



Town of Barnstable

Town Council

367 Main Street, Village of Hyannis MA 02601

508.862.4734 • Fax 508.862.4770

E-mail: council@town.barnstable.ma.us

www.town.barnstable.ma.us



Councillors:

Janet S. Joakim
President

Frederick Chirigotis
Vice President

Richard G. Barry
Janice L. Barton
Ann A. Canedy
James H. Crocker, Jr.
Leah C. Curtis
Henry C. Farnham
J. Gregory Milne
James F. Munafo, Jr.
Tom Rugo
James M. Tinsley, Jr.
Harold E. Tobey

Administrator:
Donald M. Grissom

Administrative
Assistant:
Barbara A. Ford

TOWN COUNCIL MEETING AGENDA January 17, 2008 7:00 PM

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
 - **Joint Meeting with School Committee (in accord with Section 6-1 of the Town Charter)**
- 4. PUBLIC COMMENT (May be limited to 2 minutes)**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. ACT ON MINUTES**
- 7. COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS**
- 8. ORDERS OF THE DAY**
 - A. OLD BUSINESS**
 - B. NEW BUSINESS**
- 9. TOWN MANAGER COMMUNICATIONS**
- 10. ADJOURNMENT**

NEXT MEETING FEBRUARY 7TH

ITEM NO.	INDEX TITLE	PAGE
A. OLD BUSINESS		
2008-057	- Amendment to the Zoning Ordinance & Zoning Map – SCCROD (Continued Joint Public Hearing-with Planning Board - May be acted upon) (Roll Call – 2/3)	3 - 10
2008-068	Amendment to the Zoning Ordinance & Zoning Map - Creating a Recreational Shellfish Area and Shellfish Relay Overlay District (Joint Public Hearing with Planning Board – may be acted upon) (Roll Call 2/3)	11 – 13
2008-077	An Amendment the Zoning Ordinance & Map - Creating a Multi-Family Affordable Housing District (Joint Public Hearing with Planning Board – May be acted upon) (Roll Call 2/3)	14 - 17
B. NEW BUSINESS		
2008-074	Acceptance & Transfer Order – Land Management & Wildfire Grant	18 - 19
2008-076	Amendment to Chapter 76 of the General Code – Schedule of Fees (Refer to Public Hearing on February 7, 2008)	20 – 28
2008-078	Acceptance of an Arts Foundation of Cape Cod Grant	29 – 30
2008-079	Acceptance of FY08 Traffic Enforcement Training Grant	31 – 32
2008-080	Acceptance of FY08 Statewide Telecommunications Board Training Grant.....	33 - 34
2008-081	Acceptances of gifts for a boundless playground in W. Barnstable	35 - 37
2008-082	Authorization to enter into a lease agreement with the Lombard Trust.....	38 - 39

Minutes of Barnstable Town Council Meeting of December 20, 2007

Please Note: It is possible if it so votes, that the Council may go into executive session and the Council may act on items in a different order than they appear on this agenda.

A. OLD BUSINESS (Continued Joint Public Hearing with the Planning Board - may be acted upon) (Roll Call-2/3)

BARNSTABLE TOWN COUNCIL

ITEM# 2008-057

INTRO: 11/15/07, 12/06/07, 01/17/08

2008-057 AMENDMENT TO ZONING ORDINANCE – SENIOR CONTINUING CARE RETIREMENT COMMUNITY OVERLAY DISTRICT

ORDERED:

SECTION 1

That Chapter 240, Article III of the Zoning Ordinance, Section 240-29, Senior Continuing Care Residential Community Overlay District, is amended to read as follows:

240-29 Senior Continuing Care Retirement Community Overlay District - SCCRCOD

240-29.1: Purpose: The purpose of this section is to encourage the development of residential communities designed to offer shelter, convenience, services, and personal medical care, including nursing facility services, to senior persons while providing adequate and economical provision of streets, utilities, and public spaces and preserving the natural and scenic qualities of the open areas. These facilities shall offer a continuum of care, ranging from independent living to assisted living and nursing home care that reflects the changing needs of their residents. In addition, it is the purpose of this section to allow for the creation of Inclusionary off-site units that are consistent with the provisions of Chapter 9 of the Barnstable Code, with the exception of any provision that requires that units shall be provided on-site.

240.29.2: Definitions: The following definitions shall apply to this Section 29.2.

Applicant: The person or persons, including a corporation or other legal entity, who applies for approval of a Senior Continuing Care Retirement Community Overlay District (SCCRCOD) hereunder. The Applicant must own, or be the beneficial owner of, all the land included in the proposed SCCRCOD, or have authority from the owner(s) to act for the owner (s) or hold an option or contract duly executed by the owner(s) and the Applicant giving the latter the right to acquire the land to be included in the site.

Assisted Living Units: Residential living units in which supportive services are offered for individuals who need assistance in activities of daily living.

Building Height: Building height shall be measured as the vertical distance from the grade plane to the average height of the highest roof plane that also has the highest ridgeline.

Building Story: The vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

Continuing Care Retirement Community: A facility which may include a wide range of housing types including studio, one, two, and three, bedroom apartments, townhouses, duplexes, clusters or single family homes and which offers a continuum of services ranging from in-home

services to on-site nursing home care. The facility shall include independent living units, assisted living units, and skilled nursing home facilities. The facility may include accessory uses for the benefit of the residents which accessory uses are subordinate and incidental to the Continuing Care Retirement Community as determined by the Town of Barnstable Planning Board. Other than nursing home beds, the facility shall meet the Town's Inclusionary Ordinance, Chapter 9 of the Barnstable Code, requiring that 10% of the units be affordable as "affordable" is currently defined under Chapter 9, however, such affordable units may be provided off-site consistent with the provisions of this section.

Grade Plane: A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. The reference plane shall be established by using the lowest points of grade within the area between the building and a point six feet from the building.

Senior Person: Person aged 55 or older or in the case of a couple, one spouse must be over the age of 55. It may include a developmentally disabled adult person under the age of 55.

Special Permit Granting Authority: For the purposes of this section, the Barnstable Planning Board shall be the Special Permit Granting Authority.

Nursing Home or Skilled Nursing Facility: Any dwelling or building with sleeping rooms for people who are housed or lodged with meals and nursing care for hire, as licensed by the Massachusetts Department of Public Health under MGL c 111 § 71-73 as amended.

Visitability: Shall mean that a dwelling unit has: a) no steps between the exterior walking surface and interior first floor level; b) one external door at least three (3) feet wide; c) all first floor passage doors at least 2 feet 8 inches wide; and d) at least one toilet room on first floor. This requirement shall not apply to off-site inclusionary units.

240-29.3: Senior Continuing Care Retirement Community Overlay District: The SCCRCOD is an overlay district that allows a continuing care retirement community as a use by special permit and which overlay district may be superimposed on any parcel(s):

a. for Senior Continuing Care Retirement Communities – on five (5) acres or more of contiguous upland in any zoning district deemed appropriate as determined by the Town of Barnstable Planning Board, consistent with this section. Where the SCCRCOD authorizes uses not otherwise allowed in the underlying district, the provisions of the SCCRCOD shall control.

b. for off-site inclusionary units – on 2.75 acres or more of contiguous upland in any zoning district deemed appropriate as determined by the Town of Barnstable Planning Board, consistent with this section. Off-site, inclusionary units directly related to the development of a Senior Continuing Care Retirement Community shall consist of multifamily building(s) on lots with a minimum of 2.75 acres of contiguous upland lot area, connected to the municipal sewage treatment plant, and proposed as a redevelopment or replacement of an existing building in existence as December 6, 2007, which building or buildings have been used and licensed as a nursing home or skilled nursing facility within ten (10) years of the date of application for any special permit. Inclusionary units are not required to meet the definition of a continuing care retirement community.

Where the SCCRCOD authorizes uses not otherwise allowed in the underlying district, the provisions of the SCCRCOD shall control.

240.29, 4: Location: The SCCRCOD is to be shown on the Official Zoning Map of the Town of Barnstable.

240.29.5: Concept Plan: Prior to the rezoning of any property proposed for development as a Senior Continuing Care Retirement Community, and, upon application, the development of off-site inclusionary units directly related to a Senior Continuing Care Retirement Community for inclusion in the SCCRCOD and as part of a petition for such rezoning, one or more schematic plan(s), called for purposes of this Section, a "Concept Plan", shall be filed by the applicant with the Planning Board for review at least twenty-one (21) days prior to a regularly scheduled meeting of the Planning Board. The Concept Plan shall be consistent with the provisions of this SCCRCOD ordinance. In deliberation on approval of a Concept Plan, the Planning Board shall give consideration to the Town of Barnstable Local Comprehensive Plan. The purpose of the Concept Plan is to ensure that the overall development scheme is consistent with Town policies and plans; adequately protects natural resources; provides safe traffic circulation consistent with the adjacent roadway network that also ensures adequate access to the development; and to ensure that the development is arranged to provide maximum protection of its residents from nuisance and hazard.

240.29.5.1: The Concept Plan shall include:

- a. A schematic site development plan showing in general, the location and square footage of all proposed buildings, general site grading, parking, landscaping, roads, walkways and access ways, open space, wetlands, lighting and signage;
- b. A general breakdown of building types: single family, two family, multi family and accessory structures, including total number of bedrooms for the entire development;
- c. A schematic subdivision plan(s), if applicable;
- d. Specific floor plans, building plans or other detailed construction documents are **not** required at the Concept Plan stage; however, floor plans or other documents may be required regarding off-site inclusionary units in order to allow the Barnstable Planning Board to determine whether such units are provided on or off site.

240.29.5.2: The Barnstable Planning Board will notify the public of the time and date of the public meeting on the Concept Plan. Thereafter, the Barnstable Planning Board shall determine that (i) the Concept Plan has been approved; or (ii) the Concept Plan has been approved subject to modifications; or (iii) the Concept Plan has been disapproved. The Barnstable Planning Board shall provide to the applicant in writing the reasons for any denial of approval of the Concept Plan. The determination of the Barnstable Planning Board of the approvability of the Concept Plan shall be the basis for a recommendation to the Town Council for the rezoning petition.

240.29.6: Map Amendment: In order for approval of a SCCRCOD the applicant, after first having received a decision from the Planning Board on the approvability of its Concept Plan, must file a petition for the amendment of the Town of Barnstable Zoning Map for inclusion of the subject parcel(s) within the SCCRCOD.

240.29.7: Application for Special Permit. After successful rezoning of a SCCRCOD, an application for a special permit shall be submitted to the Planning Board within six months from the effective date of such rezoning. In the event the SCCROD rezoning approves both a Senior Continuing Care Retirement Community and an off-site inclusionary multifamily development, the applicant shall submit a separate special permit request for each development proposal. The Planning Board may grant extensions for the time of filing for a special permit as may be deemed appropriate due to the size and scope of the proposed development. The application for special permit shall be submitted on forms furnished by the Planning Board, accompanied by the following:

- a. A site plan in accordance with the Town of Barnstable site plan review regulations §§240-98 through 240-105 indicating the planned location of buildings and their use, off-street parking areas, driveways, easements, walks, the location, type and height of walls, and the extent of landscaping or other treatment for the protection of adjacent properties;
- b. Building plans and elevations for all buildings and structures as may be required to fully describe the project.
- c. A tabulation of the areas of the proposed site elements, (including footprints and gross floor area), including total number of buildings, number of bedrooms, accessory structures; parking structures and surface parking areas (square footage and number of parking spaces) and stormwater management areas.
- d. Information pertaining to the proposed entity that is to manage the SCCRCOD and the type of operating agreement contemplated.
- e. If a subdivision is proposed, then all documents as required for the subdivision shall be reviewed during the Special Permit process.
- f. A narrative detailing the services to be provided to the residents and the staff to be employed to provide those services.
- g. Description of all proposed accessory structures and uses.
- h. Building phasing schedule, if applicable.
- i. Description of any green building construction techniques being used including a description of how maximum water and energy efficiencies will be achieved.
- j. A landscape plan signed and stamped by a Massachusetts certified landscape architect.
- k. Proposed signage, consistent with the requirements of the underlying zoning district.
- l. Plans detailing provision for wastewater disposal.
- m. Description of any infrastructure improvements that may be necessary to provide for the project.
- n. Additional information as may be required by the Planning Board as reasonably necessary to making the determinations required by this section.

240.29.8: Joint Cape Cod Commission Review

- a. Upon a determination by the Building Commissioner that an application for site plan review for a development requiring a special permit under the SCCRCOD constitutes a Development of Regional impact (DRI) under Section 12(h) of the Cape Cod Commission Act, 1990 Mass. Acts, Ch. 716, a referral shall be made to the Cape Cod Commission, accompanied by a request that a joint review process of the proposed development be established between the Cape Cod Commission and the Planning Board.
- b. The joint review process shall include joint hearings between the Planning Board and the Cape Cod Commission, as feasible.

240.29.9: Standards: In order to be eligible for consideration for a special permit, the proposal must contain parcels included in the SCCRCOD and shall meet all of the following standards:

- a. **Compliance with Applicable Regulations and Standards:** In the case of a subdivision, all plans and development shall comply with all applicable standards of the Planning Board's Subdivision Rules and Regulations, including such waivers as may be granted by the Planning Board.
- b. **Bulk Regulations:** For all lots within the SCCRCOD the minimum lot area shall be 217,800 sq. ft. of contiguous upland, however, for off-site inclusionary developments the minimum lot area shall be 2.75 acres of contiguous upland. For all lots and buildings within the SCCRCOD, the density, minimum lot frontage, property line and road layout setbacks, minimum building height and number of stories and minimum building separation requirements of the underlying zoning district shall apply unless the Planning

Board finds that a waiver of any of those requirements is beneficial to create a SCCRCOD which better preserves open space without creating adverse environmental or aesthetic impacts or facilitates the delivery of services to senior persons or provides benefits which outweigh any detriments or provides sufficient mitigation to offset impacts.

c. **Parking:** parking shall be provided as follows:

SCCRCOD Uses	Minimum	Guest Space
Independent Living Dwelling Unit	.75 per dwelling unit	.5 per dwelling unit
Assisted Living Dwelling Unit	.5 per dwelling unit	.5 per dwelling unit
Skilled Care Facility	.5 per bed	.5 per bed
Employee – Dwelling Unit Administration	.75 per 5 dwelling units	N/A
Employee – Skilled Care Facility	.5 per bed	N/A

d. **Waiver of Parking Requirements:**

The Planning Board may waive the number of parking spaces required for the above listed uses upon a finding that the applicant has provided a parking demand analysis that adequately demonstrates alternate parking requirements for the proposed use or combination of uses.

e. **Parking and Loading Design Standards.**

1. Any above grade parking or loading facility should be screened from public view to the extent necessary to eliminate unsightliness. Screening may consist of landscape materials, topographic feature, residential buildings or any combination of these. In the alternative the parking facility may treat exterior walls with architectural features typical of the development it serves. Above ground, multi-level parking garages are discouraged.
2. Outdoor storage shall not be permitted.
3. These requirements are in addition to the parking and parking lot landscaping requirements of the underlying zoning district.

f. **Visitability** The applicant shall provide that all of the dwelling units within a Senior Continuing Care Retirement Community, shall be visitable as determined by the SPGA.

g. **Municipal Sewer.** All multifamily buildings providing off-site inclusionary units shall be connected to the municipal sewage treatment plant.

h. **Design Standards:**

1. All buildings in the layout and design, including landscaping, the placement of pedestrian sidewalks and parking, shall be an integral part of the development and have convenient access to and from adjacent uses.
2. Primary landscape treatment shall consist of a combination of indigenous grasses, trees and shrubs commonly found on Cape Cod and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Planting areas should be designed to serve as stormwater treatment areas often known as rain gardens.
3. Existing significant trees and natural vegetation shall be retained to the maximum extent possible. A minimum of one tree with a three-inch minimum caliper is required to be planted within the front setback for every 30 feet of frontage of property

4. All landscaped areas shall be continuously maintained, irrigated, and organically fertilized.
5. All stormwater shall be treated as appropriate and discharged on site and shall incorporate low impact techniques for stormwater discharge.
6. Minimum recommended light levels established by the Cape Cod Commission Technical Bulletin 95-001, DRI Standards and Submittal Requirements for Exterior Lighting Design shall apply. Site lighting, security lighting and architectural/landscape lighting shall provide illumination levels appropriate for the designed activity without exceeding minimum requirements
7. There shall be an adequate safe and convenient arrangement of pedestrian circulation facilities, sidewalks, roadways, driveways, off-street parking and loading space. Buildings and vehicular circulation open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
8. For off-site inclusionary units, redevelopment shall reduce impervious surfaces to the maximum extent possible, shall incorporate rain gardens and other best management practices for stormwater disposal, shall take vehicular access off of alternative roadways to major roadways such as Rt. 28 and Rt. 132, and shall, wherever possible, include vehicular interconnections with abutting properties to ease traffic congestion on major roadways.

i. **Impact Analysis:** The applicant shall provide additional data and analysis requested by the Planning Board to enable the Board to assess the fiscal, community and environmental impacts of the proposed development. At its discretion, the Planning Board may impose reasonable fees upon the applicant for the hiring of outside consultants and the provisions of G.L. c. 44 §53G shall apply thereto.

240.29.10: Decision: The Planning Board may grant a special permit for a SCCRCOD and related off-site inclusionary multifamily development , provided that to be eligible to apply for a special permit for the offsite inclusionary multi-family units a special permit shall have been granted for the related Senior Continuing Care Retirement Community, which special permit is final. Before granting a special permit, the Planning Board shall make the following findings:

- a. The SCCRCOD complies with all applicable Subdivision Rules and Regulations, except as they may be waived by the Board;
- b. The SCCRCOD does not cause substantial detriment to the neighborhood;
- c. The SCCRCOD is consistent with the Town of Barnstable Local Comprehensive Plan;
- d. The SCCRCOD provides an effective and unified treatment of the development on the project site making appropriate provision for environmental protection, the preservation of scenic features, sensitive habitat and other amenities of the site and the surrounding areas;
- e. The SCCRCOD is planned and developed to harmonize with any existing or proposed development in the surrounding area.
- f. The applicant has provided mitigation that sufficiently addresses the impacts of the SCCRCOD.
- g. The SCCRCOD provides services which are tailored to the needs of senior persons and may include meals, housekeeping, transportation, health care services and personal care assistance and the benefits of the development for the residents and the community outweigh the detriments.

- h. The SCCRCOD complies with the standards established in Section 240.29.9 except as they may be waived by the Board based upon a finding that the waivers granted do not jeopardize health and safety and do not diminish environmental and aesthetic protections.
- i. The offsite multifamily affordable housing development meets the requirements of this chapter, and that all affordable units shall be provided prior to the issuance of any occupancy permits for the Senior Continuing Care Retirement Community development.

240.29.11 Transferability: Any special permit for the SCCRCOD shall be transferable upon the prior written approval of the Planning Board.

SPONSORS: Councilors Ann B. Canedy, Harold E. Tobey, James H. Crocker, Jr., and
Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- _____ Read item
- _____ Motion to Open Public Hearing
- _____ Rationale
- _____ Public Hearing
- _____ Close public hearing
- _____ Council discussion
- _____ Move/vote

BARNSTABLE TOWN COUNCIL

AMENDMENT TO ZONING ORDINANCE & ZONING MAP SENIOR CONTINUING CARE RETIREMENT COMMUNITY OVERLAY DISTRICT

ITEM# 2008-057

INTRO: 11/15/07, 12/06/07, 01/17/08

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Patty Daley, Interim Director Growth Management
DATE: November 9, 2007
SUBJECT: SCCROD Amendment

BACKGROUND

The Growth Management Department has been requested to present language to allow off-site inclusionary affordable housing units provided in conjunction with senior continuing care facilities. Chapter 9 of the Barnstable Code, Inclusionary, currently requires that all inclusionary affordable units be provided on-site. Due to the menu of services provided in a continuing care facility for a fee, it may not be economically feasible to provide all affordable units on-site in an equitable manner. The proposed amendment would allow the developer of a senior continuing care facility to provide affordable units off-site. Such off-site units would be limited to multi-family building(s) that were previously permitted and used as a nursing home or skilled nursing care facility and that are connected to municipal sewer.

STAFF ASSISTANCE

Patty Daley

A. OLD BUSINESS (Joint Public Hearing with the Planning Board - May be acted upon) (Roll Call-2/3)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-068
INTRO: 12/06/07, 01/17/08**

2008-068 CREATING A RECREATIONAL SHELLFISH AREA AND SHELLFISH RELAY OVERLAY DISTRICT

ORDERED:

Section 1. The zoning ordinance is hereby amended by adding the following new section:

§240-37.1 Recreational Shellfish Area and Shellfish Relay Area Overlay District

A. Purpose.

(1) The purpose of this section is to protect the general public's interest in the recreational harvesting of shellfish by creating a Recreational Shellfish Area and Shellfish Relay Area Overlay District within said overlay zoning district.

(2) The purposes of the Recreational Shellfish Area and Shellfish Relay Area Overlay District include:

- (a) Maintaining public access along the shore and to shellfish and shellfish beds, whether existing or potential, for the purposes allowed by law; and,
- (b) Prohibiting docks and Piers in coastal waters designated as significant shellfish habitats by the Division of Marine Fisheries or local shellfish officials.

B. Establishment of district.

In order to implement the purposes of this section, the Recreational Shellfish Area and Shellfish Relay Area Overlay District is hereby established and shall be considered as superimposed over any other districts established by this chapter as amended from time to time. The Recreational Shellfish Area and Shellfish Relay Area Overlay District shall include those areas shown on the map entitled "Recreational Shellfish Area and Shellfish Relay Area Overlay District" dated October 9, 2007, filed with the Town Clerk, up to and including the area seaward of the mean high water line, which map, together with all explanatory material thereon, is hereby incorporated in and made part of this chapter.

C. Overlay District Map.

The boundaries of the Recreational Shellfish Area and Shellfish Relay Area Overlay District established by this section are shown on the Official Zoning Map, § 240-6A, Identification of Zoning Map, as amended with a file date of August 30, 2000.

D. Prohibition.

Within the Recreational Shellfish Area and Shellfish Relay Area Overlay District, the construction and/or installation of docks and piers is prohibited, unless such dock or pier has the benefit of a valid Order of Conditions issued prior to August 17, 2007, and receives all other necessary local, state and federal permits, in which case the construction and/or installation and maintenance of said dock or pier shall not be prohibited.

E. Reestablishment of damaged or destroyed nonconforming docks or piers.

The reestablishment of a lawful preexisting nonconforming dock or pier which has been destroyed or damaged by fire, acts of nature or other catastrophe shall be permitted pursuant to § 240-95 A (1) and B, provided that such reestablishment shall not include the use of toxic materials, and, for the purposes of this section, the pursuit of construction continuously to completion shall mean that construction shall be completed within one year of receipt of all required permits. The redeployment of a lawful preexisting nonconforming seasonal dock or pier is permitted.

F. Expansion of existing docks or piers.

For the purposes of Article VIII, Nonconformities, the expansion of an existing dock or pier located within the Recreational Shellfish Area and Shellfish Relay Area Overlay District shall be deemed to be substantially detrimental and shall be prohibited.

G. Definitions.

The terms “dock” and “pier” shall be used interchangeably for the purposes of these regulations and shall mean the entire structure of any pier, wharf walkway, bulkhead, or float, and any part thereof, including pilings, ramps, walkways, float, tie-off pilings, dolphins and/or outhaul posts, that is located on a bank (inland) (310 CMR 10.54), land under water bodies and waterways (310 CMR 10.56), land under the ocean (310 CMR 10.25), land under a salt pond (310 CMR 10.33), rocky intertidal shore (310 CMR 10.31), or that portion of a coastal beach (310 CMR 10.27) seaward of the mean high water line. Notwithstanding the above, either a swimming float or work float, kept at a mooring, that receives a permit from the Harbormaster and is not connected with the shore, is not a float subject to these regulations.

Section 2. The official zoning map of the Town of Barnstable is hereby amended by adding a Recreational Shellfish Area and Shellfish Relay Area Overlay District as shown on the map entitled “Recreational Shellfish Area and Shellfish Relay Area Overlay District”, dated October 10, 2007.

SPONSORS: Town Councilors Richard Barry and Ann Canedy

DATE ACTION TAKEN

- Read item
- Motion to open public hearing
- Rationale
- Public hearing
- Close public hearing
- Council discussion
- Move/vote

BARNSTABLE TOWN COUNCIL
RECREATIONAL SHELLFISH AREA
SHELLFISH RELAY OVERLAY DISTRICT

ITEM# 2008-068
INTRO: 12/06/07, 01/17/08

SUMMARY

TO: Town Council
FROM: Town Councilors Richard Barry & Ann Canedy
DATE: November 27, 2007
SUBJECT: Amendment of Zoning Ordinance with a Recreational Shellfish Area and Shellfish Relay Overlay District

BACKGROUND/ANALYSIS/RATIONALE: This involves the amendment of the zoning ordinance to add a Recreational Shellfish Area and Shellfish Relay Overlay District. The purpose of the proposed overlay district is to protect the general public's interest in and access to the public tidelands by prohibiting the construction of new docks and piers, and limiting the expansion of existing docks and piers, in areas identified as significant for recreational shellfishing and shellfish propagation.

The areas identified for inclusion in the overlay district include areas deemed to possess significant shellfish habitat by the Town's Natural Resource Department Shellfish Biologist. On April 18, 2007, the Barnstable Shellfish Committee voted unanimously to support the proposed Recreational Shellfish Area and Shellfish Relay Area Overlay District as proposed by Councilor Barry.

FISCAL IMPACT: The fiscal impact is neutral.

STAFF ASSISTANCE: Director of Comprehensive Planning Patricia Daley

SPONSORS: Town Councilor Richard Barry and Town Councilor Ann Canedy

A. OLD BUSINESS (Joint Public Hearing with the Planning Board – May be acted upon) (Roll Call-2/3)

BARNSTABLE TOWN COUNCIL

ITEM# 2008-077

INTRO: 12/20/07, 01/17/08

2008-077 AMENDMENT TO THE ZONING ORDINANCE & ZONING MAP BY CREATING A MULTI-FAMILY AFFORDABLE HOUSING DISTRICT

ORDERED:

MULTI-FAMILY AFFORDABLE HOUSING ZONING DISTRICT

Section 1. That Chapter 240, Article III of the Zoning Ordinance, is amended by adding a new Section 240-16.1 Multifamily Affordable Housing Zoning District as follows:

240-16.1. MAH Residential District.

- A. Purpose. The purpose of this section is to authorize by special permit privately initiated affordable housing by for-profit or not-for-profit organizations that:
 - (1) Provide for residential development in a manner that is consistent with existing neighborhood development in terms of density and housing types; and
 - (2) Authorize an increase in the permissible density of housing in a proposed development, provided that the applicant shall, as a condition for the grant of said special permit, provide housing for persons of low or moderate income.

- B. Principal permitted uses. The following uses are permitted in the MAH District:
 - (1) Single-family residential dwelling (detached).

- C. Special Permit uses. For the purposes of this section, the Planning Board shall be the Special Permit Granting Authority. The following uses are permitted as conditional uses in the MAH District, provided a special permit is first obtained from the Planning Board subject to the provisions of § 240-125C herein and subject to the specific standards for such special permit uses as required in this section:
 - (1) Multi-family affordable housing developments connected to the municipal sewage collection system.

D. Bulk regulations.

Zoning District	Minimum Lot Area(square feet)	Minimum Lot Frontage(feet)	Minimum Lot Width(feet)	Minimum Yard Setbacks (feet) ¹			Maximum Building Height(feet) ²
				Front	Side	Rear	
MAH	87,120	200	—	60	30	30	30

For developments within an existing structure previously used as a nursing or convalescent home, yard setbacks shall be the setback to the existing building footprint or the setbacks stated above, whichever is less.

² Height shall be measured from the grade plane to the plate.

- E. Density requirements. The total number of residential units allowable within a multifamily affordable housing development shall not exceed 8 per acre of upland; provided, however, that within the redevelopment of an existing structure previously used as a nursing home or convalescent home which is 100% affordable, the total number of residential units allowable shall not exceed 16 per acre of upland.
- 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. An affordable housing deed rider shall assure this condition. The deed rider shall be structured to survive any and all foreclosures.
 - (2) The continuing enforcement of the affordable housing deed rider through subsequent resale of the affordable units shall be the subject of a monitoring agreement.
 - (3) The affordable housing deed rider and the monitoring agreement shall be drafted in compliance with 760 CMR 45.00 Local Initiative Program (LIP) and guidelines promulgated thereunder. The affordable housing deed rider 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 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, 760 CMR 45.00, with regard to distinguishability from market rate units (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). 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) Where the Planning Board finds that an applicant for a special permit under Section 29 of the SCCRCOD (Senior Continuing Care Retirement Community Overlay District) can satisfy its inclusionary requirement under Chapter 9 by providing off-site, affordable units, affordable units created under this section may be used to fulfill this off-site inclusionary requirement.
 - (8) Affordable units shall obtain occupancy permits issued at the rate of one affordable unit for every four market rate units. When the multi-family 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.
 - (9) 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.
 - (10) No occupancy permit shall be granted unless the affordable dwelling units have been approved by the DHCD as eligible for the Affordable Housing Inventory under 760 CMR 45.00, the LIP Program.
 - (11) When a multi-family affordable housing development is proposed to satisfy the inclusionary requirements for a senior continuing care retirement community proposed or permitted under the provision of 240-29 of this Code, such multi-family units shall not be required to provide an additional 10% of inclusionary units as a result of the multi-family affordable housing development but shall at a minimum provide the number of affordable units required by S 240-29 of this Code.

G. Decision. The Planning Board may grant a special permit for a MAHD where it makes the following findings:

- (1) The proposed MAHD complies with all applicable Subdivision Rules unless otherwise waived by the Board;
- (2) The proposed MAHD complies with the Zoning Ordinance and the requirements of this section;
- (3) The proposed MAHD provides affordable units consistent with the requirements set forth herein;
- (4) The proposed MAHD does not cause substantial detriment to the neighborhood.

H. Relation to other requirements. The submittals and special permit required herein shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning Ordinance.

I. Definitions. As used in this section, the following terms shall have the meanings indicated:

AFFORDABLE UNIT — A dwelling unit reserved in perpetuity for ownership by a household earning 80% or less of area median family income, and priced to conform with the standards of the Massachusetts Department of Housing and Community Development (DHCD) for ownership units set forth in 760 CMR 45.03(4), in order that such affordable units shall be included in the DHCD Subsidized Housing Inventory.

APPLICANT — The person or persons, including a corporation or other legal entity, who applies for issuance of a special permit for construction of a private-initiated affordable housing development (MAHD) hereunder. The applicant must own, or be the beneficial owner of, all the land included in the proposed MAHD, or have authority from the owner(s) to act for the owner(s) or hold an option or contract duly executed by the owner(s) and the applicant giving the latter the right to acquire the land to be included in the site.

MULTIFAMILY AFFORDABLE HOUSING DEVELOPMENT (MAHD) — A development of multi-family residential dwelling(s) including required affordable units, and permissible accessory structures authorized by special permit from the Planning Board as set forth herein.

NURSING OR CONVALESCENT HOME – Any dwelling or building with sleeping rooms for people who are housed or lodged with meals and nursing care for hire, as licensed by the Massachusetts Department of Public Health under MGL c. 11 par. 71-71 as amended.

Section 2. The official zoning map of the Town of Barnstable is hereby amended by adding a Multi-Family Affordable Housing District as shown on the map entitled “Proposed Multi-Family Affordable Housing District”, dated December 19, 2007.

SPONSOR: Town Manager John C. Klimm, Councilors Harold E. Tobey & James H. Crocker, Jr.

DATE ACTION TAKEN

-
-
- Read item
 - Motion to open public hearing
 - Rationale
 - Public hearing
 - Close public hearing
 - Council discussion
 - Move/vote

BARNSTABLE TOWN COUNCIL

AMENDMENT TO THE ZONING ORDINANCE & ZONING MAP BY CREATING A MULTI-FAMILY AFFORDABLE HOUSING DISTRICT

ITEM# 2008-077
INTRO: 12/20/07, 01/17/08

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Patty Daley, Interim Director Growth Management
DATE: December 20, 2007
SUBJECT: Multi-Family Affordable Housing Zoning Amendment

BACKGROUND: The Growth Management Department has been requested to present zoning language to allow multi-family affordable housing units at 850 Falmouth Road/Route 28. The subject parcel is the site of an abandoned nursing home and is proposed to be redeveloped into a site for affordable one and two-bedroom units available to households earning not more than 80% of the area median income, with a preference for local residents as may be allowed by law. The proposed zoning amendment would permit the redevelopment of the site for affordable housing as either 1) off-site affordable housing in conjunction with a permitted senior continuing care facility, or, 2) a stand-alone affordable housing project providing at least 25% affordable residential units. The site is connected to the municipal sewage treatment plant.

STAFF ASSISTANCE: Patty Daley

B. NEW BUSINESS (May be acted upon.)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-074
INTRO: 01/17/08**

2008-074 ACCEPTANCE & TRANSFER ORDER - LAND MANAGEMENT AND WILDFIRE GRANT

RESOLVED AND ORDERED, that the Town Council hereby accepts a Cape Cod Cooperative Extension Wildfire Assessment and Preparedness Program Land Management and Wildfire Grant in the amount of \$5,000 to continue reducing fuel loadings along the residential interface areas in Barnstable, along the Barnstable/Sandwich town line, and within a firefighter and public safety zone.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL
ACCEPTANCE & TRANSFER ORDER
LAND MANAGEMENT AND WILDFIRE GRANT

ITEM# 2008-074
INTRO: 01/17/08

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Thomas F. Geiler, Director, Regulatory Services Department
DATE: December 21, 2007
SUBJECT: Acceptance and Transfer Order for Cape Cod Cooperative Extension's Wildfire Assessment and Preparedness Program Land Management and Wildfire Grant

BACKGROUND: Cape Cod Cooperative Extension grant funding has been secured to continue work as listed in the Wild Fire Preparedness Plan for West Barnstable Conservation Area and Adjacent Open Space Lands. Initial work started under the same grant program in 2005. This round of funding will be used at the West Barnstable Conservation Area to continue reducing fuel loadings, along a residential interface zone, by mechanical methods. This entails continuing to clear a 100' swath in Barnstable behind houses that abut the Barnstable / Sandwich town line. Funding will be used to reduce fuel loading in approximately 2.5 acres.

ANALYSIS: The Cape Cod Cooperative Extension granting funding provides the Town with cost-effective means to address and combat wildfire hazards on town-owned or town administered open space tracts.

FISCAL IMPACTS: There is no cost to the Town.

BOARD AND COMMISSION ACTION: Reduction of fuel loading at residential interface zones and within firefighter and public safety zones was approved by the Conservation Commission as part of our Wild Fire and Preparedness Plan. No further board action is required.

STAFF ASSISTANCE: Darcy Karle, Conservation Division

B. NEW BUSINESS (Refer to Public Hearing on February 7, 2008.)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-076
INTRO: 01/17/08**

2008-076 AMEND SCHEDULE OF FEES, CHAPTER 76 OF THE GENERAL CODE

ORDERED, that Chapter 76 of the General Code of the Town of Barnstable is hereby amended by deleting the current Chapter 76 language and replacing it with the following language. (See current fee/proposed fee comparison chart attached to the agenda summary.)

SCHEDULE OF FEES

ARTICLE I RETENTION OF FEES BY GOLF PRO [Adopted 5-21-1992 (Art.XX of Ch. II of the General Ordinances as updated through 7-7-2003)]

§ 76-1. Amount allowed to be retained.

Notwithstanding the provisions of any other ordinance of the Town to the contrary, the golf professional and the assistant golf professional at the Barnstable Municipal Golf Course is hereby authorized to retain, as part of their official compensation, in addition to their salaries, the following amounts: for the golf professional, fees not in excess of 10% of his/her base pay annually; for the assistant golf professional, fees not in excess of 25% of his/her base pay annually. When fees charged and received for golf instruction exceed the percentages noted, the Town shall retain such receipts.

ARTICLE II Schedule of Fees [Adopted 5-6-2004 by Order No. 2004-066 (Art. XIII of Ch. II of the General Ordinances as updated through 7-7-2003)]

§ 76-2. Schedule adopted.

The following Schedule of Fees shall be in effect in the Town of Barnstable.

§ 76-3. Weights and Measures annual fees (MGL C. 98, s 56).

Description	Fees	
	1 – 3	4 or more
Scale with capacity over 10,000 lbs.	\$250	\$225
Scale with capacity 5,000-10,000 lbs.	\$135	\$110
Scale with capacity 100-5,000 lbs.	\$ 80	\$ 70
Scale with capacity less than 100 lbs.	\$ 50	\$ 45
Weights (each)	\$ 8	\$ 6
Liquid measures	\$ 30	\$ 30
Liquid measure meters	-----	-----
Lubricant meters	\$ 50	\$ 45
Motor fuel meters	\$ 50	\$ 45
Vehicle tank meters	\$110	\$100
Vehicle tank meter gravity	\$175	\$150
Bulk storage tank meter	\$175	\$150
Mechanical pumps, each stop	\$ 10	\$ 10
Taxi meters (semi-annually)	\$ 55	\$ 50
Commercial odometer – hubodometer	\$ 55	\$ 50
Leather measure	\$175	\$150
Dry measure, one bushel or less	\$ 85	\$ 85
Dry measure, more than one bushel	\$120	\$120
All other measuring devices	\$125	\$125
Rope, wire or chain measuring devices	\$ 25	\$ 20
Reinspection fee (after official rejection)	\$ 95	\$ 95

§ 76-4. Miscellaneous licenses and permits. [Amended 6-1-2006 by Order No. 2006-128]

MGL C./Section	Description	Fees
101, § 33	Temporary license to sell for charitable purposes	\$ 10
138, § 30A	License for pharmacist to sell alcoholic beverages	\$2,000
140, § 2	Licenses for inns and restaurants	\$ 100
140, § 21B	License to serve nonalcoholic beverages	\$ 100
140, § 32B	License for mobile home parks	\$ 50
140, § 32B	License for motels	\$ 50
140, § 34	License for lodging house	\$ 50
140, § 49	License for vehicle for sale of food	\$ 250
140, § 56A	License for shooting gallery	\$ 100
140, § 59	Auto dealer license	\$ 150
140, § 177A	License for automatic amusement devices	\$ 100
140, § 183A	Entertainment annual	\$ 250
140, § 183A	Entertainment daily	\$ 25
140, § 1851	License for fortune tellers	\$ 250
140, § 192	License for rental boats (freshwater)	\$ 100
	License to store hazardous materials	\$ 100
	Septic system inspection filing	\$ 25
	Board of Health request for variance	\$ 85
	Application fee – licenses and permits	\$ 100

§ 76-5, License to store inflammables.

Description	New Permit	Annual Permit
1 – 500 gallons or 4,000 pounds	\$ 45	\$ 0.00
500-999 gallons or 8,000 pounds	\$ 45	\$ 22.50
1,000 – 4,999 gallons or 40,000 pounds	\$ 75	\$ 37.50
5,000 – 9,999 gallons or 80,000 pounds	\$105	\$ 52.50
10,000 – 29,999 gallons or 240,000 pounds	\$135	\$ 67.50
30,000 – 99,999 gallons or 800,000 pounds	\$165	\$ 82.50
100,000 – 199,999 gallons or 1,600,000 pounds	\$240	\$120.00
More than 200,000 gallons or 1,600,000 pounds	\$330	\$165.00

§ 76-6. Building, sign, wiring, plumbing and gas permit fees.

Building Permits

Description	Fees
Residential (R03, R-4 Use Groups)	
New Buildings	
Application fee	\$100
Permit fee	\$5.10 per \$1,000 of construction value
Additions, alterations/renovations	
Application fee	\$50
Permit fee	\$5.10 per \$1,000 of construction value \$25 minimum
Commercial and all other use groups	
New Buildings	
Application fee	\$150
Permit fee	\$9.10 per \$1,000 of construction value
Additions, alterations/renovations	
Application fee	\$100
Permit fee	\$9.10 per \$1,000 of construction value; \$50 minimum
Permit fee for all other structures (not specified)	\$9.10 per \$1,000 based on actual value; \$100 minimum

Plumbing Permits

Description	Fees
Residential, per unit	\$ 40/first fixture plus \$12 each additional fixture
Commercial, per unit	\$ 60/first fixture plus \$15 each additional fixture

Gas Permits

Description	Fees
Residential, per unit	\$ 40/first fixture plus \$12 each additional fixture
Commercial, per unit	\$ 60/first fixture plus \$15 each additional fixture

Electrical Permits

Description	Fees
Residential	
New construction per unit	\$150
Additions/renovations	
Less than 500 SF	\$ 25
Greater than 500 – 1,500 SF	\$ 50
Greater than 1,500 SF	\$100
Minor alterations/appliances	\$ 25
Change of service/meter	\$ 30
Accessory structures (garage,barn,etc, excluding separate meter)	\$ 30
Temporary service	\$ 30
Meters per unit	\$ 30
Smoke detectors/alarms	\$ 30
Commercial	
New construction per unit	\$200+\$25 per 1,000 SF greater than 4,000 SF
Additions/renovation	
Less than 1,000 SF	\$ 75
Greater than 1,000-2,500 SF	\$100
Greater than 2,500 SF	\$150 + \$25 per 1,000 SF greater than 4,000 SF
Minor alterations/appliances, etc.	\$ 25
Change of service/meter	\$ 40
Temporary service	\$ 30
Signs	\$ 25
Carnivals/fairs	
1-10 concessions/rides	\$ 50
10 concessions/rides	\$ 100

Signs

Description	Fees
Under 25 SF	\$ 50
Over 25-50 SF	\$ 75
Over 50-75 SF	\$150
Over 75 SF	\$200

Miscellaneous Permits and Fees

Description	Fees
Accessory building: all use groups	
Greater than 120 SF – 500 SF	\$ 35
Greater than 500 SF – 750 SF	\$ 50
Greater than 750 SF – 1,000 SF	\$ 75
Greater than 1,000 SF – 1,500 SF	\$100
Greater than 1,500 SF	Same as new building permit based on actual cost
Change of permit holder	\$ 25
Pre-building code structure, certificate of occupancy	\$ 75
Change of use permit (no construction)	\$ 25
Foundation permit (separate from building permit for cause only)	\$ 25
Zoning compliance certificate (lots/existing uses/structures)	\$ 50 minimum + research time
Reinspections (for work not ready for inspection, incomplete work or failure of inspectors to gain access to premises)	\$100
Removal of stop-work order	\$ 50
Replacement of lost permit inspection cards	\$ 50
Chimney/fireplace (new and reconstruction)	\$ 25
Certificates of inspection	\$10 increase CMR 780 Table 106 \$ 50 minimum
Permit renewals	
First renewal	\$ 50
Second renewal (for cause only)	\$ 75
Inground swimming pools	\$125
Aboveground swimming pools	\$ 75
Decks, open porch	\$ 60
Relocation/moving (includes new foundation)	\$250
Demolition	
Residential principal buildings (\$4.10 per \$1,000 of construction value)	Minimum \$125; (\$5.10 per \$1,000 of construction value)
Accessory buildings	\$ 50
Commercial buildings (\$8.10 per \$1,000 of construction value)	(\$9.10 per \$1,000 of construction value)
Home occupation (no construction)	\$ 25
Pre-permit plan review (one and two family)	\$ 75
Temporary residential certificate of occupancy (for cause only)	\$ 75
Residential certificate of occupancy	\$ 25

Miscellaneous Permits and Fees (CONT'D)

Description	Fees
Temporary commercial certificate of occupancy (for cause only)	\$ 75
Commercial certificate of occupancy	\$ 75
Pre-permit plan fees	\$100
Site plan (fees)	
Project construction cost under \$5,000	\$100
\$5,000 - \$14,999	\$200
\$15,000 - \$49,999	\$250
\$50,000 - \$249,999	\$350
\$250,000 or more	\$500
Permit related to work begun prior to time allowed for acquiring permits under Building, Electrical, Plumbing and Gas Code	Two times permit cost

[Added 10-19-2006 by Order No. 2007-033]

Express Permits

Description	Fees
Minimum	\$ 25
Residing/reroofing (residential)	\$ 5.10 per \$1,000 of construction value
Wood/coal stoves	\$ 25
Replacement windows	\$ 25
Sheds under 120 SF	\$ 25
Others (as determined by inspector)	\$ 25

Tents (See § 240-9D of Ch. 240, Zoning)

Description	Fees
Residential	\$ 25
Fund raiser/special event/nonprofit agency	\$ 25
Commercial (temporary accessory structure)	\$100
Organized and supervised recreational camp (special permit required)	\$ 50

§ 76-7. Newsracks. [Amended 1-20-2005 by Order No. 2005-0381]

For a permit or renewal of a permit for newsracks pursuant to § 130-5: \$50

§ 76-8. Outdoor business licenses. [Amended 1-20-2005 by Order No. 2005-038]

Description	Fees
For outdoor business licenses pursuant to § 141-6:	
A. Annual fee	\$400
B. When issued after October 15:	\$200
C. For charitable organizations (special license):	\$ 25

§ 76-9. Tourist camps. [Amended 1-20-2005 by Order No. 2005-038]

Description	Fees
For tourist camps pursuant to § 217-4:	
A. Permit:	\$ 10 per tourist camp
B. Renewal fee:	\$ 10 per tourist camp

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

**AMEND SCHEDULE OF FEES
CHAPTER 76 OF THE GENERAL CODE**

**ITEM# 2008-076
INTRO: 01/17/08**

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Thomas F. Geiler, Director Regulatory Services Department
DATE: December 20, 2007
SUBJECT: Fee Schedule Change

BACKGROUND: Chapter 76 of the General Code of the Town of Barnstable the schedule of fees established by the Town Council. The fees contained therein are primarily fees for licenses or permits associated with commercial or business activities. The council has maintained a policy of 100% cost of service recovery rate for several years. The fee schedule was last changed in May of 2004.

ANALYSIS: Changes in laws and regulations as well as changes in technology affect the procedures and policies governing the licensing and inspection process. Safeguards introduced to prevent contamination of drinking water or safe storage of hazardous materials have wide support for very good reason. They also increase the permitting and inspection costs. This revision is an attempt to bring the fees closer to achieving the council goal of 100% cost recovery. In some cases, this is not possible. Some permits carry state imposed maximums that prevent the town from achieving 100% cost recovery.

FISCAL IMPACT: It is anticipated that adoption of this amended fee schedule would have a positive impact on the town’s financial position. Failure to adopt the amended schedule will result in reduced revenue in FY 08. Reduced revenue will require the town reduce expenditures to balance the budget. Reduced revenues will almost certainly result in reduced services. Reduced services may result in additional lost revenue from fees associated with the reduced services.

Our goal is to continue to increase our efficiency and effectiveness. We cannot do that without appropriate resources. Fees for service are an important resource.

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

STAFF ASSISTANCE:
Lois Lomba, Administrative Assistant, Consumer Affairs Division
Debi Barrows, Building Division
Thomas Perry, Building Commissioner
Thomas F. Geiler, Director Regulatory Services

Chapter 76: FEES

(HISTORY: Adopted by the Town of Barnstable as indicated in article histories. Amendments noted where applicable.)

GENERAL REFERENCES

Board of Health fees – See Ch. 318.
Town Manager regulations – See Part IV.

ARTICLE I RETENTION OF FEES BY GOLF PRO [Adopted 5-21-1992 (Art.XX of Ch. II of the General Ordinances as updated through 7-7-2003)]

§ 76-1. Amount allowed to be retained.

Notwithstanding the provisions of any other ordinance of the Town to the contrary, the golf professional and the assistant golf professional at the Barnstable Municipal Golf Course is hereby authorized to retain, as part of their official compensation, in addition to their salaries, the following amounts: for the golf professional, fees not in excess of 10% of his/her base pay annually; for the assistant golf professional, fees not in excess of 25% of his/her base pay annually. When fees charged and received for golf instruction exceed the percentages noted, the Town shall retain such receipts.

ARTICLE II Schedule of Fees [Adopted 5-6-2004 by Order No. 2004-066 (Art. XIII of Ch. II of the General Ordinances as updated through 7-7-2003)]

§ 76-2. Schedule adopted.

The following Schedule of Fees shall be in effect in the Town of Barnstable.

COMPARISON

§ 76-3. Weights and Measures annual fees (MGL C. 98, s 56).

Description	Current Fees		Proposed Fees	
	1 - 3	4 or more	1 – 3	4 or more
Scale with capacity over 10,000 lbs.	\$200	\$200	\$250	\$225
Scale with capacity 5,000-10,000 lbs.	\$125	\$100	\$135	\$110
Scale with capacity 100-5,000 lbs.	\$ 75	\$ 65	\$ 80	\$ 70
Scale with capacity less than 100 lbs.	\$ 45	\$ 40	\$ 50	\$ 45
Weights (each)	\$ 7	\$ 5	\$ 8	\$ 6
Liquid measures	\$ 25	\$ 25	\$ 30	\$ 30
Liquid measure meters	-----	-----	-----	-----
Lubricant meters	\$ 45	\$ 35	\$ 50	\$ 45
Motor fuel meters	\$ 45	\$ 35	\$ 50	\$ 45
Vehicle tank meters	\$100	\$ 90	\$110	\$100
Vehicle tank meter gravity	\$150	\$125	\$175	\$150
Bulk storage tank meter	\$150	\$125	\$175	\$150
Mechanical pumps, each stop	\$ 10	\$ 10	\$ 10	\$ 10
Taxi meters (semi-annually)	\$ 50	\$ 45	\$ 55	\$ 50
Commercial odometer – hubodometer	\$ 50	\$ 45	\$ 55	\$ 50
Leather measure	\$150	\$140	\$175	\$150
Dry measure, one bushel or less	\$ 75	\$ 75	\$ 85	\$ 85
Dry measure, more than one bushel	\$100	\$100	\$120	\$120
All other measuring devices	\$100	\$100	\$125	\$125
Rope, wire or chain measuring devices	\$ 25	\$ 20	\$ 25	\$ 20
Reinspection fee (after official rejection)	\$ 95	\$ 95	\$ 95	\$ 95

§ 76-4. Miscellaneous licenses and permits. [Amended 6-1-2006 by Order No. 2006-128]

MGL C./Section	Description	Current Fee	Proposed Fees
101, § 33	Temporary license to sell for charitable purposes	\$ 10	\$ 10
138, § 30A	License for pharmacist to sell alcoholic beverages	\$1,750	\$2,000
140, § 2	Licenses for inns and restaurants	\$ 100	\$ 100
140, § 21B	License to serve nonalcoholic beverages	\$ 100	\$ 100
140, § 32B	License for mobile home parks	\$ 50	\$ 50
140, § 32B	License for motels	\$ 50	\$ 50
140, § 34	License for lodging house	\$ 50	\$ 50
140, § 49	License for vehicle for sale of food	\$ 250	\$ 250
140, § 56A	License for shooting gallery	\$ 100	\$ 100
140, § 59	Auto dealer license	\$ 100	\$ 150
140, § 177A	License for automatic amusement devices	\$ 100	\$ 100
140, § 183A	Entertainment annual	\$ 250	\$ 250
140, § 183A	Entertainment daily	\$ 25	\$ 25
140, § 1851	License for fortune tellers	\$ 250	\$ 250
140, § 192	License for rental boats (freshwater)	\$ 100	\$ 100
	License to store hazardous materials	\$ 100	\$ 100
	Septic system inspection filing	\$ 25	\$ 25
	Board of Health request for variance	\$ 85	\$ 85
	Application fee – licenses and permits	\$ 100	\$ 100

§ 76-5, License to store inflammables.

Description	New Permit	Annual Permit	Proposed
1 – 500 gallons or 4,000 pounds	\$ 45	\$ 0.00	NC
500-999 gallons or 8,000 pounds	\$ 45	\$ 22.50	NC
1,000 – 4,999 gallons or 40,000 pounds	\$ 75	\$ 37.50	NC
5,000 – 9,999 gallons or 80,000 pounds	\$105	\$ 52.50	NC
10,000 – 29,999 gallons or 240,000 pounds	\$135	\$ 67.50	NC
30,000 – 99,999 gallons or 800,000 pounds	\$165	\$ 82.50	NC
100,000 – 199,999 gallons or 1,600,000 pounds	\$240	\$120.00	NC
More than 200,000 gallons or 1,600,000 pounds	\$330	\$165.00	NC

§ 76-6. Building, sign, wiring, plumbing and gas permit fees.

Building Permits

Description	Current Fees	Proposed Fees
Residential (R03, R-4 Use Groups)		
New Buildings		
Application fee	\$100	NC
Permit fee	\$4.10 per 1,000 of construction value	\$5.10 per \$1,000 of construction value
Additions, alterations/renovations		
Application fee	\$50	NC
Permit fee	\$5.10 per \$1,000 of construction value \$25 minimum	\$5.10 per \$1,000 of construction value \$25 minimum
Commercial and all other use groups		
New Buildings		
Application fee	\$150	NC
Permit fee	\$8.10 per \$1,000 of construction value	\$9.10 per \$1,000 of construction value
Additions, alterations/renovations		
Application fee	\$100	NC
Permit fee	\$8.10 per \$1,000 of construction value; \$50 minimum	\$9.10 per \$1,000 of construction value; \$50 minimum
Permit fee for all other structures (not specified)	\$8.10 per \$1,000 based on actual value; \$100 minimum	\$9.10 per \$1,000 based on actual value; \$100 minimum

Plumbing Permits

Description	Current Fees	Proposed Fees
Residential, per unit	\$ 25/first fixture plus \$12 each additional fixture	\$ 40/first fixture plus \$12 each additional fixture
Commercial, per unit	\$ 45/first fixture plus \$15 each additional fixture	\$ 60/first fixture plus \$15 each additional fixture

Gas Permits

Description	Current Fees	Proposed Fees
Residential, per unit	\$25/first fixture plus \$12 each additional fixture	\$40/first fixture plus \$12 each additional fixture
Commercial, per unit	\$45/first fixture plus \$15 each additional fixture	\$60/first fixture plus \$15 each additional fixture

Electrical Permits

Description	Current Fees	Proposed Fees
Residential		
New construction per unit	\$100	\$150
Additions/renovations		
Less than 500 sf	\$ 25	NC
Greater than 500 – 1,500 sf	\$ 50	NC
Greater than 1,500 sf	\$100	NC
Minor alterations/appliances	\$ 25	NC
Change of service/meter	\$ 30	NC
Accessory structures (garage,barn,etc., excluding separate meter)	\$ 30	NC
Temporary service	\$ 30	NC
Meters per unit	\$ 30	NC
Smoke detectors/alarms	\$ 30	NC
Commercial		
New construction per unit	\$150+\$25 per 1,000 sf greater than 4,000 sf	\$200+\$25 per 1,000 sf greater than 4,000 sf
Additions/renovation		
Less than 1,000 sf	\$ 50	\$ 75
Greater than 1,000-2,500 sf	\$ 75	\$100
Greater than 2,500 sf	\$150 + \$25 per 1,000 sf greater than 4,000 sf	NC
Minor alterations/appliances, etc.	\$ 25	NC
Change of service/meter	\$ 40	NC
Temporary service	\$ 30	NC
Signs	\$ 25	NC
Carnivals/fairs		
1-10 concessions/rides	\$ 50	NC
10 concessions/rides	\$100	NC

Signs

Description	Current Fees	Proposed Fees
	\$ 25	\$ 50
Over 25-50 sf	\$ 50	\$ 75
Over 50-75 sf	\$100	\$150
Over 75 sf	\$150	\$200

Miscellaneous Permits and Fees

Description	Current Fees	Proposed Fees
Accessory building: all use groups		
Greater than 120 sf – 500 sf	\$ 35	NC
Greater than 500 sf – 750 sf	\$ 50	NC
Greater than 750 sf – 1,000 sf	\$ 75	NC
Greater than 1,000 sf – 1,500 sf	\$100	NC
Greater than 1,500 sf	Same as new building permit based on actual cost	NC
Change of permit holder	\$ 25	NC
Pre-building code structure, certificate of occupancy	\$ 75	NC
Change of use permit (no construction)	\$ 25	NC
Foundation permit (separate from building permit for cause only)	\$ 25	NC
Zoning compliance certificate (lots/existing uses/structures)	\$ 50 minimum + research time	NC
Reinspections (for work not ready for inspection, incomplete work or failure of inspectors to gain access to premises)	\$ 50	\$100
Removal of stop-work order	\$ 35	\$ 50
Replacement of lost permit inspection cards	\$ 25	\$ 50
Chimney/fireplace (new and reconstruction)	\$ 25	NC
Certificates of inspection	\$10 increase CMR 780 Table 106 \$50 minimum	NC
Permit renewals		
First renewal	\$ 25	\$ 50
Second renewal (for cause only)	\$ 50	\$ 75
Inground swimming pools	\$ 60	\$125
Aboveground swimming pools	\$ 25	\$ 75
Decks, open porch	\$ 30	\$ 60
Relocation/moving (includes new foundation)	\$150	\$250
Demolition		

Miscellaneous Permits and Fees (CONT'D)

Description	Current Fees	Proposed Fees
Residential principal buildings (\$4.10 per \$1,000 of construction value)	Minimum \$ 75	Minimum \$125; (\$5.10 per \$1,000 of construction value)
Accessory buildings	\$ 35	\$ 50
Commercial buildings (\$8.10 per \$1,000 of construction value)	Minimum \$ 75	(\$9.10 per \$1,000 of construction value)
Home occupation (no construction)	\$ 25	NC
Pre-permit plan review (one and two family)	\$ 25	\$ 75
Temporary residential certificate of occupancy (for cause only)	\$ 25	\$ 75
Residential certificate of occupancy	\$ 25	NC
Temporary commercial certificate of occupancy (for cause only)	\$ 75	NC
Commercial certificate of occupancy	\$ 75	NC
Pre-permit plan fees	\$100	NC
Site plan (fees)		
Project construction cost under \$5,000	\$100	NC
\$5,000 - \$14,999	\$200	NC
\$15,000 - \$49,999	\$250	NC
\$50,000 - \$249,999	\$350	NC
\$250,000 or more	\$500	NC
Permit related to work begun prior to time allowed for acquiring permits under Building, Electrical, Plumbing and Gas Code	Two times permit cost	NC

[Added 10-19-2006 by Order No. 2007-033]

Express Permits

Description	Current Fees	Proposed Fees
Minimum	\$ 25	
Residing/reroofing (residential)	\$4.10 per \$1,000 of construction value	\$5.10 per \$1,000 of construction value
Wood/coal stoves	\$ 25	NC
Replacement windows	\$ 25	NC
Sheds under 120 sf	\$ 25	NC
Others (as determined by inspector)	\$ 25	NC

Tents (See § 240-9D of Ch. 240, Zoning)

Description	Current Fees	Proposed Fees
Residential	\$ 25	NC
Fund raiser/special event/nonprofit agency	\$ 25	NC
Commercial (temporary accessory structure)	\$100	NC
Organized and supervised recreational camp (special permit required)	\$ 50	NC

§ 76-7. Newsracks. [Amended 1-20-2005 by Order No. 2005-0381]

For a permit or renewal of a permit for newsracks pursuant to § 130-5: \$50

§ 76-8. Outdoor business licenses. [Amended 1-20-2005 by Order No. 2005-038]

Description	Current Fees	Proposed Fees
For outdoor business licenses pursuant to § 141-6:		
A. Annual fee	\$400	NC
B. When issued after October 15:	\$200	NC
C. For charitable organizations (special license):	\$ 25	NC

§ 76-9. Tourist camps. [Amended 1-20-2005 by Order No. 2005-038]

Description	Current Fees	Proposed Fees
For tourist camps pursuant to § 217-4:		
A. Permit:	\$ 10 per tourist camp	NC
B. Renewal fee:	\$ 10 per tourist camp	NC

(Amended by Town Council on Aug. 15, 1996 – item 97-015 by a 10 Yes, unanimous vote).

(Amended by Town Council item #96-083, passed 1/4/96.)

(Amended by Town Council item #2001-113 on June 21, 2001)

B. NEW BUSINESS (May be acted upon.)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-078
INTRO: 01/17/08**

2008-078 ACCEPTANCE OF ARTS FOUNDATION OF CAPE COD GRANT

RESOLVED, that the Town Council hereby accepts the grant award in the amount of \$2,000 from the Arts Foundation of Cape Cod.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read item
- Rationale
- Council discussion
- Move/vote

BARNSTABLE TOWN COUNCIL

ACCEPTANCE OF ARTS FOUNDATION OF CAPE COD GRANT

ITEM# 2008-078
INTRO: 01/17/08

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Patty Daley, Interim Director of Growth Management
DATE: January 7, 2008
SUBJECT: Acceptance of a grant from the Arts Foundation of Cape Cod

BACKGROUND: The Growth Management Department applied for and has been awarded a grant from the Arts Foundation of Cape Cod in the amount of \$2,000. The funds will be used to increase awareness of the Harbor your Arts Programs, particularly through increased signage, print ads and brochures.

ANALYSIS: Acceptance of this grant will allow for increased marketing and promotion of the Town's arts and culture initiatives.

FISCAL IMPACT: This grant will supplement additional grant funds allocated to the Harbor Your Arts (HyA) Program. No matching funds were required for this grant.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends acceptance of this grant.

STAFF ASSISTANCE: Beth Dillen

B. NEW BUSINESS (May be acted upon.)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-079
INTRO: 01/17/08**

2008-079 ACCEPTANCE OF FY08 TRAFFIC ENFORCEMENT GRANT

RESOLVED, that the Town Council hereby accepts a Traffic Enforcement Grant award in the amount of \$10,000 from the Governor's Highway Safety Bureau.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Rationale
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

ACCEPTANCE OF A TRAFFIC ENFORCEMENT GRANT

ITEM# 2008-079
INTRO: 01/17/08

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Paul B. MacDonald, Chief of Police
DATE: January 8, 2008
SUBJECT: Acceptance of a traffic enforcement grant from the Governor's Highway Safety Bureau

BACKGROUND: The Department has been awarded a grant in the amount of \$10,000 to participate in the current round of *Drunk Driving. Over the Limit. Under Arrest; Road Respect; Click It or Ticket* mobilizations. According to the National Highway Traffic Safety Administration, traffic enforcement done in conjunction with intense media awareness during a series of two to three week mobilization periods is highly effective in raising safety belt use across the nation. In Massachusetts the safety belt use rate was 51% in June 2002 and has increased to a 69% use rate by June of 2007. In addition to increasing safety belt use, this grant program aims to assist Massachusetts in these traffic safety challenges:

- Motor vehicle crashes in Massachusetts resulted in 476 fatalities, 5,000 incapacitating injuries, and more than \$6 billion in economic loss in 2004.
- Alcohol-related fatalities represented 49% of all motor vehicle-related fatalities in Massachusetts in 2002 and decreased to 45% by 2003, which was still five percent higher than the national average. While the results have improved, work is still needed to reduce impaired.
- Speeding is still a primary concern. 33% of motor vehicle-related fatalities in Massachusetts in 2004 were due to excessive speed. Work is still needed to reduce speeding.

ANALYSIS: Acceptance of this grant will assist the Department in the continuance of our traffic safety programs.

GRANT DETAIL: The \$10,000 grant allocation will be directed toward overtime associated with mobilizations as follows: *Drunk Driving. Over the Limit. Under Arrest.* (December 12, 2007-January 12, 2008; July 2, 2008-July 23, 2008; and August 13, 2008-September 3, 2008); *Click It or Ticket* (May 14-June 4, 2008); *Road Respect to address speeding, street/drag racing, aggressive driving including red light running* (March 26-April 16, 2007).

FISCAL IMPACT: This grant will supplement the currently allocated funds. There is a required match that will be satisfied using currently allocated department resources and in-kind matches.

STAFF ASSISTANCE: Chief Paul B. MacDonald

B. NEW BUSINESS (May be acted upon.)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-080
INTRO: 01/17/08**

2008-080 ACCEPTANCE OF FY08 STATEWIDE EMERGENCY TELECOMMUNICATIONS BOARD TRAINING GRANT

RESOLVED, that the Town Council hereby accepts a FY08 Statewide Emergency Telecommunications Board Training Grant award in the amount of \$26,100.00 from the Executive Office of Public Safety.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read item
- Rationale
- Council discussion
- Move/vote

BARNSTABLE TOWN COUNCIL

ACCEPTANCE OF THE STATEWIDE EMERGENCY TELECOMMUNICATIONS BOARD TRAINING FY08 GRANT

ITEM# 2008-080

INTRO: 01/17/08

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Paul B. MacDonald, Chief of Police
DATE: January 8, 2008
SUBJECT: Acceptance of a FY08 Statewide Emergency Telecommunications Board Training Grant award in the amount of \$26,100.00 from the Executive Office of Public Safety.

BACKGROUND: The town has been awarded a Statewide Emergency Telecommunications Board Training Grant award for FY 2007 in the amount of \$26,100.00. The Department applied for, and was awarded, this amount to support the training costs associated with the implementation and conversion to the new Statewide E911 system.

ANALYSIS: Acceptance of this grant will assist the Department in the conversion training of officers and telecommunicators to the new E911 system.

GRANT DETAIL: The \$26,100 grant award will be allocated to two categories: \$20,000 towards the overtime costs associated with travel to and from the Bridgewater training site; and \$6,100.00 towards the overtime replacement costs associated with replacing the officers on shift as they attend training.

STAFF ASSISTANCE: Chief Paul B. MacDonald

B. NEW BUSINESS (May be acted upon.)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-081
INTRO: 01/17/08**

2008-081 ACCEPTANCES OF GIFTS TO INSTALL PLAYGROUND EQUIPMENT IN WEST BARNSTABLE

RESOLVED, that the Town Manager is authorized to accept gifts and grants for the purpose of creating a “boundless” playground located adjacent to the Barnstable Lombard Field, 2377 Route 149, West Barnstable.

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read item
- Rationale
- Council discussion
- Move/vote

BARNSTABLE TOWN COUNCIL

ACCEPTANCES OF GIFTS FOR A BOUNDLESS PLAYGROUND IN WEST BARNSTABLE

**ITEM# 2008-081
INTRO: 01/17/08**

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Lynne M. Poyant, Community Services Director and David Curley,
Director of Recreation
DATE: January 17, 2008
SUBJECT: Acceptances of Gifts for Boundless Playground Adjacent to Barnstable
Lombard Field

BACKGROUND: The Barnstable Lombard Field complex consists of: Community Building, a baseball/softball playing field, a parking lot with basketball hoop and a couple of old pieces of playground equipment. The Barnstable Recreation Division permits the Barnstable Lombard Field out to various community groups and non-profit, youth sport organizations. The Recreation Division uses this site to conduct the Town's Youth baseball and softball programs. Also, there are a number of other non-profit organizations using the ball field area. Parking for this site is adjacent to the field area and community building. The DPW maintains the Lombard Field area. Presently, the parking area is limited and the condition of said parking needs to be upgraded. The existing playground equipment is tired and basically useless for this area and facility. The Barnstable Recreation Division has received numerous requests regarding providing additional playground equipment at the Barnstable Lombard Field area.

ANALYSIS: Approximately two years ago, the Luke Vincent Powers Foundation met with the Barnstable Recreation Commission for the purpose of making a formal request to use a portion of the Town of Barnstable Lombard Field area to construct a boundless playground. The Foundation would raise all of the necessary dollars to construct the playground and to expand and upgrade the parking area. The Foundation's proposal includes installation of a playground that addresses total access for all children including handicapped. The term "boundless" describes a playground that does not exclude any child from its use. The space the Foundation requires is approximately 7,500 square feet behind the ball field scorer's building toward the Selectmen's Building. This location is not only convenient to many children in the village of West Barnstable and the Town of Barnstable; it is in dire need of repair and upgrading. During the day, playground areas are difficult to use as most of them are on school grounds and are not available to the public until school activities are concluded. The project's parking improvements would also benefit the following: Community building use, the ballpark events, and special events such as village meetings, village festivals, and voting days. The Foundation will work with the Recreation Division, Conservation Division, Growth Management Department, and Department of Public Works to ensure all project work meets Town specifications.

From a community perspective, the Boundless playground has received the enthusiastic support of the West Barnstable Civic Association as well as the Old King's Highway Historic District Commission.

This agenda item will allow the Luke Vincent Powers Foundation to begin fundraising for the playground installation project at the Barnstable Lombard Field, West Barnstable. It also allows the Town to accept the playground when completed. A separate gift account will be established within the Town's finance department for additional fundraising efforts. The volunteers intend to raise sufficient funds to complete the project and to place a sum of money aside for future maintenance. The Barnstable Recreation Division will oversee expenditures from this account.

In closing, the long overdue renovation and enhancements to the Lombard site are a good fit to this particular area. The Boundless playground and upgrades to the Lombard area will truly fulfill a community need.

FISCAL IMPACT: There will be no negative financial impact to the Town. Volunteers will raise all of the money necessary to perform the work.

BOARD ACTION: The Recreation Commission unanimously supports this Resolve.

STAFF ASSISTANCE: David Curley, Recreation Director; Lynne M. Poyant, Community Services Director; David Houghton, Town Attorney

SPONSOR: Town Manager John C. Klimm and Town Councilor Henry C. Farnham

B. NEW BUSINESS (May be acted upon.)

BARNSTABLE TOWN COUNCIL

**ITEM# 2008-082
INTRO: 01/17/08**

2008-082 AUTHORIZATION TO ENTER INTO LEASE WITH LOMBARD TRUST FOR THE BOUNDLESS PLAYGROUND IN WEST BARNSTABLE.

ORDERED, that the Town Council hereby authorizes the Town Manager to enter into a lease for nominal rent for a term not to exceed ninety-nine (99) years between the Lombard Trust and the Town of Barnstable for property adjacent to the Barnstable Lombard Field, having a street address of 2377 Route 149, West Barnstable, and to execute and deliver any documents related thereto on behalf of the Town.

SPONSOR: Town Councilor Henry C. Farnham and Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read item
- ___ Rationale
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

AUTHORIZATION TO ENTER INTO A LEASE LOMBARD TRUST FOR BOUNDLESS PLAYGROUND

ITEM# 2008-082

INTRO: 01/17/08

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: January 17, 2008
SUBJECT: Authorization to enter into a lease with Lombard Trust for Boundless Playground

BACKGROUND: Approximately two years ago, the Luke Vincent Powers Foundation met with the Barnstable Recreation Commission for the purpose of making a formal request to use a portion of the Town of Barnstable Lombard Field area to construct a boundless playground. The Foundation would raise all of the necessary dollars to construct the playground and to expand and upgrade the parking area. The Foundation's proposal includes installation of a playground that addresses total access for all children including handicapped. The term "boundless" describes a playground, which does not exclude any child from its use. The space the Foundation requires is approximately 7,500 square feet behind the ball field scorer's building toward the Selectmen's Building. This location is not only convenient to many children in the village of West Barnstable and the Town of Barnstable it is in dire need of repair and upgrading. During the day, playground areas are difficult to use as most of them are on school grounds and are not available to the public until school activities are concluded. The project's parking improvements would also benefit the following: Community building use, the ballpark events, and special events such as village meetings, village festivals, and voting days. The Foundation will work with the Recreation Division, Conservation Division, Growth Management Department, and Department of Public Works to ensure all project work meets Town specifications.

From a community perspective, the Boundless playground has received the enthusiastic support of the West Barnstable Civic Association as well as the Old King's Highway Historic District Commission.

This agenda item will allow the Town Manager to enter into a lease agreement with the Lombard Trustee for the creation and management of this community playground.

ANALYSIS: The lease will provide additional revenue for the Lombard Trust.