



# Town of Barnstable Town Council

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## **TOWN COUNCIL MEETING AGENDA April 1, 2010 7:00 PM**

Councilors:

Frederick Chirigotis  
President

James H. Crocker, Jr.  
Vice President

Richard G. Barry  
Janice L. Barton  
Ann B. Canedy  
Debra S. Dagwan  
Henry C. Farnham  
Janet S. Joakim  
J. Gregory Milne  
James F. Munafo, Jr.  
John T. Norman  
Tom Rugo  
James M. Tinsley

Administrator:  
Donald M. Grissom

Administrative  
Assistant:  
Barbara A. Ford

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 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: April 15, 2010**

**A. OLD BUSINESS**

2008-163	Approve the final draft of the Local Comprehensive Plan as amended <b>(May be acted upon)</b> .....	5 - 6
2010-062	District of Critical Planning Concern Craigville Beach District implementation regulations <b>(Public hearing continued) (Roll-call)</b> .....	7 - 18
2010-087	Authorizing the establishment of a designated gift account for the Hyannis Youth and Community Center <b>(May be acted upon)</b> .....	19 - 21
2010-088	Acceptance of a \$1,647,786 supplemental grant from the Federal Aviation Administration <b>(May be acted upon)</b> .....	22 - 24
2010-093	Capital expense appropriation transfer & loan for Barnstable Municipal Airport Terminal \$21,430,851 <b>(Public hearing) (Roll-call, 2/3)</b> .....	25 - 26
2010-094	Acceptance and approval of the fish weir renewal application from Nantucket Fish Weirs, Inc. for two fish weirs <b>(May be acted upon)</b> .....	27- 28

**B. NEW BUSINESS**

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**FY11 CAPITAL IMPROVEMENT PROGRAM ORDERS 2010-095 thru 2010-102 & 2010-104 thru 2010-114 - REFER TO PUBLIC HEARING ON APRIL 15, 2010:**

2010-095	Appropriation-\$75,000 Airport Enterprise Fund Capital Improvement Plan for clearing the Runway Visual Zone of the Airport's Runway 15 <b>(Refer to public hearing 04/15/10) (Roll-call)</b> .....	29
2010-096	Appropriation & Loan \$1,365,000 Sandy Neck Enterprise Fund Capital Improvement Plan for renovations to the Beach House and site improvements <b>(Refer to public hearing 04/15/10) (Roll-call, 2/3)</b> .....	30
2010-097	Appropriation \$1,050,000 Water Supply Enterprise Fund Capital Improvement Plan for pipe replacement & upgrade program Hyannis Water System <b>(Refer to public hearing 04/15/10) (Roll-call, 2/3)</b> .....	31
2010-098	Appropriation \$32,000 Water Supply Enterprise Fund Capital Improvement Plan for funding repairs to Mary Dunn 1 water storage tank <b>(Refer to public hearing 04/15/10) (Roll-call)</b> .....	32
2010-099	Appropriation \$110,000 Water Supply Enterprise Fund Capital Improvement Plan-design for upgrading and lengthening the Hyannis Waters System's water main <b>(Refer to public hearing 04/15/10) (Roll-call)</b> .....	33
2010-100	Appropriation & Loan - \$4,082,000 Water Supply Enterprise Fund Capital Improvement Plan construction of a new water storage tank- Hyannis Water System <b>(Refer to public hearing 04/15/10) (Roll-call, 2/3)</b> .....	34

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2010-101	Appropriation \$185,000 Sewer Enterprise Fund Capital Improvement Plan for replacement of a chlorine storage tank at the Sewer Treatment Plant <b>(Refer to public hearing 04/15/10) (Roll-call)</b> .....	35
2010-102	Appropriation \$150,000 Sewer Enterprise Fund Trust Fund Capital Improvement Plan funding new alarms for the sewer pump stations <b>(Refer to public hearing 04/15/10) (Roll-call)</b> .....	36
2010-103	<b>VOID</b> .....	
2010-104	Appropriation \$3,250,000 Capital Trust Fund Capital Improvement Plan to fund the repair of public roads and drainage systems <b>(Refer to public hearing 04/15/10) (Roll-call 2/3)</b> .....	37
2010-105	Appropriation \$67,500 Capital Trust Fund Capital Improvement Plan <b>(Refer to public hearing 04/15/10) (Roll-call 2/3)</b> .....	38
2010-106	Appropriation Capital Trust Fund Capital Improvement Plan \$30,000 as local matching funds for a federal grant program-coastal discharge mitigation <b>(Public hearing) (Roll-call 2/3)</b> .....	39
2010-107	Appropriation \$65,000 Capital Trust Fund Capital Improvement Plan to treat Hydrilla in Long Pond & Fanwort in Lake Wequaquet <b>(Refer to public hearing 04/15/10) (Roll-call 2/3)</b> .....	40
2010-108	Appropriation & Loan Order \$250,000 Capital Trust Fund Capital Improvement Plan for repairs to the Barnstable West Barnstable & Centerville Elementary schools parking lots <b>(Refer to public hearing 04/15/10) (Roll-call 2/3)</b> .....	41
2010-109	Appropriation & Loan Order \$680,000 Capital Trust Fund Capital Improvement Plan school building improvements & equipment upgrades <b>(Refer to public hearing 04/15/10) (Roll-call 2/3)</b> .....	42
2010-110	Appropriation & Loan Order \$300,000 Capital Trust Fund Capital Improvement Plan for municipal facility improvements <b>(Refer to public hearing 04/15/10) (Roll-call 2/3)</b> .....	43
2010-111	Appropriation & Loan Order \$650,000 for the West Bay Bridge repairs <b>(Refer to public hearing 04/15/10) (Roll-call 2/3)</b> .....	44
2010-112	Appropriation & Loan Order \$250,000 Capital Trust Fund Capital Improvement Plan for the Boat Ramp Renovation Program <b>(Refer to public hearing 04/15/10) (Roll-call 2/3)</b> .....	45
2010-113	Appropriation & Loan Order \$600,000 Capital Trust Fund Capital Improvement Plan for Phase III of the Comprehensive Wastewater Management Plan <b>(Refer to public hearing 04/15/10) (Roll-call 2/3)</b> .....	46
2010-114	Transfer \$140,000, \$308,000 and \$25,000 Capital Trust Fund Capital Improvement Plan from the balances of sidewalk appropriation Orders 2003-085, 2005-085, 2007-094 for the Sidewalk Improvement Program <b>(Refer to public hearing 04/15/10) (Roll-call)</b> .....	47

**END OF CAPITAL IMPROVEMENT ORDERS**

ITEM NO.	INDEX TITLE	PAGE
2010-115	Vote on the merits of the free petition submitted in accordance with the Town Charter, Section 8-7, Free Petition (b) <b>(Refer to public hearing 04/15/10) (Roll-call)</b> .....	48
2010-116	Appointments to a board, committee, or commission <b>(First reading)</b> .....	49
2010-117	Gift acceptance of \$1,670 from David C. Pina, II & Robert Maffei to purchase a spiral wishing well for location at the Hyannis Youth & Community Center) <b>(May be acted upon)</b> .....	50 - 51
2010-118	Extend the Temporary Recreation Shellfish Area & the Shellfish Relay Overlay District to remain in effect until June 30, 2010 <b>(Refer to joint hearing with the planning board 04/15/10) (Roll-call, 2/3)</b> .....	52 - 53

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**Minutes** -- February 25, 2010, March 4, 2010, and March 18, 2010

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**Please Note:** It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than they appear on this agenda.

**A. OLD BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2008-163**

**INTRO: 06/19/08, 07/17/08, 08/21/08, 09/18/08, 03/18/10, 04/01/10**

**2008-163 ADOPTION OF THE TOWN OF BARNSTABLE COMPREHENSIVE PLAN 2008**

**RESOLVED AND ORDERED:** That the Town Council hereby adopts the Town of Barnstable Comprehensive Plan 2008 and instructs the Town Clerk to submit the plan to the Clerk of the Cape Cod Commission for certification that it is consistent with the Regional Policy Plan.

**SPONSOR:** Town Manager John C. Klimm

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____
_____	_____
_____	_____

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

# **BARNSTABLE TOWN COUNCIL**

## **ADOPTION OF THE TOWN OF BARNSTABLE COMPREHENSIVE PLAN 2008**

**ITEM# 2008-163**

**INTRO: 06/19/08, 07/17/08, 08/21/08, 09/18/08, 03/18/10, 04/01/10**

### **SUMMARY**

**TO:** Town Council  
**FROM:** Patty Daley, Growth Management, Interim Director  
**DATE:** June 10, 2008

**BACKGROUND:** This agenda item is the update of the 1997 Local Comprehensive Plan adopted by Town Council on October 30, 2007 and certified as consistent with the Regional Policy Plan by the Cape Cod Commission on February 12, 1998.

At their meeting on June 9, 2008 the Planning Board as the Local Planning Committee unanimously voted to send the Comprehensive Plan (CP) to Town Council for review and adoption. Once Town Council approves the CP it will then be submitted to the Cape Cod Commission for certification.

**ANALYSIS:** A comprehensive plan describes Barnstable's land use policy. This CP focuses on the location of new growth where capacity exists to absorb impacts; guidance for areas where investment in redevelopment is desirable and incentives can be provided; support and maintenance of the villages, their character and economy; economic sectors for focused attention; protection, improvement and maintenance of natural resources; and community housing, facilities and infrastructure, heritage preservation and health and human services issues.

**RATIONALE:** The 1997 Local Comprehensive Plan is the certified and approved plan of record for Barnstable. This updated plan reflects conditions, science, data and policies that have changed since 1997. The Comprehensive Plan is a source of information for residents, appointed and elected officials, businesses and other stakeholders as they consider land use options in Barnstable.

**FISCAL IMPACT:** The fiscal impact is neutral. Plan implementation would create an overall positive fiscal impact.

**STAFF ASSISTANCE:** Patricia Daley, Growth Management, Interim Director  
Jo Anne Miller Buntich, Growth Management, Assistant Director  
Jacqueline Etsen, AICP, Growth Management, Principal Planner

**A. OLD BUSINESS (Public hearing continued) (Roll-call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-062**

**INTRO: 12/03/09, 02/25/10, 03/04/10, 04/01/10**

**2010-062 DCPC IMPLEMENTING REGULATIONS-CRAIGVILLE BEACH DISTRICT**

**ORDERED**, that the Town Council does hereby adopt the following implementing regulations subject to the final approval by the Cape Cod Commission:

Preamble: This section is adopted as a zoning implementing regulation of the Craigville Beach portion of the Craigville Beach District of Critical Planning Concern (DCPC). Included in this order: **Section 1** amends the Zoning Map to create the Craigville Beach District; **Section 2** adopts the Craigville Beach District Implementing Regulations. **Section 3** incorporates the DCPC implementing regulations into the Town of Barnstable Zoning Ordinances upon approval by the Cape Cod Commission and **Section 4** adds the Centerville Beach District to the Town of Barnstable Ordinance Article II, § 240-5 Establishment of Districts, Residential Districts.

**Section 1**

**Craigville Beach District Map**

That the Zoning Map of the Town of Barnstable is hereby amended by rezoning portions of the RB, RC, RD and RD-1 zoning districts in Centerville and a small portion of western Hyannis to the Craigville Beach District as shown on a map on file with the Town Clerk entitled "Proposed Amendment to the Town Zoning Map Creating the Craigville Beach District" dated July 16, 2009 Index Sheets Hyannis Sheet 3 of 7 and Centerville Map 4 of 7 creating the Craigville Beach District".

**Section 2**

**Craigville Beach District Implementing Regulations**

That Chapter 240, The Zoning Ordinance is hereby amended by adding to Article XIV District of Critical Planning Concern Implementing Regulations a new § 240-131 adding Craigville Beach District Implementing Regulations as follows:

**§240- 131 Authority**

This section is adopted under the authority of the Home Rule Amendment, Article 89 of the Constitution of the Commonwealth, and the Cape Cod Commission Act, Chapter 716 of the Acts of 1989.

**§240-131.1 Purposes and Intent**

- A. The purpose and intent of this section is to guide development in the Craigville Beach District pursuant to the Guidelines of Barnstable County Ordinance 08-06 to ensure that development and redevelopment:
- (1.) Contributes to and respects the character and historic development patterns of the area; lessens inconsistent development and redevelopment impacts to the historic and community character resources in this area;
  - (2.) Protects and preserves scenic views and vistas and ways to the water;
  - (3.) Protects and improves natural resources including but not limited to the barrier beach and groundwater and coastal water quality; lessen development and redevelopment impacts to the natural resources and ecosystems in this district;
  - (4.) Protects human life and property from the hazards of periodic flooding,
  - (5.) Preserves the natural flood control characteristics and the flood control function of the flood plain,

- (6.) Preserves and maintains the ground water table and water recharge areas within the floodplain. As the entire complex of coastal wetland resources moves landward due to relative sea level rise, the Craigville Beach area's coastal floodplains immediately landward of salt marshes, coastal beaches, barrier beaches, coastal dunes, and coastal banks require special protection.

**240-131.2 District Boundaries**

A. The provisions of this ordinance shall apply within the Craigville Beach District (CBD), as shown on the Zoning Map of the Town of Barnstable as amended.

B. **Neighborhood Overlays.** For the purpose of this section the Craigville Beach District is divided into the following Neighborhood Overlay areas, as shown on the Zoning Map and identified as: .

- LBSB: Long Beach/Short Beach
- CB: Craigville Beach
- CRNB: Centerville River North Bank
- CV: Craigville Village

**§ 240-131.3 Definitions**

**Accessory Use or Building--** A use or structure which is customarily incidental to and subordinate in area, extent, and purpose to that of the principal use or structure.

**Base Flood Elevation (BFE) –** The elevation shown on the Flood Insurance Rate Map (FIRM) that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

**Beach Club --** A membership establishment legally in existence at the time of the adoption of this ordinance, not open to the general public, located in close proximity to a beach and providing recreational and social activities, including food service, to members.

**Building Coverage -** The percentage of a lot covered by principal and accessory buildings or structures. For the purposes of this section, this definition does not include uncovered swimming pools and tennis courts, and decks not exceeding 100 square feet or 10 feet in length.

**Building Height –**The vertical distance from the grade plane to the highest point of a gable, hip or gambrel roof and the highest point of the coping of a flat roof. These height limitations shall not apply to chimneys, flagpoles or other similar appurtenances as approved by the Building Commissioner.

**Common Driveway –** A form of access which is not a street but extends from a street and provides common vehicular access to more than one (1) lot. For the purposes of calculating Lot Coverage, the common driveway's Impervious Surfaces shall be equally allocated among the lots served and/or benefited by the common driveway in proportion to the sizes of the lots.

**Conference Center –** A non-profit religious and educational use legally in existence at the time of the adoption of this section comprised of guest houses and cottages, single family residences, recreational areas, lodging for guests, meeting spaces, and summer recreational opportunities.

**Cottage Colony –** A group of three or more detached dwellings, under one ownership, legally in existence at the time of the adoption of this section located on a single lot, which are customarily rented out to the transient public by day, week, month, or season and occupied on a seasonal basis only. Cottage colonies shall not be used year round. Cottage colony structures shall not exceed one and one-half stories and 800 s.f. GFA.

**Elevated Structure -** A structure elevated for the purpose of Barnstable Code, Section 240-34, Flood Area provisions whose lowest structural member is 1' above BFE in A zones and 2' above BFE in V zones.

**FEMA –** Federal Emergency Management Agency.

**FEMA Flood Zones -** Geographic areas susceptible to inundation by water that FEMA has mapped according to varying levels of flood risk, as defined and delineated on a community's Flood Insurance Rate Map as may be amended from time to time.



**FIRM** – Flood Insurance Rate Map.

**Grade** – The referenced plane of the average of all finished ground levels adjoining the building or structure for a distance of 6 feet from all exterior walls. Retaining walls for mounded septic systems mandated by the Board of Health are not included in the calculation of grade.

**Gross Floor Area** – The sum of all floor areas within a building or structure, measured from the perimeter of the outside walls of the building under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns, or other features. It shall include all areas capable of being used for human occupancy, including all basement floor areas, mezzanine and attic space and enclosed porches.

**Half Story** – That space above the plate line but below the ridgeline in an area commonly called the “attic space”, provided that the gross floor area of the half story shall not exceed 66% of the gross floor area immediately below the half story.

**Impervious Surface** A surface which prevents the penetration of precipitation or other liquids into the ground, including roofs, concrete, asphalt, sidewalks, etc. Any area designed for vehicle use or vehicle parking covered with porous pavers, which may become impervious over time may, at the discretion of the Building Commissioner be considered impervious surface.

**Lot Area** – For the purpose of determining Maximum Building Coverage and Maximum Lot Coverage Allowances the lot area for legally created lots that are vacant or developed and/or improved as of November 6, 2009 shall be the horizontal area of the lot defined by metes and bounds. All of the lot area used for zoning compliance shall be land other than that under water nine (9) months or more in a normal year.

**Lot Coverage** - The percentage of a lot covered by Impervious Surfaces. For the purposes of this section, paved driveways and parking areas, principal and accessory structures, and other on-site amenities that render any portion of a lot impervious shall be included in the definition of lot coverage.

**Non-Profit Educational Use** – An educational use conducted by a not for profit corporation whose articles of incorporation permit it to engage educational activities and “educational purposes” as its principal permitted use within the meaning of Massachusetts General Laws, Chapter 40A, sec. 3, including but not limited to libraries and museums.

**Open Foundation:** A pile or column foundation designed for structures in flood zones that minimizes the foundation area subject to lateral flood loads. Open foundations are intended to prevent flotation, collapse, and lateral movement of a building during a flood-event.

**Religious Institution** – An institution engaged in “religious purposes” within the meaning of Massachusetts General Laws, Chapter 40A, Section 3.

**Seasonal Use** – A use carried on for only a part of the year. Typical seasonal uses are outdoor recreational activities such as swimming and boating both motorized and non-motorized; impermanent use of cottages, motels, hotels, letting of rooms in a residential structure and letting an entire residential structure.

**Seasonal Use Structure** – Any structure designed or used as temporary seasonal living quarters that is not used as a primary, permanent residence. Seasonal use structures may have heat and other amenities but do not deposit wastewater into wastewater treatment systems on a regular year round basis and do not withdraw water for consumption or other activities on a regular year round basis.

**Single Family Residence** - A detached residential building designed for and occupied by a single family.

**Small-Scale Food Service** – An establishment legally in existence at the time of the adoption of this section where food is served to customers by wait staff. Small-scale food service does not include restaurants designed to serve a large volume of customers. Small-scale food service is subject to formula business limitations as described herein. These uses are intended to increase pedestrian activity.

**Special Permit Granting Authority (SPGA)** - The Zoning Board of Appeals shall be the special permit granting authority within the Craigville Beach District.

**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.

**Structure-** Anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, sheds, swimming pools and towers, but shall exclude fences of 6 feet or less in height and flag poles.

**Upland** – All lands not defined herein as wetlands.

**V (Velocity) Zone**—The area extending from mean low water to the inland limit 100 year floodplain supporting waves greater than three (3) feet in height. V-zones are mapped on the FEMA FIRM.

**Wetland** – The land under the ocean or under any bay, lake, pond, river, stream, creek or estuary; any wet meadows, marshes, swamps, bogs, areas where high groundwater, flowing or standing surface water or ice provide a significant part of the supporting substrata for a plant community for at least five months of the year, lowland subject to any tidal action or annual storm flooding or flowage, or any flat, beach, dune, or other shifting sand formation.

**Section 240-131.4 Craigville Beach District Use Regulations**

Municipal uses are exempt from these regulations.

Principal Permitted Uses. See 240-131.7 (Neighborhood Overlay Regulations) herein.

**A. Use Limitations**

- (1.) Any use not expressly allowed herein is prohibited.
- (2.) The conversion of any building or structure from seasonal use to year round use is prohibited, except that Single Family Residences are not subject to this use limitation. The conversion of a building, or buildings, constituting a cottage colony, hotel, inn or rooming house, or of a facility required to be licensed as a recreational camp, overnight camp or cabin, or motel under S. 32A to I of Chapter 140 of the General Laws, to condominium-type ownership, shall be deemed to be a change in use from seasonal to year-round use, and is prohibited.
- (3.) Permitted business and retail uses shall not include a business which is required by contractual or other arrangement to maintain one or more of the following items: standardized (“Formula”) array of services and/or merchandise, trademark, logo, service mark, symbol, décor, architecture, layout, uniform, or similar standardized features and which causes it to be substantially identical to more than fourteen (14) other businesses regardless of ownership or location. Drive-up windows and/or drive-through facilities are prohibited.

**B. Exempt Uses**

- (1.) Religious institutions, accessory day care centers, and Non-Profit Educational uses are permitted as exempt uses within the Craigville Beach District. These uses shall, however, be subject to and in conformance with the reasonable bulk, density, design and development regulations of the Craigville Beach District as set forth in Sections 240-131.1 Purposes and Intent, § 240-131.5 Dimensional, Bulk and Other Regulations, § 240-131.7 Neighborhood Overlay Regulations including General Performance Standards and applicable Neighborhood Performance Standards
- (2.) Where the exempt use does not comply with said regulations, the Zoning Board of Appeals shall, by modification permit, modify said regulations if compliance with the regulation substantially diminishes or detracts from the usefulness of a proposed development or impairs the character of the development so as to affect its intended use, provided however that the relief granted will not create a public safety hazard along adjacent roadways and will not adversely impact natural resources or create a nuisance or adverse impacts to other surrounding properties. A modification permit shall be subject to the same procedural requirements as a special permit except that approval of a modification permit shall require a simple majority of the members of the Board.

**C. Continuation.** Any lawfully established lot, structure or use existing at the time of the adoption of this section that does not conform to the provisions of the CBD shall be allowed to continue.

**D. Change, Expansion or Alteration of Uses and Structures**

Existing conforming or non-conforming uses and structures lawfully existing at the time of the adoption of this ordinance may continue subject to the following:

- (1) As of right
  - a) The normal and customary repair and maintenance of a building or structure and the conversion of existing floor area to habitable space is permitted as of right.
  - b) The alteration and expansion of a building or structure is permitted as of right provided that the alteration or expansion shall conform to following criteria:
    1. Conforms to applicable height requirements of § 240-131.5.
    2. Does not exceed the Coverage Limitations set forth in § 240-131.6
    3. Complies with applicable General and Neighborhood Performance Standards.

(2) By Special Permit

(a) The alteration or expansion of an existing conforming or non-conforming lawfully established building or structure that does not qualify under the “as of right” provisions above shall be permitted only by a special permit from the SPGA. In granting such special permit, the SPGA shall find that the proposed alterations and/or expansions:

- [1.] Are not substantially more detrimental to the environment, community and/or historic character of the neighborhood than the existing building or structure;
- [2.] Comply with Section 240-131.1 Purposes and Intent and with the Performance Standards for the Neighborhood Overlay area in which the development is located, in accordance with Section 240-131.7 Neighborhood District Overlay Regulations with the exception of the dimensional requirements of Section 240-131.7 D (1);
- [3.] Do not exceed 25% of the Gross Floor Area of structures in existence as of July 1, 1989 or 10% of the Gross Floor Area of structures in existence as of November 6, 2009.
- [4.] Do not increase Lot Coverage over what is allowed under § 240-131.6 Coverage Limitations or by more than 10% over what was existing on November 6, 2009, whichever is greater.
- [5.] Do not increase flood hazards in the neighborhood.
- [6.] Maintain or enhance views to Nantucket Sound and/or the Centerville River where applicable in accordance with Section 240-131.5, note 4;
- [7.] In V-zones does not increase south facing building surfaces so as to limit the adverse effect of increasing elevation or velocity of flood waters due to a change in flowage characteristics on the subject site, adjacent properties, or any public or private way.

**E. Special Permit for Dimensional Relief**

The SPGA may provide relief from minimum yard setbacks when such relief ensures that the proposed development:

- (1) Is consistent with § 240-131.I Purposes and Intent;
- (2) Is consistent with the Performance Standards for the neighborhood district where the development is located in accordance with Section 240-131.7 Neighborhood Overlay Regulations; and
- (3) The applicant demonstrates undue hardship without desired relief.

**F. Re-establishment of damaged or destroyed use, building or structure.**

- (1.) The re-establishment of a lawfully established conforming or non-conforming use and/or building or structure which has been destroyed or damaged by fire, acts of nature or other catastrophe shall be permitted as of right, provided that the Building Commissioner has determined that all the following conditions are met:
  - a. The reconstruction or repair will not materially increase the gross floor area or height of the building or structure beyond that which previously existed, nor materially increase the footprint of the structure; or materially change the grade other than grades required for installation or upgrade of onsite septic systems; except that buildings in the flood plain that existed prior to November 6, 2009 may be elevated 2 feet above BFE or as required by the applicable law regardless of the resulting building height provided the building complied with building height regulations at the time of its construction.
  - b. If the building’s location on the lot is to be changed, it will change in a manner that will be closer to complying with the dimensional and bulk regulations and with performance standards regarding building orientation.
  - c. The reconstruction or repair will not constitute an expansion or intensification of any use.
  - d. In the case of any use in which it would otherwise be required, the site plan review process has been followed.

- e. Design and architecture of damaged or destroyed buildings and structures in existence at the time of the adoption of this regulation may be replicated. If the Building Commissioner finds that the structure is to be rebuilt to replicate what existed before the damage or destruction the design guidelines in this chapter do not apply.

- (2.) Any previously established use or structure which no longer complies with the provisions of the CBD shall be discontinued unless a building permit has been applied for within two years from the date of damage or destruction, and construction is continuously pursued to completion.

Voluntary Demolition and Reconstruction of Single Family Residences: Lawfully established Single Family Residences may be demolished and reconstructed in accordance with §240-131.4 G. This provision shall not be construed to supersede local, state or federal regulations pertaining to the demolition of historic structures.

**240-131.5 Dimensional, Bulk, and Other Requirements:** The following requirements apply to all development and redevelopment in the Craigville Beach Zoning District.

	<b>Neighborhood Overlays</b>			
	<b>Craigville Village</b>	<b>Craigville Beach</b>	<b>Long Beach/Short Beach</b>	<b>Centerville River North Bank</b>
<b>Requirements</b>	For all legally created vacant lots the frontage and area in existence as of November 6, 2009 and/or legally developed lots that were in existence as of November 6, 2009 and conformed to the existing zoning when legally created, the existing lot area, lot frontage, front, side and rear setbacks and building height dimensions may be used in lieu of the following dimensional requirements.			
Minimum Lot Area (s.f.)	87, 120	87, 120	87,120	87,120
Minimum Lot Frontage (feet)	75	100	125	125
Min. Front Yard Setback (feet)	15	20	20	20
Min. Side Yard Setback (feet) <sup>4</sup>	10	15	15 <sup>4</sup>	15
Min. Rear Yard Setback (feet)	10	15	15	15
Maximum Building Height <sup>1,2,3</sup>	30	26	30	30
Maximum number of stories <sup>3</sup>	2	2	2	2
Maximum Building Coverage	See Section 240-131-6			
Maximum Lot Coverage	See Section 240-131-6			

Dimensional table notes:

- (1.) Maximum Building Height allowances vary depending upon the roof pitch of the structure, with gable roofs having a slope of 7/12 or greater allowed the maximum building height, hip and other sloped roofs with a slope of 4/12 or greater are allowed 5 feet less than the maximum building height, and flat roofs prohibited except on one-story additions totaling less than 300 square feet per parcel.

- (2.) Buildings in the flood plain that existed prior to November 6, 2009 may be elevated 2 feet above BFE or as required by the applicable law provided the building complied with building height regulations at the time of its construction.
- (3.) The second story must be set back at least 2 feet from the façade line of the floor below on two of the building’s facades and the second story floor area shall not exceed 80% area of floor area immediately below it.
- (4.) In the Long Beach/Short Beach Neighborhood, to preserve and enhance views of Craigville Beach and the Centerville River, a view corridor shall be preserved using 20 feet of either side setback or, where side yard setbacks are less than 20 feet, the greater of either side yard setback existing on November 6, 2009. The view corridor shall remain free of view obstructing buildings, structures, site improvements or landscaping other than low growing plant material or existing natural vegetation for the entire depth of the property from the street to the river or beach.

**240-131.6 Coverage Limitations:** The following limitations apply to all development and redevelopment in the Craigville Beach Zoning District.

<b>Lot Size</b>	<b>Maximum Building Coverage (footprint) Allowance</b>	<b>Maximum Lot Coverage Allowance</b>
1,300-4,999 s.f.	1,100 s.f. plus 10.8% of lot area over 1,300 s.f.	50%
5,000-7,499	1,500 s.f. plus 6% of lot area over 5,000	50%, but no more than 3,200 s.f.
7,500-9,999	1,650 s.f. plus 6% of lot area over 7,500	3,200 s.f.
10,000-14,999	1,800 s.f. plus 4% of lot area over 10,000	3,300 s.f.
15,000-19,999	2,000 s.f. plus 6% of lot area over 15,000	3,400 s.f.
20,000-34,999	2,300 s.f. plus 4% of lot area over 20,000	3,600 s.f.
35,000-44,999	2,900 s.f. plus 4% of lot area over 35,000	3,600 s.f. or 10%, whichever is greater.
45,000 and above	3,300 s.f. plus 3% of lot area over 45,000	10%

**Section 240-131.7 Neighborhood Overlay Regulations**

**A. Purpose:** The Neighborhood Overlay regulations establish uses, dimensional requirements and design guidelines to **preserve** the distinctive character; allow continued use and enjoyment of properties and structures; make provisions for changes, expansions; protect and **preserve** scenic views and vistas; protect and improve natural resources; and to limit damage from periodic flood events for each neighborhood within the Craigville Beach District.

**B. Historic and Community Character.** These regulations will ensure that development and redevelopment in the CBD contributes to and does not detract from the historic character of the Craigville Beach area; that any proposed additions to historic structures shall be consistent with the historic structure and shall be consistent with the character of the surrounding neighborhood, including elements such as building height, mass and orientation; and preserves views and ways to the water from public spaces, streets and ways.

**C. Applicability:** Development and redevelopment shall be subject to the following additional requirements and regulations based upon the applicable Neighborhood Overlay.

**D. General Performance Standards**

- 1) The development complies with the setbacks and lot coverage requirements set forth herein, and is in character with surrounding structures, particularly structures that predate it unless relief has been granted by the SPGA in accordance with Sections 240-131.4(E) and (F).
- 2) The development complies with the height limitations set forth herein.
- 3) Exposed foundation walls for raised septic systems and/or elevated structures are prohibited; foundation walls shall be screened through the use of foundation plantings and/or the use of other natural materials.

- 4) Stormwater management and erosion control for non-residential uses comply with best management practices through Low Impact Development or other adaptive management practice.
- 5) Up to 50 square feet of roof deck may be allowed atop the first or second floor of a structure if the railing and support structure for the roof deck are constructed fully below the tallest part of the roofline they are contained within.

#### **E. Long Beach/Short Beach Neighborhood**

**(1) Permitted Principal Uses:** The following principal uses are permitted in the Long Beach/Short Beach Neighborhood Overlay area subject to the performance standards listed below.

(a.) Single Family Residence

**(2) Permitted Accessory Uses:** Customary and incidental uses and structures are permitted in the Long Beach/Short Beach Neighborhood Overlay area subject to the use limitations and performance standards listed in 240-131-7 C.

**(3) Neighborhood Performance Standards** All development and redevelopment shall meet the following standards:

- (a.) No land area shown as V-zone shall be developed unless such development is demonstrated by the applicant to be located landward of the reach of the mean high tide. Any man-made alteration of sand dunes in the course of such development within said designated V zones which might increase the potential for flood damage shall be prohibited. This provision shall not be construed to include duly permitted docks and piers.
- (b.) Any activity or development in a V-zone that creates an adverse effect by increasing elevation or velocity of flood waters due to a change in drainage or flowage characteristics on the subject site, adjacent properties or any public or private way is prohibited. Any proposed activity shall not result in flood damage due to filling which causes lateral displacement of flood waters that, in the judgment of the SPGA, would otherwise be confined to said area. The burden of proof for this standard rest with the applicant and shall require certification by a professional engineer.
- (c.) Open foundations shall be designed to accommodate only the height required to elevate the lowest structural member 2' above the BFE in V zones and 1 foot above BFE in A zones. For all new construction and substantial improvements within the V zones, the space below the lowest floor must either be free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.
- (d.) **Transitional Provision** Any development that has obtained a hardship approval from the Cape Cod Commission for a building permit prior to the effective date of this section shall not be subject to these regulations for the development authorized by said hardship exemption.

#### **F. Craigville Beach Neighborhood**

**(1) Permitted Principal Uses:** The following principal uses are permitted in the Craigville Beach Neighborhood Overlay area subject to the performance standards listed below.

- (a.) Single Family Residence
- (b.) Small-scale food service
- (c.) Beach club
- (d.) Cottage colony
- (e.) Hotel or motel in existence as of July 16, 2008 that is lawfully established

**(2) Permitted Accessory Uses:** Customary and incidental uses and structures are permitted in the Craigville Beach Neighborhood Overlay area subject to the use limitations and performance standards listed in 240-131-7 C.

**(3) Neighborhood Performance Standards:** All development and redevelopment shall meet the following standards:

- (a.) No land area shown as V-zone shall be developed unless such development is demonstrated by the applicant to be located landward of the reach of the mean high tide. Any man-made

alteration of sand dunes in the course of such development within said designated V zones which might increase the potential for flood damage shall be prohibited.

- (b.) Any activity or development in a V-zone that creates an adverse effect by increasing elevation or velocity of flood waters due to a change in drainage or flowage characteristics on the subject site, adjacent properties or any public or private way is prohibited. A proposed activity shall not result in flood damage due to filling which causes lateral displacement of flood waters that, in the judgment of the SPGA, would otherwise be confined to said area. The burden of proof for this standard rest with the applicant and shall require certification by a professional engineer.
- (c.) Open foundations shall be designed to accommodate only the height required to elevate the lowest structural member 2' above the BFE in V zones and 1 foot above BFE in A zones. For all new construction and substantial improvements within the V zones, the space below the lowest floor must either be free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

**(4) Beach Club Design Guidelines**

**Purpose:** To maintain public views to the water and to maintain the neighborhood's existing character with small scale building masses and natural or traditional building materials.

- (a.) **Building Height and Massing:** New construction on Beach Club properties shall have modest massings to relate to the small scale of most structures in the beachfront neighborhood. Any structure with a footprint of 3000 square feet or more shall incorporate significant changes in massing to break up the facade, and should integrate one-story massings into the design to relate the building to the surrounding smaller structures.
- (b.) **Building Orientation:** Buildings shall be oriented with the narrow end facing the street and the water to maximize public views of the water across the site. New buildings or complexes should not extend over more than 150 feet of the lot frontage, and efforts should be made to limit the expansion of existing buildings.
- (c.) **Maintaining Views to Water:** Multiple buildings on one lot should be clustered close together to limit obstructed views of the water, or shall be separated from each other by 100 feet or more of road frontage to allow broad unobstructed views across the lot to the water.
- (d.) **Fences:** Fences shall be of open construction and low profile (such as split rail and low picket fencing) to maintain public views to the water. Fences over 3 feet in height should be limited to screening loading and delivery areas adjacent to buildings, or modest trash collection areas. Screening fences should not extend farther than necessary beyond the building footprint to maintain public views.
- (e.) **Building Materials:** Exterior building materials shall be those traditionally used in the region or other naturally weathering materials, such as wood shingle, wood clapboard, or board and batten siding.

**G. Centerville River North Bank Neighborhood**

**(1) Permitted Principal Uses:** The following principal uses are permitted in the Centerville River North Bank Neighborhood Overlay area subject to the performance standards listed below.

- (a.) Single Family Residence

**(2) Permitted Accessory Uses:** Customary and incidental uses and structures are permitted in the Centerville River North Neighborhood Overlay area subject to the use limitations and performance standards listed in 240-131.7 C.

**(3) Neighborhood Performance Standards:** All development and redevelopment shall meet the following standards:

- (a.) Tree removal or vista pruning shall not interrupt the treeline as viewed from the south looking northward to the treeline.
- (b.) No land area designated as V-zone of the FIRM maps shall be developed unless such development is demonstrated by the applicant to be located landward of the reach of the mean high tide. Any man-made alteration of sand dunes in the course of such development within

said designated V zone which might increase the potential for flood damage shall be prohibited. This provision shall not be construed to include duly permitted docks and piers.

- (c.) Any activity or development in a V-zone that creates an adverse effect by increasing elevation or velocity of flood waters due to a change in drainage or flowage characteristics on the subject site, adjacent properties or any public or private way is prohibited. A proposed activity shall not result in flood damage due to filling which causes lateral displacement of flood waters that, in the judgment of the SPGA, would otherwise be confined to said area. The burden of proof for this standard rest with the applicant and shall require certification by a professional engineer.
- (d.) Open foundations shall be designed to accommodate only the height required to elevate the lowest structural member 2' above the BFE in V zones and 1 foot above BFE in A zones. For all new construction and substantial improvements within the V zones, the space below the lowest floor must either be free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

#### **H. Craigville Village Neighborhood**

**(1) Permitted Principal Uses:** The following principal uses are permitted in the Craigville Village Neighborhood Overlay area subject to the performance standards listed below.

- (a) Single Family Residence
- (b) Conference Center

**(2) Permitted Accessory Uses:** Customary and incidental uses and structures are permitted in the Craigville Village Neighborhood Overlay area subject to the use limitations and performance standards listed in 240-131.7 C.

**(3) Neighborhood Performance Standards:** All development and redevelopment shall meet the following Design Guidelines:

**Purpose:** Most buildings in the Craigville Village Neighborhood date from the late 1800s and early 1900s when the neighborhood developed as a Christian Camp Meeting Association. The neighborhood is still defined by its historic structures and their configuration around a central green, small street grid, and communal paths.

**(a.) Objectives:**

- (1.) To preserve the character-defining features of the original camp meeting neighborhood including its small lots, modest scale structures, and orientation of buildings to public areas.
- (2.) To ensure that additions and alterations to structures are compatible with the existing scale and character of the building and preserve the original massing and unique architectural features of its historic buildings.

**(b.) Application:**

The design guidelines set forth herein do not apply to structures in existence as of the date of the adoption of this section, but shall apply to all new development, to any additions to existing structures, and to all reconstruction projects except as provided for in Section 240-131 (G)(1)(e).

**(c.) Building Design.** The guidelines shall apply to construction of new structures and expansions and alterations of existing structures.

- (1.) Preserve the original massing of historic structures (pre-1945):
- (2.) Additions should be attached to secondary or less prominent facades of the building (the side or rear facades), and should be stepped back from the front and rear corners of the building so as to preserve the original massing of the structure, including its roof form.
- (3.) Work with modest massings: Additions should be scaled to be consistent with or smaller than the size of the original historic structure, following the neighborhood tradition of expanding small cottages incrementally with modest additions. Additions should generally have a lower roofline than the original structure to maintain the prominence of the original building, though some additions may be slightly taller than the original structure if attached to the original structure with a smaller connecting mass.



- (4.) Roof forms: The roof pitch on new construction and additions should complement the roof pitch of the original historic structure and should maintain a pitch of at least 6 over 12.
- (5.) Retain Original Architectural Details and Unique Forms: Additions should be placed so as to limit the removal of distinctive architectural trim and features that are unique to the building. Additions and alterations should not interfere with character-defining features such as open porches, steeply pitched roof forms, unique windows, and carpenter gothic trim along eaves and entries. Siding materials used on the original structure should be retained, though other regional siding materials may be appropriate on additions.

**Section 240-131.8 Additional Provisions**

**A. Other regulations**

The following provisions of the Barnstable Code are hereby incorporated into this regulation: § 240-7 Application of District Regulations; § 240-9.C & D; § 240-10 Prohibited Uses; § 240-34 Flood Area Provisions; § 240-43 Accessory Uses; § 240-46.A & B Home Occupations; Article VI Off Street Parking Sections 240-52, 240-53.B through .E ; and Sign Regulations § 240-59 through 63; Article XI Growth Management Sections 240-110 through 122; Article IX Site Plan Review; Article XII Administration and Enforcement § 240-123 – 240-124; and § 240-125 C Special Permit Provisions as these provisions of the Barnstable Code cited in this section may be amended from time to time

**B. Conflicts**

Unless otherwise stated, the requirements of the Craigville Beach District shall apply to uses and structures within the Craigville Beach District. In the event of a conflict, these regulations shall apply.

**C. Severability**

The provisions of this chapter are severable. If any court of competent jurisdiction shall invalidate any provision herein, such invalidation shall not affect any other provisions of this chapter. If any court of competent jurisdiction shall invalidate the application of any provision of this chapter to a particular case, such invalidation shall not affect the application of said provision to any other case within the Town.

**Section 3**

For the purposes of the Cape Cod Commission Act, the implementing regulations shall be deemed incorporated into the Zoning Ordinances of the Town of Barnstable upon the approval by the Cape Cod Commission.

**Section 4**

Amend the Town of Barnstable Zoning Ordinance § 240-5 Establishment of Districts by adding the CBD - Centerville Beach District to the list of Residential Districts

**SPONSORS:** Council President Frederick Chirigotis  
Councilor Janet S. Joakim  
Councilor Tom Rugo

# **BARNSTABLE TOWN COUNCIL**

## **IMPLEMENTATION OF DCPC CRAIGVILLE BEACH DISTRICT**

**ITEM# 2010-062**

**INTRO: 12/03/09, 02/25/10, 03/04/10, 04/01/10**

### **SUMMARY**

**BACKGROUND:** This is an amendment to the Zoning Ordinance that creates Section XIII District of Critical Planning Concern Regulations, Section 240-131 Craigville Beach District.

The Craigville Beach District of Critical Planning Concern was initially nominated in February of 2008 as an Ecological, Cultural, Historic, Architectural, Hazard, Waterfront Management and Wastewater Management District. This DCPC process was initiated at the request of Centerville residents. On September 3, 2009 final Town Council vote on the adoption of these regulations was deferred. To avoid lapse of the DCPC Town Council voted to re-nominate the DCPC. The regulations presented in this order are the same regulation considered on September 3<sup>rd</sup>. Dates have been changes to reflect the re-nomination and a definition of ‘structure’, omitted from the previous order has been added. Adoption of these implementing regulations will allow the regulation desired by local residents to ensure that this coastal area will retain its character for residents, visitors and second home owners and will also implement a more predictable permitting environment.

The Town through the Town Attorney’s Office and the Growth Management Department organized and partnered with an Advisory Group representing stakeholders in the Beach DCPC. Attorneys Eliza Cox, Michael Scott, Barry Weiner, Sarah Alger, William Ryckman – and at the outset Patrick M. Butler - represented property owners; Roy Richardson and Meg Loughran, represented the Centerville Village Association; Lindsey Counsell, Three Bays; Steve Brown, Red Lily Pond Association; Dr. Wayne Miller, Board of Health; Town Attorney Ruth Weil and Interim Director of Growth Management Jo Anne Miller Buntich along with former Interim Director Patty Daley worked with this group. Over the last several months Planning Board members Ray Lang and Paul Curley sat with the group as the ordinance was drafted. This group has met several times a month since October 2008.

**ANALYSIS:** Adoption of this regulation will create the Craigville Beach District by rezoning portions of the existing RC, RD and RD-1 districts.

**RATIONALE:** These regulations respond to and support the purposes of the District of Critical Planning Concern which included protecting community, historic and architectural character which is accomplished through use regulations, dimensional regulations and design guidelines. Natural resources and flood protection are supported through performance standards tailored to each neighborhood.

**A. OLD BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-087**  
**INTRO: 03/04/10, 04/01/10**

**2010-087 AUTHORIZING ESTABLISHMENT OF A DESIGNATED GIFT ACCOUNT FOR HYCC**

**RESOLVED** that, the Town Council, pursuant to the provisions of G.L. c. 44 §53A, hereby authorizes the establishment of a gift account to segregate from other operating revenue of the Hyannis Youth & Community Center; all contributions and other gifts received for the benefit of the Hyannis Youth & Community Center, including those associated with naming rights, for future capital and operating needs subject to the Town Manager’s recommendation and Town Council appropriation.

**SPONSOR:** Town Manager John C. Klimm

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2010-087**

**INTRO: 03/04/10, 04/01/10**

## SUMMARY

**TO:** Barnstable Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Lynne M. Poyant, Director of Community Services  
**DATE:** February 22, 2010

**SUBJECT:** Creation of a Designated Account for Naming Rights and Unrestricted Contribution Revenue for the Hyannis Youth & Community Center.

**BACKGROUND:** One of the most significant projects the Town of Barnstable has created is the long awaited Hyannis Youth & Community Center (HYCC) Project which broke ground on January 18, 2008 and opened its doors on September 1, 2009. The \$24.7 million project was funded by a \$3.5 million grant from the Commonwealth of Massachusetts, \$1 million grant from the United States Department of Education, \$1.34 million of private fundraising through the Hyannis Youth & Community Center Foundation and the balance of \$18,863,283 was from Town of Barnstable borrowing authorization and unexpended funds.

The project was expanded by the Town Council in May 2007 as it sought to increase the main rink seating capacity to 1,500 with 250 in the second rink. The gymnasium was also enlarged to accommodate a competition basketball court with two full cross courts and portable seating for spectators along with an elevated three lane jogging track. Additional property was added to the site along Stevens Street to accommodate needed parking and increased building size. The building of 105,000 SF now meets the requests of members of the general public and the Barnstable Youth Commission who spoke favorably on the new proposal in May 2007. The project, by design, is placed in the area of Town with the greatest need as 3,000 children reside within a one mile radius of the site. In June 2009, an Enterprise Account was created for the HYCC.

The completed multi-generational project is a facility of which Barnstable residents can all be extremely proud. It is in the Town's best interest to properly maintain this important asset for the years to come and a dedicated funding resource for the accumulation of reserves for its maintenance is being proposed.

**ANALYSIS:** Operating revenue for the HYCC comes from several sources of revenue including ice and gymnasium rental fees, advertising, concessions, memberships, program fees and the rental of multi-purpose space. Revenue from these sources are used to pay for the on-going operating costs of the facility including a portion of the annual debt service payments made on the bonds issued for the facility's construction. Previous fundraising efforts were used for the construction of the facility. We are now looking to the long term financial viability of the facility. A list of the areas available for naming opportunities at the center includes the spaces in the table on the following page:

As the center is now open, any future revenue generated from the sale of naming rights as well as any unrestricted contributions will be segregated from all other operating revenue and used for future operating and capital costs subject to the Town Manager's recommendation and Town Council appropriation.

**FISCAL IMPACT:** The creation of this account allows the Town to segregate certain revenue from operating revenue that will be subject to further Town Council action in order to expend the funds. Revenue from these sources will be used to build reserves for future capital improvements or maintenance and/or contribute towards paying the annual debt service on the bonds in a more accelerated rate the originally intended. This will have a positive financial impact for the Town of Barnstable.

**TOWN MANAGER RECOMMENDATIONS:** The Town Manager recommends approval of this Resolve.

**STAFF ASSISTANCE:** Lynne M. Poyant, Director of Community Services  
David Curley, Director of Recreation  
Amy Harwood, HYCC Marketing Director  
Mark Milne, Director of Finance

**2010-087 (CONTINUED)**

ITEM	SPONSOR	TERM	EXPIRATION	STATUS
Entire Building Naming Rights		20		
Lobby	TD Bank	15	09/01/19	SOLD
United Cultures Resource Room		3		
Pro Shop		3		
Reception/Box Office		3		
Police Substation	D'Olimpio Fund for Suicide Prevention	perp	-	SOLD
Youth Center	Lorusso Foundation	perp	-	SOLD
Computer Room	Tracy Family	5	09/01/14	SOLD
Teen Center	CC5 Charitable Foundation	20	09/01/29	SOLD
Gymnasium		10		
Walking Track		3		
Community Room	Shepley Wood Products	perp	-	SOLD
Recreation Conference Room		3		
SkyBox		3		
Café	Scudder Family	perp	-	SOLD
Rink #1	Lt. Joseph P. Kennedy Memorial Rink	perp	-	SOLD
Viewing Platform		3		
Elevator		3		
Rink #2	Patrick M. Butler Memorial Skating Rink	perp	-	SOLD
Lower Lobby/Warming Area	Barnstable Youth Hockey Association	perp	-	SOLD
Lower Snack Bar	Robert & Suzanne Kittredge Foundation	perp	-	SOLD
Skate Rental/Sharpening Booth		3		
Locker Room 1	Barnstable HS Boosters	perp	-	SOLD
Locker Room 2	Ellen Amy McBarron Ladies Locker Room	perp	-	SOLD
Locker Room 3 - large		3		
Locker Room 4 - large		3		
Locker Room 5 - small		3		
Locker Room 6 - small		3		
Locker Room 7 - small		3		
Locker Room 8 - small		3		
Cubs Locker Room		3		
Women's Officials Locker Room		3		
Men's Officials Locker Room		3		
Rink Manager's Office		3		
Coaches Office - Butler Rink		3		
Coaches Office - Kennedy Rink		3		
Figure Skating Office		3		
1st Aide Station		3		
BYHA Office		3		
Drop Off Area		3		
Parking Lot - Back		3		
Parking Lot - Front East Side		3		
Parking Lot - Front West Side		3		

**A. OLD BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-088**  
**INTRO: 03/04/10, 04/01/10**

**2010-088 ACCEPTANCE OF A \$1,647,786 SUPPLEMENTAL GRANT AWARD FROM THE FAA**

**RESOLVED:** That the Town Council does hereby accept a supplemental grant award in the amount of \$1,647,786 from the Federal Aviation Administration and that the Barnstable Municipal Airport Commission is authorized to enter into contracts and to expend the grant monies for the purposes specified therein.

**SPONSOR:** Town Manager John C. Klimm at the request of the Airport Commission

DATE	ACTION TAKEN
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—	
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2010-088**

**INTRO: 03/04/10, 04/01/10**

## SUMMARY

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** (1) R. W. Breault, Jr., Airport Manager (2) Barnstable Municipal Airport Commission

**BACKGROUND:** On May 27, 2009 the Department of Transportation and Federal Aviation Administration signed an "Other Transaction Agreement" with the Barnstable Municipal Airport Commission that granted the Barnstable Municipal Airport the amount of \$3,015,000 to provide funds to site, obtain permits, design, construct, and equip a replacement Airport Traffic Control Tower (ATCT) at Barnstable Municipal Airport which meets the requirements of Federal Aviation Administration Order 6480.4A, meets the criteria established by the Code of Federal Regulations, meets the requirements of the FAA Contract Tower Program, and receives permitting approval from state and municipal agencies for design, construction and environmental purposes. This grant was approved by the Barnstable Town Council on November 19, 2009 by Council Order Number 2010-045. This Supplemental Agreement #1 to the original Other Transaction Agreement grants an additional sum of \$1,647,786 pursuant to the American Recovery and Reinvestment Act of 2009 (the "ARRA") for the ATCT project. The total not to exceed (NTE) cost of this agreement is now \$4,662,786.

**ANALYSIS:** The purpose of the Supplemental Agreement #1 is to provide additional funds to site, obtain permits, design, construct, and equip a replacement Airport Traffic Control Tower (ATCT) as a non-federal ATCT (NFCT). The initial Other Transaction Agreement was approved by the FAA on May 27, 2009; and would remain in effect until April 30, 2017 or when the Agreement is either successfully concluded or earlier terminated by the parties. The addition of the ARRA funding has changed the date for termination of the Agreement to September 30, 2014 or when the Agreement is concluded. The current schedule for completion of the project is August 2011 upon Commissioning of the new ATCT and demolition of the old ATCT.

**FISCAL IMPACT:** An FY2010 Supplemental CIP Request was previously submitted with the initial Grant Acceptance for the siting, permitting, design, construction and equipping the replacement FAA Contract Air Traffic Control Tower; and to commence a phased approach to completion of the project. The ATCT siting location process conducted by the FAA Technical Laboratory has commenced and should be completed before the end of FY2010. Following a competitive bidding process a new architect/engineer has been selected for the design and construction of the new ATCT on a very aggressive schedule that requires design completion by the end of April 2010, and construction start-up by July/August 2010.

Within the grant allocation, the Barnstable Municipal Airport Commission (BMAC) must reserve funds in the amount of \$230,000 for a reimbursable agreement with the FAA for the purchase and installation of telecommunications circuits, lines and equipment and related work, and for other FAA-provided equipment, leaving a useable balance in the amount of \$4,432,786 for all remaining project related costs.

An initial amount of \$300,000 was disbursed by the FAA and received by the Town on June 26, 2009, and work has already commenced for the purpose of siting, design, specifications, permits, and related work. An additional sum of \$1,650,000 will be disbursed to the Town for construction costs within 60 days after we have accepted a contract for the design of the NFCT and notified the FAA. Further disbursements will be made as outlined in the Agreement, with a total project cost not to exceed the grant amount of \$4,662,786. No additional BMAC or Town funds are required for this project.

This is an independent project, and should move forward on its own merit without regard to the BMA Terminal construction project. The project is also listed in the Draft FAA and Massachusetts DOT Aeronautics Division FY2010 five-year CIP for an FY2010 start for the purpose of siting, design, specifications, permits, and related work. The CIP will be amended to reflect the new funding and construction requirements and timing.

There should be no Operating Budget impact. Minor efficiencies will occur with regard to decreased maintenance and lower utility costs with better more energy efficient equipment. Savings should also occur with coordination of construction with the Airport Terminal project.

**A. OLD BUSINESS (Public hearing)**

**BARNSTABLE TOWN COUNCIL**

**2010-093**

**INTRO: 03/04/10, 04/01/10**

**2010-093 CAPITAL EXPENSE APPROPRIATION TRANSFER AND LOAN ORDER  
BARNSTABLE MUNICIPAL AIRPORT TERMINAL - \$21,430,851**

**ORDERED:** That the sum of \$21,430,851 be appropriated for the Barnstable Municipal Airport’s capital expense budgets and be added to Appropriation Order #0586A for the purposes of funding additional contracted architectural and engineering design costs, and costs associated with the construction and outfitting of the new Airport Passenger Terminal and the new Airport Access Road; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow \$18,213,851; and to further meet this appropriation that \$3,217,000 be transferred from the Airport’s Reserve Fund; and furthermore that the Barnstable Municipal Airport Commission is authorized to contract for and expend the appropriation made available for these purposes, and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Town Manager John C. Klimm at the request of the Airport Commission

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Motion to Open Public Hearing
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close public hearing
- \_\_\_\_\_ Council discussion
- \_\_\_\_\_ Move/vote



# BARNSTABLE TOWN COUNCIL

ITEM# 2010-093

INTRO: 03/04/10, 04/01/10

## SUMMARY

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** (1) R. W. Breault, Jr., Airport Manager (2) Barnstable Municipal Airport Commission  
**DATE:** February 26, 2010  
**SUBJECT:** Appropriation and Loan Order

**BACKGROUND:** The Barnstable Municipal Airport Commission (BMAC) commenced the permitting, design and construction project for a new Airport Terminal, Terminal Area Roadways, and Parking Areas in Fiscal Year 1998. Having now essentially completed all local, state and federal requirements imposed upon the project and commencing with a funding commitment of \$15,000,000 from the former Massachusetts Aeronautical Commission (now the Massachusetts Department of Transportation Aeronautics Division) through then Governor William Weld; receipt of an approved Cape Cod Commission Development of Regional Impact with conditions on January 25, 2007; approval of a new revised Airport Layout Plan by the Federal Aviation Administration on January 14, 2009; having acquired all possible properties needed for completion of the terminal area roadways; and having now essentially completed all requirements of the Barnstable Town Council Resolve 2008-035 of September 27, 2007 supporting the new BMA Airport Terminal, and with the support and approval of the Town Manager and the Barnstable Town Council, the Barnstable Municipal Airport Commission is ready to start the construction process.

**ANALYSIS:** The existing airport terminal is approximately 22,930 gross square feet. The current terminal, while it has served passengers and regional transportation needs for the past 54 years, is inadequate to accommodate the projected increase in passenger demand. The combined inefficiencies of the current terminal and detriments to aviation and economic growth mandated the planned improvements for the new facility. The existing terminal building is obsolete; it fails to meet fire code standards, is very costly to operate in terms of heating and cooling, and is operationally inefficient. Once the new facility is opened, the current terminal building will be demolished as part of the airport improvement project. In addition, ground access and parking is grossly inadequate and inefficient for the airport's ability to achieve economies of scale. The new access road will improve vehicle access to the new facility, and will improve traffic at the Airport Rotary and along the busy Route 28/132 corridor.

The approximate size of the new terminal is 34,492 gross square feet. The size was determined by a systematic analysis of current passenger needs and future growth demands, along with other required services such as: (1) new and mandated security requirements, including modern technology for improved passenger screening and baggage handling; (2) access control and secure holding areas; (3) improved terminal spaces for ticketing, passenger services, including rental cars, concessions for food services and retail space; and (4) budgetary constraints. The second floor will house the airport administrative offices, Transportation Security Administration (TSA) offices, and a conference room.

The new terminal design is 100% complete and has been approved by the Barnstable Municipal Airport Commission, and has been submitted to the Massachusetts DOT Aeronautics Division (MDAD) and the Federal Aviation Administration (FAA) for review and approval.

A new airport access roadway approximately 3,000 feet long will be constructed to provide vehicle access via Barnstable Road, Airport Road and Attucks Way. The access road design is 100% complete and has been approved by the Barnstable Municipal Airport Commission. The design meets Cape Cod Commission and Town requirements; a Cape Cod Commission DRI modification for transportation has been submitted as the revised plan has changed from that initially approved by the DRI; is in compliance with the Town lighting plan; the project incorporates the creation of new remote overflow parking lots; adds a new multi-use (bicycle and pedestrian) path; addresses parking and layout concerns of abutters and airport tenants; and includes landscape elements designed to improve the aesthetic quality of the new roadway.

**FISCAL IMPACT:** The appropriation and transfer of \$21,430,851 through borrowing authorizations in anticipation of grant funding from the Massachusetts DOT Aeronautics Division (MDAD) and the Federal Aviation Administration (FAA) in the amount of \$16,460,769; and issuance of a general obligation bond of up to \$1,753,082 to be paid by the use of approved imposed airport fees; and the transfer of \$3,217,000 from Airport Reserves shall be sufficient to complete the additional contracted architectural and engineering design costs, and costs associated with the construction and outfitting of the new Airport Passenger Terminal and the new Airport Access Road. This funding falls well within the parameters outlined by the Preliminary Financial Review/Proforma. The various funding sources are outlined below. This funding outline maintains the \$20,000,000 Town Council imposed “total project cost” for the Airport Terminal, after considering funds already expended in this effort with regard to permitting, design and pre-construction services; and it includes the funding necessary for construction of the Access Roadways. In the unlikely event that the funding to be provided by the MDAD fail to be provided, the Barnstable Municipal Airport Commission has committed to the future FAA approved sale of “landside” properties, the proceeds from which will be used to cover debt obligations with no impact to the Town or its taxpayers.

Terminal: MassDOT Aeronautics Division (MDAD) funding for this project has been committed in the amount of \$15 million, with \$13.1 million remaining to be granted in FY2011 and subsequent fiscal years until fully reimbursed. \$3,217,000 is available from Airport Enterprise Reserve Funds; and up to an additional \$3,699,000 can be funded by General Obligation Bond, to be paid by the BMA and FAA imposed Passenger Facility Charge (PFC) and Customer Facility Charge (CFC) fees. BMA user fees for various airport services may be increased if necessary to supplement the PFC and CFC funds. The Barnstable Municipal Airport Commission is fully committed to covering the cost of the airport terminal project without impacting the taxpayers of the Town should for some reason these funding sources not materialize, and would seek FAA approval to sell sufficient airport “land side” properties to obtain the necessary funding to cover the debt obligations.

Access Road: Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant funds will be used to pay for 95% of FAA eligible costs. FAA eligible costs are currently estimated to be \$3,554,494 with the balance being paid from Airport Enterprise Reserve Funds. Current FY2010 FAA AIP funds available for reimbursement are \$2,170,626 with the balance being granted in subsequent fiscal years until fully reimbursed.

Airport Road/Attucks Way Intersection: By agreement between the Airport and the Town, MassHighway Chapter 90 funds in the amount of \$892,615 have been approved for the reconstruction of the intersection of Airport Road and Attucks Way as part of the overall Airport Access Road project.

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

**STAFF ASSISTANCE:** Airport Manager R. W. (Bud) Breault, Jr.

**A. OLD BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-094**  
**INTRO: 03/18/10, 04/01/10**

**2010-094 ACCEPTANCE OF THE FISH WEIR APPLICATION-NANTUCKET SOUND FISH WEIRS, INC.**

**RESOLVED:** The Barnstable Town Council does hereby approve the Application of Nantucket Sound Fish Weirs, Inc. to renew permits for two (2) fish weir sites in the coastal waters of the Town of Barnstable in Nantucket Sound. The permit renewal request is for a period of five (5) years. (Full application on file in Council office)

**SPONSOR:** Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2010-094**  
**INTRO: 03/18/10, 04/01/10**

## SUMMARY

**DATE:** March 8, 2010  
**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Lynne M. Poyant, Director, Community Services Department and  
Daniel J. Horn, Director, Marine and Environmental Affairs Division

**RESOLVED:** The Barnstable Town Council does hereby approve the application of Nantucket Sound Fish Weirs, Inc. to renew permits for two (2) fish weir sites in the coastal waters of the Town of Barnstable in Nantucket Sound. The permit renewal request is for a period of five (5) years.

**BACKGROUND:** In 2005, Nantucket Sound Fish Weirs, Inc. was granted a permit for a period of five (5) years (refer to Agenda Item 2005-080). The applicant is again seeking to renew permits for two (2) existing sites in Nantucket Sound, the location and coordinates for those being on file at the Marine and Environmental Affairs Office, 1189 Phinney's Lane, Centerville. This year, 2010, will mark the thirtieth year that Nantucket Sound Fish Weirs, Inc. has been operating fish weirs in the Town of Barnstable.

**Location 1** - Shore end of leader: Latitude 41° 37' 07" N; Longitude 70° 18' 47" W. Distance from mean high water mark: 1,000 yards. Landmark description: Hallet's rock buoy in line with Centerville flag pole. Collier's Ledge buoy in line with Hyannisport Breakwater. Overall length of structure: 700 yards. Extreme width of structure, including guy lines or anchor lines: 120 yards.

**Location 2** - Shore end of leader: Latitude 41° 36' 33" N; Longitude 70° 22' 00" W. Distance from mean high water mark: 850 yards. Landmark description: Colliers Ledge buoy in line with flagpole on Osterville Point. Overall length of structure: 700 yards. Extreme width of structure, including guy lines or anchor lines: 350 feet.

Kurt Martin, President of Nantucket Fish Weirs, Inc. has indicated that both sites will continue to have U.S. Coast Guard approval for three yellow lights for each trap.

**ANALYSIS:** The Marine and Environmental Affairs Division supports the request of the applicant for renewing his permits to construct and maintain fish weirs for a period of five years.

**FISCAL IMPACT:** None identified.

**TOWN MANAGER RECOMMENDATION** The Town Manager recommends approval of the permits for a term not to exceed five years from the date of renewal approval.

**BOARD/COMMITTEE ACTION:** The Shellfish Committee meets on March 17<sup>th</sup> and the Waterways Committee meets on March 23<sup>rd</sup>. Their recommendations will be forwarded after they meet.

**STAFF ASSISTANCE:** Doug Kalweit, Supervisor of Natural Resources.

**B. NEW BUSINESS (Refer to public hearing 04/15/10) (Roll-call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-095  
INTRO: 04/01/10**

**2010-095 APPROPRIATE \$75,000 AIRPORT ENTERPRISE FUND CIP-CLEARING THE VISUAL ZONE OF THE AIRPORT'S RUNWAY 15**

**ORDERED:**

That the sum of **\$75,000** be appropriated for the purpose of clearing the Runway Visual Zone of the Airport's Runway 15 to enhance aviation safety as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$75,000** be transferred from surplus funds within the Airport Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** 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

**B. NEW BUSINESS (Refer to public hearing 04/15/10) (Roll-call, 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-096**

**INTRO: 04/01/10**

**2010-096 APPROPRIATION & LOAN - \$1,365,000 SANDY NECK ENTERPRISE FUND  
CIP-SANDY NECK BEACH HOUSE RENOVATIONS & ADDITIONS**

**ORDERED:**

That the sum of **\$1,365,000** be appropriated for the purpose of funding renovations and additions to the existing Beach House and site improvements at Sandy Neck as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$100,000** be transferred from surplus funds within the Sandy Neck Enterprise Fund, and that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,265,000**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Town Manager John C. Klimm

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close public hearing
- \_\_\_ Council discussion
- \_\_\_ Move/vote

**B. NEW BUSINESS (Refer to public hearing 04/15/10) (Roll-call, 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-097**

**INTRO: 04/01/10**

**2010-097 APPROPRIATE & LOAN - \$1,050,000 WATER SUPPLY ENTERPRISE FUND CIP-  
PIPE REPLACEMENT & UPGRADE PROGRAM FOR HYANNIS WATER SYSTEM**

**ORDERED:**

That the sum of **\$1,050,000** be appropriated for the purpose of funding the pipe replacement and upgrade program for the Hyannis Water System as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$1,050,000**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** 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

**B. NEW BUSINESS (Refer to public hearing 04/15/10) (Roll-call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-098**

**INTRO: 04/01/10**

**2010-098 APPROPRIATE \$32,000 WATER SUPPLY ENTERPRISE FUND CIP-REPAIRS TO MARY DUNN 1 WATER STORAGE TANK**

**ORDERED:**

That the sum of **\$32,000** be appropriated for the purpose of funding repairs to the Mary Dunn 1 water storage tank as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$32,000** be transferred from surplus funds within the Water Supply Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** 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



**B. NEW BUSINESS (Refer to public hearing 04/15/10) (Roll-call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-099**

**INTRO: 04/01/10**

**2010-099 APPROPRIATE \$110,000 WATER SUPPLY ENTERPRISE FUND CIP-DESIGN FOR UPGRADING & LENGTHENING WATER MAIN**

**ORDERED:**

That the sum of **\$110,000** be appropriated for the purpose of funding the design for upgrading and lengthening the water main leaving the Hyannis Water System's two water treatment plants as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$110,000** be transferred from surplus funds within the Water Supply Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** 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

**B. NEW BUSINESS (Refer to public hearing 04/15/10) (Roll-call, 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-100**

**INTRO: 04/01/10**

**2010-100 APPROPRIATION & LOAN - \$4,082,000 WATER SUPPLY ENTERPRISE FUND  
CIP-NEW WATER STORAGE TANK FOR HYANNIS WATER SYSTEM**

**ORDERED:**

That the sum of **\$4,082,000** be appropriated for the purpose of funding the construction of a new water storage tank for the Hyannis Water System as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$2,695,000** be transferred from available funds within the Capital Trust Fund, **\$266,000** be transferred from MTBE mitigation funds, **\$500,000** be transferred from the Lyndon P. Larusso gift account restricted for this purpose; and that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$621,000**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** 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

**B. NEW BUSINESS (Refer to public hearing 04/15/10) (Roll-call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-101  
INTRO: 04/01/10**

**2010-101 APPROPRIATE \$185,000 SEWER ENTERPRISE FUND CIP-REPLACE  
CHLORINE TANK AT HYANNIS SEWER TREATMENT PLANT**

**ORDERED:**

That the sum of **\$185,000** be appropriated for the purpose of funding the replacement of a chlorine storage tank at the Sewer Treatment Plant in Hyannis as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$185,000** be transferred from surplus funds within the Sewer Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** 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

**B. NEW BUSINESS (Refer to public hearing 04/15/10) (Roll-call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-102**

**INTRO: 04/01/10**

**2010-102 APPROPRIATE \$150,000 SEWER ENTERPRISE FUND CIP-SEWER PUMP STATION ALARMS**

**ORDERED:**

That the sum of **\$150,000** be appropriated for the purpose of funding new cellular type alarms at the Sewer Pump Stations as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$150,000** be transferred from surplus funds within the Sewer Enterprise Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** 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

**B. NEW BUSINESS (Refer to public hearing 04/15/10) (Roll-call, 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-104**

**INTRO: 04/01/10**

**2010-104 APPROPRIATE \$3,250,000 CAPITAL TRUST FUND CIP-REPAIR PUBLIC ROADS & DRAINAGE SYSTEMS**

**ORDERED:**

That the sum of **\$3,250,000** be appropriated for the purpose of funding the repair of the Town's public roads and drainage systems as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$3,250,000** be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Town Manager John C. Klimm

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close public hearing
- \_\_\_ Council discussion
- \_\_\_ Move/vote

**B. NEW BUSINESS (Refer to public hearing 04/15/10) (Roll-call, 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-105**

**INTRO: 04/01/10**

**2010-105 APPROPRIATE \$67,500 CAPITAL TRUST FUND CIP-DESIGNING & RECONSTRUCTION OF HERRING RUNS**

**ORDERED:**

That the sum of **\$67,500** be appropriated as local matching funds for a Federal grant program for the purpose of Designing and Reconstructing Herring Runs as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$67,500** be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** 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

**B. NEW BUSINESS (Refer to public hearing 04/15/10) (Roll-call, 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-106  
INTRO: 04/01/10**

**2010-106 APPROPRIATE \$30,000 CAPITAL TRUST FUND CIP-COASTAL DISCHARGE  
MITIGATION**

**ORDERED:**

That the sum of **\$30,000** be appropriated as local matching funds for a Federal grant program for the purpose of Coastal Discharge Mitigation as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$30,000** be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** 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

**B. NEW BUSINESS (Refer to public hearing 04/15/10) (Roll-call, 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-107**

**INTRO: 04/01/10**

**2010-107 APPROPRIATE \$65,000 CAPITAL TRUST FUND CIP-TO TREAT HYDRILLA & FANWORT**

**ORDERED:**

That the sum of **\$65,000** be appropriated for the purpose of treating Hydrilla in Long Pond and Fanwort in Lake Wequaquet as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$65,000** be transferred from available funds within the Town's Capital Trust Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** 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



**B. NEW BUSINESS (Refer to public hearing 04/15/10) (Roll-call, 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-108**

**INTRO: 04/01/10**

**2010-108 APPROPRIATION & LOAN - \$250,000 CAPITAL TRUST FUND CIP-REPAIRS TO BARNSTABLE WEST BARNSTABLE & CENTERVILLE ELEMENTARY SCHOOL PARKING LOTS**

**ORDERED:**

That the sum of **\$250,000** be appropriated for the purpose of funding repairs to the Barnstable West Barnstable and Centerville Elementary schools parking lots as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$250,000**, and that the School Committee is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Town Manager John C. Klimm

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close public hearing
- \_\_\_ Council discussion
- \_\_\_ Move/vote

**B. NEW BUSINESS (Refer to public hearing 04/15/10) (Roll-call, 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-109**

**INTRO: 04/01/10**

**2010-109 APPROPRIATION & LOAN - \$680,000 CAPITAL TRUST FUND CIP-SCHOOL BUILDING IMPROVEMENTS & EQUIPMENT UPGRADES**

**ORDERED:**

That the sum of **\$680,000** be appropriated for the purpose of funding school building improvements and equipment upgrades as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$680,000**, and that the School Committee is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Town Manager John C. Klimm

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close public hearing
- \_\_\_ Council discussion
- \_\_\_ Move/vote

**B. NEW BUSINESS (Refer to public hearing 04/15/10) (Roll-call, 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-110  
INTRO: 04/01/10**

**2010-110 APPROPRIATION & LOAN - \$300,000 CAPITAL TRUST FUND CIP-  
MUNICIPAL FACILITY IMPROVEMENTS**

**ORDERED:**

That the sum of **\$300,000** be appropriated for the purpose of funding municipal facility improvements as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$300,000**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Town Manager John C. Klimm

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close public hearing
- \_\_\_ Council discussion
- \_\_\_ Move/vote

**B. NEW BUSINESS (Refer to public hearing 04/15/10) (Roll-call, 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-111  
INTRO: 04/01/10**

**2010-111 APPROPRIATION & LOAN - \$650,000 CAPITAL TRUST FUND CIP-WEST BAY  
BRIDGE REPAIRS**

**ORDERED:**

That the sum of **\$650,000** be appropriated for the purpose of funding the West Bay Bridge repairs as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation that **\$400,000** be transferred from available funds under council order 2001-087 and that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$250,000**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** 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

**B. NEW BUSINESS (Refer to public hearing 04/15/10) (Roll-call, 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-112  
INTRO: 04/01/10**

**2010-112 APPROPRIATION & LOAN - \$250,000 CAPITAL TRUST FUND CIP-BOAT  
RAMP RENOVATION PROGRAM**

**ORDERED:**

That the sum of **\$250,000** be appropriated for the purpose of funding the Boat Ramp Renovation Program as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$250,000**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** 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

**B. NEW BUSINESS (Refer to public hearing 04/15/10) (Roll-call, 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-113  
INTRO: 04/01/10**

**2010-113 APPROPRIATION & LOAN - \$600,000 CAPITAL TRUST FUND CIP-  
COMPREHENSIVE WASTEWATER PLAN**

**ORDERED:**

That the sum of **\$600,000** be appropriated for the purpose of funding Phase III of the Comprehensive Wastewater Management Plan as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$600,000**, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** 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

**B. NEW BUSINESS (Refer to public hearing 04/15/10) (Roll-call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-114  
INTRO: 04/01/10**

**2010-114 TRANSFER ORDER - \$473,000 CAPITAL TRUST FUND CIP-FUNDING THE  
SIDEWALK IMPROVEMENT PROGRAM**

**ORDERED:**

That the sum of **\$140,000** be transferred from the remaining sidewalk appropriation balance in Council Order 2003-085, that the sum of **\$308,000** be transferred from the remaining sidewalk appropriation balance in Council Order 2005-085, and that **\$25,000** be transferred from the remaining sidewalk appropriation balance in Council Order 2007-094, all for the purpose of funding the Sidewalk Improvement Program as outlined in the FY 2011 - FY 2015 Capital Improvement Plan as recommended by the Town Manager; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Town Manager John C. Klimm

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close public hearing
- \_\_\_ Council discussion
- \_\_\_ Move/vote

**B. NEW BUSINESS (Refer to public hearing 04/15/10)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-115  
INTRO: 04/01/10**

**2010-115 TO VOTE ON THE MERITS OF THE FREE PETITION SUBMITTED IN ACCORDANCE WITH THE TOWN CHARTER, SECTION 8-7, FREE PETITION (b)**

“We, the undersigned residents of the Town of Barnstable, do hereby petition the Barnstable Town Council to place a Moratorium on any and all plans to begin the excavation and sewerage installation of the area of Hyannis known as Stewart’s Creek, until such time as sufficient financial support can be issued to homeowners of the affected area outlined in both Phase I and Phase II of the project voted upon on April 16, and August 6, 2009, respectively.

The purpose of this Moratorium is to give the newly formed Citizens Advisory Committee the estimated eighteen month this Ad Hoc Committee will need to research and develop different treatment options and/or financing options available to address wastewater management in the Town of Barnstable, beginning with the project in Stewart’s Creek.”

**On January 21, 2010, Town Clerk Linda Hutchenrider certified 172 signatures on this group petition.**

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close public hearing
- \_\_\_ Council discussion
- \_\_\_ Move/vote



**B. NEW BUSINESS (First Reading)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-116  
INTRO: 04/01/10**

**2010-116 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION**

**RESOLVED**, that the Town appoint the following individuals to a multiple-member board/committee/commission:

**BARNSTABLE YOUTH COMMISSION**

Elizabeth Ells, 744 West Main Street, Hyannis, to a term expiring 06/30/2011

**HUMAN SERVICES COMMITTEE**

Reverend John E. Holt, 334 Old Oyster Road, Cotuit to a term expiring 06/30/12

**SPONSOR:** Appointments Committee

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ Read item
- \_\_\_ Council discussion
- \_\_\_ Move/vote

**B. NEW BUSINESS (May be acted upon)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-117  
INTRO: 04/01/10**

**2010-117 ACCEPTANCE OF A \$1,670 GIFT FROM DAVID C. PINA & ROBERT MAFFEI FOR PURCHASE OF A WISHING WELL FOR HYCC**

**RESOLVED**, That the Town Council does hereby accept a gift in the amount of \$1,670.00 from David C. Pina II and Robert Maffei to be used by the Barnstable Recreation Division for the purchase of a spiral wishing well to be located within the Hyannis Youth and Community Center.

**SPONSOR:** Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2010-117**  
**INTRO: 04/01/10**

## SUMMARY

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Lynne M. Poyant, Director of Community Services  
**DATE:** March 22, 2010  
**SUBJECT:** Acceptance of a \$1,670 gift for purchase of Spiral Wishing Well to be located in the Hyannis Youth & Community Center

**BACKGROUND:** The Hyannis Youth and Community Center broke ground on January 18, 2008. The \$24.7 million project was funded by a \$3.5 million grant from the Commonwealth of Massachusetts, \$1 million grant from the United States Department of Education, \$1.34 million of private fundraising through the Hyannis Youth and Community Center Foundation (\$1 million of which was from the Lyndon P. Lorusso Foundation) and the balance of \$18,863,283 was the Town of Barnstable borrowing authorization and unexpected funds. The project was expanded by the Town Council in May 2007 as it sought to increase the main rink seating capacity to 1,500 with 350 in the second rink. The gymnasium was also enlarged to accommodate a competition basketball court with two cross courts and portable seating for 500 spectators along with an elevated three lane walking track. Additional property was added to the site along Stevens Street to accommodate needed parking and increased building size. The building of 105,000 square feet which opened its doors in September of 2009 now meets the many requests from the general public.

**ANALYSIS:** The mission of the HYCC is to provide state-of-the-art accessible facilities for a variety of recreational programs and special events, competitive sports organizations, after-school activities and opportunities for the community-at-large to foster educational excellence and physical growth across all generations.

The Hyannis Youth and Community Center operates as an Enterprise Program. The donation of \$1,670 will be used by the Barnstable Recreation Division for the purchase of a three foot diameter Spiral Wishing Well for the purpose of collecting donations. In these tough economic times, some of our local residents are not able to afford the registration fee of the Recreation Division's offerings. The Spiral Wishing Well will hopefully generate sufficient income to subsidize those youngsters who qualify for program scholarships. Past experience with wishing wells tells us that people will support a good cause. A side benefit is that people love to watch the coins spin around in circles at eye-blurring speeds seeming to defy the laws of gravity as they descend the nearly vertical walls of the vortex funnel.

**FISCAL IMPACT:** This gift will increase smaller donations to the Hyannis Youth & Community Center. There will be no negative financial impact.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends acceptance.

**BOARD/COMMITTEE ACTION:** The Recreation Commission unanimously supports the gift acceptance.

**STAFF ASSISTANCE:** David Curley, Recreation Director.

**B. NEW BUSINESS (Refer to joint hearing with planning board 04/15/10) (Roll-call, 2/3)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-118  
INTRO: 04/01/10**

**2010-118 EXTEND THE TEMPORARY RECREATIONAL SHELLFISH AREA & SHELLFISH RELAY OVERLAY DISTRICT TO REMAIN IN EFFECT UNTIL JUNE 30, 2010**

**ORDERED that:**

The period of time that the Temporary Recreational Shellfish Area and Shellfish Relay Area established under Section 240-37.1 of the Code of the Town of Barnstable shall remain in effect is hereby extended until June 30, 2010.

**SPONSOR:** Town Councilor Richard G. Barry

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close public hearing
- \_\_\_ Council discussion
- \_\_\_ Move/vote

# **BARNSTABLE TOWN COUNCIL**

**ITEM# 2010-118**  
**INTRO: 04/01/10**

## **SUMMARY**

**TO:** Town Council  
**FROM:** Richard Barry, Town Councilor  
**DATE:** March 15, 2010  
**SUBJECT:** Recreational Shellfish Area and Shellfish Relay Overlay District

The Coastal Resources Management Committee (CRMC) was created by Town Council action to address the issues raised during the 2007 discussion on the Recreational Shellfish and Shellfish Relay Overlay District zoning ordinance hearings. They began their work after the 30 day appeal period for the temporary moratorium action as soon as the committee was constituted. This group led by the Chair, Bob Jones has met twice a month since May 28, 2008 and are nearly completed with their task to update the 1990 Camp Dresser McKee Coastal Resources Management Plan which includes the Three Bays, Easy Bay and the Centerville River coastal areas. This plan will include strategies for addressing coastal use issues including any recommended local legislation. This is the process set in place when the dock and pier moratorium was imposed.

The CRMC presented the final copy of the updated plan to the Council in November. The CRMC and Town Council had a workshop on March 4, 2010. Ordinance drafting pursuant to the plan recommendations commenced thereafter but notice requirements and Town Council agenda constraints prevent the timely scheduling of a public hearing for the ordinance.

The current moratorium expires on May 3, 2010. This additional time is necessary to finalize ordinance drafting for the public hearing.