



Town Council Meeting  
February 16, 2017



A quorum being duly present, Council President Eric Steinhilber called the February 16, 2017, 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 Steinhilber 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:** James Crocker, Jr., William Crocker, Jr., Jennifer Cullum, Sara Cushing, John Flores, Paul Hebert, John Norman, Eric Steinhilber, James Tinsley, Jr., Philip Wallace. **Absent:** Frederick Chirigotis, Debra Dagwan and Jessica Rapp Grasseti.

The Pledge of Allegiance was led by President Steinhilber, followed by a Moment of Silence to remember John Wargin. Councilor Wallace mentioned he was a member of the Board of Assessors, husband, father, and great friend. Councilor Wallace added he will be greatly missed by all.

**PUBLIC COMMENT:**

Sharon Capen of the Cape Downwinders read from a prepared statement. She spoke about a public advisory question submitted for the 2017 Fall Town Ballot. She hoped Council would support this question regarding closing the Pilgrim Nuclear Power Plant.

**TOWN MANAGER COMMUNICATIONS:**

- Update: (Exhibit A)
- Budget Fiscal Year 2018
- Town Issued Bond 02/14/17
  - Debra Blanchett, Town Treasurer, discussed the competitive bond sale. She mentioned the triple "A" rating the Town received from Standard & Poor's Financial Services LLC. She added the Town had continually received this highest rating since 2007.
- Needle exchange
  - Charlie McLaughlin, Town Attorney, explained the Supreme Judicial Court approval authority and the Friends of Court Brief regarding the needle exchange. He said the court has 4 months to rule but the timeline can be extended by the Supreme Judicial Court.
  - Charlie McLaughlin, Town Attorney discussed the Housing Court for the Cape and the Islands. He mentioned Governor Baker had placed \$1 million dollars into a fund for this venture.
- Cape Cod Regional Technical High School Bond

- Housing Production Plan
- Six Seasonal Aquaculture nurse grants
- State revolving funds for water supply capital expenditures
- Jay Ash, Secretary of the Executive Office of Housing and Economic Development, planning visit to Town Hall on March 1, 2017 at 2:30 PM
- Mass Moves

**ACT ON MINUTES:** Upon a motion duly made and seconded it was voted to approve the minutes of the February 2, 2017 meeting.

**VOTE: PASSES UNANIMIOUS**

**Councilor questions and comments:**

What percentage of Barnstable students are enrolled in the Cape Cod Technical School? (30 percent) Should we have a workshop to discuss the Cape Cod Technical School ballot question which is scheduled for October 24, 2017?

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

Councilor Crocker (W) spoke about his leadership within three committees – Tourism and Cultural Development committee, Mental Health and Substance Abuse committee and Community, Child and Family and People with disabilities committee as the State Representative.

Councilor Hebert discussed the new bill regarding deposits on small alcohol bottles also known as nips. He said the money would go to redemption and clean-up and felt there should be educational component on alcoholism as well.

**2017-058 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF NINETY-FIVE THOUSAND DOLLARS AND NO CENTS (\$95,000.00) FOR THE PURPOSE OF FUNDING THE COSTS ASSOCIATED WITH A SCOPE OF WORK TO RESPOND TO THE NOTICE OF RESPONSIBILITY (NOR) ISSUED BY THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION (MASSDEP) FOR IMMEDIATE RESPONSE ACTIONS AT THE AIRPORT, AND THAT THE SUM OF \$95,000.00 BE TRANSFERRED FROM THE AIRPORT’S RESERVE FUND INTRO: 02/02/17, 02/16/17**

Bud Breault, Airport Manager, gave the rationale. He introduced Katie Servis, Assistant Airport Manager and Mark Nelson. He gave an overview of the PowerPoint presentation. (EXHIBIT B)

Open to a public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of Ninety-Five Thousand Dollars and No Cents (**\$95,000.00**) be appropriated for the purpose of funding the costs associated with a scope of work required in order to respond to the Notice of Responsibility (NOR) issued by the Massachusetts Department of Environmental Protection (MassDEP) for immediate response actions at the Airport; and that to meet this appropriation, that the sum of \$95,000.00 be transferred from the Airport’s Reserve Fund, and furthermore that the Barnstable Municipal Airport Commission is authorized to contract for and expend the appropriation made available for these purposes, and for these purposes be authorized to accept any grants or gifts in

relation thereto.

**VOTE: 10 YES PASSES**

**2017-059 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$138,000.00 FOR THE PURPOSE OF FUNDING THE SLURRY SEAL AND PAINTING OF THE AIRPORT TERMINAL APRON (APPROXIMATELY 300,000 SQUARE FEET)  
INTRO: 02/02/17, 02/16/17**

Bud Breault, Airport Manager, gave the rationale. He discussed the apron slurry seal. Open to a public hearing seeing no one close public hearing

A motion was made and seconded to

**ORDERED:** That the sum of One Hundred Thirty-Eight Thousand Dollars and No Cents (**\$138,000.00**) be appropriated for the purpose of funding the Slurry Seal and painting of the Airport terminal apron (approximately 300,000 square feet), and that to meet this appropriation, that **\$138,000** be transferred from the Airport Enterprise Fund reserves; and furthermore, that the Barnstable Municipal Airport Commission 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.

**VOTE: 10 YES PASSES**

Reorder the agenda – take agenda item # 2017 – 101 before agenda item # 2017 - 098

**2017-101 ACCEPTANCE OF A GIFT OF TWO PARCELS OF LAND FOR OPEN SPACE PURPOSES ON COMMUNICATION WAY AND SOUTH FLINT ROCK ROAD, HYANNIS, MASSACHUSETTS INTRO: 02/16/17**

Vice-President Crocker (J) explained there was substitute text for this agenda item. Mark Ells gave the rationale. Mark Ells introduced Ron Jansson, legal representation and Ed Pesce, technical representation. Ron Jansson clarified the restoration plan is for the Communication Way parcel. He noted the restoration plan which Ed Pesce was in the process of doing would need to be submitted to Cape Cod Commission. He added he did not anticipate any significant changes to the parcel of land. He explained the parcel was a gift contingent on the sale of the larger parcel utilized by the 55 or older housing community.

Upon a motion duly made and seconded it was

**ORDERED: SECTION 1:** That the Town Council does hereby accept the following gifts of land as provided in sections 2 and 3: a gift of land located at 211 South Flint Rock Road, Hyannis, Massachusetts (Assessor's Map 314 Parcel 1) as shown on a plan entitled "Plan of land of 211 South Flint Rock Road, Hyannis, Massachusetts, Dated January 10, 2017 prepared for Independence Park, Inc. being shown as Parcel 2 thereon consisting of 2+/- acres from Independence Park, Inc. (hereinafter "the Park") and a gift of land located at 56 Communication Way, Hyannis, Massachusetts (Assessor's Map 315 Parcel 40) as shown on a plan entitled "Approval Not Required Plan of land at Communication Way in Barnstable, Massachusetts" by Pesce Engineering & Associates, Inc. dated January 11<sup>th</sup>, 2017 being shown as Parcel 2 thereon, consisting of 113,420 square feet from the Lyndon P. Lorusso Charitable Foundation of 2002 (hereinafter "the Foundation").

**SECTION 2:** Said gifts are to be made by deed delivered following: (a) conveyance of approximately 25.7 acres of land owned by the Lyndon P. Lorusso Charitable Foundation

along Independence Drive and Communication Way to Greystar GP II LLC, a Delaware Limited Liability Company pursuant to a certain purchase and sale agreement dated August 13, 2015, as amended; (b) execution of a Memorandum of Agreement between the Lyndon P. Lorusso Charitable Foundation of 2002 and the Town of Barnstable for the preparation and implementation of the Restoration Plan for the parcel located at 56 Communication Way, Hyannis, MA as required under Section 5.5 of the Amended and Restated Development Agreement by and between Greystar GP II, LLC, the Lyndon Paul Lorusso Charitable Foundation of 2002 and the Cape Cod Commission dated December 1, 2016; and (c) determination by the Town that the acceptance and ownership of the parcels by the Town will not give rise to legal responsibility under Chapter 21E of the general laws.

**SECTION 3:** Said parcels of land shall be held by the Town in perpetuity for open space purposes.

**VOTE: PASSES UNANIMOUS**

**2017-098 ACCEPTANCE OF GRANT IN THE AMOUNT OF \$5,000 FROM THE COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE TO SUPPORT STAKEHOLDER ENGAGEMENT AND COMMUNITY PARTICIPATION EFFORTS AS PART OF THE TOWN'S HOUSING PRODUCTION PLANNING PROCESS INTRO: 02/16/2017**

Elizabeth Jenkins, Interim Planning Director, gave the rationale.

**Councilor questions and comments:**

Need for more information rather than strategy (yes informational as most of work is done)

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council does hereby accept the Community Compact grant award in the amount of \$5,000 from the Commonwealth of Massachusetts Executive Office of Administration and Finance to support stakeholder engagement and community participation efforts as part of the Town's Housing Production Planning process. Further resolved that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

**VOTE: PASSES UNANIMOUS**

**2017-099 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$6,500,000 FOR THE CONSTRUCTION OF A CARBON TREATMENT SYSTEM AT THE MAHER WELLFIELD AND PILOT TESTING FOR 1, 4-DIOXANE TREATMENT INTRO: 02/16/17**

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of **\$6,500,000** be appropriated for the purpose of constructing a carbon treatment system at the Maher wellfield and pilot testing for 1,4-dioxane treatment, including the payment of costs incidental or related thereto, and that to meet this appropriation, the Town Treasurer with the approval of the Town Manager, is authorized to borrow **\$6,500,000**, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, 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.

**VOTE: REFER TO PUBLIC HEARING ON 03/02/2017 - UNANIMOUS**

**2017-100 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I  
GENERAL ORDINANCES, CHAPTER 240 ZONING BY ADDING A GATEWAY  
MEDICAL DISTRICT INTRO: 02/16/17**

Upon a motion duly made and seconded it was

**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 maps entitled:

- "Proposed Amendment to the Town Zoning Map creating the Gateway Medical District" and
- "Proposed Amendment to the Hyannis Zoning Map creating the Gateway Medical District"

dated February 8, 2017, 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**

By amending Section 240-65 that now reads "Signs in B, UB, HB, HO, S&D and SD-1 Districts" to read "Signs in B, UB, HB, HO, S&D, SD-1 and GM Districts."

**SECTION 4**

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 totaling not more than six dwelling units per acre or 12 bedrooms per acre

(2) Permitted accessory uses.

- (a) Automated banking facilities (ATM)

B. Special permits.

(1) Permitted principal uses as follows:

- (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.
- (c) Multifamily housing proposing to create seven or more dwelling units per acre or 13 or more bedrooms per acre and including at least 25% of workforce housing and totaling not more than 12 units per acre. Multifamily housing in the GM District is not required to provide inclusionary housing pursuant to Chapter 9 of the Barnstable Code.

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 <sup>1</sup>	10	20	38	3	80%	-

NOTES:

<sup>1</sup>See also setbacks in Subsection C (1) below.

(1) Setbacks. 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 prior to seeking an Application for a Permit to Access a State Highway from the Massachusetts Department of Transportation, and work with the Town and other authorizing agencies such as 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) Parking at the front of the lot is strongly discouraged. When parking is allowed on the front of the lot, where feasible, it shall be limited to a single row of vehicles and associated turning space. 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 Route 28; and/or
  - [2] Provides an agreement for one or more driveway interconnections that will alleviate traffic on Route 28.
  - [3] Availability of shared parking

D. Site development standards. Site development standards set forth in § 240-24.1.10 shall apply.

(1) Landscaping for multifamily housing. A perimeter green space of not less than 10 feet in width shall be provided, such space to be planted and maintained as green area and to be broken only in a front yard by a driveway and/or entry walk.

**VOTE: REFER TO MARCH 1, 2017 PLANNING BOARD MEETING - UNANIMOUS**

**ADJOURNMENT:**

Upon a motion duly made and seconded it was

**VOTED to adjourn:**

**Adjourned at 8:20 PM**

Respectfully submitted,

Janet E. Murphy  
Assistant Town Clerk

NEXT REGULAR MEETING: **March 2, 2017**

**EXHIBITS:**

- A. Town Manager update for period January 21 through February 16, 2017
- B. Barnstable Airport PowerPoint presentation