



Town of Barnstable Town Council

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TOWN COUNCIL MEETING AGENDA May 6, 2010 7:00 PM

Councillors:

Frederick Chirigotis
President

James H. Crocker
Vice President

Richard G. Barry
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Ann B. Canedy
Debra S. Dagwan
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John T. Norman
Tom Rugo
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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: May 20, 2010

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B. NEW BUSINESS

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Minutes – April 15, 2010

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# 2010-087

INTRO: 03/04/10, 04/01/10, 05/06/10

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

DATE

ACTION TAKEN

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

SUMMARY

ITEM# 2010-087

INTRO: 03/04/10, 04/01/10, 05/06/10

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

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 (Public hearing) (Roll-call, 2/3)

BARNSTABLE TOWN COUNCIL

ITEM# 2010-108

INTRO: 04/01/10, 04/15/10, 05/06/10

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (Public hearing) (Roll-call, 2/3)

BARNSTABLE TOWN COUNCIL

ITEM# 2010-109

INTRO: 04/01/10, 04/15/10, 05/06/10

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2010-117
INTRO: 04/01/10, 05/06/10**

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, 05/06/10

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.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2010-121

INTRO: 04/15/10, 05/06/10

2010-121 APPROPRIATION - \$10,000 COMMUNITY PRESERVATION FUNDS

ORDERED: That, pursuant to the provisions of G. L. c. 44B, the sum of up to Ten thousand dollars and no/100 (\$10,000.00) be appropriated and transferred from the amount set aside for Open Space / Recreation in the Community Preservation Fund on June 18, 2009 under agenda item 2009-129; and that the Community Preservation staff in the Growth Management Department are authorized to contract for and expend the amount appropriated with the prior approval of the Town Manager for the creation of a recreational facility known as Luke’s Love – A Boundless Playground located at 2377 Meetinghouse Way, West Barnstable as shown on Map / Parcel 155 / 002 and 155 / 040. The project consists of landscaping and site work.

SPONSOR: Town Manager, John C. Klimm at the request of the Community Preservation Committee and Town Councilor Henry C. Farnham

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2010-121
INTRO: 04/15/10, 05/06/10

SUMMARY

TO: Town Council
FROM: Community Preservation Committee
DATE: March 30, 2010
SUBJECT: Rationale: Luke's Love – A Boundless Playground

BACKGROUND: The Community Preservation Committee (CPC) met on March 15, 2010, and unanimously recommended that the town support the funding request for the creation of a recreation project known as Luke's Love – A Boundless Playground located at 2377 Meetinghouse Way, West Barnstable as shown on Map / Parcel 155 / 002 and 155 / 040, in an amount up to and not to exceed \$10,000 which shall be appropriated and transferred from the Community Preservation Funds.

RATIONALE: The project goal is to create a recreational playground in a village with no other such facility; to provide an area where individuals of all ages and physical capabilities can benefit from the multiple outdoor opportunities this playground will offer.

This project is supported by the Recreation Division, West Barnstable Civic Association, Barnstable Disability Commission and the Old King's Highway Historic District Commission among others. This project meets the following criteria of the Community Preservation Act:

- Provides multiple recreational uses with the ability to serve a significant number of residents / visitors of all ages and capabilities
- Offers a safe recreational opportunity through the use of advanced playground surface materials
- Creates and interactive play experience with state of the art playground facilities that will last for many years

Barnstable's recreational opportunities will be enhanced with the addition of a much needed playground location for residents and visitors in the West Barnstable area for people with and without physical limitations.

STAFF ASSISTANCE: Theresa M. Santos, CPC Administrative Assistant
David Houghton, Legal Department

B. NEW BUSINESS (Refer to planning board for public hearing)

BARNSTABLE TOWN COUNCIL

**2010-122
INTRO: 05/06/10**

**2010-122 AMEND CHAPTER 240 ARTICLE III OF THE ZONING ORDINANCE
ADDING MARSTONS MILLS VILLAGE DISTRICT**

That Chapter 240, Article III of the Zoning Ordinance is hereby amended as follows:

Section 1:

Adopts a new Section 240-24.2 titled Marstons Mills Village District (MMVD)

Section 2:

Amends the Zoning Map to rezone the VB-A Zoning District located near the intersection of Route 149, River Road and Main Street in the Village of Marstons Mills to MMVD and RF as shown on the map (to be entered once official map is created)

Section 3:

Amends Section 240-5, Establishment of Districts by adding “MMVD – Marstons Mills Village District” to the listing of Commercial Districts.

Section 4:

Amends Section 240-67 that now reads “Signs in the CVD, OM, HG, TD, VB-A, and VB-B District” to read “§ 240-67 Signs in the CVD, OM, HG, TD, VB-A, VB-B, and MMV Districts”

Section 5:

Amends Section 240-125.B (1) (e) Use Variances, to read:

“Use Variances: To authorize variances for uses in accordance with the provisions of this ordinance provided, however, that no such variances shall be granted within; three hundred (300) feet of the major arteries known as Route 28, Route 132, Route 149 and West Main Street, within the Marstons Mills Village District (MMVD) and within 300’ of the MMVD boundary.

Section 1:

To amend the Zoning Ordinance of the Town of Barnstable, Chapter 240 of the General Ordinances of the Code of the Town of Barnstable, Article III, District Regulations by adding a new Section 240-24.2, Marstons Mills Village Zoning District, to read as follows:

§ 240-24.2. Marstons Mills Village Zoning District

A. Principal Permitted Uses. The following uses are permitted in the Marstons Mills Village Zoning District (MMVD). Uses not expressly allowed are prohibited.

1. Professional or business office
2. Medical or dental office
3. Branch office of a bank or credit union, excluding drive through banking
4. Small scale retail
5. Small scale food service
6. Mixed use development where the building footprint does not exceed 5,000 SF and total gross floor area does not exceed 10,000 SF with retail or office use on the first floor, residential apartment units above not to exceed 4 apartment units.
7. Bed and breakfast within an owner-occupied single-family residential structure subject to the provisions of § 240-11C (6) except Subsections (b) [1] and [2]. No more than six (6) total rooms

shall be rented to not more than 12 total guests at any one time. For the purposes of this section, children under the age of 12 years shall not be considered in the total number of guests.

8. Single family residential dwelling (detached)

B. Accessory Uses. In addition to Article V Accessory Uses herein, the following uses are also permitted as accessory uses in the MMV District.

1. Apartment incidental to a non-residential use.
2. Automated banking facilities (ATM) within a principal building or a walk up ATM facility located in a side or rear yard.

C. Conditional Uses. The following uses are permitted as conditional uses in the MMV District, provided that a special permit is first obtained from the Zoning Board of Appeals subject to the provisions of § 240-125C herein and the specific standards for such conditional uses as required in this section:

1. Mixed use development in excess of that permitted as of right above provided;
 - a. The building footprint does not exceed 5,000 SF and total gross floor area of the building does not exceed 13,300 SF,
 - b. Retail or office use on the first floor with residential apartment units above,
 - c. The number of residential apartment units does not exceed 7,
 - d. Effluent from the on-site septic system for the mixed use development complies fully with all Board of Health regulations without relief or variances from the Board of Health nitrogen standard for this area, and
 - e. The location of the mixed use development is appropriate and compatible with abutting uses and supports abutting uses.
2. Health clubs.
3. Artist's lofts.
4. Art galleries.
5. Museums.
6. Performing arts facilities.
7. Educational institutions.
8. Bed-and-breakfast inns within an owner occupied structure that exceed the provisions of Accessory Uses permitting provided the on-site septic system complies fully with all current Board of Health regulations.
9. Not for profit fraternal or social organizations.

D. Special Permit Standards. In addition to the standards for the grant of a special permit set forth in § 240-125C, the grant of any special permit within the MMVD requires findings to support that the development meets one or more of the following criteria:

- (a) The development maintains or improves pedestrian access and outdoor public spaces;
- (b) The development contributes to the historic character of the Marstons Mills Village area;
- (c) The development eliminates or minimizes curb cuts and driveways on Route 149 and River Road;

E. Bulk Regulations

		Minimum Yard Setbacks				
Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Front ⁴ (feet)	Side (feet) ¹	Rear (feet) ¹	Maximum Building Height (feet)	Maximum Coverage by Structures as a % of Lot Area ³
10,000	20	10	0	0	30 ²	20%

Notes:

1. A minimum 30 feet side or rear yard setback is required where lot boundaries abut a residential district.
2. Or two and one half stories, whichever is less, and except that;
 - The Maximum Building Height may be increased to 36 feet when the roof pitch is at least 6 in 12.
 - Accessory rooftop equipment may extend to 36 feet provided that it is set back from all exterior wall(s) by at least 10 feet, and is enclosed or screened with materials compatible with the building, and the equipment and screening are not visible from the ground. Accessory equipment shall not exceed 20% of the roof area.
3. 30% of the total upland area of the lot shall remain pervious and may contain landscaping, tree plantings, mulch or natural vegetation including the requirements of 240-53.
4. Front yard Landscape Setback from the road lot line shall be 10 feet. Existing trees and shrubs shall be retained within the road right of way and within the required Front Yard Landscaped Setback and supplemented with other landscape materials, in accordance with accepted landscape practices. Where natural vegetation cannot be retained, the Front Yard Landscaped Setback shall be landscaped with a combination of grasses, trees and shrubs commonly found on Cape Cod. A minimum of one street tree with a minimum caliper of three (3.0) inches, shall be provided per 30 feet of road frontage distributed throughout the front yard setback area. No plantings shall obscure site at entrance and exit drives, and road intersections. All landscaped areas shall be continuously maintained, substantially in accordance with any Site Plan approved pursuant to Article IX herein.

F. Special Permit for Dimensional Relief. The SPGA may provide relief from minimum yard setbacks where the boundary does not abut a residential district, facade length requirements or ground floor window requirements when such relief is consistent with this section and § 240-125C.

G. Non-Conforming Use limitations. Within the MMVD the change of a non-conforming use to another non-conforming use is prohibited notwithstanding the provisions of Section 240-94.A. A nonconforming use shall only be permitted to change to a Principal Permitted Use as of right or to a Conditional Use as provided for by the grant of a special permit pursuant to Section 240-24.2.C and D herein.

H. Corporate Branding - Buildings, colors, signage, architectural features, text, symbols, graphics, other attention getting devices and landscape elements that are trademarked, branded or designed to identify with a particular formula business chain or corporation is prohibited. All structures and sites shall be designed to include architectural and design elements that are consistent with the MMVD architectural composition, character, and historic context. Interior corporate branding elements shall not be visible to the street through windows, doors or any other means. The Town will work with applicants to adapt critical functional features of prototype plans to their sites, but will not accept standard plans, building forms, elevations, materials, or colors that do not relate to the site, adjacent development or Marstons Mills community character.

I. Design Guidelines. Within the MMVD the following design guidelines shall apply to all new buildings and structures and/or expansions and alteration to existing buildings and structures as follows:

1. Façade and Roof Standards
 - (a) Facade length. Buildings or portions of a building with a mass over 50 feet wide must divide their elevations into smaller parts. A pronounced change in massing, pronounced changes in wall planes and introducing significant variations in the cornice/roofline are all possible methods to accomplish the desired divisions of elevations into smaller parts.
 - (b) Roof pitch. Roof pitch for new structures and additions to existing structures shall be within the range of roof pitches found on the main roofs of existing structures within the MMVD. Flat roofs may extend up to 20 linear feet only in combination with other pitched roof elements by right or, if greater than 20 feet with other pitched roof elements, through a special permit.

- (c) Roofline variation. Roofline variation is achieved by visually and physically changing roof direction or off-setting roof peaks and ridgelines, both horizontally and vertically. The roofline shall be varied on all elevations visible from a street, parking area, or public space. Individual segments of the roofline shall not extend more than 30' in width measured horizontally.
2. Ground floor windows. Religious institutions are exempt from ground floor window requirements.
- (a) All new nonresidential development or redevelopment shall provide ground floor windows for facades facing the street, including windows that allow views into working areas or lobbies, pedestrian entrances, or display windows. The glazing pattern shall be aligned in regular and traditional patterns found within the MMVD.
- (b) In new and redeveloped non-residential structures windows that block two-way visibility, such as darkly tinted and mirrored windows, are prohibited as ground floor windows along street facades.
- (c) In new and redeveloped non-residential structures, any wall that is within 30 feet of the street shall contain at least 20% of the ground floor wall area facing the street in display areas, windows, or doorways. Blank walls, including walls that do not include display areas, windows, architectural features, and/or doorways, are prohibited.
3. All structures within the MMVD shall utilize at least four (4) of the following design features:
- Gables
 - Offsets on the building face or roof of at least two inches
 - Gable dormers
 - Cupolas or other appropriate roof elements
 - Covered porch or recessed entry area
 - Window shutters
 - Horizontal lap siding
 - Wood Shingles
4. Divided light windows Metal-sided buildings are prohibited within the Marstons Mills Village District.
5. Drive-through and drive-up windows are prohibited within the Marstons Mills Village District.
6. The design of all structures, and materials selected for their exterior surfaces, will utilize scale, color and materials that enhance and promulgate the traditional small-scale village character currently found in the MMVD.
7. Signs: In addition to compliance with Article VII, Sign Regulations, the following restrictions shall also apply to all signs in the MMVD.
- (a) Internally illuminated signs, halo and backlit signs are prohibited in the MMVD.
 - (b) Business identity, either by awnings, accent bands, paint or other applied color schemes, signage, decorative roof details or materials should not be the dominant architectural feature.
- H. Site Development Standards.** In addition to Article IX, Site Plan Review and Article VI, Off-Street Parking the following additional requirements shall apply within the MMVD.
1. Loading docks. Loading docks shall be screened from Route 149, River Road and Main Street with landscaping or fencing materials of an appropriate scale.
2. To the greatest extent feasible, all new parking areas shall be located to the side and rear of the building. Parking is not permitted in the required front yard setback with the exception of parking required by ADA compliance as determined by the Building Commissioner.
3. Curb cuts and driveways.
- (a) Shared driveways and parking area interconnections are strongly encouraged. No more than one curb cut on Route 149, River Road and Main Street shall be allowed for any lot. For traffic safety and to maintain traffic flow, no new driveways shall be permitted on Route 149, River Road and Main Street within 200 feet of any intersection.
 - (b) Driveways shall not exceed the width required by Site Plan Review

4. Lighting.

- (a) All developments shall use full cutoff light fixtures for exterior lighting in which no more than 2.5% of the total output is emitted at 90° from the vertical pole or building wall on which it is mounted.
- (b) Flood, area and up lighting is prohibited.

J. Definitions. The following terms are defined for the purpose of the MMVD and shall not be construed to apply to other regulations

Apartment - One or more rooms with private bath and kitchen facilities comprising an independent self-contained rental dwelling unit (a unit not owned in fee simple) located in a building where the principal use is nonresidential.

Mixed Use Development - Development including at least one residential unit and at least one non-residential use on a single lot or several non-residential uses on a single lot. In the MMVD district for every four (4) apartment units permitted one (1) of those units shall be dedicated as affordable in addition to the provisions of Chapter 9 Inclusionary Affordable Housing Requirements.

Small-Scale Food Service – An establishment 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 corporate branding limitations as described herein. These uses are intended to increase pedestrian traffic.

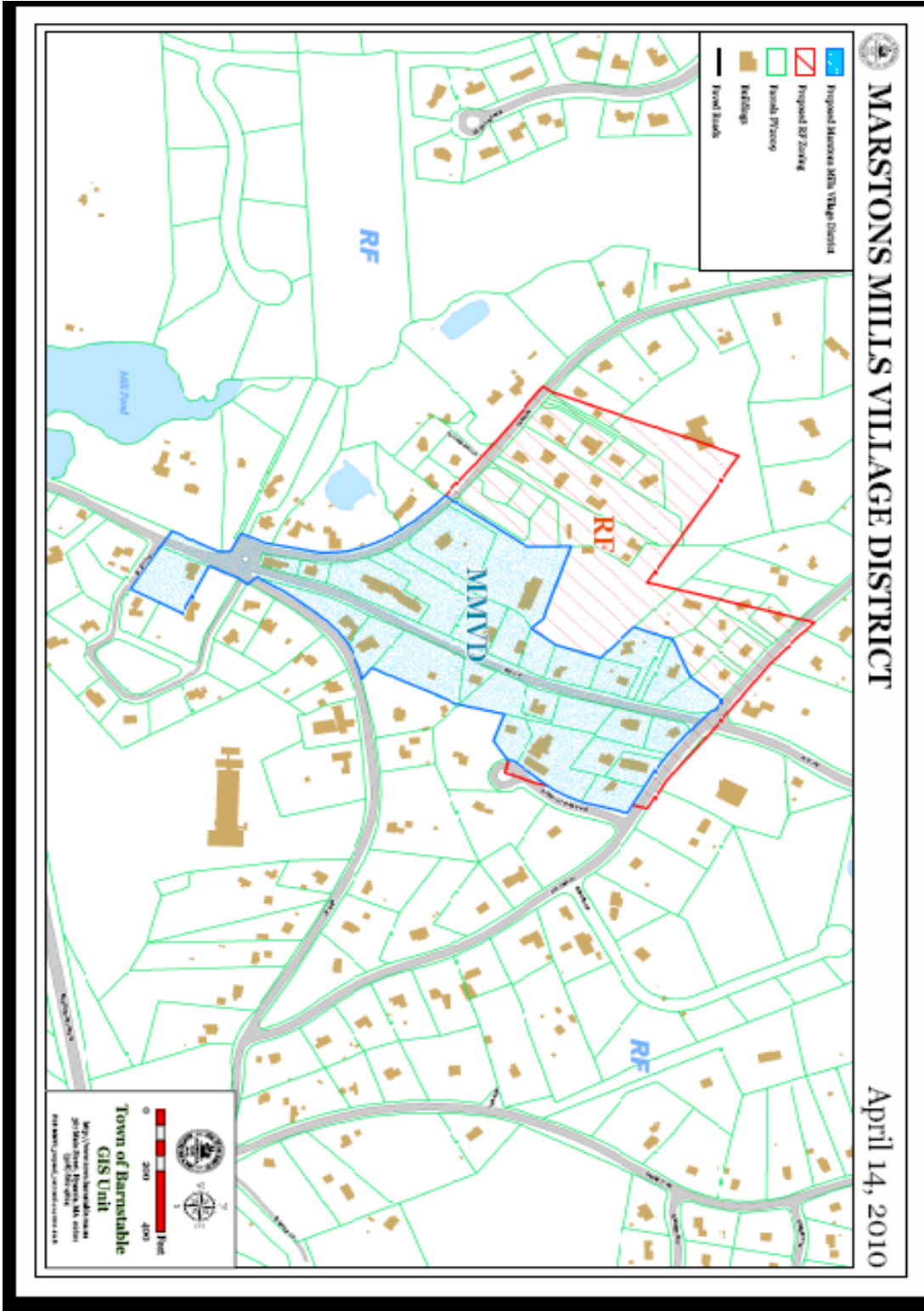
Small-Scale Retail - Small stores and businesses, including but not limited to, corner groceries, artist space, bookstore, galleries and other small retail uses typically found in small New England towns. Small-scale retail does not include retail or commercial buildings or storage designed to serve a large volume of customers, e.g. gasoline and oil filling stations, garages for automotive or machine repair. Small scale retail is subject to corporate branding limitations as described herein. These uses are intended to increase pedestrian activity.

SPONSOR: Councilors Jan Barton and John Norman

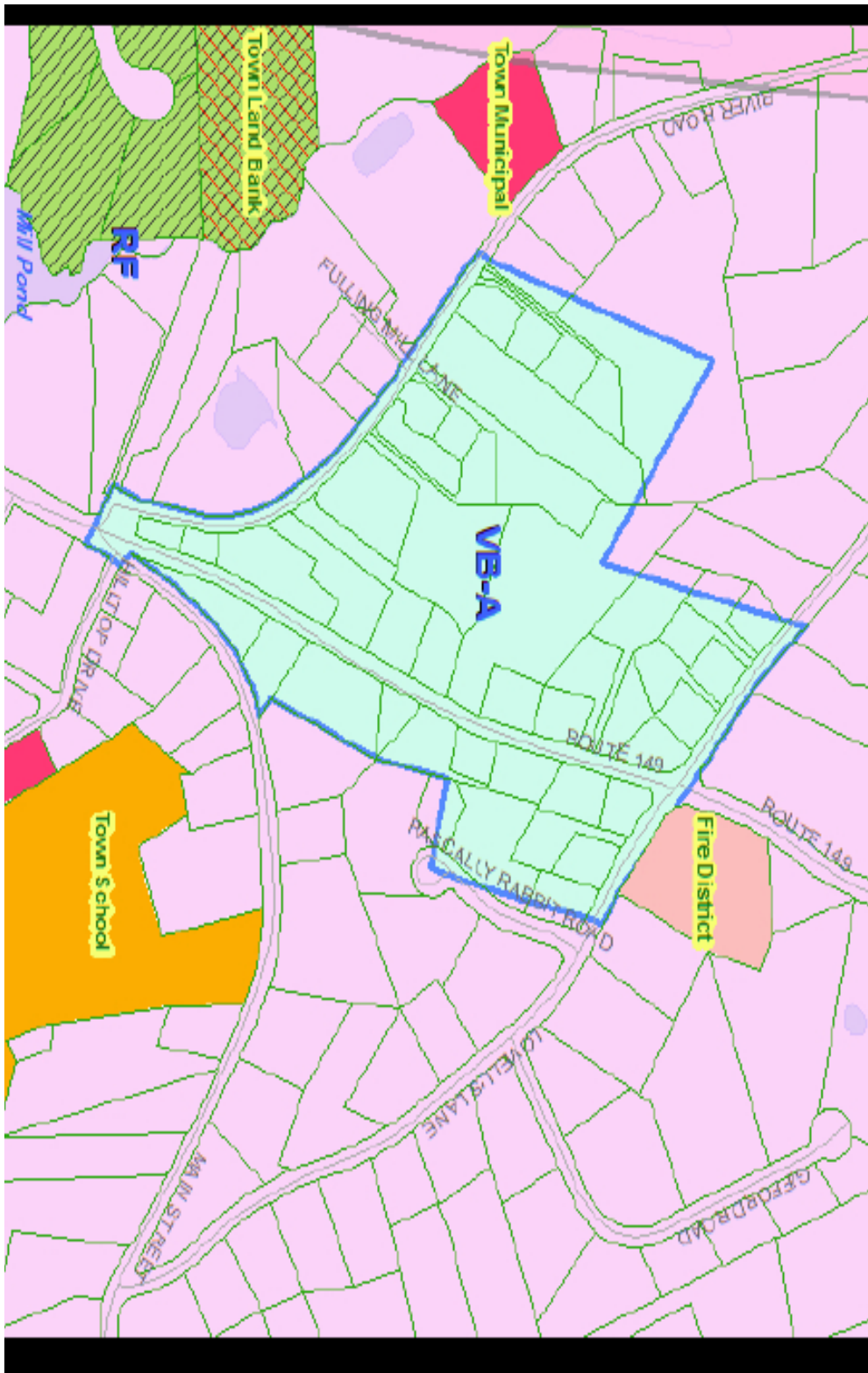
<u>DATE</u>	<u>ACTION TAKEN</u>
_____	_____
_____	_____

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

PROPOSED



EXISTING:



BARNSTABLE TOWN COUNCIL

ITEM# 2010-122
INTRO: 05/06/10

SUMMARY

TO: Town Council
FROM: Planning Board Chair Felicia Penn
THROUGH: Jo Anne Miller Buntich, Growth Management Director
DATE: April 26, 2010
SUBJECT: Marstons Mills Village District

BACKGROUND: This is an amendment to the Zoning Ordinance that rezones the existing VB-A in Marstons Mills to a newly created Marstons Mills Village District Section 240-24.2 and returns the remaining portions of the VB-A to RF Residential use.

In March of 2007, at the request of the village, Growth Management began to work through the Village Association to assist with implementation of the Marstons Mills village plan. The village prioritized the business district VB-A as their #1 priority. The result of many meetings and discussions is presented herein as a change to the business district boundary, returning residentially used land to the surrounding residential zoning and the creation of the Marstons Mills Village District.

ANALYSIS: Adoption of this ordinance creates the Marstons Mills Village District by rezoning portions of the existing VB-A to the MMVD and rezoning the remaining portions of the existing VB-A to the RF district. The village has chosen to include a corporate branding prohibition for the MMVD. This order also amends the zoning map to accommodate these changes, adds the Marstons Mills Village District to the Sign Code and to the special provisions regarding use variances.

RATIONALE: These regulations respond to the issues and concerns and support the vision of the Marstons Mills Village Plan through use character enhancing regulations and design guidelines.

STAFF ASSISTANCE: Jo Anne Miller Buntich, Director
Growth Management Department

B. NEW BUSINESS (Refer to planning board for public hearing)

BARNSTABLE TOWN COUNCIL

2010-123
INTRO: 05/06/10

2010-123 AMEND C. 240 OF THE ZONING ORDINANCE – SIGN REGULATIONS

Section 1

ORDERED, that Chapter 240, The Zoning Ordinance of the Town of Barnstable, Article VII, Sign Regulations be amended by adding the following:

§ 240-60 **Definitions** is hereby amended by adding the following definitions and inserting them where they appear alphabetically within the existing definitions:

Business Hardship Location Sign: A temporary portable sign allowed for businesses in hardship locations to identify and/or direct patrons to their business. Business hardship locations are locations where the front facade and entrance of the business is more than 10 feet from the front façade of abutting buildings or any business location in the HVB that is not on Main Street.

Business Trade Figure or Symbol: A three dimensional representation of a business that is used to indicate the type of merchandise or services offered by the business. Business trade figures are not counted towards the amount of signage allowed.

**Trade Figure or Symbol Example -
Butcher Shop**



Open/Closed Sign: A business in the HVB may display a sign indicating whether it is open or closed. Open/Closed sign are not counted towards the amount of signage allowed.

Trade Flag: Any sign consisting of lightweight fabric that is affixed to a pole displaying letters, designs or icons exemplary of the business displaying the flag. Such images shall be consistent with the historical heritage and character of Hyannis. Trade flags are not counted towards the amount of signage allowed.

Section 2

ORDERED, that Chapter 240, The Zoning Ordinance of the Town of Barnstable, Article VII, Sign Regulations be amended by adding the following:

§ 240-61. **A. Prohibited Signs** is hereby amended by adding the following language shown in bold face type:

A. Any sign, all or any portion of which is set in motion by movement, including pennants, banner or flags, **with the exception of Trade Flags in the HVB** and except official flags of nations or administrative or political subdivisions thereof.

B. Any sign which incorporates any flashing, moving or intermittent lighting. **Such signs include LED (Light Emitting Diode) signs; LED Border Tube signs including any sign that incorporates or consists solely of a LED border tube lighting system; and simulated neon signs which are**

extremely bright backlit signs using fluorescent lamps and neon colored inks or translucent vinyl for lettering and display.

H. Any portable sign, **with the exception of Business Hardship Location Signs in the HVB**, including any sign displayed on a stored vehicle, except for temporary political signs.

Section 3

ORDERED, that Chapter 240, The Zoning Ordinance of the Town of Barnstable, Article VII, Sign Regulations be amended by adding the following:

§ 240-71 Signs HVB District is hereby amended by inserting the following:

E. Open/Closed Sign, Business Trade Figure or Symbol, Trade Flag or Business Hardship Location Signs: Subject to § 240-85 Permit required; identification stickers.

1. **Trade Flag:** A business may display a trade flag to identify and/or direct patrons to their business provided that the following standards are met:
 - a. The Trade Flag is attached, at a public entrance, to the building façade in which the business is located.
 - b. Only one (1) Trade Flag per business establishment is permitted per building façade as may abut any street.
 - c. A Trade Flag may not be used in conjunction with an Open/Closed sign or Business Trade Figure.
 - d. The dimensions of any Trade Flag shall not exceed three (3) feet x five (5) feet.
2. **Open/Closed Sign.** A business may display a sign to identify and/or direct patrons to their business provided that the following standards are met:
 - a. The Open/Closed Sign is attached, at the public entrance, to a façade of the building in which the business is located. This sign shall be located in a display window or door.
 - b. Only one (1) Open/Closed Sign per business establishment is permitted per frontage area.
 - c. An Open/Closed Sign may not be used in conjunction with a Trade Flag or Business Trade Figure or Symbol.
 - d. The dimensions of any Open/Closed Sign shall not exceed 22" by 14".
3. **Business Trade Figure or Symbol:** A business may use a three dimensional representation of their business providing the following criteria are met:
 - a. The Business Trade Figure or Symbol is placed at the public entrance immediately abutting the building front or is affixed to the front façade of the building in which the business is located.
 - b. The Business Trade Figure or Symbol represents the business and or its services and is based on historic trade representations.
 - c. Only one (1) Business Trade Figure or Symbol per business establishment is permitted.
 - d. Business Trade Figure or Symbol may not be used in conjunction with an Open/Closed sign or a Trade Flag.
 - e. The dimensions of any Business Trade Figure or Symbol shall not exceed two (2) feet x (4) four feet.
 - f. Business Trade Figure or Symbol shall be secured as necessary so that it does not create nuisance or hazard under any conditions to pedestrians, motorists or business patrons.
 - g. Business Trade Figure or Symbol shall not obstruct safe passage or impeded accessibility on the sidewalk and shall not obstruct views to another business or business sign.

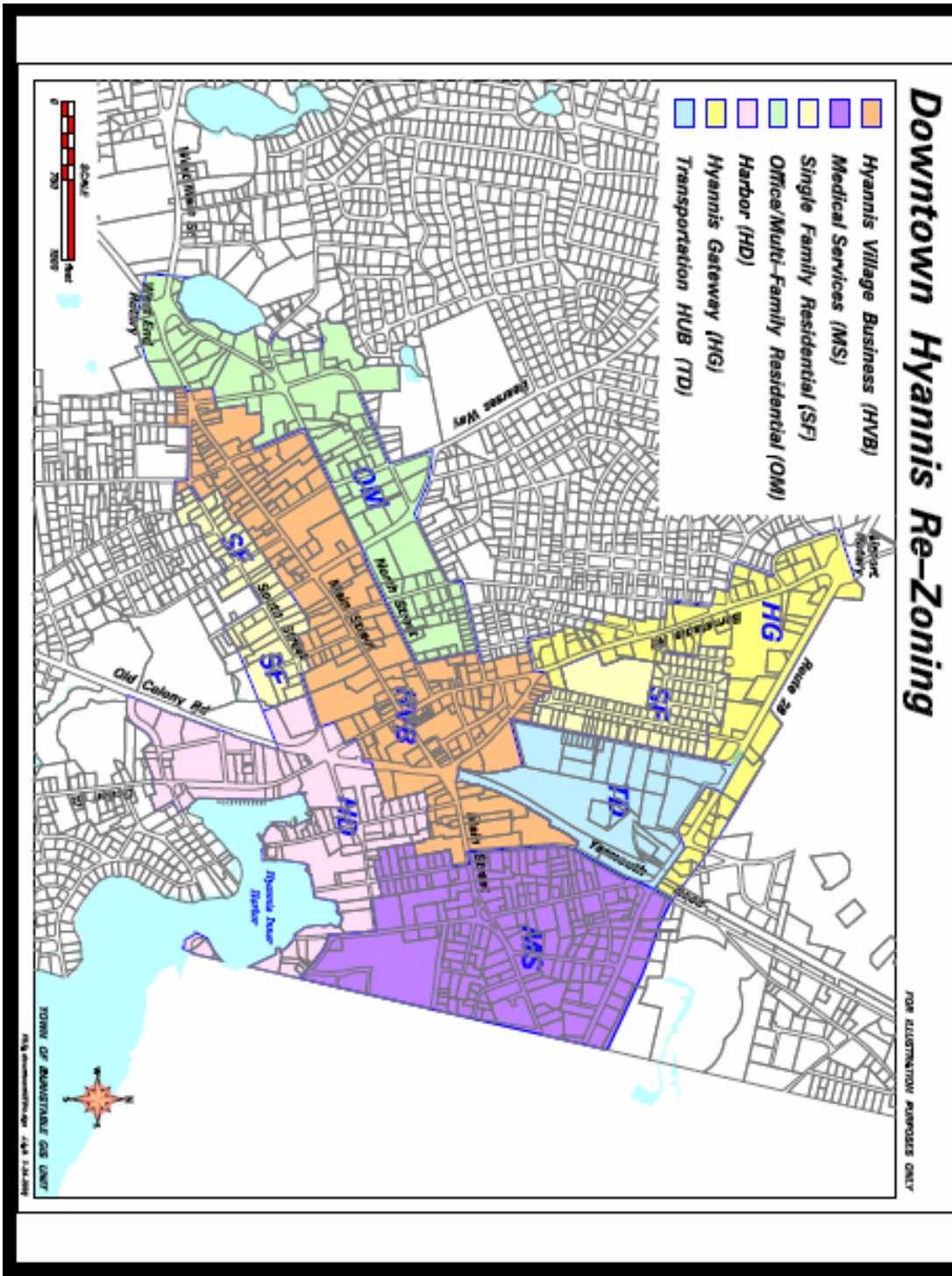
Proof shall be submitted demonstrating to the satisfaction of the Building Commissioner that explicit written permission has been given by the owner of the property proposed for locating the Trade Figure or Symbol.

4. **Business Hardship Location Sign:** These signs are allowed in the HVB District, provided that a special permit is obtained from the Planning Board subject to the provisions of § 240-125C herein and subject to the following criteria and performance standards:
 - a. One (1) Business Hardship Location Sign is permitted per business and may be placed on the sidewalk leading to the business entrance.
 - b. Business Hardship Location Sign dimensions shall not exceed two (2) feet by three (3) feet.
 - c. Business Hardship Location Signs shall be secured as necessary so that it does not create nuisance or hazard under any conditions to pedestrians, motorists or business patrons.
 - d. Business Hardship Location Signs shall not obstruct safe passage or impeded accessibility on the sidewalk and shall not obstruct views to another business or business sign.
 - e. All Business Hardship Location Signs shall be professionally made, professionally painted and well- maintained. Hand lettered signs shall not incorporate informal, irregular hand lettering
 - f. Lights, banners, flags or similar objects shall not be placed on or adjacent to Business Hardship Location Signs. Business Hardship Location Signs shall not be illuminated.
 - g. All Business Hardship Location Signs shall be removed at the close of business each day. Business Hardship Location Signs shall not be displayed outside of business hours.
 - h. Proof shall be submitted demonstrating to the satisfaction of the Planning Board and the Building Commissioner that explicit written permission has been given by the owner of the property proposed for locating the sign.
 - i. Where the Business Hardship Location Sign is proposed on town property, the following additional criteria and performance standards shall be met:
 1. Proof of receipt of a license from the Town Manager or his designee for the sign at the proposed location;
 2. Proof of insurance consistent with the issued license shall be provided to the Planning Board and the Building Commissioner prior to putting in place any approved sign.

SPONSOR: Councilor James M. Tinsley2

DATE	ACTION TAKEN
_____	_____
_____	_____

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



BARNSTABLE TOWN COUNCIL

ITEM# 2010-123
INTRO: 05/06/10

SUMMARY

TO: Town Council
FROM: Planning Board
DATE: April 26, 2010
SUBJECT: Amend Zoning Ordinance, Article VII. Sign Regulations §240-60, 240-61 and 240-71

BACKGROUND: After a thorough discussion of requests from the Hyannis Main Street Business Improvement District and the Hyannis Main Street and Waterfront Historic District, the Planning Board proposes the following amendments to the Sign Regulations. These amendments are only applicable to the Hyannis Village Business (HVB) zoning district

Section 1

§ 240-60 **Definitions** is hereby amended by adding definitions for Business Hardship Location Sign, Business Trade Figure or Symbol, Open/Closed Sign and Trade Flag which are proposed to be allowed under § 3 of this order.

Section 2

§ 240-61. **A. Prohibited Signs** is hereby amended by adding language that allows the signs proposed in § 3 and also further clarifies the prohibition on illuminated sign to better address new technologies.

Section 3

§ 240-71 **Signs HVB District** is hereby amended by inserting the following allowances for four types of signs:

Business Hardship Location Sign – proposed for businesses that do not have the same access to street and sidewalk frontage as other businesses.

Business Trade Figure or Symbol – proposed to allow an additional method of attracting patrons to businesses.

Open/Closed Sign – proposed to allow businesses to more clearly communicate hours of operation.

Trade Flag- proposed to allow an additional method of attracting patrons to businesses.

ANALYSIS: These amendments allow additional signs to business enterprises in the Hyannis Village Business District in Downtown Hyannis. These amendments address requests that have come forward during strained economic conditions and should help businesses attract additional patrons and trade.

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2010-124
INTRO: 05/06/10**

2010-124 CONFIRMING REAPPOINTMENTS TO THE AFFORDABLE HOUSING/GROWTH & DEVELOPMENT TRUST FUND BOARD

ORDERED: That the Town Manager hereby reappoints the following individuals to serve as Trustees of the Affordable Housing/Growth and Development Trust Fund Board, pursuant to the provisions of M.G.L. c. 44 §55C and subject to confirmation by the Town Council:

Thomas Lynch, 95 Phinney's Lane, Centerville, MA, to a term expiring 06/30/2011

Mark Milne, 606 River Road, Marstons Mills, MA, to a term expiring 06/30/2011

Laura Shufelt, 1696 Osterville-West Barnstable Road, W. Barnstable, MA, to a term expiring 03/31/2012

Wendy Northcross, 1684 Main Street, West Barnstable, MA, to a term expiring 03/31/2012

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2010-125
INTRO: 05/06/10**

2010-125 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

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

CULTURAL COUNCIL

Lucy Loomis, 645 Skunknet Road, Centerville, as member to a term expiring 6/30/13
Rebecca Lawrence, 157 Pond View Drive, Centerville, as a member to a term expiring 6/30/13

COUNCIL ON AGING

Suzanne Broderick, 170 Gleneagle Drive, Centerville, as an associate member to a term expiring 6/30/13

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read item
- Council discussion
- Move/vote

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**2010-145
INTRO: 05/06/10**

2010-145 GRANT ACCEPTANCE-\$42,000 FROM EXEC. OFFICE OF PUBLIC SAFETY

RESOLVED, that the Town Council hereby accepts a grant to the Town of Barnstable Police Department in the amount of \$42,000 from the Commonwealth of Massachusetts, Executive Office of Public Safety and Security.

SPONSOR: Town Manager John C. Klimm

<u>DATE</u>	<u>ACTION TAKEN</u>
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2010-145
INTRO: 05/06/10

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Paul B. MacDonald, Chief of Police
DATE: April 27, 2010

BACKGROUND: For sixteen years Town of Barnstable and the Barnstable Police Department have been committed to and proactive in their work against domestic violence. After several domestic violence homicides that devastated the town a Domestic Violence Unit was established in 1994. With the help of grant monies the Department was able to hire a civilian Domestic Violence Specialist, whose focus was advocacy for victims. The Specialist was paired with a Detective to work specifically on Domestic Violence cases. The department has been able to reach the community in many ways, through partnerships with women's shelters such as Independence House and Children's Cove as well as outreaches in the community, such as meetings at churches and youth nights at the Cape Cod Mall. The department dedicates an entire evening to the subject of Domestic Violence during the Citizens Police Academy. Most recently the department has become active in a regional high-risk task force that consists of agencies and organizations across Cape Cod working together to achieve the goal of increased safety for high risk Domestic Violence and Sexual Assault victims. Due to the economic downturn, in FY2010 the hours of the Domestic Violence Specialist position were reduced from 40 hours per week to 20 hours per week. Currently the position is vacant.

ANALYSIS: Grant funding will be used to fund a part time civilian Domestic Violence/Victim Services Specialist, which will compliment the funding already allocated in our budget for a part time Domestic Violence /Victim Services Specialist and the combination will therefore provide for a fulltime advocate. Additionally funding will also be used to pay for overtime to provide 30 sworn officers with Domestic Violence sensitivity training through domestic violence advocacy trainer, Lundy Bancroft, in a program called "Strengthening Police Responses to Domestic Violence: Current Approaches to Best-Responding." Additionally, grant funds will be used to provide 80 hours of overtime incurred by the Domestic Violence/Victim Services Specialist and/or the Domestic Violence Detective to investigate and/or participate in the prosecution of domestic violence, sexual assault, stalking and/or dating violence cases and to participate in the work of a regional High Risk Response Team.

FISCAL IMPACT: The grant period runs from May 7, 2010 to April 30, 2011 and it is our intention to post the position immediately for the Domestic Violence/Victim Services Specialist. The grant will fund 20-hours/week of salary, fringe benefits and health insurance for the position during the grant period. The position will be posted as a full time partially grant-funded position through April 30, 2010 and then will reduce to a 20-hour a week position starting on May 1, 2011 and benefits will cease. The grant will fund the overtime costs associated with the domestic violence training to officers, as well at the overtime costs involved with participation in the High Risk Task Force. The Town's training fund will pay for the cost of the speaker.

STAFF ASSISTANCE: Chief Paul B. MacDonald