



Town of Barnstable Town Council

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MEETING AGENDA TOWN HALL HEARING ROOM January 5, 2017 7:00 PM

Councillors:

Eric R. Steinhilber
President
Precinct 2

James H. Crocker Jr
Vice President
Precinct 5

John G. Flores
Precinct 1

Paul Hebert
Precinct 3

Frederick Chirigotis
Precinct 4

William Crocker, Jr.
Precinct 6

Jessica Rapp
Grassetti
Precinct 7

Debra S. Dagwan
Precinct 8

James M. Tinsley
Precinct 9

Sara Cushing
Precinct 10

Philip N. Wallace
Precinct 11

John T. Norman
Precinct 12

Jennifer L. Cullum
Precinct 13

Administrator:

Cynthia A. Lovell

Administrative

Assistant:

Kelly Crahan

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. TOWN MANAGER COMMUNICATIONS

7. ACT ON MINUTES (Including Executive Session)

8. COMMUNICATIONS- from elected officials, boards, committees, staff, commission reports, correspondence and announcements

9. ORDERS OF THE DAY

A. Old Business

B. New Business

10. ADJOURNMENT

NEXT REGULAR MEETING: January 19, 2017

- The Town Council may vote to go into Executive Session under Massachusetts General Law, Chapter 30A §21(a) (3), to discuss litigation strategy with respect to the case of the *Town of Barnstable v. Barnstable County*, pending in Barnstable Superior Court, if the Chair declares that an open meeting may have a detrimental effect on the litigating position of the Town.

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	<ul style="list-style-type: none"> The Town Council may vote to go into Executive Session under Massachusetts General Law, Chapter 30A §21(a) (3), to discuss litigation strategy with respect to the case of the <i>Town of Barnstable v. Barnstable County</i>, pending in Barnstable Superior Court, if the Chair declares that an open meeting may have a detrimental effect on the litigating position of the Town. 	

Approve Minutes –December 15, 2016

Please Note: The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than they appear on this agenda. Persons interested are advised, that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice. Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

A. OLD BUSINESS (Public hearing) (Roll call)

BARNSTABLE TOWN COUNCIL

ITEM # 2017-043
INTRO: 12/15/16, 01/05/17

2017-043 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$20,000 FOR THE PURPOSE OF FUNDING THE GOLF COURSE ENTERPRISE FUND FISCAL YEAR 2017 OPERATING EXPENSE BUDGET

ORDERED: That the sum of **\$20,000** be appropriated and added to the amount of **\$3,282,041** under Town Council order number 2016-126 for the purpose of funding the Fiscal Year 2017 Golf Course Enterprise Fund Operating Budget; and that to meet this appropriation, that \$20,000 be transferred from the Golf Course Enterprise Fund reserves.

SPONSOR: Councilor Frederick Chirigotis, Precinct 4

DATE	ACTION TAKEN
<u>12/15/16</u>	<u>Refer to Public hearing 01/05/17</u>
_____	_____

- _____ Read Item
- _____ Rationale
- _____ Public Hearing
- _____ Close Public hearing
- _____ Council Discussion
- _____ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2017-043
INTRO: 12/15/16, 01/05/17

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
DATE: December 15, 2016
SUBJECT: Appropriation and Transfer Order in the amount of **\$20,000** for funding the Fiscal Year 2017 Golf Course Enterprise Fund Operating Budget

BACKGROUND: The golf operations have experienced an increase in the level of merchandise sales from the pro shop operations. Golf shop merchandise and equipment sales are up 29% from a year ago and over 50% from two years ago. The budget for merchandise purchases for resale was increased but not enough to accommodate the increased level of actual sales being derived. This appropriation is needed to fund the purchase of clothing apparel, merchandise and equipment for resale. This will ensure the golf shop is properly stocked with new merchandise for the second half of Fiscal Year 2017. The profit margin on golf shop sales is approximately 30%.

FISCAL IMPACT: Funding for this appropriation is being provided from the Golf Course Enterprise Fund reserves. There is no general fund impact. The golf course has adequate reserves to cover this request. The growth in sales will result in actual revenue exceeding the budget estimate for pro shop sales in Fiscal Year 2017 thereby creating surplus at the end of the fiscal year.

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

STAFF ASSISTANCE: Bruce McIntyre, Director, Golf Operations

A. OLD BUSINESS (Joint Public Hearing with the Planning Board)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-045
INTRO: 12/15/16, 01/05/17**

**2017-045 AMENDING THE CODE OF THE TOWN OF BARNSTABLE PART I
GENERAL ORDINANCES, CHAPTER 240 ZONING BY ADDING A GATEWAY
MEDICAL DISTRICT**

ORDERED: That Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

SECTION 1

By amending Section 240-6 the Zoning Map, to create a new zoning district known as “Gateway Medical District” which includes the area shown on the reference map entitled “Gateway Medical District”, dated _____, prepared by the Town of Barnstable GIS Department.

SECTION 2

By amending Section 240-5, Establishment of Districts, by adding under the heading “Hyannis Village Zoning Districts” the term “Gateway Medical District”.

SECTION 3

These amendments are adopted pursuant to and in furtherance of the provisions of Chapter 240, Article III of the Zoning Ordinance, by adding a new Section 240-24.1.9.1 Gateway Medical District as follows:

§ 240-24.1.9.1 GM Gateway Medical District.

A. Permitted uses. The following principal and accessory uses are permitted in the GM District. Uses not expressly allowed are prohibited.

(1) Permitted principal uses.

- (a) Business and professional offices
- (b) Banks
- (c) Restaurants
- (d) Business support services
- (e) Dental and medical clinics
- (f) Retail uses
- (g) Personal Services
- (h) Mixed-use development
- (i) Multifamily housing with a density up to 30 units per acre

(2) Permitted accessory uses.

- (a) Automated banking facilities (ATM)

B. Special permits.

(1) Permitted principal uses as:

- (a) Nonresidential development with a total floor area greater than 10,000 square feet.
- (b) Mixed use developments with a total floor area greater than 20,000 square feet or greater than 10,000 square feet of commercial space.

(2) Multifamily housing with a density more than 30 units per acre.

C. Dimensional, bulk and other requirements.

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Minimum Yard Setbacks			Maximum Building Height		Maximum Lot Coverage	FAR
			Front (feet)	Rear (feet)	Side (feet)	Feet	Stories		
Gateway Medical Services	10,000	50	20 ¹	10	20	40	3	80%	-

NOTES:

¹See also setbacks in Subsection C (1) below.

(1)Setback. Front yard landscape setback on Route 28 is 60 feet. For lots with less than 10,000 square feet of lot area, front yard landscape setback on Route 28 shall be 10 feet.

(2)Site access/curb cuts.

- (a) Driveways on Route 28 shall be minimized. Access shall not be located on Route 28 where safe vehicular and pedestrian access can be provided on an alternative roadway, or via a shared driveway, or via a driveway interconnection.
- (b) Applicants seeking a new curb cut on Route 28 shall consult the Town Director of Public Works regarding access on state highway roadways prior to seeking a curb cut permit from the Massachusetts Highway Department, and work with the Town and other authorizing agencies such as the MassDOT on a site access plan prior to site plan approval. The applicant shall provide proof of consultation with the listed entities and other necessary parties.
- (c) All driveways and changes to driveways shall:
 - [1] Provide the minimum number of driveways for the size and type of land use proposed.
 - [2] Provide shared access with adjacent development where feasible.
 - [3] Provide a driveway interconnection between adjacent parcels to avoid short trips and conflicts on the main road where feasible.
- (d) To the extent feasible, existing parking located on the front of the lot shall be removed and relocated to the rear and/or side of buildings, consistent with this section.
- (e) The SPGA may provide relief from required parking where the applicant:
 - [1] Permanently eliminates and/or significantly reduces the width of existing curb cuts in a manner that improves the through flow of traffic on Barnstable Road and/or Route 28; and/or
 - [2] Provides an agreement for one or more driveway interconnections that will alleviate traffic on Barnstable Road and/or Route 28.
 - [3] Availability of shared parking

D. Site development standards. Site development standards set forth in § 240-24.1.10 shall apply. All site plan and special permit applications shall stamped by a Massachusetts registered landscape architect.

SPONSOR: Eric R. Steinhilber, President Precinct 2

DATE ACTION TAKEN

12/15/16 Refer to Joint Public Hearing with the Planning Board 01/05/17

- _____ Read Item
- _____ Motion to Open Public Hearing
- _____ Rationale
- _____ Public Hearing
- _____ Close Public hearing
- _____ Council Discussion
- _____ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2017-045
INTRO: 12/15/16, 01/05/17

SUMMARY

TO: Town Council
FROM: Barnstable Economic Development Commission
THROUGH: Jo Anne Miller Buntich, Growth Management Director
DATE: December 15, 2016
SUBJECT: Gateway Medical District

SUMMARY: Members of the Barnstable Economic Development Commission (BEDC) met with some property owners within the existing Medical Services District (MSD) in response to their complaints to us owners about vacancies in their property. These property owners host businesses and own buildings located along the Iyannough Road/Route 28 portion of the MS District. Some property owners expressed their frustration that the MSD, adopted with the Growth Incentive Zone rezoning, eliminated established uses in the effort to establish medical related uses in this area.

The BEDC and the property owners agree that medical uses could be an economic benefit and could help improve area but such medical uses have not been attracted to this area in the ten years that have passed since the zoning change. These owners now request that zoning be revised as shown in this item Gateway Medical District. The majority of the Medical Services District is not affected by this amendment.

ANALYSIS: The Gateway Medical District as proposed streamlines the special permit process, encourages mixed use and multifamily housing, and restores restaurant and business and professional offices uses – in which medical could also be located.

The District, as shown on the map, includes all parcels with frontage on Iyannough Road/Rte. 28 and located between Yarmouth Road and the Yarmouth Town Line.

On September members of the BEDC met informally with the Planning Board to discuss this proposal. The Planning Board expressed their support and inquired if a joint public hearing might be appropriate.

FISCAL IMPACT: The requested zoning change should make the properties in this new zoning district more economically viable and enhance their value ultimately resulting in more tax revenue to the Town.

BEDC MEMBERS: Henry Farnham and Thomas Geiler

ADDITIONAL STAFF ASSISTANCE: Elizabeth Jenkins, AICP, Growth Management Department (GMD) Regulatory/Design Review Planner

B. NEW BUSINESS (Refer to Public hearing 01/19/17)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-048
INTRO: 01/05/17**

**2017-048 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$75,000.00
FROM THE COMMUNITY PRESERVATION FUNDS FOR COMMUNITY
HOUSING SUPPORT**

ORDERED: That pursuant to the provisions of the Community Preservation Act, G.L. c 44B, the sum of Seventy-Five Thousand and No/100 (\$75,000.00) Dollars be appropriated and transferred from the amount set aside for community housing in the Community Preservation Fund to be expended for the support of affordable housing units in the Town to be secured by affordable housing restrictions; and that the Town Manager is authorized to expend the amounts appropriated and to execute, deliver, accept and record restrictions for the purposes authorized herein.

SPONSOR: Mark S. Ells, 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 Vote

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM # 2017-048
INTRO: 01/05/17

TO: Town Council
FROM: Community Preservation Committee
THROUGH: Mark S. Ells, Town Manager
DATE: January 5, 2017
SUBJECT: Appropriation and Transfer Order in the amount of **\$75,000.00** from the Community Preservation Funds for Community Housing Support

BACKGROUND: The Director of the Growth Management Department is seeking approval from the Town Council through the Town Manager for Community Preservation Act Community Housing funds in the amount of \$75,000. This funding request is to replenish the now depleted funds for the Preservation of Affordable Housing Project originally funded in 2006 with \$75,000.00. Continuation of this project is necessary because in the past, there were several affordable homeownership programs that used deed restrictions containing resale formulas based on appraised value. Due to large upward swings in the real estate market, the resulting resale price today is higher than an income eligible buyer can afford when applying these resale formulas. There are approximately 39 affordable homes in Barnstable with these older deed restrictions. Additionally, if an income eligible buyer is not found within a specific period of time, the unit can then be sold to a market rate buyer and the affordability is then lost. The provision of funds from the preservation of affordable housing project are used to preserve the affordable unit by reducing the purchase price for the next affordable buyer, and replacing the old, ineffective deed restriction with the new Universal Deed Rider.

ANALYSIS: Appropriation as requested will extend a similar program commenced in 2006

FISCAL IMPACT: This appropriation has no impact on the general fund since the entire amount is appropriated and transferred from the Community Preservation Fund.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends this Appropriation and Transfer as recommended by the Community Preservation Committee.

STAFF ASSISTANCE: Community Preservation Committee.

B. NEW BUSINESS (Refer to Public hearing 01/19/17)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-049
INTRO: 01/05/17**

**2017-049 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$25,918.20
OF COMMUNITY PRESERVATION FUNDS FOR BARNSTABLE SKATE
PARK RENOVATIONS**

ORDERED: That pursuant to the provisions of the Community Preservation Act, G.L. c.44B, the sum of Twenty-Five Thousand Nine Hundred Eighteen and 20/100 (**\$25,918.20**) Dollars be appropriated and transferred from the amount set aside in the Community Preservation Fund for open space for the rehabilitation of land for active recreational use; and that the Town Manager is authorized to contract for and expend the amount appropriated under the direction of the Department of Public Works for repair of the bowls and other features of the Barnstable Skate Park, 141 Bassett Lane, Hyannis shown on Assessors Map 309 as Parcel 264, subject to oversight by the Community Preservation Committee.

SPONSOR: Councilor James Tinsley, Precinct 9

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to Open Public Hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close Public hearing
- ___ Council Vote

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM # 2017-049

INTRO: 01/05/17

TO: Town Council
FROM: Community Preservation Committee
THROUGH: Mark S. Ells, Town Manager
DATE: January 5, 2017
SUBJECT: Appropriation and Transfer order in the amount of **\$25,918.20** of Community Preservation Funds for Barnstable Skate Park renovations

BACKGROUND: The Department of Public Works is seeking approval from the Town Council through the Town Manager for additional Community Preservation Act Open Space/Recreation funds in the amount of **\$25,918.20** in order to complete the renovation and revitalization of the Barnstable Skate Park bowls located at the Hyannis Youth & Community Center (HYCC). This funding request represents a portion of the total funds required to complete the project with **\$26,231.80** of previously-allocated funds remaining and available. The Barnstable Skate Park has provided a supervised and safe area for skate boarders, BMX riders and scooter pushers since 1999 serving many local and visiting youths in Hyannis and deterring them from riding in public spaces. The Skate Park bowls are in need of substantial repair and were deemed unsafe to riders. The additional funds will allow the completion of the original project.

ANALYSIS: Appropriation as requested will continue rehabilitation of the Barnstable Skate Park.

FISCAL IMPACT: This appropriation has no impact on the general fund since the entire amount is appropriated and transferred from the community preservation fund.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends this appropriation and transfer.

STAFF ASSISTANCE: Community Preservation Committee.

B. NEW BUSINESS (Refer to Public hearing 01/19/17)

BARNSTABLE TOWN COUNCIL

**ITEM # 2017-050
INTRO: 01/05/17**

2017-050 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$725,000.00 FROM THE COMMUNITY PRESERVATION FUND FOR THE ACQUISITION OF 0 INDEPENDENCE DRIVE, HYANNIS MAP 332001002 FOR OPEN SPACE RECREATION AND COMMUNITY HOUSING IN SUPPORT OF CAPE COD RAIL TRAIL EXTENSION

ORDERED: That, pursuant to the provisions of the Community Preservation Act, General Laws chapter 44B, the sum of Seven Hundred Twenty-Five Thousand and NO/100 (**\$725,000.00**) be appropriated by transferring the sum of Four Hundred Four Thousand and No/100 (**\$404,000.00**) Dollars from the unreserved portion of the Community Preservation Fund and the balance of Three Hundred Twenty-one Thousand and NO/100 (**\$321,000.00**) Dollars from the amount appropriated under Town Council Order 2008-112 passed on March 27, 2008 for the acquisition of a vacant 12.87 acre more or less parcel addressed 0 Independence Drive, Hyannis shown on Assessors map 332 as Parcel 010-002 and the attached sketch plan for Enoch T. Cobb Trust, a 9.86 acre more or less portion shown on the sketch as “Conservation Restriction Area B” for open space and recreation purposes and the remainder shown on the sketch as “Lease Area A” for community housing and recreation purposes; and that the Town Manager is authorized to expend the amount appropriated for the stated purposes to be secured in part by the conservation restriction approved under section 4(a) of Town Council Order 2015-041 passed on November 6, 2014 and authorized by section 2(v) of Chapter 211 of the Acts of 2016 on the aforesaid portion of the property shown as said conservation area and enter into, execute, deliver, accept and record an affordable housing and recreation restriction on the remaining portion of the property shown as said lease area subject to the approval of the Community Preservation Committee.

SPONSOR: Councilor James Tinsley, Precinct 9

DATE ACTION TAKEN

- _____ Read Item
- _____ Motion to Open Public Hearing
- _____ Rationale
- _____ Public Hearing
- _____ Close public hearing
- _____ Council

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM # 2017-050

INTRO: 01/05/17

TO: Town Council
FROM: Community Preservation Committee
THROUGH: Mark S. Ells, Town Manager
DATE: January 5, 2017
SUBJECT: Appropriation and Transfer Order in the amount of **\$725,000.00** from the Community Preservation Fund for the acquisition of 0 Independence Drive, Hyannis, Map **332001002** for Open Space Recreation and Community Housing in support of Cape Cod Rail Trail Extension

BACKGROUND: The Community Preservation Committee recommends approval from the Town Council for CPA funding in the amount of \$404,000 from the unreserved fund for the fee simple acquisition of a vacant 12.87 acre parcel addressed 755 Independence Drive, Hyannis; map 332, parcel 010-002 for all CPA purposes. This funding request represents a portion of the total \$725,000 purchase price, with the remaining balance previously allocated from CPA Open Space funds in the amount of \$321,000 pursuant to Town Council Order 2008-112 for a conservation restriction to be granted to Mass Division of Fish & Wildlife on the 9.5-acre southern portion as part of the mitigation for the bikeway project.

The acquisition of this parcel is in support of the proposed extension of the Cape Cod Rail Trail being constructed from the Town of Yarmouth through land in the Town of Barnstable with a part of the 3.37-acre northern portion to be used for bikeway parking and the remainder having potential for Community Housing or other CPA uses. This parcel is located in the industrial park which lies within the Wellhead Protection Overlay District. The conservation restriction on the southern portion of the property offsets a portion of the land use granted by Mass Division of Fish & Wildlife for the bikeway. The preservation of this area near the Hyannis Water system wells will protect drinking water quality; rare and endangered plant and wildlife species and the coastal plain pond ecosystem.

ANALYSIS: Appropriation as requested will further the extension of the Cape Cod Rail Trail combined pedestrian and bicycle path into Barnstable.

FISCAL IMPACT: This appropriation has no impact on the general fund since the entire amount is appropriated and transferred from the community preservation fund.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends this appropriation and transfer

STAFF ASSISTANCE: Community Preservation Committee.