
	Application fee – licenses and permits	\$ 100

**§ 76-5, License to store inflammables.**

<b>Description</b>	<b>New Permit</b>	<b>Annual Permit</b>
1 – 500 gallons or 4,000 pounds	\$ 45	\$ 0.00
500-999 gallons or 8,000 pounds	\$ 45	\$ 22.50
1,000 – 4,999 gallons or 40,000 pounds	\$ 75	\$ 37.50
5,000 – 9,999 gallons or 80,000 pounds	\$105	\$ 52.50
10,000 – 29,999 gallons or 240,000 pounds	\$135	\$ 67.50
30,000 – 99,999 gallons or 800,000 pounds	\$165	\$ 82.50
100,000 – 199,999 gallons or 1,600,000 pounds	\$240	\$120.00
More than 200,000 gallons or 1,600,000 pounds	\$330	\$165.00

**§ 76-6. Building, sign, wiring, plumbing and gas permit fees.**

**Building Permits**

<b>Description</b>	<b>Fees</b>
Residential (R03, R-4 Use Groups)	
New Buildings	
Application fee	\$100
Permit fee	\$5.10 per \$1,000 of construction value
Additions, alterations/renovations	
Application fee	\$50
Permit fee	\$5.10 per \$1,000 of construction value \$25 minimum
Commercial and all other use groups	
New Buildings	
Application fee	\$150
Permit fee	\$9.10 per \$1,000 of construction value
Additions, alterations/renovations	
Application fee	\$100
Permit fee	\$9.10 per \$1,000 of construction value; \$50 minimum
Permit fee for all other structures (not specified)	\$9.10 per \$1,000 based on actual value; \$100 minimum

**Plumbing Permits**

<b>Description</b>	<b>Fees</b>
Residential, per unit	\$ 40/first fixture plus \$12 each additional fixture
Commercial, per unit	\$ 60/first fixture plus \$15 each additional fixture

**Gas Permits**

<b>Description</b>	<b>Fees</b>
Residential, per unit	\$ 40/first fixture plus \$12 each additional fixture
Commercial, per unit	\$ 60/first fixture plus \$15 each additional fixture

## Electrical Permits

Description	Fees
Residential	
New construction per unit	\$150
Additions/renovations	
Less than 500 SF	\$ 25
Greater than 500 – 1,500 SF	\$ 50
Greater than 1,500 SF	\$100
Minor alterations/appliances	\$ 25
Change of service/meter	\$ 30
Accessory structures (garage,barn,etc, excluding separate meter)	\$ 30
Temporary service	\$ 30
Meters per unit	\$ 30
Smoke detectors/alarms	\$ 30
Commercial	
New construction per unit	\$200+\$25 per 1,000 SF greater than 4,000 SF
Additions/renovation	
Less than 1,000 SF	\$ 75
Greater than 1,000-2,500 SF	\$100
Greater than 2,500 SF	\$150 + \$25 per 1,000 SF greater than 4,000 SF
Minor alterations/appliances, etc.	\$ 25
Change of service/meter	\$ 40
Temporary service	\$ 30
Signs	\$ 25
Carnivals/fairs	
1-10 concessions/rides	\$ 50
10 concessions/rides	\$ 100

## Signs

Description	Fees
Under 25 SF	\$ 50
Over 25-50 SF	\$ 75
Over 50-75 SF	\$150
Over 75 SF	\$200

## Miscellaneous Permits and Fees

Description	Fees
Accessory building: all use groups	
Greater than 120 SF – 500 SF	\$ 35
Greater than 500 SF – 750 SF	\$ 50
Greater than 750 SF – 1,000 SF	\$ 75
Greater than 1,000 SF – 1,500 SF	\$100
Greater than 1,500 SF	Same as new building permit based on actual cost
Change of permit holder	\$ 25
Pre-building code structure, certificate of occupancy	\$ 75
Change of use permit (no construction)	\$ 25
Foundation permit (separate from building permit for cause only)	\$ 25
Zoning compliance certificate (lots/existing uses/structures)	\$ 50 minimum + research time
Reinspections (for work not ready for inspection, incomplete work or failure of inspectors to gain access to premises)	\$100
Removal of stop-work order	\$ 50
Replacement of lost permit inspection cards	\$ 50
Chimney/fireplace (new and reconstruction)	\$ 25
Certificates of inspection	\$10 increase CMR 780 Table 106 \$ 50 minimum
Permit renewals	
First renewal	\$ 50
Second renewal (for cause only)	\$ 75
Inground swimming pools	\$125
Aboveground swimming pools	\$ 75
Decks, open porch	\$ 60
Relocation/moving (includes new foundation)	\$250
Demolition	
Residential principal buildings (\$4.10 per \$1,000 of construction value)	Minimum \$125; (\$5.10 per \$1,000 of construction value)
Accessory buildings	\$ 50
Commercial buildings (\$8.10 per \$1,000 of construction value)	(\$9.10 per \$1,000 of construction value)
Home occupation (no construction)	\$ 25
Pre-permit plan review (one and two family)	\$ 75
Temporary residential certificate of occupancy (for cause only)	\$ 75
Residential certificate of occupancy	\$ 25

**Miscellaneous Permits and Fees (CONT'D)**

<b>Description</b>	<b>Fees</b>
Temporary commercial certificate of occupancy (for cause only)	\$ 75
Commercial certificate of occupancy	\$ 75
Pre-permit plan fees	\$100
Site plan (fees)	
Project construction cost under \$5,000	\$100
\$5,000 - \$14,999	\$200
\$15,000 - \$49,999	\$250
\$50,000 - \$249,999	\$350
\$250,000 or more	\$500
Permit related to work begun prior to time allowed for acquiring permits under Building, Electrical, Plumbing and Gas Code	Two times permit cost

**[Added 10-19-2006 by Order No. 2007-033]**

**Express Permits**

<b>Description</b>	<b>Fees</b>
Minimum	\$ 25
Residing/reroofing (residential)	\$ 5.10 per \$1,000 of construction value
Wood/coal stoves	\$ 25
Replacement windows	\$ 25
Sheds under 120 SF	\$ 25
Others (as determined by inspector)	\$ 25

**Tents (See § 240-9D of Ch. 240, Zoning)**

<b>Description</b>	<b>Fees</b>
Residential	\$ 25
Fund raiser/special event/nonprofit agency	\$ 25
Commercial (temporary accessory structure)	\$100
Organized and supervised recreational camp (special permit required)	\$ 50

**§ 76-7. Newsracks. [Amended 1-20-2005 by Order No. 2005-0381]**

For a permit or renewal of a permit for newsracks pursuant to § 130-5: \$50

**§ 76-8. Outdoor business licenses. [Amended 1-20-2005 by Order No. 2005-038]**

<b>Description</b>	<b>Fees</b>
For outdoor business licenses pursuant to § 141-6:	
A. Annual fee	\$400
B. When issued after October 15:	\$200
C. For charitable organizations (special license):	\$ 25

**§ 76-9. Tourist camps. [Amended 1-20-2005 by Order No. 2005-038]**

<b>Description</b>	<b>Fees</b>
For tourist camps pursuant to § 217-4:	
A. Permit:	\$ 10 per tourist camp
B. Renewal fee:	\$ 10 per tourist camp

**SPONSOR:** Town Manager John C. Klimm

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

- \_\_\_ Read item
- \_\_\_ Council discussion
- \_\_\_ Move/vote

# **BARNSTABLE TOWN COUNCIL**

## **AMEND SCHEDULE OF FEES CHAPTER 76 OF THE GENERAL CODE**

**ITEM# 2008-076**  
**INTRO: 01/17/08, 02/07/08**

### **SUMMARY**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Thomas F. Geiler, Director Regulatory Services Department  
**DATE:** December 20, 2007  
**SUBJECT:** Fee Schedule Change

**BACKGROUND:** Chapter 76 of the General Code of the Town of Barnstable the schedule of fees established by the Town Council. The fees contained therein are primarily fees for licenses or permits associated with commercial or business activities. The council has maintained a policy of 100% cost of service recovery rate for several years. The fee schedule was last changed in May of 2004.

**ANALYSIS:** Changes in laws and regulations as well as changes in technology affect the procedures and policies governing the licensing and inspection process. Safeguards introduced to prevent contamination of drinking water or safe storage of hazardous materials have wide support for very good reason. They also increase the permitting and inspection costs. This revision is an attempt to bring the fees closer to achieving the council goal of 100% cost recovery. In some cases, this is not possible. Some permits carry state imposed maximums that prevent the town from achieving 100% cost recovery.

**FISCAL IMPACT:** It is anticipated that adoption of this amended fee schedule would have a positive impact on the town's financial position. Failure to adopt the amended schedule will result in reduced revenue in FY 08. Reduced revenue will require the town reduce expenditures to balance the budget. Reduced revenues will almost certainly result in reduced services. Reduced services may result in additional lost revenue from fees associated with the reduced services.

Our goal is to continue to increase our efficiency and effectiveness. We cannot do that without appropriate resources. Fees for service are an important resource.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends approval of this order.

### **STAFF ASSISTANCE:**

Lois Lomba, Administrative Assistant, Consumer Affairs Division  
Debi Barrows, Building Division  
Thomas Perry, Building Commissioner  
Thomas F. Geiler, Director Regulatory Services

**Chapter 76: FEES**

(HISTORY: Adopted by the Town of Barnstable as indicated in article histories. Amendments noted where applicable.)

**GENERAL REFERENCES**

Board of Health fees – See Ch. 318.  
Town Manager regulations – See Part IV.

**ARTICLE I RETENTION OF FEES BY GOLF PRO [Adopted 5-21-1992 (Art.XX of Ch. II of the General Ordinances as updated through 7-7-2003)]**

**§ 76-1. Amount allowed to be retained.**

Notwithstanding the provisions of any other ordinance of the Town to the contrary, the golf professional and the assistant golf professional at the Barnstable Municipal Golf Course is hereby authorized to retain, as part of their official compensation, in addition to their salaries, the following amounts: for the golf professional, fees not in excess of 10% of his/her base pay annually; for the assistant golf professional, fees not in excess of 25% of his/her base pay annually. When fees charged and received for golf instruction exceed the percentages noted, the Town shall retain such receipts.

**ARTICLE II Schedule of Fees [Adopted 5-6-2004 by Order No. 2004-066 (Art. XIII of Ch. II of the General Ordinances as updated through 7-7-2003)]**

**§ 76-2. Schedule adopted.**

The following Schedule of Fees shall be in effect in the Town of Barnstable.

**COMPARISON**

**§ 76-3. Weights and Measures annual fees (MGL C. 98, s 56).**

Description	Current Fees		Proposed Fees	
	1 - 3	4 or more	1 – 3	4 or more
Scale with capacity over 10,000 lbs.	\$200	\$200	\$250	\$225
Scale with capacity 5,000-10,000 lbs.	\$125	\$100	\$135	\$110
Scale with capacity 100-5,000 lbs.	\$ 75	\$ 65	\$ 80	\$ 70
Scale with capacity less than 100 lbs.	\$ 45	\$ 40	\$ 50	\$ 45
Weights (each)	\$ 7	\$ 5	\$ 8	\$ 6
Liquid measures	\$ 25	\$ 25	\$ 30	\$ 30
Liquid measure meters	-----	-----	-----	-----
Lubricant meters	\$ 45	\$ 35	\$ 50	\$ 45
Motor fuel meters	\$ 45	\$ 35	\$ 50	\$ 45
Vehicle tank meters	\$100	\$ 90	\$110	\$100
Vehicle tank meter gravity	\$150	\$125	\$175	\$150
Bulk storage tank meter	\$150	\$125	\$175	\$150
Mechanical pumps, each stop	\$ 10	\$ 10	\$ 10	\$ 10
Taxi meters (semi-annually)	\$ 50	\$ 45	\$ 55	\$ 50
Commercial odometer – hubodometer	\$ 50	\$ 45	\$ 55	\$ 50
Leather measure	\$150	\$140	\$175	\$150
Dry measure, one bushel or less	\$ 75	\$ 75	\$ 85	\$ 85
Dry measure, more than one bushel	\$100	\$100	\$120	\$120
All other measuring devices	\$100	\$100	\$125	\$125
Rope, wire or chain measuring devices	\$ 25	\$ 20	\$ 25	\$ 20
Reinspection fee (after official rejection)	\$ 95	\$ 95	\$ 95	\$ 95



**§ 76-4. Miscellaneous licenses and permits. [Amended 6-1-2006 by Order No. 2006-128]**

<b>MGL C./Section</b>	<b>Description</b>	<b>Current Fee</b>	<b>Proposed Fees</b>
101, § 33	Temporary license to sell for charitable purposes	\$ 10	\$ 10
138, § 30A	License for pharmacist to sell alcoholic beverages	\$1,750	\$2,000
140, § 2	Licenses for inns and restaurants	\$ 100	\$ 100
140, § 21B	License to serve nonalcoholic beverages	\$ 100	\$ 100
140, § 32B	License for mobile home parks	\$ 50	\$ 50
140, § 32B	License for motels	\$ 50	\$ 50
140, § 34	License for lodging house	\$ 50	\$ 50
140, § 49	License for vehicle for sale of food	\$ 250	\$ 250
140, § 56A	License for shooting gallery	\$ 100	\$ 100
140, § 59	Auto dealer license	\$ 100	\$ 150
140, § 177A	License for automatic amusement devices	\$ 100	\$ 100
140, § 183A	Entertainment annual	\$ 250	\$ 250
140, § 183A	Entertainment daily	\$ 25	\$ 25
140, § 1851	License for fortune tellers	\$ 250	\$ 250
140, § 192	License for rental boats (freshwater)	\$ 100	\$ 100
	License to store hazardous materials	\$ 100	\$ 100
	Septic system inspection filing	\$ 25	\$ 25
	Board of Health request for variance	\$ 85	\$ 85
	Application fee – licenses and permits	\$ 100	\$ 100

**§ 76-5, License to store inflammables.**

<b>Description</b>	<b>New Permit</b>	<b>Annual Permit</b>	<b>Proposed</b>
1 – 500 gallons or 4,000 pounds	\$ 45	\$ 0.00	NC
500-999 gallons or 8,000 pounds	\$ 45	\$ 22.50	NC
1,000 – 4,999 gallons or 40,000 pounds	\$ 75	\$ 37.50	NC
5,000 – 9,999 gallons or 80,000 pounds	\$105	\$ 52.50	NC
10,000 – 29,999 gallons or 240,000 pounds	\$135	\$ 67.50	NC
30,000 – 99,999 gallons or 800,000 pounds	\$165	\$ 82.50	NC
100,000 – 199,999 gallons or 1,600,000 pounds	\$240	\$120.00	NC
More than 200,000 gallons or 1,600,000 pounds	\$330	\$165.00	NC

**§ 76-6. Building, sign, wiring, plumbing and gas permit fees.**

**Building Permits**

<b>Description</b>	<b>Current Fees</b>	<b>Proposed Fees</b>
Residential (R03, R-4 Use Groups)		
New Buildings		
Application fee	\$100	NC
Permit fee	\$4.10 per 1,000 of construction value	\$5.10 per \$1,000 of construction value
Additions, alterations/renovations		
Application fee	\$50	NC
Permit fee	\$5.10 per \$1,000 of construction value; \$25 minimum	\$5.10 per \$1,000 of construction value; \$25 minimum
Commercial and all other use groups		
New Buildings		
Application fee	\$150	NC
Permit fee	\$8.10 per \$1,000 of construction value	\$9.10 per \$1,000 of construction value
Additions, alterations/renovations		
Application fee	\$100	NC
Permit fee	\$8.10 per \$1,000 of construction value; \$50 minimum	\$9.10 per \$1,000 of construction value; \$50 minimum
Permit fee for all other structures (not specified)	\$8.10 per \$1,000 based on actual value; \$100 minimum	\$9.10 per \$1,000 based on actual value; \$100 minimum

**Plumbing Permits**

<b>Description</b>	<b>Current Fees</b>	<b>Proposed Fees</b>
Residential, per unit	\$ 25/first fixture plus \$12 each additional fixture	\$ 40/first fixture plus \$12 each additional fixture
Commercial, per unit	\$ 45/first fixture plus \$15 each additional fixture	\$ 60/first fixture plus \$15 each additional fixture

**Gas Permits**

<b>Description</b>	<b>Current Fees</b>	<b>Proposed Fees</b>
Residential, per unit	\$25/first fixture plus \$12 each additional fixture	\$40/first fixture plus \$12 each additional fixture
Commercial, per unit	\$45/first fixture plus \$15 each additional fixture	\$60/first fixture plus \$15 each additional fixture

## Electrical Permits

Description	Current Fees	Proposed Fees
Residential		
New construction per unit	\$100	\$150
Additions/renovations		
Less than 500 sf	\$ 25	NC
Greater than 500 – 1,500 sf	\$ 50	NC
Greater than 1,500 sf	\$100	NC
Minor alterations/appliances	\$ 25	NC
Change of service/meter	\$ 30	NC
Accessory structures (garage,barn,etc., excluding separate meter)	\$ 30	NC
Temporary service	\$ 30	NC
Meters per unit	\$ 30	NC
Smoke detectors/alarms	\$ 30	NC
Commercial		
New construction per unit	\$150+\$25 per 1,000 sf greater than 4,000 sf	\$200+\$25 per 1,000 sf greater than 4,000 sf
Additions/renovation		
Less than 1,000 sf	\$ 50	\$ 75
Greater than 1,000-2,500 sf	\$ 75	\$100
Greater than 2,500 sf	\$150 + \$25 per 1,000 sf greater than 4,000 sf	NC
Minor alterations/appliances, etc.	\$ 25	NC
Change of service/meter	\$ 40	NC
Temporary service	\$ 30	NC
Signs	\$ 25	NC
Carnivals/fairs		
1-10 concessions/rides	\$ 50	NC
10 concessions/rides	\$100	NC

## Signs

Description	Current Fees	Proposed Fees
Over 25-50 sf	\$ 25	\$ 50
Over 50-75 sf	\$ 50	\$ 75
Over 75-100 sf	\$100	\$150
Over 100 sf	\$150	\$200

## Miscellaneous Permits and Fees

Description	Current Fees	Proposed Fees
Accessory building: all use groups		
Greater than 120 sf – 500 sf	\$ 35	NC
Greater than 500 sf – 750 sf	\$ 50	NC
Greater than 750 sf – 1,000 sf	\$ 75	NC
Greater than 1,000 sf – 1,500 sf	\$100	NC
Greater than 1,500 sf	Same as new building permit based on actual cost	NC
Change of permit holder	\$ 25	NC
Pre-building code structure, certificate of occupancy	\$ 75	NC
Change of use permit (no construction)	\$ 25	NC
Foundation permit (separate from building permit for cause only)	\$ 25	NC
Zoning compliance certificate (lots/existing uses/structures)	\$ 50 minimum + research time	NC
Reinspections (for work not ready for inspection, incomplete work or failure of inspectors to gain access to premises)	\$ 50	\$100
Removal of stop-work order	\$ 35	\$ 50
Replacement of lost permit inspection cards	\$ 25	\$ 50
Chimney/fireplace (new and reconstruction)	\$ 25	NC
Certificates of inspection	\$10 increase CMR 780 Table 106 \$50 minimum	NC
Permit renewals		
First renewal	\$ 25	\$ 50
Second renewal (for cause only)	\$ 50	\$ 75
Inground swimming pools	\$ 60	\$125
Aboveground swimming pools	\$ 25	\$ 75
Decks, open porch	\$ 30	\$ 60
Relocation/moving (includes new foundation)	\$150	\$250
Demolition		

**Miscellaneous Permits and Fees (CONT'D)**

<b>Description</b>	<b>Current Fees</b>	<b>Proposed Fees</b>
Residential principal buildings (\$4.10 per \$1,000 of construction value)	Minimum \$ 75	Minimum \$125; (\$5.10 per \$1,000 of construction value)
Accessory buildings	\$ 35	\$ 50
Commercial buildings (\$8.10 per \$1,000 of construction value)	Minimum \$ 75	(\$9.10 per \$1,000 of construction value)
Home occupation (no construction)	\$ 25	NC
Pre-permit plan review (one and two family)	\$ 25	\$ 75
Temporary residential certificate of occupancy (for cause only)	\$ 25	\$ 75
Residential certificate of occupancy	\$ 25	NC
Temporary commercial certificate of occupancy (for cause only)	\$ 75	NC
Commercial certificate of occupancy	\$ 75	NC
Pre-permit plan fees	\$100	NC
Site plan (fees)		
Project construction cost under \$5,000	\$100	NC
\$5,000 - \$14,999	\$200	NC
\$15,000 - \$49,999	\$250	NC
\$50,000 - \$249,999	\$350	NC
\$250,000 or more	\$500	NC
Permit related to work begun prior to time allowed for acquiring permits under Building, Electrical, Plumbing and Gas Code	Two times permit cost	NC

**[Added 10-19-2006 by Order No. 2007-033]**

**Express Permits**

<b>Description</b>	<b>Current Fees</b>	<b>Proposed Fees</b>
Minimum	\$ 25	
Residing/reroofing (residential)	\$4.10 per \$1,000 of construction value	\$5.10 per \$1,000 of construction value
Wood/coal stoves	\$ 25	NC
Replacement windows	\$ 25	NC
Sheds under 120 sf	\$ 25	NC
Others (as determined by inspector)	\$ 25	NC

**Tents (See § 240-9D of Ch. 240, Zoning)**

<b>Description</b>	<b>Current Fees</b>	<b>Proposed Fees</b>
Residential	\$ 25	NC
Fund raiser/special event/nonprofit agency	\$ 25	NC
Commercial (temporary accessory structure)	\$100	NC
Organized and supervised recreational camp (special permit required)	\$ 50	NC

**§ 76-7. Newsracks. [Amended 1-20-2005 by Order No. 2005-0381]**

For a permit or renewal of a permit for newsracks pursuant to § 130-5: \$50

**§ 76-8. Outdoor business licenses. [Amended 1-20-2005 by Order No. 2005-038]**

<b>Description</b>	<b>Current Fees</b>	<b>Proposed Fees</b>
For outdoor business licenses pursuant to § 141-6:		
A. Annual fee	\$400	NC
B. When issued after October 15:	\$200	NC
C. For charitable organizations (special license):	\$ 25	NC

**§ 76-9. Tourist camps. [Amended 1-20-2005 by Order No. 2005-038]**

<b>Description</b>	<b>Current Fees</b>	<b>Proposed Fees</b>
For tourist camps pursuant to § 217-4:		
A. Permit:	\$ 10 per tourist camp	NC
B. Renewal fee:	\$ 10 per tourist camp	NC

(Amended by Town Council on Aug. 15, 1996 – item 97-015 by a 10 Yes, unanimous vote).

(Amended by Town Council item #96-083, passed 1/4/96.)

(Amended by Town Council item #2001-113 on June 21, 2001)

**A. OLD BUSINESS (PUBLIC HEARING - MAY BE ACTED UPON) (ROLL CALL)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2008-083  
INTRO: 01/17/08, 02/07/08**

**2008-083 APPROPRIATION AND TRANSFER ORDER FROM THE COMMUNITY PRESERVATION FUND FOR OPEN SPACE**

**ORDERED**, that the sum of Eight Hundred and Eighty Thousand (\$880,000.00) and No/100 Dollars be appropriated and transferred from the amount set aside for open space acquisitions under the Community Preservation Fund on June 21, 2007 under agenda item number 2007-162 for the acquisition and creation by the Town of open space and recreation land and interests in land on a portion of the property shown on Assessors Map 311, Parcel 042 consisting of 0.72 acres more or less and on Assessors Map 311, Parcel 024 consisting of and 0.23 acres more or less and that the Growth Management Department is authorized to contract for and expend the amount appropriated for purposes of acquiring and creating such open space on a portion of the properties to be acquired provided that not less than \$800,000.00 in matching funds is irrevocably committed for acquisition of the remaining portion for municipal purposes which are hereby authorized to be accepted as well as any other gifts or grants in relation thereto.

**SPONSOR:** Town Manager John C. Klimm 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**  
**APPROPRIATION/TRANSFER ORDER OF CPC FUNDS**

**ITEM# 2008-083**  
**INTRO: 01/17/08, 02/07/08**

**SUMMARY**

**TO:** Town Council  
**FROM:** Community Preservation Committee  
**THROUGH:** Laura Shufelt  
**DATE:** January 17, 2008  
**SUBJECT:** Property Acquisition of Chili's Property, Map 311, Parcel 042 and Map 311, Parcel 024

**BACKGROUND:** The Community Preservation Committee (CPC) met on January 15, 2008 and has recommended that the town support the funding request of \$880,000.00 made by the Growth Management Department to acquire the following lots; Map 311 Parcel 042 and Map 311 Parcel 024 for, a total of 0.95 acres. The total acquisition for the .95 acres is \$1.6 Million; \$800,000.00 in funds have been secured by a private developer, and \$880,000.00 (\$800,000 for the acquisition, \$75,000 for the demolition of the existing structure and landscaping, and \$5,000 for the closing and legal fees) are being requested and shall be appropriated and transferred from the Community Preservation Funds.

**RATIONALE:** This project consists of two lots on the north side of the airport rotary on each side of Iyannough Road, Route 132. The larger of the two lots currently houses the Chili's restaurant consisting of 0.72 acres and a smaller parcel on the east side of the roadway is currently undeveloped and consists of 0.23 acres.

These parcels serve as a significant gateway to the downtown Hyannis business district. With anticipated redesigned traffic patterns at this rotary site, these parcels will become very important to softening the visual impact of this heavily used traffic corridor. Currently this area has an unoccupied structure complete with pavement or gravel and provides minimal landscaping or green areas. Acquisition of this property would provide several benefits including the reduction of a variety of potential pollution impacts in the area.

A fitting landscaped entrance to the business area visually anchors the gateway entrance from Route 132 and will be welcoming to visitors and residents alike. Trees and vegetation will also help to lower temperatures in the area by providing shade that is not present today. Landscaped swales will reduce the amounts of hazardous materials in storm water run off, a very important landscape contribution given the proximity of the property to public drinking water supply wells. Properly landscaped green areas also allow for the suitable location of plowed snow thus improving safety on this heavily used intersection.

The overall benefit of the acquisition and un-development of this property will be measured by the pollution reduction achieved and the increased sense of place created by the visual improvements to the area.

**B. NEW BUSINESS (MAY BE ACTED UPON)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2008-084  
INTRO: 02/07/08**

**2008-084 ACCEPTANCE OF A BARNSTABLE COUNTY LAND MANAGEMENT  
GRANT IN THE AMOUNT OF \$3,000**

**RESOLVED & ORDERED**, that the Town Council hereby accept a Barnstable County Land Management Grant in the amount of \$3,000 with the local match of \$3,500.00 to be provided through the Conservation Division Land Management line item with in-kind services, to restore 2 acres at Bridge Creek Conservation Area in West Barnstable to grasslands by removing invasive Multiflora Rose, Shrub Honeysuckle, Bittersweet, Autumn Olive and in addition small cedars and small cherry trees, by mechanical means.

**SPONSOR:** Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

**BARNSTABLE TOWN COUNCIL**  
**ACCEPTANCE & TRANSFER ORDER**  
**BARNSTABLE COUNTY LAND MANAGEMENT GRANT**

**ITEM# 2008-084**  
**INTRO: 01/17/08**

**SUMMARY**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Thomas F. Geiler, Director  
Regulatory Services Department  
**DATE:** January 11, 2008  
**SUBJECT:** Acceptance & Transfer Order: Barnstable County Land Management Grant

**BACKGROUND:** Barnstable County Land Management grant funding has been secured for a grassland restoration project at Bridge Creek Conservation Area in West Barnstable.

**ANALYSIS:** Barnstable County Land Management grant funding provides the town with a cost-effective means to develop and implement management actions that restore and maintain the ecological integrity, productivity, and biological diversity on parcels managed by the Conservation Commission. The BCLM grant is intended to provide incentive funds for a broader public and private sector investment in land management. A town match is encouraged and considered during the grant review process.

**FISCAL IMPACT:** The local match for the grant is \$3,500.00 and will be provided through the Conservation Division's Land Management line item and with in-kind services.

**BOARD AND COMMISSION ACTION:** A Land management plan approved by the Conservation Commission in 1996, highlights habitat protection, and improvement where it clearly states, "Habitat protection and improvement goals are to maintain a variety of habitats in Bridge Creek. In general where clearing or abandoned fields existed in the recent past, ensure that they do not succeed to forest."

**STAFF ASSISTANCE:** Darcy Karle

**B. NEW BUSINESS (MAY BE ACTED UPON)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2008-085  
INTRO: 02/07/08**

**2008-085 ACCEPTANCE OF A \$5,000 GRANT FROM THE CAPE COD FIVE CENTS SAVINGS BANK CHARITABLE FOUNDATION**

**RESOLVED**, that the Town of Barnstable hereby accept a grant in the amount of \$5,000 for the Barnstable Senior Center to support the Care for Caregivers Project

**SPONSOR:** Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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



# **BARNSTABLE TOWN COUNCIL**

## **ACCEPTANCE OF CAPE COD FIVE CENTS SAVINGS FOUNDATION GRANT FOR CARE FOR CAREGIVERS PROJECT**

**ITEM# 2008-085  
INTRO: 02/07/08**

### **SUMMARY**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Madeline Taylor and Rose DiGregorio  
**DATE:** January 29, 2008  
**SUBJECT:** CAPE COD FIVE CENTS SAVINGS FOUNDATION GRANT

**RATIONALE:** The goal of the Care for Caregivers project is to educate and support caregivers by providing them with the resources they need to access available services. Acceptance of this grant from the Cape Cod Five Charitable Foundation will allow the Barnstable Senior Center to produce a Caregiver Organizer featuring caregiver information, resources, and services. The Organizer will be distributed to human service and healthcare professionals, as well as business and community organizations, as a means to outreach to caregivers in the community. In recognition of the grant, the Cape Cod Five logo will be printed prominently on the organizer. In addition, the Care for Caregivers project will also continue to provide the opportunity for caregivers to receive one-on-one counseling with a professional at the Barnstable Senior Center.

**FISCAL IMPACT:** None

**STAFF ASSISTANCE:** Madeline Taylor and Rose DiGregorio

**B. NEW BUSINESS (MAY BE ACTED UPON)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2008-086  
INTRO: 02/07/08**

**2008-086 ACCEPTANCE OF A GRANT FROM THE FRIENDS OF THE  
SCHOOLHOUSE IN THE AMOUNT OF \$4,000**

**RESOLVED**, that the Town of Barnstable hereby accepts a grant in the amount of \$4,000 to support the ongoing provision of meals at the Adult Supportive Day Program.

**SPONSOR:** Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# **BARNSTABLE TOWN COUNCIL**

## **ACCEPTANCE OF A GRANT FROM THE FRIENDS OF THE SCHOOLHOUSE IN THE AMOUNT OF \$4,000**

**ITEM# 2008-086  
INTRO: 02/07/08**

### **SUMMARY**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Madeline Taylor and Rose DiGregorio  
**DATE:** January 29, 2008  
**SUBJECT:** THE FRIENDS OF THE SCHOOLHOUSE GRANT

**RATIONALE:** The Adult Supportive Day Program offers a vital link for local seniors and their caregivers. Through the program, seniors who cannot or do not wish to remain at home alone during the day, are provided a safe and nurturing environment. For many caregivers or adult children who are caring for an aging parent, this respite allows them to continue to meet the necessary everyday tasks of working, caring for children or having a few free hours to run errands.

A nutritious lunch is provided each day as part of this program, and the grant from the Friends of the Schoolhouse allows the Senior Center to keep the cost of this lunch affordable. Acceptance of this gift will allow the Senior Center to continue to provide this invaluable community service to elders and their caregivers at the lowest cost possible.

In recognition of their generous grant, the Friends of the School House will be appropriately mentioned in all publicity materials.

**FISCAL IMPACT:** None

**STAFF ASSISTANCE:** Madeline Taylor and Rose DiGregorio

**B. NEW BUSINESS (MAY BE ACTED UPON)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2008-087  
INTRO: 02/07/08**

**2008-087 ACCEPTANCE OF A GRANT FROM THE IBM CORPORATION IN THE AMOUNT OF \$1,000**

**RESOLVED**, that the Town Council hereby accept a grant in the amount of \$1,000 from the IBM Corporation to support the ongoing provision of transportation services to local elders and authorize the expenditure of monies for that purpose.

**SPONSOR:** Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read item
- \_\_\_ Rationale
- \_\_\_ Council discussion
- \_\_\_ Move/vote

# **BARNSTABLE TOWN COUNCIL**

## **ACCEPTANCE OF A GRANT FROM THE IBM CORPORATION**

**ITEM# 2008-087  
INTRO: 02/07/08**

### **SUMMARY**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Madeline Taylor and Rose DiGregorio  
**DATE:** January 29, 2008  
**SUBJECT:** GRANT FOR SENIOR CENTER TRANSPORTATION

**RATIONALE:** The transportation program offered by the Barnstable Senior Center offers a vital link for local seniors. Through the program, seniors can arrange direct transportation to and from medical, social and other appointments through the Senior Center on a handicap accessible van. For many seniors, driving themselves to appointments is no longer a viable option, so this service becomes their primary link to outside services. Acceptance of this gift will allow the Senior Center to continue to provide this invaluable community service to elders and their caregivers.

In recognition of their grant, IBM Corporation will be appropriately mentioned in all publicity materials.

**FISCAL IMPACT:** None

**STAFF ASSISTANCE:** Madeline Taylor and Rose DiGregorio

**B. NEW BUSINESS (FIRST READING)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2008-088  
INTRO: 02/07/08**

**2008-088 APPOINTMENTS**

**RESOLVED**, that the Town appoint the following individuals to a multiple-member board/committee/commission:

**BARNSTABLE ECONOMIC DEVELOPMENT COMMISSION**

Amanda Converse, 558 Lumbert Mill Road, Centerville, MA 02632, to a term expiring 6/30/10

**COUNCIL ON AGING**

Paul R. Curley, 27 Lancaster Way, West Barnstable, MA 02630, to a term expiring 6/30/10

Thomas F. Pelish, 72 Brant Way, Hyannis, MA 02601, to a term expiring 6/30/10

L. Helen Stretch, 114 Baxter Road, Hyannis, MA 02601, as an alternate to a term expiring 6/30/10

**SHELLFISH ADVISORY BOARD**

Gerard Ganey, 65 Tracey Road, Cotuit, MA 02635 to a term expiring 6/30/09

**WATERWAYS COMMITTEE**

Steven R. Swain, 414 Phinney's Lane, Centerville, MA 02632, to a term expiring 6/30/08

**SPONSOR:** Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read item
- \_\_\_ Council discussion
- \_\_\_ Move/vote

**B. NEW BUSINESS (Refer to Joint Public Hearing with Planning Board on February 28, 2008)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2008-089  
INTRO: 02/07/08**

**2008-089 AMENDMENT TO ZONING ORDINANCE – GROWTH MANAGEMENT**

**ORDERED**, that Chapter 240, Article XI of the Zoning Ordinance, Growth Management, is amended as follows:

**Section 1**

Under Section 240-112, the definition of “Residential Dwelling Unit” shall be stricken and in its place, the following definition shall be substituted:

**RESIDENTIAL DWELLING UNIT** — A single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. The term "residential dwelling unit" shall not include family apartments, group homes and congregate facilities, hotels, motels, and other uses that are not considered residential for purposes of zoning, as determined by the Town Attorney.

**Section 2**

Under Section 240-116, Exemptions, a new paragraph “C” shall be added as follows:

“C. Senior continuing care retirement community units created under § 240-29 of the Code of the Town of Barnstable” and the subsequent paragraphs thereunder shall be relettered so that Section 240-116 now reads:

§ 240-116. Exemptions.

The following uses shall be exempt from the residential building permit limitations established by this article:

- A. Municipal uses;
- B. Affordable housing dwelling units created pursuant to Chapter 9, Affordable Housing, Article II, Accessory Apartments and Apartment Units, of the Code of the Town of Barnstable
- C. Senior continuing care retirement community units created under § 240-29 of the Code of the Town of Barnstable
- D. Nonresidential development; and
- E. Reconstruction, extension, alteration, modification, and upgrade of an existing dwelling unit that does not result in the creation of a new residential dwelling unit.

SPONSOR: Growth Management Department

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read item
- \_\_\_ Rationale
- \_\_\_ Council discussion
- \_\_\_ Move/vote

# **BARNSTABLE TOWN COUNCIL**

## **ZONING AMENDMENT TO SCCRCOD**

**ITEM# 2008-089**  
**INTRO: 02/07/08**

### **SUMMARY**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Patty Daley, Interim Director Growth Management  
**DATE:** January 30, 2008  
**SUBJECT:** Zoning Amendment in furtherance of Planning Board Approved Concept Plan under the Provisions of Section 240-29 of the Barnstable Code

**BACKGROUND:** The Growth Management Department has been requested to present zoning language to exempt residential dwelling units constructed as part of a senior continuing care retirement facility under Section 240-29 of the zoning ordinance.

The current Growth Management Ordinance limits the issuance of building permits on an annual basis. The purpose of the ordinance is to control the rate of residential building permits to ensure that the Town is in a position to provide public services and infrastructure to adequately service existing and new residential development.

It is anticipated that senior continuing care facilities will be moderate to large scale, phased development projects requiring the issuance of a number of building permits at one time to allow for orderly, phased construction. It is further anticipated that these facilities will not create the same level of demand for municipal services as other types of residential units. As an example, school impacts are not anticipated, and these facilities typically pay for portions of related municipal and public safety services.

**STAFF ASSISTANCE:** Patty Daley



**B. NEW BUSINESS (Refer to Joint Public Hearing with Planning Board on February 28, 2008)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2008-090  
INTRO: 02/07/08**

**2008-090 SENIOR CONTINUING CARE RETIREMENT COMMUNITY OVERLAY DISTRICT – APPLICATION FOR REZONING 2008-1**

**ORDERED:** That Chapter 240, Article II of the Zoning Ordinance is amended as follows:

**SECTION 1**

By amending Section 240-6 the Zoning Map, to create a new overlay zoning district known as “SCCRCOD 2008-1” which includes the area shown on the reference map entitled “Senior Continuing Care Retirement Community Overlay District, 2008-#1”, dated January 29, 2008, prepared by the Town of Barnstable GIS Department, and more specifically shown on the Town Assessor’s Map 314 parcels 36, 37, 38, 44, 45, 46, 47, 48, and Assessor’s Map 315 parcel 42.

**SECTION 2**

By amending Section 240-5, Establishment of Districts, by adding under the heading “Overlay Districts” the term “SCCRC Senior Continuing Care Overlay District”.

**SECTION 3**

Purpose: These amendments are adopted pursuant to and in furtherance of the provisions of Chapter 240, Article II of the Zoning Ordinance, Section 240-29, Senior Continuing Care Retirement Community Overlay District.

**SPONSOR:** Growth Management Department

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read item
- \_\_\_ Rationale
- \_\_\_ Council discussion
- \_\_\_ Move/vote

# **BARNSTABLE TOWN COUNCIL**

## **AMMENDMENT TO ZONING SCCRC PERMITTING**

**ITEM# 2008-090  
INTRO: 02/07/08**

### **SUMMARY**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Patty Daley, Interim Director Growth Management  
**DATE:** January 31, 2008  
**SUBJECT:** Zoning Amendment in furtherance of Planning Board Approved Concept Plan under the Provisions of Section 240-29 of the Barnstable Code

**BACKGROUND:** Under the provisions of Section 240-29 of the Barnstable Code, an applicant proposing to construct a Senior Continuing Care Retirement Community (SCCRC) must obtain three separate approvals to proceed with such a project.

- First, the project must identify a project location and obtain conceptual plan approval from the Barnstable Planning Board.
- Second, the project must gain Town Council approval for a re-zoning of the project location by adopting SCCRC overlay district zoning.
- Third, the project must obtain a special permit from the Barnstable Planning Board.

The project known as The Villages at Barnstable has obtained conceptual planning board conceptual approval. The proposed zoning amendment before the Council is the second step of approval required for the development proposal to move forward.

The area proposed for re-zoning to accommodate the proposed Village at Barnstable SCCRC is shown on the reference map entitled “Senior Continuing Care Retirement Community Overlay District, 2008-#1”, dated January 29, 2008, prepared by the Town of Barnstable GIS Department, and more specifically shown on the Town Assessor’s Map 314 parcels 36, 37, 38, 44, 45, 46, 47, 48, and Assessor’s Map 315 parcel 42, to accommodate a senior continuing care retirement facility under Section 240-29 of the Code of the Town of Barnstable.

**STAFF ASSISTANCE:** Patty Daley