



Town Council Meeting  
August 17, 2017



**A** quorum being duly present, Council President Eric Steinhilber called the August 17, 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:** Frederick Chirigotis, James Crocker, Jr., William Crocker, Jr., Jennifer Cullum, Sara Cushing, Debra Dagwan, John Flores, Jessica Rapp Grasseti, Paul Hebert, John Norman, Eric Steinhilber, Philip Wallace. Absent: James Tinsley, Jr.

The Pledge of Allegiance was led by President Steinhilber, followed by a moment of silence.

**PUBLIC COMMENT:**

Patricia Anderson and Deanna Talin from Sea Street Ext. read a letter (Exhibit A) regarding people gaining access to their buildings that are not tenants; neighbors are afraid; reported to the Barnstable Housing Authority (BHA), no one is doing anything about it.

Dolores Lynch wants to know why we do not have medicinal marijuana available in Barnstable. Voted it in five years ago and still no dispensaries near us.

Vincent Mastro spoke about the item to limit land development in the overlay zone in Cotuit. This amendment exceeds the states authorities.

John Julius spoke in full support of the Dockside Residences, we have an opportunity to support this project for the tax benefit; please vote yes.

Close Public Comment

**COUNCIL RESPONSE TO PUBLIC COMMENT:**

In regards to 32 Sea Street Ext., I will look into that issue. Medical marijuana, available on Route 130 in Mashpee; we have been working with 32 Sea St; available to help with these issues; the dispensary, doesn't happen overnight; there are many considerations, where is a safe place for it; it will require training. We owe the people of 32 Sea Street Ext. safe housing; they are our residents. In this area, the Town of Dennis will have one of the first places to distribute medical marijuana.

**TOWN MANAGER COMMUNICATIONS:**

Mark Ells, Town Manager update:

We are aware of issues at Sea Street Ext housing, and have met with the Board of Directors of BHA; the Police have been involved; we will be addressing this issue.

Always working on the Budget

Will be working earlier in the budget cycle with the School Department

Have interviewed a representative for the Cape Tech School Committee position

September 19<sup>th</sup> Special Election to ask the voters for a debt exclusion

Interviewing ongoing for the Assessor's position

Cape Cod Community College - new Science Building

Meeting with Environmental Affairs

Mass DOT project

Lifeguard availability

- Pattie Machado spoke about the new after school program; (Exhibit B)  
Bussing the students to the HYCC  
Grade 6-7 highest risk  
Safe place with a good program
- John Gleason Assistant Recreation director explained the program; free snack;  
homework help; indoor games; five days a week:
- George Noonan explained the daily schedule follows boys and girls club schedule;  
after decompressing, 4 pm rein everyone in; special events; additional help from  
the fire and police departments. Only during school days.

#### **Councilor Comments and Questions:**

In this program, is this for at risk students or all students; [will be open to all] who will give homework help [national honor society students] this has the potential to help build the community, lets keep it moving forward; this is just how it was envisioned; this is the way to help kids get a firm base.

**ACT ON MINUTES:** Upon a motion duly made and seconded it was voted to approve the minutes of the July 20, 2017 meeting.

**VOTE: PASSES 11 YES, ONE ABSTENTION (NORMAN)**

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

Annual festival in West Barnstable; Cotuit Federated Church Craft Event; Recreation Commission awards; and many activities held this summer at the HYCC; Summer evening event with Historic; constituent hour at Sturgis Library; Residential exemption for year round Residents; two openings on Zoning Board of Appeals

- **Update from Robert Sanborn, Superintendent, Cape Cod Regional Technical High School** working to get the message out; PAC is planning to do direct mail and signage; community television; radio; and Barnstable County.
- August 24<sup>th</sup> vote of School Committee
- Need for service workers is acute on Cape Cod
- Voting on October 24<sup>th</sup> 12 Noon to 8 PM in each town
- Renovation versus new building

### **Councilor Comments and Questions:**

Pro Tech School, but this needs to be communicated, the nice little recreation program just described will go away if we don't have the money for the Cape Cod Tech. Make sure people understand that is a yearly figure; are we making the school big enough? [Will continue to communicate; demographics do not speak to a bigger school; flexibility is a big part of the design] when the mailers go out tailor them to the targeted town; explain the 1.6 million is off the budget every year for 30 years. It is always about the money; this is a needed project; what is the ultimate cost; 1.6 plus the current cost per student [assessment was about \$19,000 per student; after the build, \$27,000 per student] that is what we have to explain to the taxpayers; [reimbursement rate is not the full construction rate; 24 million not reimbursable at all;] have to build what you need; major concern if we do not get the debt exclusion; do today's facilities hinder the current students; [not an unsafe environment; it is obsolete but the teachers are making it work] is every student that applies actually admitted to your school [we have a admission schedule] if this does not pass on October 24<sup>th</sup> [try to maintain a partnership with MSBA; we wouldn't give up] what does it look like for the vote [looks good] not going out to bond for two years [cash flow and timing] our concern is the communication to the public, pleased you are going to be out to communicate; how can you help keep the graduates here; [our plan was to get the message out by October] we have to have a positive vote on September 19<sup>th</sup>; [Learn more on the CCRT website] what if the population changes to from 183 to 140 we have already approved this amount [key is the percentage; whatever the cost, it is an annual look, this is not a static number] majority vote on October 24<sup>th</sup> [regardless of how each town votes] talking about two things, the debt for the building project, and the amount per student, which is more than what we pay for our students in our own schools; our cost per student could go much higher; looking for your capital plan for how much this new building is going to cost; [Vocational education is more costly; we were formed to offer that education; we are you!] how much do you spend a year to maintain the facility [will have to get back to you] how do you feel about this project [Mark Marinaccio - MSBA process is based on the educational process; we looked at the cost of renovating this facility; asbestos in the building; a new facility met the goal] [Mark Ells-quickly moved to the new building, due to funding, and the needs; building committee does not look at the impact on the community; should promote the program, speak to the skills the students will learn] this is an option for all of our students, trades are necessary; [Mark Milne, Finance Director vote is a debt exclusion will last for the life of the bond (30 years) and then it goes away. Only the cost for the building is part of the debt exclusion].

### **Presentation by Lindsey Counsell, Chair, Water Resources Advisory Committee, Wastewater Management Plan** Lindsey Counsell gave the overview of the original committee;

Open public hearing

- Casey Danhauser so important, as a sailing instructor I see this issue in Cotuit Bay everyday; really do need to tackle the algae and look at other systems for removal of nitrogen.
- Mike Moynihan nitrogen has a significant detriment in all our bodies of water; the urgency is for maintaining clean water in Barnstable
- Phil Boudreau protect our water resources; protect ponds the water supply and our coastal embayment; caution there is going to be a push/pull situation

Close public comment

Dan Santos, Director of Public Works, went over the Technical piece using a PowerPoint presentation. Where is the nitrogen coming from...top three are:

- Septic Systems, fertilizers and storm water runoff.

**Councilor Questions and comments:**

Draft plan, numbers are high; next critical issue as how do we pay for the first phase? Sounds overwhelming, we can begin to approach the financing of this project; big educational program for the public;

A motion was duly made and seconded to accept the draft report form the WRAC.  
VOTE: Passes unanimous.

**Jump to 2018-016**

**2018-016 APPROPRIATION AND LOAN ORDER RESCISSIONS**

Rationale given by Bud Breault, Airport Manager

Upon a motion duly made and seconded it was

**ORDERED:** That the following previously approved appropriation and loan orders be rescinded:

<u>Council Order</u>		<u>Amount</u>
<b>2015-123</b>	Replacement of Snow Removal Equipment	\$1,075,000
<b>2016-091</b>	Heavy Duty Vehicle Replacement	\$100,000

**VOTE: PASSES UNANIMOUS**

**Jump to 2018-008**

**2018-008 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$2, 077,481.00 FOR THE PURPOSE OF FUNDING THE REHABILITATION AND RECONSTRUCTION OF RUNWAY 15-33, REPLACE RUNWAY 15-33 VISUAL APPROACH SLOPE INDICATOR (VASI) WITH PRECISION APPROACH PATH INDICATOR (PAPI), RE-ALIGN A PORTION OF TAXIWAYS BRAVO AND CHARLIE, REPLACE EMERGENCY BACK-UP GENERATOR IN THE AIRFIELD LIGHTING VAULT INTRO: 07/20/17, 08/17/217**

Rationale given by Bud Breault, Airport Manager  
Open public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

**ORDERED:** That the sum of Two Million Seventy-Seven Thousand Four Hundred Eighty-One Dollars and No cents (**\$2,077,481.00**) be appropriated for the purpose of funding the rehabilitation and reconstruction of Runway 15-33, replace Runway 15-33 Visual Approach Slope Indicator (VASI) with Precision Approach Path Indicator (PAPI), re-align a portion of Taxiways Bravo and Charlie, and replace emergency back-up generator in the airfield lighting vault at the airport; to be added to the amount appropriated under Council Order **2016-090**, and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$2,077,481.00** to be added to the borrowing authorization under Council Order **2016-090**; 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: PASSES 12 YES**

Jump to 2018-015

**2018-015 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$17,848 FOR FISCAL YEAR 2017 SUSTAINED TRAFFIC ENFORCEMENT PROGRAM (STEP) FROM THE EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY, OFFICE OF GRANT AND RESEARCH, HIGHWAY SAFETY DIVISION INTRO: 08/17/17**

Rationale given by Sgt. Jennifer Ellis

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council hereby accepts a grant in the amount of **\$17,848** for Fiscal Year 2017 Sustained Traffic Enforcement Program (STEP) from the Executive Office of Public Safety and Security, Office of Grant and Research, Highway Safety Division

**VOTE: PASSES UNANIMOUS**

Jump 2018-018

**2018-018 ACCEPTANCE OF A GRANT RENEWAL IN THE AMOUNT OF \$42,615 FROM THE MASSACHUSETTS DEPARTMENT OF MENTAL HEALTH INTRO 08/17/17**

Rationale given by Sgt. Jennifer Ellis

Upon a motion duly made and seconded it was

**RESOLVED:** That the Barnstable Town Council does hereby accept a grant renewal in the amount of \$42,615 from the Massachusetts Department of Mental Health entitled: *Training and Technical Assistance Centers, CIT Programs and Other Innovative Police-Based Behavioral health Jail Diversion Program Grant.*

**VOTE: PASSES UNANIMOUS**

**2018-017 AUTHORIZING THE TOWN MANAGER TO EXECUTE A REGULATORY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND SHOESTRING PROPERTIES, LP FOR THE DOCKSIDE RESIDENCES AT 110 SCHOOL STREET AND 53 SOUTH STREET, HYANNIS, MA INTRO: 08/17/17**

Attorney, John Kenny, gave the rationale for his client, Shoestring Properties, LLC

**Council comments and questions:** The recommendations sent by the housing committee were specific, we are concerned you are not adding any new buildings for the Housing Authority, now we see three existing apartments for the Housing Authority; I would find this very hard to vote for at this time; [benefit all of Hyannis, this type of housing would go toward your tax base; there will be three new units] it is not identified in the agreement; a few things may have or have not been agreed upon [Ruth Weil, Town Attorney, some of the agreement we flushed out, on town owned spaces; irrevocable licenses; more specificity about the offsite units; some major issues are still pending] we need to put all the documents together; then start the negotiation process. A subcommittee will put it all together to clean up the deal. Have the first reading after the subcommittee comes forward. This can be referred to a subcommittee to bring back a final report. Can the committee amend the agreement as is? Is the committee going to work on this; to a final regulatory agreement? This shouldn't go any further. We don't want this to be a first reading? Are you looking for a motion to refer this to a subcommittee? Subcommittee can take this up anew and bring it forth to the Council.

**A motion was duly made and seconded to table the item**

**VOTE: PASSES 11 YES, 1 NO (Cushing)**

President Steinhilber will form a subcommittee. Has the Council historically created subcommittees to look at regulatory agreements and make recommendations to staff and the Town Manager? [Ruth Weil, Town Attorney, formerly Director of the Growth Management Department, years ago, drafting the first regulatory agreements the Town Councilors were involved in the planning, and negotiation. Recently, the Council has not been involved. As a contract situation, not a one size always fits all.] Suggestion is to look at the committee process; discover why there is indecision; look at why things are confusing; and how that might prohibit people from doing business in Barnstable. Identify what happened to this item what was addressed and what wasn't addressed. There does need to be a time stamp on this item. [No time stamp yet].

A motion was made and duly seconded to go past 11 o'clock  
VOTE: Passes unanimous

**2017-165 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE III SECTION 33 TO ALLOW FOR SPORTS AND RECREATION FACILITIES; SECTION 35 GROUNDWATER PROTECTION OVERLAY DISTRICTS TO CREATE SPECIAL SITE CLEARING AND STORMWATER REQUIREMENTS FOR SPORTS AND RECREATION FACILITY USES; AND SECTION 128 DEFINITIONS TO DEFINE SPORTS AND RECREATION FACILITY INTRO: 06/15/17, 08/17/17**

Planning and Development Director Elizabeth Jenkins gave the rationale Liza Cox from Nutter McLellan and Fish representing Total Athletics of Cape Cod and the principals Coach Mike Sherman, and Warren Niand (Exhibit C)

Open public hearing seeing no one close public hearing

**Councilor questions and comments:**

Will you be in competition with the HYCC, we need to clarify rink versus rinks [yes] in regards to the ice, you already buy ice time from the HYCC, and will you continue to buy the ice at the HYCC. [Yes, we have had to turn away hockey players because we did not have any ice; we know of 88 hockey players that are traveling off the cape to play hockey] the swimming pool is that a therapeutic pool or a large pool; [it is not a large pool; we think we can bring tournaments to Cape Cod, we benefit each other] This will help us step up to having more people come to the Hyannis, great economic benefit; youth need more activities; this will help the youth, a great attribute to the town.

**AMENDMENT:**

An amendment was made and seconded to remove the word "rinks" in section 2.6. Additionally, in section 3, Sports and Recreation, second sentence "Such facility may include a field house that contains one indoor rink." Adding to the final sentence in that section "shall not have an outdoor ice rink."

Upon a motion duly made and seconded the above amendment:

**VOTE: PASSES 12 YES**

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

That Chapter 240, Article III, §33 “IND Industrial District” of the Zoning Ordinance is hereby amended as follows:

1. Add a new principal permitted use to §240-33A(1), as follows:
  - (g) Sports and Recreation Facility
2. Amend the Bulk Requirements set forth in §240-33E as follows:
  1. Add a footnote 1 to the Minimum Yard Setbacks, Front, which provides:
    1. For Sports and Recreation Facilities, outdoor uses (e.g., fields, tracks, courts and swimming pool, etc.) and their accessory structures with a footprint of less than 2,000 square feet shall have a minimum front yard setback of 20 feet; provided however, that for such outdoor uses which are temporarily (i.e., not more than 182 days) covered by an air-supported or removable bubble/dome, said temporary bubble/dome shall have a minimum front yard setback of 15 feet. Retaining walls (including those used for outdoor climbing) and outdoor field/court lighting for Sports and Recreation Facilities shall not be subject to these setbacks.
  2. Add a footnote 2 to the Minimum Yard Setbacks, Side and Rear, which provides:
    2. For Sports and Recreation Facilities, outdoor uses (e.g., fields, tracks, courts and swimming pool, etc.) and their accessory structures with a footprint of less than 2,000 square feet shall have a minimum side and rear setback of 10 feet; this 10 foot side/rear setback shall also apply to such outdoor uses which are temporarily (i.e., not more than 182 days) covered by an air-supported or removable bubble/dome. Retaining walls (including those used for outdoor climbing) and outdoor field/court lighting for Sports and Recreation Facilities shall not be subject to these setbacks.
  3. After Maximum Building Height, change the footnote from “1” to “3” and add a clause after “whichever is lesser” so that it reads as follows:
  4. Or two stories, whichever is lesser, except that for Sports and Recreation Facilities, the maximum building height shall be 55 feet measured to the highest point on the roof (not including antennas or similar roof fixtures).
  5. Add a footnote 4 after “Maximum Lot Coverage as % of Lot Area” which provides:
  6. For Sports and Recreation Facilities, the following outdoor uses shall not be considered structures included in this calculation: open air solar-mounted carports, fields (grass or turf), courts, tracks, swimming pool, retaining walls, and similar outdoor, open air features; additionally, any such outdoor uses which are temporarily (i.e., not more than 182 days) covered by an air-supported or removable bubble/dome shall not be included in this calculation.

7. Add “except they shall not apply to Sports and Recreation Facilities” to the end of §240-33 F, Special Screening Requirements, so that the section reads as follows:

F. Special screening requirements. The provision of §240-32F herein shall apply to all uses except they shall not apply to Sports and Recreation Facilities.

## **SECTION 2**

That Chapter 240, Article III, §35 “Groundwater Protection Overlay Districts” of the Zoning Ordinance is hereby amended as follows:

1. At the end of both §240-35F(4) and §240-35G(4), Site Clearing provisions in the Wellhead Protection (WP) and Groundwater Protection (GP) Overlay Districts, add the following at the end of the last sentence:

For Sports and Recreation Facilities, the site clearing/natural state requirements shall not apply where the proposed Storm water Management System will be designed and constructed to provide a minimum water quality volume treatment equal to 1 inch times the total impervious area of the post-development site; and to provide treatment to remove at least 44% Total Suspended Solids prior to discharge to the infiltration system. Additionally, a long-term operations and maintenance plan shall be developed and implemented to ensure that storm water management systems function as designed. At a minimum, the plan shall include:

1. Storm water management system(s) owners;
2. The party or parties responsible for operation and maintenance, including how future property owners will be notified of the presence of the storm water management system and the requirement for proper operation and maintenance;
3. The routine and non-routine maintenance tasks to be undertaken after construction is complete and a schedule for implementing those tasks;
4. A plan that is drawn to scale and shows the location of all storm water BMP’s in each treatment train along with the discharge point;
5. A description and delineation of public safety features; and
6. An estimated operations and maintenance budget.

The plan shall be subject to review and approval by the Director of Public Works as a condition of Site Plan Review Approval. Storm water Operation and Maintenance Reports documenting compliance with the plan shall be submitted annually to the Director of Public Works and Director of Planning & Development.

2. At the end of both §240-35F(3) and §240-35G(3), Lot Coverage provisions in the Wellhead Protection (WP) and Groundwater Protection (GP) Overlay Districts, add the following at the end of the last sentence:

For the purposes of this section, a temporary (i.e., not more than 182 days) air-supported or removable bubble/dome over a Sports and Recreation



Facility's outdoor use (e.g., outdoor field, track, court, and swimming pool) shall not be considered a building or structure.

### SECTION 3

That Chapter 240, Article XIII, §128 "Definitions" is hereby amended by adding the following new definition:

**SPORTS AND RECREATION FACILITY** – A facility that offers indoor and outdoor sporting, recreation, physical fitness and training, and athletic competition venues. Such a facility may include multiple structures including a field house that contains **one indoor ice rink**, and one or more playing fields, athletic courts, track space, swimming pool, fitness training centers, locker rooms, batting cages, accessory retail and sports related pro-shops, athletic and fitness training center, including rehabilitation facilities, food concessions and restaurant, child care areas, sports-related museums and memorabilia, accessory office space and community meeting rooms. Such facilities may also contain, outdoor playing fields, tracks and courts, swimming pool, viewing stands, scoreboards, **shall not have outdoor ice rink**, outdoor lighting, and detached comfort stations (restrooms/concessions) and other accessory structures.

**VOTE: As AMENDED, PASSES 12 YES**

<b>2018-002 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 07/20/17, 08/17/2017</b>
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Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Golf Committee:** John Cookson, 85 Waters Edge Road, Marstons Mills, as a regular member to a term expiring 06/30/20; Fred Parker, 50 Osprey Drive, Cotuit as a regular member to a term expiring 06/30/20; **Disability Commission:** Linda McKinney, 327 Lake Elizabeth Drive, Centerville as a regular member to a term expiring 06/30/20; **Renewable Energy Commission:** Sheila Place, 583 Whistleberry Drive, Marstons Mills as a regular member to a term expiring 06/30/19

**VOTE: PASSES UNANIMOUS**

<b>2018-003 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO: 07/20/17, 08/17/2017</b>
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As the WRAC was just disbanded, it was not read into the reappointments.

Upon a motion duly made and seconded it was

**RESOLVED:** That the Town Council reappoint the following individuals to a multiple-member Board/Committee/Commission: **Hyannis Main Street Waterfront Historic District Commission:** Taryn Thoman as a regular member to a term expiring 06/30/20; Brenda Mazzeo as a regular member to a term expiring 06/30/20; Paul Arnold as a regular member to a term expiring 06/30/20; **Library Committee:** Lois Cronin as a regular member to a term expiring 06/30/18; Suzanne Kelly as a regular member to a term expiring 06/30/18; Chrystal Lapine as a regular member to a term expiring 06/30/18; **Planning Board:** Mary Barry as a regular member to a term expiring 06/30/20; **Zoning Boards of Appeals:** Matthew Levesque as a regular member to a term expiring 06/30/20

**VOTE: AS AMENDED PASSES UNANIMOUS**

**2018-009      APPROPRIATION ORDER IN THE AMOUNT OF \$163,800.00  
COMMUNITY PRESERVATION FUNDS FOR HARD AND SOFT COSTS ASSOCIATED  
WITH RESTORATION WORK TO THE CENTERVILLE RECREATION BUILDING  
LOCATED AT 524 MAIN STREET, CENTERVILLE, MA INTRO: 07/20/2017, 08/17/17**

Rationale given by Lindsey Counsell, Town Architect, Mark Marinaccio, used a Power Point program to explain the changes.

Open public hearing seeing no one close public hearing

Upon a motion duly made and seconded it was

**ORDERED:** That, pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of One Hundred Sixty-three Thousand Eight Hundred and NO/100 (\$163,800.00) dollars be appropriated and transferred from the undesignated amount in the Community Preservation Fund and that the Town Manager is authorized to contract for and expend the appropriation made available for preservation, rehabilitation and restoration work on the historic resource consisting of the Centerville Recreation Building, 524 Main Street, Centerville, including the replacement of failed metal windows with historic wood replicated windows, installation of schoolhouse lighting and the repair of the ceilings subject to oversight by the Community Preservation Committee.

**VOTE: PASSES UNANIMOUS**

**2018-014      AMENDING CHAPTER 240 OF THE ZONING ORDINANCE TO LIMIT  
LAND CLEARANCE WITHIN THE GROUND MOUNTED SOLAR PHOTOVOLTAIC  
OVERLAY DISTRICT INTRO: 07/20/2017, 08/17/2017**

Planning and Development Director, Elizabeth Jenkins gave the rationale.

Open public hearing

Don Campbell my concern is that it doesn't seem to be needed; you have a mechanism in place to say no to any project. Why make a legal restriction on property owned by the water districts? This came up so fast, have the other water districts been notified about this legislation? It seems like overkill.

Close public hearing

**Councilor questions and comments:**

This is about water protection; this does not put limits on what you can do on your property; this only pertains to a zoning change for a solar farm. This was presented back in the winter about zoning changes required to do ground mounted solar overlay district (GMSOD), no other's chose to do this except Cotuit. This is about water quality. Part of a letter from Janet Milkman was read into the record (Exhibit D). From a zoning perspective, uncomfortable about adding the definition of land clearing; if a resident goes before the land court; they can use this sweeping definition to have a Judge support their appeal as it is written. [Ruth Weil, Town Attorney, this definition is very specific to this section] Land court Judge could be hearing a case and could pull from other sections of our zoning by-laws and use this as a generic interpretation of our zoning. This is only has to do with the GMSOD. Does removing the land clearing definition change this item; this only has to do with the GMSOD, we wanted to define land clearing. Are we destroying the purpose for this item? This prohibits clearing the land for GMSOD only. [Ruth Weil use of the word "exclusively" this pertains only to the GMSOD] Once it has been defined, you never know what is going to happen when zoning goes before a Judge, although it appears to be very specific.

An amendment was made and seconded to strike the definition of land clearing

**VOTE: PASSES 8 YES, 4 NO (W. Crocker, Dagwan, Rapp Grassetti, Wallace)**

Upon a motion duly made and seconded it was

**ORDERED:**

**Section 2.**

That Chapter 240, Article V, Section 240-44.2(L)(2) of the Zoning Ordinance is hereby amended by adding subsections a through c thereunder as follows:

- a. Land clearing is prohibited within 800 feet from the outer boundary of any Zone I protective radius around a public water supply well or Wellfield established by 310 CMR 22.
- b. Land clearing in excess of two contiguous acres in connection with any single installation is prohibited.
- c. No such installation shall be segmented or broken into separate ownerships so as to avoid the prohibitions of (a) and (b) above.

So as revised Section 240-44.2(L)(2), shall read as follows:

(2) Land clearing, soil erosion and habitat impacts. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale, ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

- a. Land clearing is prohibited within 800 feet from the outer boundary of any Zone I protective radius around a public water supply well or Wellfield established by 310 CMR 22.
- b. Land clearing in excess of two contiguous acres in connection with any single installation is prohibited.
- c. No such installation shall be segmented or broken into separate ownerships so as to avoid the prohibitions of (a) and (b) above.”

**Section 3.**

That Chapter 240, Article V, Section 240-44.2(E)(2)(a)[2] of the Zoning Ordinance is hereby amended by inserting the following second sentence therein as follows: “The square footage of each disturbed area shall be identified on a plan and details of any site alteration, including number and species of trees to be removed, shall be provided.”

So as revised Section 240-44.2(E) (2) (a) [2] shall read as follows

“[2] Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures. The square footage of each disturbed area shall be identified on a plan and details of any site alteration, including number and species of trees to be removed, shall be provided.”

**Section 4.**

That Chapter 240, Article V, Section 240-44.2(H) of the Zoning Ordinance is hereby amended by striking out the word “Nstar” and inserting in its place the word “EVERSOURCE.”

**VOTE: As AMENDED PASSES 12 YES**

**2018-019 APPROPRIATION ORDER IN THE AMOUNT OF \$200,000.00  
COMMUNITY PRESERVATION FUNDS FOR COMMUNITY HOUSING SUPPORT  
INTRO: 08/17/17**

Upon a motion duly made and seconded it was

**ORDERED:** That pursuant to the provisions of the Community Preservation Act, G.L. c 44B, the sum of Two Hundred Thousand and No/100 (\$200,000.00) Dollars be appropriated and transferred from the amount set aside for Community Housing in the Community Preservation Fund; and that the Town Manager is authorized to expend the amounts appropriated to continue support of the Accessory Affordable Apartment Community Preservation Act (CPA) Loan Program originally funded by appropriation of **\$200,000.00** on February 28, 2013 under agenda item number **2013-072** which has been fully expended and execute, deliver, accept and record any documents for the purposes authorized herein.

**VOTE: referred to a public hearing on 9/7/17-unanimous**

**2018-020 APPROPRIATION ORDER IN THE AMOUNT OF \$84,284.00  
COMMUNITY PRESERVATION FUNDS FOR RESTORATION WORK TO THE  
BURGESS HOUSE AND BARN, 559 RT. 149, MARSTONS MILLS, MA INTRO: 08/17/17**

Upon a motion duly made and seconded it was

**ORDERED:** That, pursuant to the provisions of the Community Preservation Act, G. L. c 44B, the sum of Eighty-Four Thousand Two Hundred Eighty-Four and NO/100 (**\$84,284.00**) be appropriated and transferred from the amount set aside for historic preservation in the Community Preservation Fund and that the Department of Public Works is authorized to contract for and expend the appropriation made available for preservation, rehabilitation and restoration work on the historic resource consisting of the Burgess House and Barn buildings, 559 Route 149, Marstons Mills, including the restoration of existing windows, foundation work, replacement of gutters and downspouts, replication wood picket fence, American Disability Act (ADA) walks and building access, and lighting.

**VOTE: referred to a public hearing on 9/7/17-unanimous**

**2018-021 APPROPRIATION ORDER IN THE AMOUNT OF \$78,024.00  
COMMUNITY PRESERVATION FUNDS, FOR STURGIS LIBRARY PRESERVATION OF  
THE HISTORIC BARNSTABLE PATRIOT NEWSPAPER INTRO: 08/17/17**

Upon a motion duly made and seconded it was

**ORDERED:** That, pursuant to the provisions of the Community Preservation Act, G.L. c. 44B, the sum of Seventy-Eight Thousand Twenty-Four and NO/100 (**\$78,024.00**) dollars be appropriated and transferred from the amount set aside for historic preservation in the Community Preservation Fund, and that the Town Manager is authorized to expend the amount appropriated Community Preservation Commission for the purpose of preserving the historic Barnstable Patriot Newspaper by digitizing the remaining copies held by the Sturgis Library to be bound by restrictions, easements or other security for public benefit.

**VOTE: referred to a public hearing on 9/7/17-unanimous**

**2018-022 PETITION SUBMITTED BY VOTERS OF THE TOWN OF BARNSTABLE  
REQUESTING THAT THE FOLLOWING NONBINDING PUBLIC OPINION ADVISORY  
QUESTION TO BE PLACED ON THE BALLOT FOR THE TOWN ELECTION TO BE  
HELD ON NOVEMBER 07, 2017. INTRO: 08/17/17**

Town Clerk, Ann Quirk gave the rationale

**Councilor questions and comments:** All other towns on the Cape voted for this; voters requested this; this is a safety issue; not sure the language is strong enough; time schedule too vague; fuel rods into dry casks will happen after June 2019, we have to wait for the plant to close; we are letting the Governor know we want this done.

Upon a motion duly made and seconded it was

**ORDERED:** That the Town Council directs the Town Clerk to cause the following nonbinding public opinion advisory question to be placed on the ballot for the Town election to be held on November 07, 2017:

Should the people of the Town of Barnstable, MA direct the town's government to communicate with Governor Baker to employ all means available to ensure spent nuclear fuel generated by the Pilgrim Nuclear Power Station be placed in secure dry casks as soon as technically feasible and consistent with the highest standards, ready to be moved to a permanent federal facility when available in order to protect the health, welfare, and economic interests of the Town of Barnstable, MA and its inhabitants and visitors?

Yes \_\_\_\_\_

No \_\_\_\_\_

**VOTE: PASSES UNANIMOUS**

<b>2018-023</b>	<b>APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:</b>
<b>08/17/2017</b>	

**RESOLVED:** That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Cultural Council:** Lynne Belifore, 291 River Road, Marstons Mills as a regular member to a term expiring 06/30/20; **Human Services Committee:** Deborah Krau, 10 Pram Road, Hyannis as a regular member to a term expiring 06/30/19; **Planning Board:** Jeffrey Swartz, 132 Scudder Bay Circle, Centerville, as a regular member to a term expiring 06/30/20; **Youth Commission:** Sean Dowling, c/o Hyannis Youth and Community Center, Hyannis as a regular member to a term expiring 06/30/18;

**VOTE: referred to a second reading on 9/7/17-unanimous**

<b>2018-024</b>	<b>REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:</b>
<b>08/17/2017</b>	

**RESOLVED:** That the Town Council reappoints the following individuals to a multiple-member Board/Committee/Commission: **Community Preservation Committee:** Terry Duenas as a regular member to a term expiring 6/30/20; **Comprehensive Financial Advisory Committee:** Ralph Krau a regular member to a term expiring 6/30/20; **Library Committee:** Lili Seely as a regular member to a term expiring 6/30/18; **Zoning Board of Appeals:** David Hirsch as a regular member to a term expiring 6/30/20;

**VOTE: referred to a second reading on 9/7/17-unanimous**

**VOTE: ADJOURNMENT:**

Upon a motion duly made and seconded it was

**VOTED to adjourn:**

**Adjourned at 12:08 AM**

Respectfully submitted,

Ann M Quirk, CMC/CMMC  
Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: September 7, 2017

**EXHIBITS:**

- A. Sea Street Ext. Tenants
- B. Barnstable Recreation
- C. Proposed Total Athletics
- D. GMSOD