



Town of Barnstable Town Council

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TOWN COUNCIL MEETING AGENDA August 5, 2010 7:00 PM

Councillors:

Frederick Chirigotis
President

James H. Crocker
Vice President

Richard G. Barry
Janice L. Barton
Ann B. Canedy
Debra S. Dagwan
Henry C. Farnham
Janet S. Joakim
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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: September 2, 2010

A. OLD BUSINESS

2010-062	District of Critical Planning Concern Craigville Beach District implementation regulations (Public hearing closed) (May be acted upon)	3 - 13
2011-001	Acceptance of a \$400 grant from the Cape Youth Force for the Barnstable Youth Services Division (May be acted upon).....	14 -15
2011-002	Acceptance of a gift of three lifeguard tower canopies, sunscreen & dispensers (May be acted upon)	16 - 17
2011-003	Amend the General Ordinances, Chapter 177 Sandy Neck Beach (Public hearing) (Roll-call)	18 - 19
2011-004	Amending the General Ordinances, Chapter 228 Vehicle Storage (Public hearing) (Roll-call)	21 – 22

B. NEW BUSINESS

2011-005	Zoning Ordinance Craigville Beach District/DCPC Area (Refer to planning board for public hearing)	23 - 34
2011-006	Amending the Zoning Ordinances, Chapter 240, Article V – Ground Mounted Solar Photovoltaic Overlay District (Refer to planning board for public hearing)	35 - 39
2011-007	Amending the Administrative Code, Chapter 141, Section 241-45.1 Human Services Committee (First reading)	40 - 41
2011-008	Acceptance of a \$3,520 grant from Cape Cod Healthcare Benefits for an additional Silver Express van driver for the Senior Center (May be acted upon)	42 - 43
2011-009	Appropriation of \$46,600 of Community Preservations Funds for the acquisition of 1.79 acres of open space at 864 Mary Dunn Road and 0 Mid Cape Highway (west), Route 6 (Refer to public hearing 09/02/10) (Roll-call)	44 – 45
2011-010	Amending the Zoning Ordinance Chapter 240 Article V Family Apartments (Refer to planning board for public hearing)	46 - 47

Minutes — July 15, 2010

Please Note: The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. 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 (Public hearing closed) (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2010-062

INTRO: 12/03/09, 02/25/10, 03/04/10, 04/01/10, 08/05/10

2010-062 DCPC IMPLEMENTING REGULATIONS – CRAIGVILLE BEACH DISTRICT

ORDERED:

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.

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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.

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- 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. If the structure is in the floodplain, any design or architectural changes associated solely with flood-proofing the reconstructed structure shall not require compliance with the design guidelines.
- (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.

G. 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.

	Neighborhood Overlays			
	Craigville Village	Craigville Beach	Long Beach/Short Beach	Centerville River North Bank
Requirements	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) ⁴	10	15	15 ⁴	15
Min. Rear Yard Setback (feet)	10	15	15	15
Maximum Building Height ^{1,2,3}	30	26	30	30
Maximum number of stories ³	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.

Lot Size	Maximum Building Coverage (footprint) Allowance	Maximum Lot Coverage Allowance
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 F as delimited only in the Craigville Beach neighborhood; 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: Councilors Janet S. Joakim and Tom Rugo

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM# 2011-001

INTRO: 07/15/10, 08/05/10

2011-001 ACCEPTANCE OF A \$400 GRANT FOR THE BARNSTABLE YOUTH SERVICES DIVISION

RESOLVED: That the Town of Barnstable hereby accepts a grant of \$400 to the Barnstable Youth Services Division from the Cape Youth Force, a program of the Cape & Islands Youth Congress, the Cape Cod Foundation, Barnstable County UMASS Extension/4H, and YMCA/Cape Cod to cover speaker costs for the Barnstable Youth Education and Support (YES) Group.

SPONSOR: Town Manager John C. Klimm

DATE

ACTION TAKEN

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-001

INTRO: 07/15/10, 08/05/10

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Lynne M. Poyant, Director of Community Services
DATE: July 6, 2010
SUBJECT: \$400 Grant from the Cape Youth Force, a program of the Cape & Islands Youth Congress, the Cape Cod Foundation, Barnstable County UMASS Extension/4H, and YMCA/Cape Cod

BACKGROUND: The Barnstable Youth Education and Support (YES) Group was created in 2009 to offer youth an opportunity to engage in discussion and be informed on topics important to them. The Barnstable Youth Services Division offers staff support and the Barnstable Youth Commission facilitates these forums. We have been fortunate to have the support of the Commonwealth of Massachusetts' Department of Mental Health at these forums to ensure that appropriate support is offered if necessary. While trying to get the speakers to address the topics brought up by our youth, it was discovered that some speakers, because of their credentials, require a fee. Youth Services Coordinator Sally-Ann Imes and Youth Commission Chair Lauren Logan, then a junior at Barnstable High School, wrote a grant to the Cape Youth Force to help with these expenses.

The Cape Youth Force is a youth-led philanthropic program run by a committee of high school students from across Cape Cod. The initiative seeks to make the community a better place by supporting projects that positively affect youth on the Cape & Islands. The Cape Youth Force is a program of the Cape & Islands Youth Congress, The Cape Cod Foundation, Barnstable County UMASS Extension/4H, and YMCA/Cape Cod. The initiative was made possible with funding from individual contributions and two funds at the Community Foundation: the Community Fund for Young People and the Priscilla M. Cotter Fund for Youth Activities.

The Community Services Department and Youth Services Division are deeply appreciative from the Cape Youth Force, a program of the Cape & Islands Youth Congress, the Cape Cod Foundation, Barnstable County UMASS Extension/4H, and YMCA/Cape Cod for their support.

FISCAL IMPACT: None

STAFF ASSISTANCE: Sally-Ann Imes, Youth Services Coordinator

A. OLD BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

2011-002

INTRO: 07/15/10, 08/05/10

2011-002 ACCEPTANCE OF THREE LIFEGUARD TOWER CANOPIES, SUNSCREEN & DISPENSERS

RESOLVED, That the Town Council does hereby accept a gift of three lifeguard tower canopies for Dowses Beach, sunscreen and sunscreen dispensers for Dowses and Craigville Beaches with a total value of approximately \$5,500, from the Glenna Kohl Fund for Hope to be used by the Barnstable Recreation Division.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-002
INTRO: 08/05/10

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Lynne M. Poyant, Director of Community Services
DATE: July 6, 2010
SUBJECT: Acceptance of gift of three lifeguard tower canopies, sunscreen and two sunscreen dispensers from the Glenna Kohl Fund for Hope for Dowses Beach (Total value approximately \$5,500).

BACKGROUND: Glenna Kohl was a longtime Barnstable Recreation Division employee whose life was cut short in November 2008 after a courageous three year battle with melanoma. Glenna was a much loved lifeguard at Dowses Beach prior to her diagnosis. Her colleagues in the Recreation Division have worked with Glenna's parents – Colleen and Bob – to ensure that the mission of the Glenna Kohl Fund for Hope is carried out. The mission is to carry on Glenna's work to bring awareness to everyone about the dangers of melanoma and the importance of early detection and prevention of this deadly disease. They held their first annual "Piggy Trot" on May 23, 2010. It was a 3.7 mile road race held at Dowses Beach in Osterville. There were 323 registered runners and over 400 people in attendance.

RATIONALE: Melanoma is the most serious type of skin cancer. It begins in skin cells called melanocytes. Melanocytes are the cells that make melanin, which gives skin its color. Melanin also protects the deeper layers of the skin from the sun's harmful ultraviolet (UV) rays. When people spend time in the sunlight, the melanocytes make more melanin and cause the skin to tan. This also happens when skin is exposed to other forms of ultraviolet light (such as in a tanning booth). If the skin receives too much ultraviolet light, the melanocytes may begin to grow abnormally and become cancerous. This condition is called melanoma. The lifeguard canopies were made by the Barnstable Canvas Company and are made of 100 percent acrylic fabric and welded with aluminum piping. The three lifeguard tower canopies for Dowses Beach, as well as sunscreen and sunscreen dispensers for Dowses and Craigville Beaches will provide users with awareness while protecting those who serve in lifeguard positions.

FISCAL IMPACT: There is no fiscal impact.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends acceptance.

STAFF ASSISTANCE: Patti Machado, Assistant Director of Recreation

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-003
INTRO: 07/15/10, 08/05/10**

2011-003 AMEND GENERAL ORDINANCES, CHAPTER 177 SANDY NECK BEACH

ORDERED:

SECTION I

Chapter 177 of the General Ordinances (Sandy Neck) is hereby amended by striking out Chapter 177, Article 1 and inserting in place thereof the following:

ARTICLE 1. Operation of Motor Vehicles.

§ 177-1. Operation of a vehicle within a closed area on Sandy Neck Beach. No person shall operate a motor vehicle on Sandy Neck Beach except within marked open sections of the front beach off road vehicle corridor and on the beach access trail.

§ 177-2. Operation of a vehicle on Sandy Neck Beach without a valid permit. No person shall operate a motor vehicle on Sandy Neck Beach without first obtaining a Sandy Neck off road vehicle permit.

§ 177-3. Violations and penalties. Any person violating this chapter shall be punished by a fine not more than \$200 for each offense.

SECTION 2

The schedule of fines in Article I, Section 1-3 of the General Ordinances are hereby amended by striking out the lines related to Chapter 177, Article I and inserting in place thereof the following:

Code Chapter/Section	Subject	Fine
Ch. 177, Art. I	Vehicle within a closed area (Sandy Neck Beach Park)	\$150
Ch. 177, Art. I	Vehicle without a valid permit (Sandy Neck Beach Park)	\$150

SECTION 3

The schedule of fines in Article 1 of the General Ordinances is hereby amended by adding the following new section, §1-6.1:

§1-6.1: Fines for the Violation of Marine and Environmental Affairs Division Regulations

Offense	Fine
Sandy Neck Beach Regulations	
Violation of regulation	\$50

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____
___ Read item	
___ Rationale	
___ Council discussion	
___ Move/vote	

BARNSTABLE TOWN COUNCIL

ITEM# 2011-003

INTRO: 07/15/10, 08/05/10

SUMMARY

TO: Town Council
FROM: Lynne M. Poyant, Director of Community Services
DATE: July 6, 2010
SUBJECT: Town of Barnstable Ordinance changes for § 177-1, § 177-2 and § 177-3 as well a schedule of fines for Sandy Neck Beach Regulations

BACKGROUND: The Town Ordinances, as they pertain to Sandy Neck Beach, are outdated. They include multiple references to the Sandy Neck Governing Board which has been disbanded for many years. In addition, the ordinances refer to the off road vehicle permit as an “inspection sticker” which is confusing to the public and the court system. With regard to fines, the dollar amount is not defined for violations of the regulations. In addition, the fine amount for driving on the beach in many cases is less than the cost of an off road vehicle permit. This makes driving illegally on the beach less expensive than purchasing a permit and obtaining and obeying the rules and regulation of the beach.

RATIONALE: By updating the Town Ordinances, the public will have a better understanding of the Town laws as they pertain to driving a vehicle on Sandy Neck Beach. In addition, citations issued will be more defensible in the court system with improved and comprehensible language defining the violation. Finally, fines for regulation violations will be clearly delineated and not subject to individual interpretation.

FISCAL IMPACT: There will be a minimal increase in revenue as fines for violations will increase.

STAFF ASSISTANCE:

Nina Coleman, Sandy Neck Park Manager
Ruth J. Weil, Town Attorney

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-004

INTRO: 07/15/10, 08/05/10

2011-004 AMEND GENERAL ORDINANCE. C. 228, VEHICLE STORAGE

ORDERED: That the General Ordinances of the Code of the Town of Barnstable are hereby amended by striking Chapter 228 and inserting the following Chapter 228

“CHAPTER 228

VEHICLE, BOAT, RECREATIONAL AND CONTAINER STORAGE

§ 228-1. Purpose and Intent.

The purpose and intent of this chapter is to promote beneficial and convenient relationships between the natural resources of the Town and its inhabitants.

§ 228-2. Unregistered motor vehicle and trailer storage.

No person shall at any time have more than one unregistered motor vehicle or trailer or any part or portion thereof, ungaraged, on premises owned, occupied or controlled by said person.

§ 228-3. Boat and registered trailer storage.

- A. No person shall at any time have more than two boats greater than twenty-one feet in length clearly visible on premises owned, occupied or controlled by said person.
- B. No person shall at any time have more than two registered trailers clearly visible on premises owned, occupied or controlled by said person.

§ 228-4. Mobile home, recreational trailer, and camper storage.

- A. No person shall at any time have any mobile home clearly visible on premises owned, occupied or controlled by said person except as provided in § 228-7(A)(7).
- B. No person shall at any time have more than two recreational trailers clearly visible on premises owned, occupied or controlled by said person.
- C. No person shall at any time have more than two campers clearly visible on premises owned, occupied or controlled by said person.

§ 228-5. Container and equipment storage.

- A. No person shall at any time have any containers with a capacity of five (5) or more cubic yards clearly visible on premises owned, occupied or controlled by said person.
- B. No person shall at any time have any motorized earth moving equipment clearly visible on premises owned, occupied or controlled by said person.

§ 228-6 Compliance.

- A. Each unit listed in §§ 228-3(A), 228-3(B), 228-4(A), 228-4(B), 228-4(C), 228-5(A) and 228-5(B) other than a boat stored on a registered trailer shall be considered as a single unit for purposes of compliance with this chapter. Not more than two of the same or different units listed in §§ 228-3(A), 228-3(B), 228-4(B), 228-4(C), 228-5(A) and 228-5(B) shall be stored on premises other than in compliance with the requirements of this chapter. The combination of a boat stored on a registered trailer shall be considered a single unit for purposes of compliance with this chapter.
- B. A unit required to be stored in compliance with this chapter shall not be considered clearly visible if the following dimensions are screened from view from any vantage point on each lot directly

abutting or directly across a way abutting the premises which contains a dwelling but only up to the top of the first floor of any single dwelling or the top of the first story of any multiple dwelling:

- (1) the full length and width; and
- (2) the full height if the unit is six (6) feet or less high; or
- (3) if the unit is more than six (6) feet high, by a well maintained fence or natural objects six (6) feet high, buildings or natural objects more than six (6) feet high, or any combination thereof.

C. Screens shall consist of buildings, natural objects, well maintained fences, or any combination thereof not attached to the unit which blocks the unit from view and are in compliance with all applicable laws, ordinances and regulations.

D. A unit or units required to be stored in compliance with this chapter shall be grouped in one storage area.

§ 228-7. Nonapplicability.

A. This chapter shall not apply to the following.

- (1) To governmental entities and government premises.
- (2) To any unit used for agricultural purposes on the premises.
- (3) To any unit listed in §§ 228-3(B), 228-5(A) and 228-5(B) for the duration of work allowed under a permit issued for the premises.
- (4) To premises duly licensed under the provisions of Chapter 140 of the General Laws.
- (5) To boats while secured on the shore of the premises or at a pier.
- (6) To trailers and tents permitted under the provisions of §§ 240-9(A) – (D).
- (7) To one (1) mobile home stored in compliance with § 240-45, which shall not be considered in determining the number of mobile homes stored on the premises for purposes of compliance with this chapter.
- (8) To a vacant lot or a lot which contains a building or buildings partly or completely without a dwelling or dwellings except buildings accessory to a dwelling on the same lot. A unit is not required to be screened from view from a vacant lot or a lot with a building or buildings some or all of which does not or do not contain a dwelling or dwellings.

§ 228-8. Penalties.

Any person failing to comply with this chapter or remove a unit not in compliance with this chapter, or any part or portion thereof, within seven days after notice by the Building Commissioner, or his designee, the Board of Health or its designees, or the Police Department of the Town, shall be subject to a fine of not more than \$300. Each day during any portion of which a violation continues to exist, shall constitute a separate offense.

§ 228-9. Severability.

Each provision of this chapter shall be construed as separate. If any part of this chapter shall be held invalid for any reason, the remainder shall continue in full force and effect.”

SPONSOR: Council Vice President James H. Crocker

DATE

ACTION TAKEN

____ Read Item

____ Motion to Open Public Hearing

____ Rationale

____ Public Hearing

____ Close public hearing

____ Council discussion

____ Move to vote

BARNSTABLE TOWN COUNCIL

ITEM# 2011-004

INTRO: 07/15/10, 08/05/10

SUMMARY

TO: Town Council
FROM: Councilor James H. Crocker
DATE: July 8, 2010
SUBJECT: Order amending storage code general ordinance Chapter 228

BACKGROUND: Chapter 162 sections 1 and 2 require a public hearing for an ordinance amendment.

The amendments are brought forward with a concern for property rights, an effort to reduce cost of enforcement, and the hope of bringing harmonious feelings toward neighbors and neighborhoods.

This legislative item is to further clarify unregistered vehicle storage and additional items such as boats, mobile homes and construction equipment and to define storage methods to promote beneficial and convenient relationships between the natural resources of the Town and its inhabitants.

FISCAL IMPACT: No expense is anticipated. A savings of municipal time and enforcement dollars is expected.

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-005
INTRO: 08/05/10**

2011-005 ZONING ORDINANCE CRAIGVILLE BEACH DISTRICT/DCPC AREA

Preamble: This section is adopted as a zoning amendment to the Town of Barnstable Zoning Ordinance Chapter 240 pursuant to Mass. General Laws Chapter 40A section 5. Included in this order: **Section 1** amends the Zoning Map to create the Craigville Beach District; **Section 2** adopts the Craigville Beach District Zoning Regulations. **Section 3** adds the Craigville 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 Zoning Regulations

That Chapter 240, The Zoning Ordinance is hereby amended by adding to Article III § 240-18 a new Craigville Beach District as follows:

§240-18 Authority

This § is adopted under the authority of the Home Rule Amendment, Article 89 of the Constitution of the Commonwealth, and Massachusetts General Laws Chapter 40A § 5.

§240-18.1 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 09-12 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.

240-18.2 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

§ 240-18.3 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.

2011-005 (Continued)

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 240-18.4 Craigville Beach District Use Regulations

Municipal uses are exempt from these regulations.

A. Principal Permitted Uses. See 240-18.7 (Neighborhood Overlay Regulations) herein.

B. 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.

C. 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 240-18.1 Purposes and Intent, § 240-18.5 Dimensional, Bulk and Other Regulations, § 240-18.7 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.

D. 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.

E. 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 § 240-18.5.

[2.] Does not exceed the Coverage Limitations set forth in § 240-18.6

[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 law 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;

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- [2.] Comply with Section 240-18.1 Purposes and Intent and with the Performance Standards for the Neighborhood Overlay area in which the development is located, in accordance with Section 240-18.7 Neighborhood District Overlay Regulations with the exception of the dimensional requirements of Section 240-18.7 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 § 240-18.6 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 240-18.5, 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.

F. 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 § 240-18.1 Purposes and Intent;
- (2.) Is consistent with the Performance Standards for the neighborhood district where the development is located in accordance with Section 240-18.7 Neighborhood Overlay Regulations; and
- (3.) The applicant demonstrates undue hardship without desired relief.

G. 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.

H. Voluntary Demolition and Reconstruction of Single Family Residences: Lawfully established Single Family Residences may be demolished and reconstructed in accordance with §240-18.4G

2011-005 (Continued)

G. This provision shall not be construed to supersede local, state or federal regulations pertaining to the demolition of historic structures.

240-18.5 Dimensional, Bulk, and Other Requirements: The following requirements apply to all development and redevelopment in the Craigville Beach Zoning District.

	Neighborhood Overlays			
	Craigville Village	Craigville Beach	Long Beach/Short Beach	Centerville River North Bank
Requirements	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) ⁴	10	15	15 ⁴	15
Min. Rear Yard Setback (feet)	10	15	15	15
Maximum Building Height ^{1, 2, 3}	30	26	30	30
Maximum number of stories ³	2	2	2	2
Maximum Building Coverage	See Section 240-18-6			
Maximum Lot Coverage	See Section 240-18-6			

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.

240-18.6 Coverage Limitations: The following limitations apply to all development and redevelopment in the Craigville Beach Zoning District.

Lot Size	Maximum Building Coverage (footprint) Allowance	Maximum Lot Coverage Allowance
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 240-18.7 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 wanted by the SPGA in accordance with Sections 240-18.4(E) and (F),
- 2) The development complies with the height limitations set forth herein.
- 3) Exposed foundation walls for raised septic systems and for 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 240-18-7 D.

(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 240-18-7 D.

(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.

2011-005 (Continued)

- (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 BFB 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 240-18.7 D.

(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

2011-005 (Continued)

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 240-18.7 D.

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

(a.) **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.

(b.) **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.

(c.) **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 240-18 (G)(1)(e).

(d.) **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 240-18.8 Additional Provisions

A. Superseding Regulations

The provisions of Section 240-18.4D and E relating to non-conformities within the Craigville Beach District shall supercede the provisions of Article VIII of this Chapter.

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

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

SPONSORS: Council Vice President James H. Crocker, Councilors Hank Farnham, James F. Munafo, Jr.; John Norman

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-005
INTRO: 08/05/10

SUMMARY

TO: Town Council
FROM: Council Vice President James H. Crocker
DATE: July 28, 2010

BACKGROUND: This is an amendment to the Zoning Ordinance that creates a new zoning district, Section 240-18 the Craigville Beach District.

The Craigville Beach District was initially nominated as a District of Critical Planning Concern 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 regulations considered on September 3rd, 2009, refiled on December 3, 2009 and recommended by the Planning Board on January 11, 2010; but this time as a zoning amendment not as a DCPC implementing regulation. Only titles and references to the DCPC and Ordinance numbers have been changed from the DCPC proposal, not the substantive text.

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. Adoption of these regulations as zoning amendments as opposed to DCPC implementing regulations is consistent with these purposes; but with the added benefit of retaining ultimate regulatory control by our local elected Town officials and Town boards and agencies over zoning, health and conservation.

FISCAL IMPACT: None

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-006
INTRO: 08/05/10**

2011-006 AMENDING ZONING ORDINANCE – GROUND MOUNTED SOLAR PHOTOVOLTAIC OVERLAY DISTRICT

ORDERED:

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

Section 1

Ground Mounted Solar Photovoltaic Overlay District Map

The official zoning map of the Town of Barnstable is hereby amended by adding the Ground Mounted Solar Photovoltaic Overlay District as shown on a map on file with the Town Clerk entitled Ground Mounted Solar Photovoltaic Overlay District.

Section 2

Ground Mounted Solar Photovoltaic Overlay District

That Chapter 240, Zoning Ordinance is hereby amended by adding Section 240-44.2 Ground Mounted Solar Photovoltaic Overlay District.

A. Purpose. This ordinance promotes the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations. This ordinance is adopted pursuant to the Commonwealth of Massachusetts Green Communities Act.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

B. Applicability This section applies to large-scale (250 kW) ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

C. District Established. A Ground Mounted Solar Photovoltaic Overlay District (GMSPOD) is hereby established, and shall be considered as superimposed over any other districts established by this chapter, and is shown as an overlay on the Official Zoning Map established pursuant to § 240-6 Zoning Map

D. Definitions. These definitions shall apply to Section 240-44.2 exclusively:

As-Of-Right Siting - As-of-Right Siting shall mean that the ground-mounted solar photovoltaic installation may proceed without the need for a special permit, variance, amendment, waiver, or other local discretionary approval. As-of-right development is subject to Article IX Site Plan Review. As-of-right solar photovoltaic installations that are consistent with the zoning ordinance and applicable state and federal law can be reasonably regulated by the Building Commissioner.

2011-006 (Continued)

Ground Mounted Solar Photovoltaic Installation - A large scale solar photovoltaic (PV) system that is structurally mounted on the ground, not roof-mounted, and has a nameplate capacity of at least 250 kW DC.

Off Grid System – A solar photovoltaic installation where all energy generated on the installation site is consumed on that site and does not send any energy into the electrical grid for distribution.

Rated Nameplate Capacity - The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

E. Application and Review. Ground-mounted large scale solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo Site Plan Review pursuant to Article IX Site Plan Review, prior to construction, installation or modification as provided in this section. All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

- (1) **Required Documents.** In addition to the requirements of § 240-102 Site Plan Review, the project proponent shall provide the following documents:
 - (a) A site plan showing:
 - [1] Property lines and physical features, including roads, for the project site;
 - [2] Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
 - [3] Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures
 - [4] One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 - [5] Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
 - [6] Name, address, and contact information for proposed system installer;
 - [7] Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
 - [8] The name, contact information and signature of any agents representing the project proponent; and
 - (b) Documentation of actual or prospective access and control of the project site (see also Subsection G below);
 - (c) An operation and maintenance plan (see also Subsection H below);
 - (d) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
 - (e) Proof of liability insurance in a form acceptable to the Town Attorney; and
 - (f) Description of financial surety that satisfies Subsection Q below.

F. Site Control. The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.

G. Operation & Maintenance Plan. The project proponent shall submit a plan for the operation and maintenance of the ground mounted solar photovoltaic installation, which shall include

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specific measures for maintaining safe access to the installation, a storm water management plan, and general procedures for and frequency of operational maintenance of the installation.

H. Utility Notification. No ground mounted solar photovoltaic installation shall receive a building permit until an executed interconnect agreement with Nstar, the utility company operating the electrical grid, has been submitted to the Building Commissioner. Off-grid systems are exempt from this requirement.

I. Dimensional Requirements. Ground mounted solar photovoltaic installations are subject to the front, side and rear yard setbacks as set forth in the underlying zoning district(s).

J. Design Standards.

- (1) **Lighting.** Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as accessory structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.
- (2) **Signage.** Signs on large-scale ground-mounted solar photovoltaic installations shall comply with Article VII Sign Regulations. A sign shall be required to identify the owner and provide a 24-hour emergency contact phone number. Solar photovoltaic installations shall not be used for displaying any advertising.
- (3) **Accessory Structures.** All structures accessory to ground mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. To avoid adverse visual impacts all such accessory structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other, multiple accessory structures shall be clustered to the greatest extent feasible and views of such structures to residential properties and roadways shall be screened with landscaping.

K. Utility Connections. Reasonable efforts, as determined by Site Plan Review, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

L. Safety and Environmental Standards.

- (1) **Emergency Services.** The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- (2) **Land Clearing, Soil Erosion and Habitat Impacts.** Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws.

M. Monitoring and Maintenance

- (1) **Solar Photovoltaic Installation Conditions.** The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to Site Plan Review. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation.
- (2) **Modifications.** All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require Site Plan Review approval.

N. Abandonment or Decommissioning

- (1) **Removal Requirements.** Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with this section shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Building Commissioner by certified mail of the proposed date of discontinued operations and plans for removal.
Decommissioning shall consist of:
 - (a) Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
 - (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Building Commissioner may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- (2) **Abandonment.** Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.
- (3) **Financial Surety.** Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal and disposal in the event the Town must remove the installation and remediate the landscape, in an amount and in a form acceptable to the Town Attorney but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for pro rating removal costs as they may be affected by inflation or changes to disposal regulations.

BARNSTABLE TOWN COUNCIL

ITEM# 2011-006
INTRO: 08/05/10

SUMMARY

TO: Town Council
FROM: Richard Elrick
THROUGH: Town Manager John C. Klimm
DATE: July 29, 2010

BACKGROUND: Historically, the Town of Barnstable has been a leader in promoting energy efficiency while encouraging the appropriate development of renewable energy. Beginning in 2002 when the Town did its first energy use baseline inventory and committed to reduce its energy consumption, many “green” efforts have been undertaken. A municipal “Green Team” was created, numerous energy audits have been conducted and energy efficiency measures implemented, a 1,000 kilowatt renewable energy project is being installed now at the Water Pollution Control Facility, and recently, the Town Council created a Renewable Energy Commission.

Green Communities Program: The 2008 passage of the state’s **Green Community’s Act** provided for cities and towns to become “Green Communities” and thus qualify for grants and technical assistance.

Qualifying as a Green Community: In order to satisfy the Green Communities Act qualifying Criteria 1, the Town must adopt as-of-right siting, in designated locations, for renewable energy generation, research and development, **or** manufacturing. We have chosen to meet the renewable energy generation option with this zoning amendment which will allow solar photovoltaic installations that utilize ground-mounted systems which individually have a rated name plate capacity of 250 kW (DC) or more.

Purpose of Zoning Amendment: This zoning ordinance amendment will promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations. In addition, the standards will address public safety, minimize impacts on scenic, natural and historic resources, and provide adequate financial assurance for the eventual decommissioning of such installations.

Benefits: All of the Green Communities qualification criteria involve measures that will lead to a reduction in the town’s greenhouse gas emissions through using less energy. By providing for as-of-right siting for renewable energy generation, the energy that we do consume will greener. As-of-right siting for Renewable/Alternative energy generation facilities will also serve as a lure to draw new businesses to the Town of Barnstable; businesses that are up and coming and that can make our community more sustainable.

B. NEW BUSINESS (First reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-007
INTRO: 08/05/10**

2011-007 AMENDING THE ADMINISTRATIVE CODE – HUMAN SERVICES COMMITTEE

ORDERED:

The Barnstable Town Council does hereby amend the Administrative Code of the Town of Barnstable by striking Section 241-45.1(A) in its entirety and substituting the following therefore:

241-45.1 Human Services Committee

A. **Composition and term of office.** There shall be a Human Services Committee consisting of at least 9 members, representing Barnstable’s diverse community. These members should include, but not be limited to, representatives from Human Services organizations and corporations based in the Town of Barnstable, as well as individuals residing in the Town of Barnstable concerned with Human Services, Term of office will be three years, staggered, appointed through the Town Council Appointments Committee.

SPONSOR: Councilor Janice Barton

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-007
INTRO: 08/05/10

SUMMARY

TO: Town Council
FROM: Councilor Jan Barton
SUBJECT: Reducing the number of members for the Human Services Committee

RATIONALE: In 2006, the ad hoc Human Service Needs Committee was converted to a standing Human Services Committee for the Town of Barnstable. At the time, a crisis existed with the population of individuals who were chronically homeless and living outside, primarily in the village of Hyannis. The standing Human Services Committee, through its initiation of “Operation In From the Cold” and “Operation In From The Streets” drew upon the expertise and contributions of many of the human service organizations based in the Town of Barnstable. More than 21 organizations participated in this successful program, and it was felt at the time that they should all be included in the Human Services Committee moving forward. With the integration of OIFTS into the mission of the Duffy Health Center, and other initiatives that are centered on alleviating the plight of the homeless in our area, the Human Services Committee has since shifted its focus to other matters, including domestic violence and financial issues. While trying to be inclusive at the outset, as a working group, it has become apparent that asking 21 representatives of the Human Services Community, a group that is often overcommitted time-wise, to attend meetings even every other month, is difficult. The Committee feels that with 9 official members, maintaining a quorum and conducting business will be less cumbersome and more efficient. The order states that more members can be added if necessary or desired, and as with all public meetings, anyone who wants to contribute may attend. Reducing the number of official members will be attained mostly through attrition as terms expire.

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-008
INTRO: 08/05/10**

2011-008 ACCEPTANCE OF A \$3,520 CAPE COD HEALTHCARE COMMUNITY BENEFITS GRANT

RESOLVED, That the Town of Barnstable hereby accepts a grant of \$3,520 from Cape Cod Healthcare Community Benefits to support an additional paid van driver for the Barnstable Senior Center Silver Express transportation program.

SPONSOR: Town Manager John C. Klimm

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-008
INTRO: 08/05/10

SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Lynne M. Poyant, Director of Community Services
DATE: July 20, 2010
SUBJECT: Acceptance of \$3,520 Grant from Cape Cod Healthcare Community Benefits

RATIONALE: The Barnstable Senior Center has been awarded a \$3,520 Cape Cod Healthcare Community Benefits grant to hire an additional paid van driver for our Silver Express transportation program. This funding will allow us to hire a part-time van driver to escort and deliver door-to-door transportation services to program participants of the Barnstable Adult Supportive Day program. This project will expand and enhance our current transportation service and will also provide much-needed support to our Transportation Coordinator in carrying out our transportation service delivery to residents of the Town of Barnstable. The proposed project has three main objectives: 1) hire a van driver to enhance existing transportation services; 2) increase transportation services to families who are placed on a waiting list or those who are new to the program; and 3) support the Transportation Coordinator who too frequently has to cover driving shifts. The following Cape Cod Healthcare Community Benefits priorities will be addressed through this project: 1) access to quality health services for the underserved, underprivileged and those with health disparities; 2) care and education for the chronically ill; and 3) programs that promote healthy aging to our geriatric population.

We are extremely grateful to Cape Cod Healthcare for their generosity in helping us enhance this important program of the Barnstable Senior Center.

FISCAL IMPACT: None

STAFF ASSISTANCE: Madeline Taylor, Senior Services Director
Rose DiGregorio, Assistant Senior Services Director

B. NEW BUSINESS (Refer to public hearing 09/02/10) (Roll-call)

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-009
INTRO: 08/05/10**

2011-009 APPROPRIATION - \$46,600 CP FUND RESERVE SET-ASIDES FOR OPEN SPACE

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum not to exceed the amount of Forty Six Thousand Six Hundred Dollars and No/100 (\$46,600) Dollars be appropriated and transferred from the amount set aside for Open Space acquisitions under the Community Preservation Fund on June 17, 2010 for Fiscal Year 2011, Agenda Item Order Number 2010-149 for the acquisition of open space by the Town and interests in land on the properties shown on Assessor's Map as Map 332 Parcel 005 and Map 348 Parcel 036; that the Town of Barnstable, Growth Management Department is authorized to contract for and expend the amount of \$46,600 with the prior approval of the Town Manager, for the acquisition; and that the Town Manager is authorized to execute restrictions for this acquisition consistent with the purposes of the Community Preservation Act.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2011-009
INTRO: 08/05/10

SUMMARY

TO: Town Council
FROM: Community Preservation Committee
DATE: July 21, 2010
SUBJECT: Rationale, Open Space Acquisition Cobb Trust (1.79 acres), Map 332 Parcel 005 and Map 348 Parcel 036 Order # 2011-009

BACKGROUND: The Community Preservation Committee (CPC) met on March 30, 2009 and has recommended that the town support the funding request of \$46,600, made by the Growth Management Department to acquire two parcels of land totaling 1.79 acres of the following two lots: Map 332 Parcel 005 and Map 348 Parcel 036. The total acquisition cost for the 1.79 acres is \$46,600 for the parcel purchase, closing costs and legal fees, and shall be appropriated and transferred from the Community Preservation Funds Open Space set aside. The Town has obtained appraisals that support the purchase price. The Probate Court has approved Steven Heslinga as the new Trustee of the Cobb Trust allowing this item to move forward at this time.

RATIONALE: The first parcel, located at 864 Mary Dunn Road, Hyannis, abutting Israel Pond, (Map 332 Parcel 005) consists of approximately 0.59 acres of land and is located entirely within the Wellhead Protection Overlay District. The acquisition of this parcel will be dedicated to Open Space and water supply protection as it directly abuts the Hyannis Water Supply Division property.

The second parcel, located at 0 Midcape Highway, Hyannis (Map 348 Parcel 036) consists of approximately 1.2 acres of land and is landlocked within the 350 +/- acres of land owned by the Commonwealth of Massachusetts Division of Fish and Game. The acquisition of this parcel will also be dedicated to Open Space.

The acquisition of both parcels will allow for the permanent protection of the many rare plant and animal species habitat that live within the surrounding lands by deterring future development. Further protection of the public drinking water supply wells off Mary Dunn Road will be achieved with the acquisition of the parcel abutting Israel Pond.

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2011-010
INTRO: 08/05/10**

2011-010 AMEND ZONING ORDINANCE CHAPTER 240, ARTICLE V FAMILY APARTMENTS

ORDERED:

That Chapter 240, Article V of the Zoning Ordinance is hereby amended by inserting the following language to the first paragraph of § 240-47.1. Family apartments as follows:

The intent of this section is to allow within all residential zoning districts one temporary family apartment unit occupied only by the property owner or a member(s) of the property owner's family as accessory to an owner-occupied single-family residence. A family apartment may be permitted, provided there is compliance with all conditions and procedural requirements herein.

SPONSOR: Councilor Hank Farnham

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2011-010
INTRO: 08/05/10

TO: Town Council
FROM: Jo Anne Miller Buntich, Growth Management Director
DATE: July 20, 2010
SUBJECT: Amendment to the Family Apartment Ordinance

BACKGROUND/ANALYSIS/RATIONALE: This amendment to the Zoning Ordinance would allow the owner of a property permitted to have a family apartment to reside in either the principal dwelling or the family apartment.

This amendment was proposed to the Planning Board and the Growth Management Department by West Barnstable residents George and Sandra Zoto. The Housing Committee has voted to support this amendment to the zoning ordinance.

Excerpted from a letter to the Planning Board from Mr. and Mrs. Zoto

Barnstable has the opportunity, through this proposed amendment, to take the lead in family supported housing. It not only promotes a public purpose for senior living but also recognizes the benefit to the community in support of cost effective, intergenerational living arrangements.

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

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