



Town Council Meeting
May 5, 2016



A quorum being duly present, Council President Jessica Rapp Grassetti called the May 5, 2016, Town Council meeting to order at 7:00 p.m. in the Hearing Room of Town Hall, 367 Main St., Hyannis, MA.

An announcement was made by President Rapp Grassetti regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 18.

PRESENT: Frederick Chirigotis, James Crocker, Jr., William Crocker, Jr., Jennifer Cullum, Sara Cushing, Debra Dagwan, John Flores, Jessica Rapp Grassetti, Paul Hebert, John Norman, Eric Steinhilber, James Tinsley, Jr., Philip Wallace.

The Pledge of Allegiance was led by President Rapp Grassetti, followed by a moment of silence, for the families of Arnold Mycock and Richard Largay.

PUBLIC COMMENT:

Joe Berlandi expressed his concern regarding the development of the Industrial Park the upcoming projects will be generating traffic on three major roads.

Bud Bergstrom also expressed his concern regarding the development of the Industrial Park area and wants to make sure the projects are restricting high traffic. Find some way to match our plans and wishes to the zoning.

Al Baker invited everyone to the chicken pie dinner in Marstons Mills; regarding the interviews for the Town Managers job, we believe our Assistant Town Manager should be moving up to the job.

Doug Hempel spoke to the Council about item number 2016-155, as the item is scheduled to be set aside. We have worked for twenty-four months on the implementation of the South Coast Bike Route, why the delay?

Lenny Clark addressing 2016-113, urges the Council to vote in favor, of the upgrade of the parking lot and fields.

Pat Lintel asked for support of the South Coast Bike Route, we have registered 269 people for a bike ride that will go throughout the town.

Caleb Sonnabend thanked all the businesses and people for their support to make the Youth Summit possible this year.

Lou Gonzaga stated Mark Ells should be our next Town Manager. He knows the town and is accessible to the people of the town.

Andrew Maker spoke to the Council regarding 2016-155, regarding effort expended to ensure the safety of the cyclists. We spent a great many hours looking at the placement and size of the signage. We have done our due diligence.

Elizabeth Wurfbain spoke about the homeless issue in downtown area, thanked the Council for working with the businesses, and the police. Now is asking for assistance from the Town Council members to help the committee move forward to establish a better facility for the homeless.

Dr. Greg Wright came in to support the South Coast Bike Route. Wright is not a Barnstable resident, but he is an advocate of bringing people to Barnstable to ride bicycles, and to bringing business to the town.

Jeffrey Craddock, as a member of the group that worked on the South Coast Bike Route, he assured the Council that the entire team focused on a safe place to ride. This project needs to go forward.

Maggie Cole as a cyclist, we need the signage to keep us on the safest roads.

Close public comment

COUNCIL RESPONSE TO PUBLIC COMMENT:

All the candidates for the Town Manager position are exceptional individuals, we are searching for the best person for the job of Town Manager; kudos to Caleb for his great grant writing; the homeless issue is critical, and the whole council needs to help us move forward; homeless are living in an unsafe environment; we are looking for the best location for all involved; this is a town issue; families are looking for a safe place to ride their bikes; will there be a guide for the safe places to ride with children; Barnstable is growing at a tremendous rate; we are the focal point and center of the Cape; we have to follow very strong federal and state guidelines regarding homeless; the concern for cycling safety is for the people that travel here and do not know the area.

TOWN MANAGER COMMUNICATIONS:

Budget book is complete
Presentation on the 19th
Annual Town Report is available
Parking Plan and Housing Plan Forum
Shanties are at Bismore Park
Each Shanty is named for one of the villages
MBTA passenger rail evacuation drill

Councilor questions and comments

Clarification of Parking and Housing meetings; Coleman murals are being saved thank you to President Rapp Grassetti and the Town Manager.

ACT ON MINUTES: Upon a motion duly made and seconded it was voted to approve the minutes of the April 21, 2016 meeting.

VOTE: PASSES UNANIMOUS

COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements:

Councilor Hebert announced the Hyannis Historical Society has been revived

Councilor Flores stated there will be a presentation at Senior Center regarding the proposed developments in the Industrial Park, and encouraged participation

Councilor (W) Crocker reporting on overdoses, since the last meeting an additional 8 overdoses, 2 fatal; substance abuse programs are in full swing

Councilor Dagwan announced several upcoming awards; the NAACP Scholastic Award, the Community Service Award and Unsung Hero Award presentations.

President Rapp Grassetti announced the Cahoon Museum is now handicapped accessible, and all are invited to the grand reopening.

2016-054 AMENDING THE CODE PART I GENERAL ORDINANCES, CHAPTER 240 ZONING OF THE TOWN OF BARNSTABLE TO INCLUDE A HYANNIS PARKING OVERLAY DISTRICT INTRO: 12/03/15, 03/24/16, 05/05/2016

Upon a motion duly made and seconded it was opened and continued to June 16th meeting

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 overlay zoning district known as “Hyannis Parking Overlay District” which includes the area shown on the reference map entitled “Hyannis Parking Overlay District”, dated November 30, 2015, prepared by the Town of Barnstable GIS Department.

SECTION 2

By amending Section 240-5, Establishment of Districts, by adding under the heading “Overlay Districts” the term “Hyannis Parking Overlay District”

SECTION 3

Re-numerate sections as follows:

240-24.1.10 to 240-24.1.11

240-24.1.11 to 240-24.1.12

240-24.1.12 to 240-24.1.13

SECTION 4

These amendments are adopted pursuant to and in furtherance of the provisions of Chapter 240, Article II of the Zoning Ordinance, Section 240-24.10, Hyannis Parking Overlay District

240-24.1.10 Hyannis Parking Overlay District (HPOD)

240-24.1.10 Purposes and Intent.

- A. This section allows as of right permitting for land located south of Main Street in Hyannis which land has some legal pre-existing nonconforming status or was licensed as of May 1, 2014 as an open air parking lot involving the temporary storage of vehicles. The scope of such uses would otherwise have to be clarified through a quasi-judicial or regulatory process. The purpose of this section is to:
- (1) Clarify this land use and create as of right permitting for land now used as open air parking lots and located south of Main Street in Hyannis;
 - (2) Protect the safety of the users of the lot and the general public through site development standards providing constant access for emergency responders;
 - (3) Ensure safe access to structures for emergency responders;
 - (4) Protect adjacent property from nuisance which may result from the operation of cars and parking off streets;
 - (5) Enhance and protect the visual quality of the Hyannis harbor area;
 - (6) Reduce congestion on lot access streets which also serve residential areas;
and
 - (7) Contribute to traffic safety by ensuring orderly access to and egress from such lots.

204-24.1.10.2 Relationship to underlying districts and regulations.

A. The Hyannis Parking Overlay District (HPOD) shall overlay all underlying districts so that any parcel of land lying in the HPOD shall also lie in the zoning district or districts in which it is otherwise classified by this chapter.

B. All regulations of the underlying zoning district(s) shall apply within the HPOD to the extent that they are not inconsistent with the specific provisions of this section 240-24.10. To the extent the provisions of this section 240-24.10 are in conflict with or are inconsistent with other provisions of this chapter, the provisions of this section 240-24.10 shall govern and prevail even if such other provisions are more restrictive than those set forth in this section 240-24.10.

204-24.1.10.3 Definitions

Aisle - An aisle is that portion of the Commercial Surface Parking Lot circulation area providing safe and constant access for emergency responders and access to parking spaces for lot patrons. Aisle area is calculated exclusive of any other area on the lot such as driveway, parking stalls, and attendant areas.

Commercial Surface Parking Lot - The commercial parking of vehicles where parking is a principal use on the property. Non-commercial trucks, vans and other vehicles not exceeding 7.5 feet may use a Commercial Surface Parking Lot.

Emergency Access Aisles and Fire Lanes – Aisles, unobstructed at all times, for the safe and immediate access of emergency response vehicles. At no time shall any portion of a designated Emergency Access Aisle be used for parking or storing vehicles for any length of time no matter how short.

Kiosk – A structure, which may be temporary or seasonal, located on the Commercial Surface Parking Lot from which parking transactions are conducted.

Parking Attendant – An employee of the Commercial Surface Parking Lot available to customers to park and retrieve vehicles within the licensed lot.

Remote Parking Sites – Sites accommodating excess parking for HPOD parking lots that are located in another area of Hyannis where such parking use is allowed. Such remote parking lots shall be permitted and licensed only in connection with the HPOD parking lot.

Second Principal Use – A second principal use, lawfully permitted and established at the time of the adoption of this ordinance, may share a parcel with a Commercial Surface Parking Lot.

Stacked Parking: Parking of vehicles in a line or stack that may be up to three vehicles deep at a Commercial Surface Parking Lot. The lot operator shall have an attendant present to move vehicles out of the stack at all times that the lot is open for vehicle pick-up by vehicle owners.

240-24.1.10.4 Permitted Uses

- A. Principle Uses.
Commercial Surface Parking Lot

204-24.1.10.5 Site Development Standards

(A) Access Management

- (1) Entrance and exit driveways shall be a minimum of fourteen (14) feet wide for one-way use only and a minimum of twenty (20) feet wide for two-way use and shall be delineated.
- (2) Driveways shall be located so as to minimize conflict with traffic on public streets and where good visibility and sight distances are available to observe approaching pedestrian and vehicular traffic.

(B) Parking Spaces

(1) Computation

- (a) Within the property boundaries the number of parking spaces is limited only by the required dimensions for parking spaces, aisles, emergency access aisles, and fire lanes.
- (b) Where another principal use, lawfully permitted and established at the time of the adoption of this ordinance, is located on the same parcel as the Commercial Surface Parking Lot the number of parking spaces required to support that use shall be deducted from the number of spaces for the Commercial Surface Parking Lot use.
- (c) Where another principal use not located on the same parcel as the Commercial Surface Parking Lot uses some of the Lot's spaces as shared parking for the off lot use, those spaces shall be deducted from the zoning and licensing number of lots for the Commercial Surface Parking Lot.
- (d) Up to 10% of parking spaces may be designed for and allocated to compact spaces.
- (e) Parking facilities shall provide specially designated parking spaces according to 521 CMR the Architectural Access Board.

(2)Dimensions

- (a) Non-compact spaces 9' X 18'
- (b) Compact spaces 6' x 14'

(3) Demarcation

- (a) Emergency Access Aisles and Fire Lanes shall be marked as shown on the record parking plan drawn and stamped by a Registered Professional Land Surveyor. In addition to showing the number of spaces that can be accommodated according to the dimensions herein, such plan shall depict demarcations for emergency access aisles through a method permanently affixed to the ground and approved by the Building Commissioner and Fire Safety Official.
- (b) Wheel stops and/or striping shall be installed and maintained to mark each permitted parking space. Stacked parking spaces shall be marked using ground mounted delineators or other demarcation.
- (c) Property boundaries for properties abutting other separately owned properties shall be marked with fencing or other means as may be approved by the Building Commissioner.

B. Stacked Parking

- (1) Stacked parking in compliance with Section 204-24.10.4 B. may be permitted subject to the approval of the Building Commissioner and the Fire Safety Official.
- (2) Lots using stacked parking configurations shall have a full-time attendant supervising the lot and to enable owner access to vehicles at all times.

C. Aisle Width

- (1) Unless otherwise provided for in this section, parking lots shall be designed so that each motor vehicle is able to proceed to and from the parking space provided without requiring the moving of any other motor vehicle.
- (2) All angle parking shall have one way circulation with an aisle width of at least 14 feet.
- (3) Fire lanes and emergency access aisles shall be provided as required by the Building Commissioner and the Fire Safety Official.

D. Lot Circulation

- (1) Dead end aisles including but not limited to emergency access aisles, and fire lanes are prohibited.

E. Landscaping and Fencing

- (1) Parking lots shall install perimeter landscaping area along street frontages.
- (2) Fencing other than split rail fencing is prohibited.

F. Lighting - Lighting shall not cause glare for motorists, pedestrians or neighboring premises. Full cut-off light fixtures shall be used in which no more than 2.5% of the total output is emitted at 90° from the vertical pole or building wall on which it is mounted.

G. Signage – Signage provisions rely on the requirements of the underlying zoning district or on rights that may be vested in the property as determined by the Building Commissioner.

H. Accessory Structures

- (1) Parking Lot Kiosk - A kiosk for parking lot attendants and/or business needs may be allowed. Kiosks are typically located at the main entrance(s) to or exit(s) from the lot. Each kiosk shall not exceed 150 SF in gross floor area and shall be located so as not to interfere with fire lanes, emergency access aisles, or site circulation. Kiosks shall include temporary sanitary facilities for employees. In no case shall the temporary sanitary facility be visible from any public way. Such structures shall be subject to applicable code or other permitting requirements and shall not host other principal or accessory uses such as retail without the required approvals.
- (2) Trash receptacles – all lots shall provide accommodations for client and employee trash. Trash receptacles and/or dumpsters shall be located near each Parking Lot Kiosk as may be required by the Building Commissioner and the Fire Safety Official. In no case shall the receptacles be visible from any public way.

Section 5

Amend Section 240-51 Location of Parking Spaces by deleting the words ,*“except that in the MA-1 Business District, parking spaces may be located on another lot within 500 feet of the use, provided that no parking lot shall be created by the demolition of buildings within the MA-2 Business District, OR Office Residential District, or buildings with frontage on Main Street in the MA-1 Business District”* from existing Section 240-51:

By re-numerating Section 240-51 to Section 240-51 A, and
By adding new Section 240-51 B. as follows:

Section 240-51 Location of Parking Spaces

- A. All off-street parking spaces required by this article shall be located on the same lot as the use for which such spaces are required, except that in nonresidential districts, parking spaces may be located on another lot within 300 feet of, and in the same zoning district as, the use for which such spaces are required.
- B. Parking facilities, including those governed by Sections 240-24.1.11 (as re-numerated herein). Site Development Standards Subsection A.(4) [4] [d] and Section 240-24.1.10 Hyannis Parking Overlay District may operate parking lots in other locations and propose shuttle service to transport patrons from these remote lots to their desired destination. Such proposals shall be subject to Site Plan Review.

Section 6

Amend Section 240-128 Definitions by adding the following definition:

Shuttle Service – Use of a multi-passenger vehicle to shuttle parking lot patrons between remote parking lots, parking facilities, and transportation terminals.

VOTE: continue to a public meeting on June 16th

<p>2016-077 AMEND THE GENERAL CODE OF THE TOWN OF BARNSTABLE CHAPTER 1-7 SETTING THE SCHEDULE OF CONSUMER AFFAIRS FEE SCHEDULE CHANGES TO BE IN EFFECT IN THE TOWN OF BARNSTABLE INTRO: 02/25/16 04/07/16, 04/21/16, 05/05/16</p>
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Richard Scali, Director, Regulatory and Elizabeth Hartsgrove, Supervisor Licensing, read the four proposed amendments as follows:

- Under § 76-3 Weights and Measures Annual Fees (MGL c.98, § 56) by striking out the proposed Adjustment fee of \$25.00 in its entirety
- Under § 76-3 Weights and Measures Annual Fees (MGL c.98, § 56) under the description “Legal Ad Fee” by striking the “\$75.00” fee in both “Fee Per Device” columns and substituting in their place the phrase “Actual Cost of Legal Ad”
- Under § 76-4 by striking out the following proposed fees in their entirety:
Operating an establishment without valid license Double the Total Cost of Fees
Operating a special event without valid license Double the Total Cost of Fees
- Under § 76-4, 138 § 12, Annual General on Premise – Art Gallery, Wine and Malt and 138 § 12, Seasonal General on Premise – Art Gallery, by striking out the words “Art Gallery” as used in both paragraphs and substituting in its place the phrase “Art & Cultural” so the two Paragraphs as amended shall read as follows:

138 § 12, Annual General on Premise – Arts & Cultural, Wine and Malt	\$750
138 § 12, Seasonal General on Premise – Arts & Cultural, Wine and Malt	\$1,000

A motion was duly made and seconded to amend Item # 2016-077 under § 76-3 Weights and Measures Annual Fees (MGL c.98, § 56) by striking out the proposed Adjustment fee of \$25.00 in its entirety

VOTE: Unanimous

A motion was duly made and seconded to amend Item # 2016-077 under § 76-3 Weights and Measures Annual Fees (MGL c.98, § 56) under the description “Legal Ad Fee” by striking the “\$75.00” fee in both “Fee Per Device” columns and substituting in their place the phrase “Actual Cost of Legal Ad”

VOTE: Unanimous

A motion was duly made and seconded to amend Item #2016-077 under § 76-4 by striking out the following proposed fees in their entirety:

Operating an establishment without valid license	Double the Total Cost of Fees
Operating a special event without valid license	Double the Total Cost of Fees

VOTE: Unanimous

A motion was duly made and seconded to amend Item #2016-077 Under § 76-4, 138 § 12, Annual General on Premise – Art Gallery, Wine and Malt and 138 § 12, Seasonal General on Premise – Art Gallery, by striking out the words “Art Gallery” as used in both paragraphs and substituting in its place the phrase “Arts & Cultural” so the two Paragraphs as amended shall read as follows:

138 § 12, Annual General on Premise – Arts & Cultural, Wine and Malt	\$750
138 § 12, Seasonal General on Premise – Arts & Cultural, Wine and Malt	\$1,000

VOTE: Unanimous

Upon a motion duly made and seconded it was

ORDERED: That Chapter 1-7 of the General Code of the Town of Barnstable is hereby amended by deleting the current Chapter 1-7 language and replacing it with the following language

SCHEDULE OF FEES

Article II: Schedule of Parking Fines

[Adopted 5-6-2004 by Order No. 2004-077; amended in its entirety 1-5-2012 by Order No. 2012-034]

§ 1-7 Parking fines in effect.

The following Schedule of Parking Fines shall be in effect in the Town of Barnstable:

Type of Violation	Amount of Fine
Handicap	\$100.00
Fire Lane	\$100.00
Fire Hydrant	\$100.00
Overtime	\$40.00
Meter	\$40.00
Other Parking Violations	\$40.00
Vehicle with expired inspection sticker	\$50.00
Vehicle with expired registration plate or decal	\$50.00

That Chapter 76-3 of the General Code of the Town of Barnstable is hereby amended by deleting the current Chapter 76-3 language and replacing it with the following language.

§ 76-3Weights and Measures Annual Fees (MGL c. 98, § 56).

[Amended 3-4-2010 by Order No. 2010-071; 1-17-2013 by Order No. 2013-064]

Description	Fee Per Device	
	1 to 3	4 or more
Scale with capacity over 10,000 pounds	\$275.00	\$250.00
Scale with capacity 5,000 to 10,000 pounds	\$145.00	\$120.00
Scale with capacity 100 to 5,000 pounds	\$90.00	\$80.00
Scale with capacity less than 100 pounds	\$60.00	\$55.00

Description	Fee Per Device	
	1 to 3	4 or more
Weights (each)	\$10.00	\$8.00
Liquid measures	\$40.00	\$40.00
Liquid measure meters	-----	-----
Lubricant meters	\$60.00	\$55.00
Motor fuel meters	\$60.00	\$55.00
Vehicle tank meters	\$120.00	\$110.00
Vehicle tank meter gravity	\$185.00	\$160.00
Bulk storage tank meter	\$185.00	\$160.00
Mechanical pumps, each stop	\$15.00	\$15.00
Taxi meters (semiannually)	\$60.00	\$55.00
Commercial odometer - hub odometer	\$60.00	\$65.00
Leather measure	\$185.00	\$160.00
Dry measure, one bushel or less	\$95.00	\$95.00
Dry measure, more than one bushel	\$130.00	\$130.00
Counting device	\$35.00	\$35.00
All other measuring devices	\$135.00	\$135.00
Rope, wire or chain measuring devices	\$35.00	\$30.00
Re-inspection fee (after official rejection)	\$100.00	\$100.00
Reverse vending machines		
Bottle and can redemption inspection		

Description	Fee Per Device	
	1 to 3	4 or more
Disposable test material supplied by inspector	\$35.00	\$30.00
Disposable test material supplied by store	\$20.00	\$15.00
Automatic electronic check-out systems		
3 or less cash registers (per inspection)	\$95.00	
4 to 11 cash registers (per inspection)	\$180.00	
12 or more cash registers (per inspection)	\$300.00	
Adjustment Fee	\$25.00	\$25.00
Legal Ad Fee	Actual Cost of Legal Ad	Actual Cost of Legal Ad
Inspection/Fines	\$10 per additional month after 120 days late	\$10 per additional month after 120 days late

That Chapter 76-4 of the General Code of the Town of Barnstable is hereby amended by deleting the current Chapter 76-4 language and replacing it with the following language.

§ 76-4Licenses.

[Amended 3-4-2010 by Order No. 2010-071; 1-5-2012 by Order No. 2012-034; 1-17-2013 by Order No. 2013-064; 11-7-2013 by Order No. .2014-034]

MGL c./Section	Description	Fee
40, § 22	Taxicabs/limos (Town Manager)	\$50.00
100, § 2	Auctioneer, Annual (Town Manager)	\$15.00
100, § 2	Auctioneer, Temporary (Town Manager)	\$10.00
101, § 33	Temporary license to sell for charitable purposes	\$10.00
101, § 33	Temporary license to sell for charitable purposes	\$10.00
138, § 12	Club, All Alcohol	\$2,225.00
138, § 12	Club, Wine & Malt	\$1,725.00
138, § 12	Common Victualer, all alcohol	\$3,050.00
138, § 12	Common Victualer, Wine & Malt	\$1,950.00
138, § 12	Inn holder, All Alcohol	\$3,550.00
138, § 12	Inn holder, Wine & Malt	\$2,450.00
138, § 12	General On Premise, All Alcohol	\$3,900.00
138, § 12	General On Premise, Wine & Malt	\$3,400.00
138, § 12	Annual General On Premise – Arts & Cultural, Wine & Malt	\$750.00
138, § 12	Seasonal General On Premise - Arts & Cultural, Wine & Malt	\$1,000.00
138, § 12	Farmer-brewery pouring	\$3,050.00
138, § 14	One-day, All Alcohol	\$90.00
138, § 14	One-day, Wine & Malt	\$40.00

MGL c./Section	Description	Fee
138, § 14	One-day, beer only/wine only	\$35.00
138, § 15	Package store, All Alcohol	\$3,025.00
138, § 15	Package store, Wine & Malt	\$1,950.00
138, § 30A	Pharmacist to sell alcoholic beverages	\$2,000.00
140, § 2	Inns and Restaurants (Common Victuallers)	\$100.00
140, § 21B	Nonalcoholic beverages	\$100.00
140, § 32B	Mobile home parks	\$50.00
140, § 32B	Motels	\$50.00
140, § 34	Lodging House	
	10 guests or fewer	\$75.00
	More than 10 guests	\$125.00
140, § 49	License for vehicle for sale of food	\$250.00
140, § 54	Junk dealer (Secondhand Dealer)	\$50.00
140, § 56	Private Parking Lot (per space) (Town Manager)	\$14.00
140, § 56A	Shooting Gallery	\$100.00
140, § 59	Auto Dealer	\$150.00
140, § 177	Pool Table (each)	\$75.00
140, § 177A	Automatic Amusement Devices (each)	\$100.00
140, § 181	Live Theatre (Theatrical Exhibitions)	\$100.00
140, § 183A	Karaoke	\$100.00

MGL c./Section	Description	Fee
140, § 183A	Entertainment	
	Annual, Seven-day live	\$275.00
	Annual, Seven-day non-live	\$75.00
	One Day, Not-for-profit	\$25.00
	One Day, For-profit	\$50.00
140, § 1851	Fortune-tellers	\$250.00
140, § 186	Carousel	\$75.00
140, § 192	Rental boats (freshwater)	\$100.00
148, § 13	Storage of hazardous materials (Town Manager)	\$100.00
	Septic system inspection fee (Health)	\$25.00
	Board of Health request for variance	\$95.00
	Application fee licenses and permits	\$100.00
	Bad check fee	\$25.00
	Annual/Seasonal License Late fee	\$100.00
	Special Event late filing fee	\$25.00

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Comparison: Current Fee- Proposed Fee

Article II: Schedule of Parking Fines

[Adopted 5-6-2004 by Order No. 2004-077; amended in its entirety 1-5-2012 by Order No. 2012-034]

§ 1-7 Parking fines in effect.

TYPE OF VIOLATION	EXISTING	PROPOSED
Fire Lane	\$50.00	\$100.00
Fire Hydrant	\$25.00	\$100.00
Overtime	\$25.00	\$40.00
Meter	\$25.00	\$40.00
Other Parking Violations	\$25.00	\$40.00

All others no change

§ 76-3 Weights and Measures Annual Fees (MGL c. 98, § 56).

[Amended 3-4-2010 by Order No. 2010-071; 1-17-2013 by Order No. 2013-064]

FEE	EXISTING	PROPOSED
Inspection/Fines Late Payment Fee	\$0	\$10 per additional month after 120 days late
Legal Ad Fee	\$0	Actual Cost of Legal Ad

All others no change

§76-4 Miscellaneous licenses and permits.

[Amended 3-4-2010 by Order No. 2010-071]

FEE	EXISTING	PROPOSED
Legal ad	\$0	Actual Cost of Legal Ad
Private parking lots	\$8/space	\$14/space
Inn holder, Wine & Malt	\$0	\$2,450

General on Premise, Wine & Malt	\$0	\$3,400
Club, Wine & Malt	\$0	\$1,725
Annual General On Premise Arts & Cultural, Wine & Malt*	\$0	\$750
Seasonal General On Premise Arts & Cultural, Wine & Malt*	\$0	\$1,000
Operating an establishment without valid license	\$0	Double the Total Cost of Fees
Operating a special event without valid license	\$0	Double the Total Cost of Fees
Special event late filing fee	\$0	\$25

All others no change

VOTE: PASSES 13 YES AS AMENDED

2016-113 APPROPRIATION TRANSFER AND LOAN ORDER IN THE AMOUNT OF \$1,686,000 FOR THE PURPOSE OF FUNDING THE LOMBARD FIELD IMPROVEMENTS INTRO: 03/24/16, 04/07/16, 04/21/16, 05/05/16

Dan Santo, Director of DPW used a power point program to show the proposed improvements to the Lombard Field
Open public hearing

Doug Hempel urged the Council to support this project

Hank Farnham stated the rebuilding an existing ball field, fixing the parking area, moving the playground, correcting the driveway configuration; is necessary. To educate the public the information has been posted on the website, and the association has held many meetings to discuss the proposed changes.

Ed Jay spoke to the Council as a softball player, please consider redoing that field.
Close public hearing

Councilor questions and comments:

Is this only a softball field or can it be used by baseball players [Patti Machado. Leisure Services this is multi use, but, does not meet the specification for baseball] suggest you get rid of the press box [it is for storage and a score board area] playground built using private funds on town property [playground was built on Lombard property and some CPC funds were used] citing of the playground, is it lower than the old Selectmen's building [more input on what that will ultimately look like, will be considering the addition of shrubbery in between the building and the playground area] Some citizens are in opposition to this project, will be supporting this; the use of this area and building has increased, walking trail will be welcome, looking forward to a nice ball park for our children; hoping for total support for this item; newspaper article gave a poor view of the parking lot; how long do you think this project will take [probably two years] has this gone to bid; hope that the school department replaces the BWB facility.

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$1,686,000** be appropriated for the purpose of funding the Lombard Field Improvements as outlined in the FY 2017 - FY 2021 Capital Improvement Plan and recommended by the Town Manager and Community Preservation Committee; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$936,000**, and that **\$750,000** be transferred from the amount set aside for open space/outdoor recreation in the Community Preservation Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto, subject to the oversight of the Community Preservation Committee.

VOTE: PASSES 13 YES

2016-114 APPROPRIATION TRANSFER AND LOAN ORDER IN THE AMOUNT OF \$158,730 FOR THE PURPOSE OF FUNDING THE WEST BARNSTABLE COMMUNITY BUILDING WINDOW REPLACEMENTS INTRO: 03/24/16, 04/07/16, 04/21/16, 05/05/16

A motion was duly made and seconded to amend Item 2016-114 by striking out the sum of \$173,000 and replacing with the sum of \$158,730.

VOTE: unanimous

DPW Director, Dan Santos gave the rationale utilizing a power point presentation
Open public hearing seeing no one close public hearing

Councilor questions and comments:

Curious why cost went down; [we gave CPC the most accurate figure] are we using wood everywhere [yes] windows were different in the picture of the original building showing diamond windows; [can no longer obtain those windows]

Upon a motion that was duly made and seconded it was

ORDERED: That the sum of **\$158,730** be appropriated for the purpose of funding the West Barnstable Community Building Window Replacements as outlined in the Fiscal Year 2017 – Fiscal Year 2021 Capital Improvement Plan and recommended by the Town Manager and Community Preservation Committee; and that to meet this appropriation, that **\$158,730** be transferred from the undesignated funds within the Community Preservation Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto, subject to the oversight of the Community Preservation Committee.

VOTE: PASSES 13 YES

2016-146 AMEND CHAPTER 240, ARTICLE III §240-21 “B, BA AND UB BUSINESS DISTRICTS” OF THE ZONING ORDINANCE BY ADDING ACTIVE ADULT DWELLINGS AND ASSISTED LIVING DWELLINGS, AMEND CHAPTER 240, ARTICLE XI (GROWTH MANAGEMENT), §240-116 BY ADDING EXEMPTIONS FOR ACTIVE ADULT DWELLINGS AND ASSISTED LIVING DWELLINGS AND AMEND ZONING DEFINITIONS TO INCLUDE ACTIVE ADULT DWELLINGS AND ASSISTED LIVING DWELLINGS INTRO: 05/05/16

Upon a motion duly made and seconded it was opened and moved to a joint hearing of the planning board on 5-19-16

ORDERED: Section 1

That Chapter 240, Article III §240-21 “B, BA and UB Business Districts” of the Zoning Ordinance is hereby amended by adding the following new §240-21 A. (9) (j):

- (j) Multifamily dwellings (apartments) for Active Adult or Assisted Living located in the IND District, where the project includes a total project land area of 24 acres or more and is subject to a Senior Continuing Care Retirement Community Overlay District (SCCRCOD) (§240-29), the following regulations shall apply in lieu of all other bulk and dimensional, parking, landscaping, screening, and setbacks as may otherwise be applicable, and which shall apply to the entire project land area as if it were one lot, even though it may be comprised of more than one lot, which lots may be separated by a street or way:

- [1] Minimum total project land area of 24 acres, including therein any streets or ways

- [2] Minimum project land area ratio shall be 3000 square feet of project land area per each dwelling unit

- [3] Maximum building height shall be 60 feet/5 stories

- [4] Minimum front yard setback: 30 feet

- [5] Landscape buffers (driveways, signage, lighting and walkways excepted):

- (a) Front yard: 20 feet

- (b) Side and rear yard: 10 feet

- [6] Parking

- (a) For Active Adult dwelling units, off-street parking shall be provided at a ratio of 0.75 resident spaces per dwelling unit, 0.5 guest spaces per dwelling unit, and 0.75 employee spaces per 5 dwelling units;

- (b) For Assisted Living dwelling units, off-street parking shall be provided at a ratio of 0.5 resident spaces per dwelling unit, 0.5 guest spaces per dwelling unit, and 0.75 employee spaces per 5 dwelling units

- [7] To the extent a project developed pursuant to this Section §240-21 A.(9)(j) is also subject to the Groundwater Protection Overlay District regulations set forth in Section 240-35, the lot coverage and site clearing requirements of such Section 240-35 shall be calculated using the entire project land area as described in this section. All allowed impervious area may be located on an individual lot within the project land area, provided the impervious area requirements are met over the entire project land area.

Section 2 That Chapter 240, Article XI (Growth Management), §240-116 (Exemptions) of the Zoning Ordinance is hereby amended by adding the following new §240-116.D and renumbering the subsequent sections as appropriate:

D. Multifamily dwellings (apartments) for Active Adult or Assisted Living created under Section 240-21 A. (9) (j) of the Code of the Town of Barnstable;

Section 3 That Chapter 240, Article XIII §240-128 “Definitions” of the Zoning Ordinance is hereby amended by adding the following definitions:

Active Adult dwelling – an attached dwelling unit (apartment) intended and operated for occupancy by persons 55 years of age or older in which at least eighty percent (80%) of the occupied units are occupied by at least one person who is 55 years of age or older in accordance with applicable requirements of federal and Massachusetts law.

Assisted Living dwelling – an attached dwelling unit (apartment) in which supportive services are offered for individuals who need assistance in activities of daily living

VOTE: moved to a joint public hearing with the planning board on 5/19/2016 - unanimous

**2016-147 TRANSFER ORDER OF \$13,000 FOR THE INSPECTION AND ASSESSMENT OF PRIVATE ROADS THAT ARE ELIGIBLE FOR REPAIR UNDER CHAPTER 339 OF THE ACTS OF 2014 OF THE MASSACHUSETTS LEGISLATURE
INTRO: 05/05/16**

DPW Director, Dan Santos gave the rationale utilizing a power point presentation

Councilor questions and comments: Very happy to see this going forward, we need an assessment of private roads for safety vehicles to pass up and down these roads.

Upon a motion that was duly made and seconded it was

ORDERED: That the sum of **\$13,000** be transferred from the Fiscal Year 2016 (FY16) Public Works Department personnel budget to the Fiscal Year 2016 (FY16) Public Works Department Operating Budget for the purpose of funding the inspection and assessment of private roads that are eligible for repair under Chapter 339 of the Acts of 2014 of the Massachusetts Legislature.

VOTE: PASSES UNANIMOUS

**2016-148 TRANSFER ORDER OF \$8,500 FOR THE PURCHASE OF A WASTEWATER MODELING PROGRAM FOR THE DEPARTMENT OF PUBLIC WORKS
INTRO: 05/05/16**

DPW Director, Dan Santos gave the rationale utilizing a power point presentation

Upon a motion that was duly made and seconded it was

ORDERED: That the sum of **\$8,500** be transferred from the Fiscal Year 2016 Public Works Department personnel budget to the Fiscal Year 2016 Public Works Department Operating Budget for the purchase of a wastewater modeling program

VOTE: PASSES UNANIMOUS

2016-149 TRANSFER ORDER OF \$65,000 FOR THE IMPLEMENTATION OF A WORK ORDER AND ASSET MANAGEMENT SYSTEM FOR THE DEPARTMENT OF PUBLIC WORKS INTRO: 05/05/16

DPW Director, Dan Santos gave the rationale utilizing a power point presentation

Councilor questions and comments:

How much will it be on an annual basis; [\$40,000 will need to be added to the budget] How much are we paying now; how long before implementation [immediately] who is controlling the tablet [foreman, based on the size of our community and our assets] this will now be a public app, will feed into the general system [yes]

Upon a motion that was duly made and seconded it was

ORDERED: That the sum of **\$65,000** be transferred from the Fiscal Year 2016 Department of Public Works personnel budget to the Fiscal Year 2016 Department of Public Works Operating Budget for the purpose of funding the implementation of a new work order and asset management system program.

VOTE: PASSED UNANIMOUS

2016-150 TRANSFER ORDER OF \$7,000 FISCAL YEAR 2016 DEPARTMENT OF PUBLIC WORKS PERSONNEL BUDGET TO THE FISCAL YEAR 2016 DEPARTMENT OF PUBLIC WORKS OPERATING BUDGET TO CONDUCT DAM SAFETY PHASE I INSPECTIONS AT MILL POND AND LAKE WEQUAQUET INTRO: 05/05/16

DPW Director, Dan Santos gave the rationale utilizing a power point presentation

Upon a motion duly made and seconded it was

ORDERED: That the sum of **\$7,000** be transferred from the Fiscal Year 2016 Department of Public Works Personnel Budget to the Fiscal Year 2016 Department of Public Works Operating Budget for the purpose of funding the Dam Safety Phase I Inspections at Mill Pond and Lake Wequaquet.

VOTE: PASSES UNANIMOUS

REORDER TO ITEM 2016-157

2016-157 TRANSFER ORDER IN THE AMOUNT OF \$31,156 FOR THE CRAIGVILLE BATHHOUSE RENOVATIONS UNDER TOWN COUNCIL ORDER 2013-116 FOR THE PURPOSE OF A COMPREHENSIVE BEACH FACILITY DESIGN INTRO: 05/05/16

DPW Director, Dan Santos gave the rationale utilizing a power point presentation

ORDERED: That the remaining funds totaling **\$31,156** appropriated under Town Council order 2013-116 for the purpose of a comprehensive beach facility design be transferred and added to the appropriation made under Town Council order 2016-031 for the Craigville Bathhouse Renovations

VOTE: PASSES UNANIMOUS

REORDER TO ITEM 2016-151

2016-151 ACCEPTANCE OF GRANTS TOTALING \$5,150 TO THE BARNSTABLE YOUTH COMMISSION FROM CAPE COD HEALTHCARE, CAPE & ISLANDS DISTRICT ATTORNEY'S OFFICE, MASSCOP LOCAL 416 BARNSTABLE POLICE SUPERIOR OFFICERS' UNION, BARNSTABLE POLICE PATROLMAN'S UNION, EJ JAXTIMER BUILDERS, INC., CAPE COD 5 CENTS SAVINGS BANK, HYANNIS FIREFIGHTERS LOCAL 2172, BARNSTABLE PROFESSIONAL FIREFIGHTERS LOCAL 3276, BARNSTABLE TEACHERS ASSOCIATION AND BARNSTABLE MUNICIPAL EMPLOYEES' ASSOCIATION TO SUPPORT THE 2016 YOUTH SUMMIT. INTRO: 05/05/16

Lynne Poyant Director of Community Service, Youth Commissioners Carrie Osborne and Brendan Clark gave the dollar amounts of the money donated to the 2016 Youth Summit; the whole event was directed towards prevention

Upon a motion duly made and seconded it was

RESOLVED: That the Town of Barnstable hereby accepts grants totaling **\$5,150** from Cape Cod Healthcare, the Cape & Islands District Attorney's Office, MassCop Local 416 Barnstable Police Superior Officers' Union, Barnstable Police Patrolman's Union, EJ Jaxtimer Builders, Inc., Cape Cod 5 Cents Savings Bank, Hyannis Firefighters Local 2172, Barnstable Professional Firefighters Local 3276, Barnstable Teachers' Association and Barnstable Municipal Association to support the Barnstable Youth Commission's 2016 Youth Summit.

VOTE: PASSES UNANIMOUS

2016-152 ACCEPTANCE OF GRANT IN THE AMOUNT OF \$2,500 FROM CAPE COD HEALTHCARE TO THE BARNSTABLE RECREATION DIVISION'S MOMMY MIXER PROGRAMMING INTRO: 05/05/16

Lynne Poyant Director of Community Service, gave the rationale

Upon a motion duly made and seconded it was

RESOLVED: That the Town of Barnstable hereby accepts a grant of **\$2,500** from Cape Cod Healthcare to the Barnstable Recreation Division's Mommy Mixer Programming

VOTE: PASSES UNANIMOUS

2016-153 ACCEPTANCE of TWO PORTABLE DEFIBRILLATORS (APPROXIMATE VALUE \$4,000) FROM BARNSTABLE ASSOCIATION For RECREATIONAL SHELLFISHing (BARS) to the SHELLFISH PROGRAM of THE MARINE AND ENVIRONMENTAL AFFAIRS DIVISION INTRO: 05/05/16

Lynne Poyant Director of Community Service, gave the rationale and introduced many of the members of BARS, these defibrillators are given in memory of Dayle Hoxie.

Councilor questions and comments:

Appreciate the work done by BARS, this gift is fabulous; thanked BARS for the gift, commend the organization and the leadership it demonstrates.

Upon a motion duly made and seconded it was

Resolved: That the Town of Barnstable hereby accepts the gift of two portable defibrillators (approximate value **\$4,000**) from the Barnstable Association for Recreational Shellfishing to the Shellfish Program of the Marine and Environmental Affairs Division.

VOTE: PASSES UNANIMOUS

**2016-154 AMEND ZONING ORDINANCE, ARTICLE V ACCESSORY USES § 240-43 BY ADDING SECTION 243-43.1 AND AMEND SECTION 240-46 SECTION B. (12)
INTRO: 05/05/16**

Upon a motion duly made and seconded it was

ORDERED: Section 1 of the Order. That the Zoning Ordinance, Article V Accessory Uses be amended by adding new section 240-43.1 to Section 240-43 as follows:

240-43.1 Commercial Vehicles Accessory to Principal Residential Use

The continued and regular parking of one (1) commercial vehicle owned or operated by a resident of the premises is permitted by right in all zoning districts.

- A. Only one (1) commercial vehicle is allowed per lot.
- B. All such commercial vehicles shall be parked in a driveway or an enclosed structure. In no case shall such vehicles be parked on the street.
- C. For the purposes of this section, permitted Commercial Vehicles shall not include tractor trailers, or construction vehicles including but not limited to backhoes, bulldozers and dump trucks.
- D. Overnight storage of multi-passenger commercial vehicles is prohibited.
- E. Vehicles temporarily on the premises due to permitted building or site work that is continuing in good faith are allowed.
- F. Nothing in this section shall be construed as authorization for the conducting of a business on the premises

Section 2 of the Order. That the Zoning Ordinance, Article V Accessory Uses 240-46, Section B. (12) Home Occupation be amended a follows:

Add new sentence at the end of the section as follows: "In no case shall there be more than one commercial vehicle per lot."

So that the amended Section 240-46, section B. (12) reads:

B.(12) There are no commercial vehicles related to the customary home occupation, other than one van or one truck not to exceed one-ton capacity, and one trailer not to exceed 20 feet in length and not to exceed four tires, parked on the same lot containing the customary home occupation. **In no case, shall there be more than one commercial vehicle per lot.**

VOTE: refer to the planning board - unanimous

2016-155 RESOLVE TO REQUEST THE TOWN MANAGER TO POSTPONE IMPLEMENTATION OF THE SOUTH COAST BIKE ROUTE UNTIL A FULL EVALUATION OF THE ROAD SYSTEM, NUMBER OF SIGNS AND SAFETY OF THE PROJECT CAN BE PERFORMED INTRO: 05/05/16

President Rapp Grassetti gave the rationale

Councilor questions and comments:

Waiting for maps as the Civic Associations would like some input, regarding the number of signs, hope to do this soon. Can we do a date certain [Rapp Grassetti-objective is to meet in small groups] hasn't this already been completed, [Rapp Grassetti- believe there have been revisions to the original] [Town Manager, Thomas Lynch - that had all been

accomplished, the project was moving forward; we would not be bringing anything forward that was unsafe] originally voted against this; more concerned about the legislative process; what is legally binding; [Rapp Grassetti the Town Manager does not have to accept this resolve, however he is willing to look at another plan] [Town Attorney, Ruth Weil, this is just a request made to the Town Manager, the other alternative is a rescission] the vote never said there would be a sign every quarter mile; when the report came forward we asked to see what is coming out, don't know what the sign design looks like; never been invited to a meeting; we may request information, we have never asked the Town Manager to stop for the time being; this is a stoppage of the project; meetings were posted listed; can't support this; were the Civic Associations invited to any of the meetings; [Lynch-thought there was outreach to each civic association] bike associations have reviewed and approved the signage; defer to the experts that use it; [Rapp Grassetti asked that we see these maps in small groups] not comfortable to vote on something sight unseen; think it is irresponsible; will support this; what is the time table? we shouldn't have to drag this on; [Rapp Grassetti-concern is the number of signs every quarter mile] this has already been approved; Council has made it's vote; can't support this; [Rapp Grassetti-this is due to the AG's office re: open meeting law complaint] it is the effect to the community; no knowledge of the impact to our villages; this is a character changer in the villages; [Rapp Grassetti to be clear-there is no striped designated lane painted on the roadway], Civic Association stated their concerns; will support this; passion of the bike riders; did not see one single person from the community come before us; think this can be resolved very quickly, lets move this thing through; lets not drag it on; would like to see what it looks like; civic associations are passionate;

RESOLVED: That the Town Council request the Town Manager postpones the implementation of the South Coast Bike Route until a full evaluation of the road system, number of signs and safety of the project can be performed

VOTE: 7 YES, 5 NO (Chirigotis, Dagwan, Flores, Norman, Tinsley) 1 ABSTENTION (Hebert)

<p>2016-156 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$50,000 FROM THE LYNDON PAUL LORUSSO CHARITABLE FOUNDATION TO FUND THE HIRING OF A CONSULTANT TO COORDINATE OUTREACH FUNCTIONS FOR THE HOMELESS INTRO: 05/05/16</p>

Assistant Town Manager, Mark Ells gave the rationale (Exhibit A)

Councilor questions and comments:

Thank you for your efforts; you have been very helpful; accepting a grant from the Lorusso Foundation; we did not solicit this grant; this committee is collaborative; named many people who have given time and effort to this committee; collaboration is needed; signage no camping allowed; police cleaned out the camps; developed a code of conduct; hope everyone can get behind this; one concern-how will you hire this individual; looking for new leadership [adaptive approach will have to be built into the contract; be specific in our proposal] work for the town but with all the other agencies so we collaborate, not hiring a person; contracted position; who will review the RFP's [we would put together a proposal, have a review committee to help choose this third party] acceptance of a grant or that agency would come before the Council; [ultimately the town manager would sign the contract] to bring all the entities together, this person needs a team concept; what are the goals and objectives, mini strategic plan [part of our discussions, offer strategies for each of the homeless groups; at this point everyone is on their own island] grants are usually

used to supplement the community; this is a new project; nobody knows what the other hand is doing; this will give us information; hope the council will support this; clarify time frame for contract; we need to show compassion for the needy and the homeless; all the social services are non profit; making a difference; coordinator is the missing link; this is the best opportunity; support of accepting the grant; can you get measurable from the companies; [yes there are comparable models] where does their authority come from; how can an individual convince someone to choose not to use drugs; [all hands on deck relationship; two more positions out in our community now; agreements by social service agencies; better communication and expert in this area]

RESOLVED: That the Barnstable Town Council does hereby accept a grant from the Lyndon Paul Lorusso Charitable Foundation in the amount of \$50,000 to hire a consultant for the public purpose of coordinating outreach functions in support of the homeless or near homeless and does hereby authorizes the Town Manager to contract for and expend said funds for that purpose.

VOTE: PASSES UNANIMOUS

ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED to adjourn:

Adjourned at 10:15 PM

Respectfully submitted,

Ann M Quirk, CMC
Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: May 19, 2016

EXHIBITS:

A Update from Street Outreach Coordination Team