



# Town of Barnstable Town Council

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## **MEETING AGENDA TOWN HALL HEARING ROOM February 16, 2017 7:00 PM**

### Councilors:

Eric R. Steinhilber  
President  
Precinct 2

James H. Crocker Jr.  
Vice President  
Precinct 5

John G. Flores  
Precinct 1

Paul Hebert  
Precinct 3

Frederick Chirigotis  
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William Crocker, Jr.  
Precinct 6

Jessica Rapp  
Grassetti  
Precinct 7

Debra S. Dagwan  
Precinct 8

James M. Tinsley  
Precinct 9

Sara Cushing  
Precinct 10

Philip N. Wallace  
Precinct 11

John T. Norman  
Precinct 12

Jennifer L. Cullum  
Precinct 13

### Administrator:

Cynthia A. Lovell

### Administrative

Assistant:

Kelly Crahan

### **1. ROLL CALL**

### **2. PLEDGE OF ALLEGIANCE**

### **3. MOMENT OF SILENCE**

### **4. PUBLIC COMMENT**

### **5. COUNCIL RESPONSE TO PUBLIC COMMENT**

### **6. TOWN MANAGER COMMUNICATIONS**

### **7. ACT ON MINUTES (Including Executive Session)**

### **8. COMMUNICATIONS- from elected officials, boards, committees, staff, commission reports, correspondence and announcements**

### **9. ORDERS OF THE DAY**

#### **A. Old Business**

#### **B. New Business**

### **10. ADJOURNMENT**

**NEXT REGULAR MEETING: March 2, 2017**

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**A. OLD BUSINESS**

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Approve Minutes –February 2, 2017

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**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. Persons interested are advised, that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice. Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

**A. OLD BUSINESS (Public Hearing) (Roll call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM #2017-058  
INTRO: 02/02/17, 02/16/17**

**2017-058 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF NINETY-FIVE THOUSAND DOLLARS AND NO CENTS (\$95,000.00) FOR THE PURPOSE OF FUNDING THE COSTS ASSOCIATED WITH A SCOPE OF WORK TO RESPOND TO THE NOTICE OF RESPONSIBILITY (NOR) ISSUED BY THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION (MASSDEP) FOR IMMEDIATE RESPONSE ACTIONS AT THE AIRPORT, AND THAT THE SUM OF \$95,000.00 BE TRANSFERRED FROM THE AIRPORT'S RESERVE FUND**

**ORDERED:** That the sum of Ninety-Five Thousand Dollars and No Cents (\$95,000.00) be appropriated for the purpose of funding the costs associated with a scope of work required in order to respond to the Notice of Responsibility (NOR) issued by the Massachusetts Department of Environmental Protection (MassDEP) for immediate response actions at the Airport; and that to meet this appropriation, that the sum of \$95,000.00 be transferred from the Airport's Reserve Fund, and furthermore that the Barnstable Municipal Airport Commission is authorized to contract for and expend the appropriation made available for these purposes, and for these purposes be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Councilor James Tinsley, Precinct 9

<u>DATE</u>	<u>ACTION TAKEN</u>
<u>02/02/17</u>	<u>Refer to Public Hearing 2/16/17</u>

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Motion to Open Public Hearing
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public Hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM # 2017-058**  
**INTRO: 02/02/17, 02/16/17**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** R. W. Breault, Jr., Airport Manager; Barnstable Municipal Airport Commission  
**DATE:** February 2, 2017  
**SUBJECT:** Appropriation and Transfer Order in the amount of **(\$95,000.00)** to fund the costs associated with a scope of work required in order to respond to the Notice of Responsibility (NOR) Issued by the Massachusetts Department of Environmental Protection (MassDEP) for immediate response actions at the Airport.

**BACKGROUND:** On November 10, 2016, the MassDEP Bureau of Waste Site Cleanup issued a Notice of Responsibility (NOR)/Request for Immediate Response Action (IRA) stating that, based on the results of responses to requests for information relating to contaminants of emerging concern near the airport and other relevant information, there had been a release to the environment of 1,4-dioxane and perfluoroalkyl substances (PFAS), including perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) and other related compounds that may be contained in aqueous film forming foam (AFFF) (also known as firefighting foam) and the contamination had impacted the groundwater that supplies the Maher Public Water Supply Wells.

The NOR identifies the Airport as a “Potentially Responsible Party” for that contamination and requires the Airport to perform an IRA to address it. The Airport submitted an IRA Plan on December 15, 2016. A follow-up meeting with the MassDEP is scheduled for mid- February to review the IRA and discuss any potential modifications.

**ANALYSIS:** The MassDEP has stated that PFAS and 1, 4-dioxane is considered “emerging contaminants,” which are contaminants that were previously unregulated by the state or federal government.

The IRA Plan recognizes that the immediate threat of exposure to these compounds has been eliminated by the Town of Barnstable. Water withdrawn from the Maher wellfields is either treated or blended with clean water, obtained from the Yarmouth public water supply wells via an overland water line, to meet the drinking water standards for 1, 4-dioxane, PFOS and PFOA. However, additional investigation regarding of the presence of PFAS and 1, 4-dioxane is necessary to further evaluate the extent of contamination. Therefore, the primary goal of the IRA is to identify potential sources of the contamination and evaluate their impact on the public supply wells. The results of the installation of additional monitoring wells, testing, ground water modeling, water quality sampling, ground water mapping and engineering evaluation and analysis of the findings will be used to evaluate the extent of the Airport’s responsibility (if any) for the contamination and identify alternative approaches to the remediation of this contamination.

Based upon discussions with the Town and its existing Environmental Engineering contract with Horsley Witten, the Airport requested that Horsley Witten prepare the required IRA Plan in response to the NOR and provide the Airport with a written proposed Scope of Work and fee schedule, which we received on December 1, 2016. Due to the Airport’s funding constraints, the Airport directed Horsley Witten to immediately proceed with preliminary tasks. It intended to seek additional funding to

perform all remaining tasks identified in the Scope of Work to respond as necessary within the time required by the MassDEP.

The costs to complete the response to the NOR through the IRA Plan are estimated to be approximately \$95,000.00 for all tasks. The Airport directed Horsley Witten to immediately proceed with the preliminary tasks at an estimated cost of \$31,795.00 by using its budgeted annual “on-call” contract for environmental engineering services, which may affect its ability to respond to other environmental issues for the remainder of the year if not reimbursed.

The Airport’s MassDOR-certified reserves available for appropriation are \$2,793,657.00. The costs associated with this appropriation and transfer order can be absorbed by the Airport Enterprise Fund Reserves.

At this time there are no known grant funds available to assist with the cost of the IRA or any remediation.

**FISCAL IMPACT:** This appropriation of funds should be sufficient to meet all currently anticipated costs related to the immediate response actions required by the Notice of Responsibility (NOR) and the Immediate Response Action (IRA) requirements. There are adequate airport enterprise reserve funds available.

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

**BOARD AND COMMISSION ACTION:** This request will be approved by the Barnstable Municipal Airport Commission and its Finance Sub-Committee by February 1, 2017.

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

**A. OLD BUSINESS (Public Hearing) (Roll call)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-059**  
**INTRO: 02/02/17, 02/16/17**

**2017-059 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$138,000.00 FOR THE PURPOSE OF FUNDING THE SLURRY SEAL AND PAINTING OF THE AIRPORT TERMINAL APRON (APPROXIMATELY 300,000 SQUARE FEET)**

**ORDERED:** That the sum of One Hundred Thirty-Eight Thousand Dollars and No Cents (**\$138,000.00**) be appropriated for the purpose of funding the Slurry Seal and painting of the Airport terminal apron (approximately 300,000 square feet), and that to meet this appropriation, that **\$138,000** be transferred from the Airport Enterprise Fund reserves; and furthermore, that the Barnstable Municipal Airport Commission is authorized to contract for and expend the appropriation made available for these purposes, and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Councilor James Tinsley, Precinct 9

<u>DATE</u>	<u>ACTION TAKEN</u>
<u>02/02/17</u>	<u>Refer to Public Hearing 02/16/17</u>

- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM # 2017-059**  
**INTRO: 02/02/17, 02/16/17**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** R. W. Breault, Jr., Airport Manager; Barnstable Municipal Airport Commission  
**DATE:** February 2, 2017  
**SUBJECT:** Appropriation and Transfer Order in the amount of **\$138,000.00** for the purpose of applying a Slurry Seal and to paint the Airport terminal aircraft parking apron (approximately 300,000 square feet)

**BACKGROUND:** The Airport terminal aircraft parking apron was initially installed circa 2010 during the terminal and air traffic control tower (ATCT) construction projects. It was partially reconstructed and expanded during the rehabilitation and reconstruction of taxiway Alpha circa 2014. In each instance, the apron was initially sealed and painted in segments. This project proposes to slurry seal the entire terminal apron at the airport.

The airport is a large hub for air taxi service between Cape Cod, Nantucket and Martha's Vineyard. The initial apron slurry sealing has weathered away from five years of oxidation, snow plowing and equipment use; and it is exposed to excessive use throughout the year from air taxi service, air cargo/freight service, commercial service to Boston, and seasonal Jet Blue service to New York.

Slurry sealing the apron will help preserve the pavement life and prevent the risk of foreign object damage (FOD) from a deteriorating pavement surface. After installation of the slurry seal, the apron will be repainted as required.

**ANALYSIS:** The Barnstable Municipal Airport Commission (BMAC) contracted with Jacobs Engineering Group, Inc. (Jacobs) for the purpose of designing the project and the cost of the project is based upon their engineering estimate in consultation with product suppliers and recent construction costs in consultation with the Federal Aviation Administration (FAA) Airports Division engineering staff. The design will be put out to bid with bid opening in April 2017.

An FAA Grant has already been approved in the amount of \$124,200 for the purposes of this project. An additional MassDOT Aeronautics Division grant in the amount of \$6,900.00 has also been applied for and is anticipated to be granted.

This request for funding should be sufficient to complete the entire project.

**FISCAL IMPACT:** This project is eligible for both FAA funding at a 90% reimbursement rate and MASSDOT AD funding assistance at a 5% reimbursement rate. Airport surplus will be used to fund the project and the surplus will be replenished when the grant funds are received; less a 5% local contribution.

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

**BOARD AND COMMISSION ACTION:** The Barnstable Municipal Airport Commission Finance Sub-Committee is expected to approve this request on January 4, 2017; and the Airport Commission is expected to approve this request on January 17, 2017

**STAFF ASSISTANCE:** Airport Manager R. W. (Bud) Breault, Jr. and Assistant Airport Manager Katie Servis.

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2017-098  
INTRO: 02/16/2017**

**2017-098 ACCEPTANCE OF GRANT IN THE AMOUNT OF \$5,000 FROM THE COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE TO SUPPORT STAKEHOLDER ENGAGEMENT AND COMMUNITY PARTICIPATION EFFORTS AS PART OF THE TOWN'S HOUSING PRODUCTION PLANNING PROCESS**

**RESOLVED:** That the Town Council does hereby accept the Community Compact grant award in the amount of \$5,000 from the Commonwealth of Massachusetts Executive Office of Administration and Finance to support stakeholder engagement and community participation efforts as part of the Town's Housing Production Planning process. Further resolved that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

**SPONSOR:** Mark Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Rationale
- Council Discussion
- Move/Vote

# **BARNSTABLE TOWN COUNCIL**

**ITEM# 2017-098**  
**INTRO: 02/16/2017**

## **SUMMARY**

**TO:** Town Council  
**FROM:** Mark Ells, Town Manager  
**THROUGH:** Elizabeth S. Jenkins, AICP, Interim Growth Management Director  
**DATE:** February 16, 2017  
**SUBJECT:** Acceptance of a grant in the amount of \$5,000 from the Massachusetts Executive Office of Administration and Finance for a project that supports stakeholder engagement and community participation efforts as part of the Town's Housing Production Planning process

**BACKGROUND:** The Growth Management Department has successfully applied for a \$5,000 grant from the Massachusetts Executive Office of Administration and Finance. These grant funds will be used for a project that supports stakeholder engagement and community participation efforts as part of the Town's Housing Production Planning process.

**ANALYSIS:** Acceptance of this grant will enable the Town to develop public outreach and engagement materials related to the implementation of the Town's Housing Production Plan.

**FISCAL IMPACT:** No match is required by this grant program.

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

**B. NEW BUSINESS (Refer to Public Hearing 03/02/17)**

**BARNSTABLE TOWN COUNCIL**

**ITEM NO.: 2017-099**

**INTRO: 02/16/17**

**2017-099 APPROPRIATION AND LOAN ORDERIN THE AMOUNT OF \$6,500,000 FOR THE CONSTRUCTION OF A CARBON TREATMENT SYSTEM AT THE MAHER WELLFIELD AND PILOT TESTING FOR 1, 4-DIOXANE TREATMENT**

**ORDERED:** That the sum of **\$6,500,000** be appropriated for the purpose of constructing a carbon treatment system at the Maher wellfield and pilot testing for 1,4-dioxane treatment, including the payment of costs incidental or related thereto, and that to meet this appropriation, the Town Treasurer with the approval of the Town Manager, is authorized to borrow **\$6,500,000**, and that in accordance with Chapter 44, Section 20 of the General Laws, any premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds and notes, may be applied to pay such project costs, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

**SPONSOR:** Mark S. Ells, Town Manager

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DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read Item
- \_\_\_ Motion to Open Public Hearing
- \_\_\_ Rationale
- \_\_\_ Public Hearing
- \_\_\_ Close Public Hearing
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM # 2017-099**

**INTRO: 02/16/17**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**THROUGH:** Daniel W. Santos, P.E., Director of Public Works  
**DATE:** February 16, 2017  
**SUBJECT:** Appropriation and Loan Order in the amount of **\$6,500,000** for the construction of a carbon treatment system at the Maher wellfield and pilot testing for 1, 4-dioxane treatment

**BACKGROUND:** In 2015, USEPA-mandated testing of the Hyannis Water System for Contaminants of Emerging Concern (CEC's) identified the presence of perfluorinated compounds in the Mary Dunn wellfield that exceeded the *provisional* Federal Health Advisory for these compounds. Working with the Massachusetts Department of Environmental Protection (DEP), the Department of Public Works (DPW) leased and installed two granular activated carbon treatment systems on Mary Dunn wells #1 and #2 in June of 2015.

On May 19, 2016, the United States Environmental Protection Agency (USEPA) announced the *final* Federal Health Advisory for perfluorinated compounds in drinking water. The new advisory level was significantly lower than the provisional level.

As the result of the final USEPA Health Advisory, the use of 3 wells at the Maher wellfield, that currently exceed the new standard, has been significantly curtailed. The Town has entered into an agreement with the Town of Yarmouth to provide water from their system through an emergency interconnection in the vicinity of the Maher wellfield.

At the present time the source of the CEC contamination has not been determined. The DEP has directed and is overseeing investigations at the Barnstable Municipal Airport and the Barnstable County Fire Training Academy to identify the source and potentially responsible parties

**ANALYSIS:** Due to the high cost of purchasing Yarmouth water (estimated at \$1.25 Million annually), the DPW proposes to design and construct a carbon treatment system at the location of the Maher wellfield treatment plant; the system will be housed in a structure, allowing for year-round use. The building will be sized to accommodate an additional treatment system to be constructed next year for the removal of 1, 4-dioxane, an additional CEC, that is forcing us to purchase water from Yarmouth for blending to reduce the level below the State standard. In order to design a treatment system for 1, 4-dioxane, a pilot test must be conducted in order to determine the efficacy of treatment and the necessary component parts.

When the pilot testing is complete, we anticipate bringing forward an appropriation order to construct the 1, 4-dioxane treatment system.

**FISCAL IMPACT:** Funding for this project will be provided from a bond issue. The Fiscal Year 2017 Operating Budget will not be affected by this appropriation. The costs of operation of the treatment system will be included in the Fiscal Year 2018 Operating Budget. The annual rate study, which is conducted in the fall, will consider the annual debt service expense for the bond, and recommend adjustments to the rate structure during the Fiscal Year 2019 rate hearings

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends approval of the Appropriation and Loan Order.

**STAFF ASSISTANCE:** Daniel W. Santos, P.E., Director of Public Works and Hans Keijser, Supervisor, Water Supply Division.

**B. NEW BUSINESS (Refer to Planning Board)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2017-100  
INTRO: 02/16/17**

**2017-100 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I  
GENERAL ORDINANCES, CHAPTER 240 ZONING BY ADDING A GATEWAY  
MEDICAL DISTRICT**

**ORDERED:** That Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning be amended as follows:

**SECTION 1**

By amending Section 240-6 the Zoning Map, to create a new zoning district known as “Gateway Medical District” which includes the area shown on the maps entitled:

- “Proposed Amendment to the Town Zoning Map creating the Gateway Medical District” and
- “Proposed Amendment to the Hyannis Zoning Map creating the Gateway Medical District”

dated February 8, 2017, prepared by the Town of Barnstable GIS Department.

**SECTION 2**

By amending Section 240-5, Establishment of Districts, by adding under the heading “Hyannis Village Zoning Districts” the term “Gateway Medical District”.

**SECTION 3**

By amending Section 240-65 that now reads “Signs in B, UB, HB, HO, S&D and SD-1 Districts” to read “Signs in B, UB, HB, HO, S&D, SD-1 and GM Districts.”

**SECTION 4**

These amendments are adopted pursuant to and in furtherance of the provisions of Chapter 240, Article III of the Zoning Ordinance, by adding a new Section 240-24.1.9.1 Gateway Medical District as follows:

**§ 240-24.1.9.1 GM Gateway Medical District.**

A. Permitted uses. The following principal and accessory uses are permitted in the GM District. Uses not expressly allowed are prohibited.

(1) Permitted principal uses.

- (a) Business and professional offices
- (b) Banks
- (c) Restaurants
- (d) Business support services
- (e) Dental and medical clinics
- (f) Retail uses
- (g) Personal Services
- (h) Mixed-use development
- (i) Multifamily housing totaling not more than six dwelling units per acre or 12 bedrooms per acre

(2) Permitted accessory uses.

- (a) Automated banking facilities (ATM)

B. Special permits.

(1) Permitted principal uses as follows:

- (a) Nonresidential development with a total floor area greater than 10,000 square feet.
- (b) Mixed use developments with a total floor area greater than 20,000 square feet or greater than 10,000 square feet of commercial space.
- (c) Multifamily housing proposing to create seven or more dwelling units per acre or 13 or more bedrooms per acre and including at least 25% of workforce housing and totaling not more than 12 units per acre. Multifamily housing in the GM District is not required to provide inclusionary housing pursuant to Chapter 9 of the Barnstable Code.

C. Dimensional, bulk and other requirements.

Zoning District	Minimum Lot Area (square feet)	Minimum Lot Frontage (feet)	Minimum Yard Setbacks			Maximum Building Height		Maximum Lot Coverage	FAR
			Front (feet)	Rear (feet)	Side (feet)	Feet	Stories		
Gateway Medical Services	10,000	50	20 <sup>1</sup>	10	20	38	3	80%	-

NOTES:

<sup>1</sup>See also setbacks in Subsection C (1) below.

(1) Setbacks. Front yard landscape setback on Route 28 is 60 feet. For lots with less than 10,000 square feet of lot area, front yard landscape setback on Route 28 shall be 10 feet.

(2) Site access/curb cuts.

- (a) Driveways on Route 28 shall be minimized. Access shall not be located on Route 28 where safe vehicular and pedestrian access can be provided on an alternative roadway, or via a shared driveway, or via a driveway interconnection.
- (b) Applicants seeking a new curb cut on Route 28 shall consult the Town Director of Public Works regarding access prior to seeking an Application for a Permit to Access a State Highway from the Massachusetts Department of Transportation, and work with the Town and other authorizing agencies such as MassDOT on a site access plan prior to site plan approval. The applicant shall provide proof of consultation with the listed entities and other necessary parties.
- (c) All driveways and changes to driveways shall:
  - [1] Provide the minimum number of driveways for the size and type of land use proposed.
  - [2] Provide shared access with adjacent development where feasible.
  - [3] Provide a driveway interconnection between adjacent parcels to avoid short trips and conflicts on the main road where feasible.
- (d) Parking at the front of the lot is strongly discouraged. When parking is allowed on the front of the lot, where feasible, it shall be limited to a single row of vehicles and associated turning space. To the extent feasible, existing parking located on the front of the lot shall be removed and relocated to the rear and/or side of buildings, consistent with this section.
- (e) The SPGA may provide relief from required parking where the applicant:
  - [1] Permanently eliminates and/or significantly reduces the width of existing curb cuts in a manner that improves the through flow of traffic on Route 28; and/or
  - [2] Provides an agreement for one or more driveway interconnections that will alleviate traffic on Route 28.
  - [3] Availability of shared parking

D. Site development standards. Site development standards set forth in § 240-24.1.10 shall apply.

(1) Landscaping for multifamily housing. A perimeter green space of not less than 10 feet in width shall be provided, such space to be planted and maintained as green area and to be broken only in a front yard by a driveway and/or entry walk.

**SPONSOR:** Eric R. Steinhilber, Town Council President, Precinct 2

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_\_\_ Read Item
- \_\_\_\_\_ Motion to Open Public Hearing
- \_\_\_\_\_ Rationale
- \_\_\_\_\_ Public Hearing
- \_\_\_\_\_ Close Public hearing
- \_\_\_\_\_ Council Discussion
- \_\_\_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2017-100**  
**INTRO: 02/16/17**

## SUMMARY

**TO:** Town Council  
**FROM:** Barnstable Economic Development Commission  
**THROUGH:** Elizabeth Jenkins, AICP, Interim Growth Management Director  
**DATE:** February 16, 2017  
**SUBJECT:** Gateway Medical District

**SUMMARY:** Members of the Barnstable Economic Development Commission (BEDC) met with some property owners within the existing Medical Services District (MSD) in response to their complaints about property vacancies. These property owners host businesses and own buildings located along the Iyannough Road/Route 28 portion of the MS District. Some property owners expressed their frustration that the MSD, adopted with the Growth Incentive Zone rezoning, eliminated established uses in the effort to establish medical related uses in this area.

The BEDC and the property owners agree that medical uses could be an economic benefit and could help improve the area, but such medical uses have not been widely attracted to this area in the ten years that have passed since the zoning change. These owners now request that zoning be revised as shown in this item Gateway Medical District. The majority of the Medical Services District is not affected by this amendment.

**ANALYSIS:** The Gateway Medical District as proposed streamlines the special permit process, encourages mixed use and multifamily housing, and restores restaurant and business and professional offices uses – in which medical could also be located.

The District, as shown on the map, includes parcels in the area of Iyannough Road/Rte. 28 located between Yarmouth Road and the Barnstable/Yarmouth Town Line.

**FISCAL IMPACT:** The requested zoning change should make the properties in this new zoning district more economically viable and enhance their value ultimately resulting in more tax revenue to the Town.

**BEDC MEMBERS:** Henry Farnham and Thomas Geiler

**STAFF ASSISTANCE:** Elizabeth Jenkins, AICP, Interim Growth Management Department Director

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

**BARNSTABLE TOWN COUNCIL**

**ITEM 2017-101  
INTRO: 02/16/17**

**2017-101 ACCEPTANCE OF A GIFT OF TWO PARCELS OF LAND FOR OPEN SPACE PURPOSES ON COMMUNICATION WAY AND SOUTH FLINT ROCK ROAD, HYANNIS, MASSACHUSETTS**

**ORDERED:** That the Town Council does hereby accept a gift of land located at 211 South Flint Rock Road, Hyannis, Massachusetts (Assessor’s Map 314 Parcel 1) as shown on a plan entitled “Plan of land of 211 South Flint Rock Road, Hyannis, Massachusetts, Dated January 10, 2017 prepared for Independence Park, Inc. being shown as Parcel 2 thereon consisting of 2+/- acres from Independence Park, Inc. (hereinafter “the Park”) and a gift of land located at 56 Communication Way, Hyannis, Massachusetts (Assessor’s Map 315 Parcel 40) as shown on a plan entitled “Approval Not Required Plan of land at Communication Way in Barnstable, Massachusetts” by Pesce Engineering & Associates, Inc. dated January 11<sup>th</sup>, 2017 being shown as Parcel 2 thereon, consisting of 113,420 square feet from the Lyndon P. Lorusso Charitable Foundation of 2002 (hereinafter “the Foundation”).

Said parcel of land shall be held by the Town in perpetuity for open space purposes.

**SPONSOR:** Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- Read Item
- Motion to Open Public Hearing
- Rationale
- Public Hearing
- Close Public Hearing
- Council Discourse
- Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM# 2017-101**  
**INTRO: 02/16/17**

## SUMMARY

**TO:** Town Council  
**FROM:** Mark S. Ells, Town Manager  
**DATE:** February 16, 2017  
**THROUGH:** Lyndon P. Lorusso Foundation  
**SUBJECT:** Acceptance of a gift of two parcels of land for open space purposes on Communication Way and South Flint Rock Road, Hyannis, Massachusetts from the Lorusso Foundation/Independence Park, Inc.

**BACKGROUND:** The Lorusso Foundation is required under a recent Amended Development Agreement with the Cape Cod Commission to create open space in perpetuity on the two parcels of land which the Foundation is seeking to gift to the Town. This is part of the open space requirements of the Commission as a condition precedent to the construction of the long awaited 55+ age-restricted community along Independence Park/Communication Way. The Foundation has had completed a Phase One environmental study of these parcels as well as a title exam at the request of the Town. The Environmental study concludes there are no significant environmental risks on either parcel.

**RATIONALE:** The South Flint Rock Road parcel is a densely vegetated parcel of land along a significant portion of Flint Rock Pond as well as other land presently owned by the Town and is located in a Natural Heritage and Endangered Special Program (NHESP) Estimated Habitat of Rare Wildlife. Two active productive municipal water wells (Barnstable Fire District No. 2 and No. 5) utilized for potable water purposes are located approximately 500 feet West and 800 feet Southwest, respectively of the Flint Rock Road parcels.

The Communication Way parcel is located within the Town's Industrial Zone and within the Well Field Protection Overlay District and is currently the subject of an electrical transmission line easement with Eversource. A portion of this parcel has been proposed in the past as part of a bicycle path from Route 132 Easterly to Willow Street. Immediately abutting this parcel to the West is additional land owned by the Town for conservation purposes.

Each parcel is proposed to be owned by the Town as open space in perpetuity and will require minimum, if any, maintenance with the understanding that the South Flint Rock Road parcel will be required to undergo restoration of disturbed areas by the Foundation, subject to Cape Cod Commission approval.

The Foundation is a private non-profit charitable foundation, approved as such by the Internal Revenue Service, having made substantial gifts overall to our community for the past several years.

The gift is conditioned upon the sale of the land needed for the nearby proposed 55+ age-restricted community and accordingly, the deeds will be held in escrow pending the sale.

**STAFF ASSISTANCE:** Ruth Weil, Town Attorney