



Town Council Meeting
September 7, 2017



A quorum being duly present, Council President Eric Steinhilber called the September 7, 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, 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. **ABSENT:** James Crocker, Jr.

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

PUBLIC COMMENT: Seeing no one close Public Comment.

TOWN MANAGER COMMUNICATIONS:

Mark Ells, Town Manager update: (EXHIBIT A)

- Budget Calendar
- Cape Cod Technical School
- Interviews for Assessor position
- Future water supply wells
- Business in Barnstable
- Customer Service Policy
- Growth and Incentive Zone
 - Paul Niedzwiecki, Executive Director of Cape Cod Commission discussed the housing study and mentioned they have received 1100 responses. He noted the Hyannis incentive zone, Route 132 and the four major retail plazas. He suggested no cumulative thresholds, eliminate offset requirements and eliminate 10 year timeline. He felt the Commission and the Town had a great partnership.

Councilor Comments and Questions:

What is the trend in retail? (Move to smaller Amazon model – conventional malls and strip malls are dying) Did you reach out to civic associations (Yes reached out to all civic associations) Issue with removing ten year timeline (Amendable to sunset the ten year timeline)

ACT ON MINUTES: Upon a motion duly made and seconded it was voted to approve the minutes of the August 17, 2017 meeting.

VOTE: PASSES UNANIMOUS

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

Village Day September 10th; Hyannis Open Street day Sunday September 17th 12-5 P.M.; Saturday, Sunday, September 9th West Barnstable coffee social; September 11 and September 12th Centerville Village discussions regarding the Cape Cod Regional Technical School vote.

Jump to 2018-023

2018-023 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION
INTRO: 08/17/17, 09/07/17

Councilor Norman asked for a floor nomination – Melvin Pauze for Board of Assessors
Upon a motion duly made and seconded Melvin Pauze was nominated to fill a vacancy on the Board of Assessors.

VOTE: PASSES UNANIMOUS

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: **Cultural Council:** Lynne Belfiore, 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: PASSES UNANIMOUS

2018-024 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION
INTRO: 08/17/17, 09/07/17

A motion was made and duly seconded it was

RESOLVED: That the Town Council reappoints the following individuals to a multiple-member Board/Committee/Commission: **Community Preservation Committee:** Lindsey Counsell, as a regular member to a term expiring 6/30/20; 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: PASSES UNANIMOUS

Jump to 2018-019

2018-019 APPROPRIATION ORDER IN THE AMOUNT OF \$200,000.00
COMMUNITY PRESERVATION FUNDS FOR COMMUNITY HOUSING SUPPORT.
INTRO: 08/17/17, 09/07/17

Rationale given by Lindsey Counsell, Chair of the Community Preservation Committee, explained this agenda item was a continuation of loans for eligible affordable rental

housing. Arden Cadrin, Housing Coordinator for the Planning and Development Department discussed these loan programs. She mentioned Accessory Affordable Apartment Program (AAP) was adopted by Council in 2000. These loans were to refurbish the funds to help create ten new affordable housing rental units.

Councilor questions and comments:

How much are the loan amounts? (Maximum is \$20,000 with matching funds) Any monitors on these rental units? (Yes the income of the tenant and copies of the leases) Are there any restrictions on the loans? (Yes the rental must be rented to a non-family member)

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: 12 YES PASSES

<p>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, 09/07/17</p>
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Rationale given by Lindsey Counsell, Chair of the Community Preservation Committee, he spoke about the different phases of the restoration. Mark Marinaccio, Town Architect discussed the PowerPoint presentation. He mentioned there was no significant ocean frontage. He added the original house and barn were associated with the park.

Open public hearing

Bob Frazee thanked Council for appropriating the funds for the restoration work.

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 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: 12 YES PASSES

**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, 09/07/17**

Rationale given by Lindsey Counsell, Chair of the Community Preservation Committee, introduced Lucy Loomis, Sturgis Library Director; she discussed the library and its collaboration with other municipalities. David Still, former editor of the Barnstable Patriot, spoke about the invaluable need to keep both papers to document both sides of history. Barry Paster, former owner of the Register of Yarmouth, explained the history of the two papers. T.C. Carter, spoke about the software which utilized Optical Character Recognition, this technology made it easy to search and find information.

Open public hearing

Bob Fraizee thanked Council for appropriating the funds for the preservation of historical Barnstable Patriot Newspaper.

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 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: 12 YES PASSES

**2018-025 REPEAL OF CHAPTER 115 OF THE GENERAL ORDINANCES, HOURS
OF OPERATION OF BUSINESSES INTRO: 09/07/17**

ORDERED: That the Town Council amends the General Ordinances of the Town of Barnstable by repealing Chapter 115, Hours of Operation of Businesses.

VOTE: REFERRED TO PUBLIC HEARING ON 09/28/2017 - UNANIMOUS

**2018-026 RESOLVE ACCEPTANCE OF TWO EASEMENTS FOR BEARSE ROAD
WIDENING AND PUBLIC SIDEWALK, HYANNIS INTRO: 09/07/2017**

Rationale given by Mark Ells, he discussed the changes to Bearse Road; the airport rotary, and the CVS Pharmacy/Citizens Bank.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council on behalf of the Town accepts the grant of two easements as shown on the attached plan, one for widening Bearse Road by three feet and the other for a sidewalk along the airport rotary; and that the Town Manager is authorized to execute, receive, deliver and record any written instruments for the stated purpose.

VOTE: PASSES UNANIMOUS

**2018-027 AMENDING CHAPTER 240-16.1 OF THE ZONING ORDINANCE
MULTIFAMILY AFFORDABLE HOUSING (MAH) RESIDENTIAL DISTRICT INTRO:
09/07/17**

ORDERED:

Section 1.

That Section 240-16.1D of the Zoning Ordinance (Bulk regulations) is hereby amended by striking out footnote “1” and renumbering footnote “2” as footnote “1”.

So as revised Section 240-16.1D shall read as follows:

D.

Bulk regulations

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Minimum Lot Width (feet)	Minimum Setbacks (feet)			Yard Rear	Maximum Building Height ¹ (feet)
				Front	Side	Rear		
MAH	87,120	200	—	60	30	30	30	

NOTES:

¹Height shall be measured from the grade plane to the plate.

Section 2.

That Section 240-16.1E of the Zoning Ordinance (Density requirements) is hereby amended by striking out the existing Section 240-16.1E and substituting in place thereof the following

“E.

Density requirements- The total number of residential units allowable within a Multifamily Affordable Housing Development (MAHD) shall not exceed 16 per acre of upland. “

Section 3.

That Section 240.16.1F of the Zoning Ordinance is hereby amended as follows:

By striking out the parenthetical phrase at the end of the second sentence of Section 240.16.1F(6) “(with the exception that development under this section providing off-site inclusionary housing in conjunction with a senior continuing care retirement community shall not be required to provide services offered within the senior continuing care facility).”

By striking out the second sentence in Section 240.16.1F (8) which reads: “When the multifamily affordable housing development is proposed to satisfy the inclusionary

requirements for a senior continuing care retirement community, phasing shall be as determined by the SPGA”

By striking out the word “Affordable” before “Housing Inventory” in Section 240.16.1F (10) and substituting in its place the phrase “DHCD Subsidized”.

By striking out Section 240.16.1F (7) and Section 240.16.1F (11) and renumbering the remaining paragraphs.

So as revised Section 240-16.1F shall read as follows:

F.

Affordable units- At least 25% of the dwelling units shall be affordable units, subject to the following conditions:

(1)

All affordable units shall remain affordable, as defined herein, in perpetuity. A use restriction shall assure this condition. The use restriction shall be structured to survive any and all foreclosures.

(2)

The continuing enforcement of the use restriction through subsequent resale of the affordable units shall be the subject of a monitoring agreement.

(3)

The use restriction and the monitoring agreement shall be drafted in compliance with the Local Initiative Program (LIP), and guidelines promulgated thereunder. The use restriction and the monitoring agreement shall be subject to review and approval by the Planning Board and approved as to form by the Town Attorney's office prior to the issuance of any building permits for any dwelling unit.

(4)

The affordable unit shall conform to all Department of Housing and Community Development (DHCD) standards that must be met to qualify these units for inclusion in the DHCD Subsidized Housing Inventory (SHI).

(5)

A right of first refusal upon the transfer of such affordable units shall be granted to the Town or its designee for a period of not less than 120 days after notice thereof.

(6)

Affordable units shall not be segregated within the MAHD. The affordable units shall satisfy the design and construction standards and guidelines of the Local Initiative Program with regard to distinguishability from market rate units. It is the intent of this section that the affordable units shall be eligible for inclusion in the DHCD Subsidized Housing Inventory as LIP units.

(7)

Affordable units shall obtain occupancy permits issued at the rate of one affordable unit for every four market rate units.

(8)

In computing the number of required affordable units, any fraction of a unit shall be rounded up, and the result of this computation shall be the number of affordable units

required to be built within the MAHD. Affordable units shall only be located within any development permitted under this provision. This standard is not subject to variance.

(9)

No occupancy permit shall be granted unless the affordable dwelling units have been approved by the DHCD as eligible for the DHCD Subsidized Housing Inventory under the Local Initiative Program (LIP) Guidelines.”

Section 4.

By striking out in Section 240.16.11 (Definitions), the definition of
VOTE: REFERRED TO PLANNING BOARD - UNANIMOUS

VOTE ADJOURNMENT:

Upon a motion duly made and seconded it was
VOTED to adjourn:

Adjourned at 8:35 P.M. respectfully submitted,

Janet E. Murphy
Town Clerk/Town of Barnstable

NEXT REGULAR MEETING: September 28, 2017

EXHIBITS:

A. Town Manager Update dated August 18, 2017 through September 7, 2017.