



Town of Barnstable Town Council

367 Main Street, 2nd floor,
James H. Crocker, Jr. Hearing Room
Village of Hyannis, MA 02601
Office 508.862.4738 • Fax 508.862.4770
E-mail: council@town.barnstable.ma.us

MEETING AGENDA June 18, 2020 7:00 PM

Councillors:

Paul Hebert
President
Precinct 3

Jessica Rapp Grassetto
Vice President
Precinct 7

Gordon Starr
Precinct 1

Eric R. Steinhilber
Precinct 2

Britt Beedenbender
Precinct 4

David W. Bogan
Precinct 5

Paul C. Neary
Precinct 6

Debra S. Dagwan
Precinct 8

Tracy Shaughnessy
Precinct 9

Matthew Levesque
Precinct 10

Kristine Clark
Precinct 11

Paula Schnepf
Precinct 12

Jennifer L. Cullum
Precinct 13

Administrator:
Cynthia A. Lovell

Administrative
Assistant:
Kelly Crahan

The June 18, 2020 meeting of the Barnstable Town Council shall be physically closed to the public to avoid group congregation.

Remote Participation Instructions

Alternative public access to this meeting shall be provided in the following manner:

1. The meeting will be televised via Channel 18 and may be accessed the Channel 18 website at <http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>
2. Real-time public comment can be addressed to the Barnstable Town Council utilizing the Zoom link or telephone number and access code for remote access below.

Join Zoom Meeting <https://zoom.us/j/94483822365> Meeting ID: 944 8382 2365

PHONE 1- 888 475 4499 US Toll-free Meeting ID: 944 8382 2365

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. MOMENT OF SILENCE
4. PUBLIC COMMENT (For Public Comment please call **508-862-4610**)
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 announcement
9. ORDERS OF THE DAY
 - A. Old Business
 - B. New Business
10. ADJOURNMENT

NEXT REGULAR MEETING: July 16, 2020

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Approve Minutes; June 04, 2020

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 Majority)

BARNSTABLE TOWN COUNCIL

SCHOOL DEPARTMENT

ITEM # 2020-146

INTRO: 05/21/2020,06/04/2020, 06/18/2020

2020-146 APPROPRIATION ORDER IN THE AMOUNT OF \$71,405,234 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 BARNSTABLE PUBLIC SCHOOLS BUDGET

ORDERED: That the sum **\$71,405,234** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Barnstable Public Schools Budget, and that to meet this appropriation that **\$70,454,703** be raised from current year revenues, and that **\$950,531** be transferred from the General Fund Reserves, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------------------|---|
| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-147
INTRO: 05/21/2020, 06/04/2020

POLICE DEPARTMENT

2020-147 APPROPRIATION ORDER IN THE AMOUNT OF \$14,808,837 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 BARNSTABLE POLICE DEPARTMENT BUDGET

ORDERED: That the sum of **\$14,808,837** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Barnstable Police Department budget; and to meet such appropriation that **\$14,808,837** be raised from current year revenues, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------------------|---|
| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-148
INTRO: 05/21/2020, 06/04/2020

PLANNING AND DEVELOPMENT DEPARTMENT

2020-148 APPROPRIATION ORDER IN THE AMOUNT OF \$2,086,290 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 PLANNING AND DEVELOPMENT DEPARTMENT BUDGET

ORDERED: That the sum of **\$2,086,290** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Planning and Development Department budget, and that to meet this appropriation that **\$1,844,990** be raised from current year revenues, that **\$45,000** be transferred from the Wetlands Protection Special Revenue Fund, and that **\$196,300** be transferred from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------------------|---|
| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-149
INTRO: 05/21/2020, 06/04/2020

COMMUNITY SERVICES DEPARTMENT GENERAL FUND BUDGET

2020-149 APPROPRIATION ORDER IN THE AMOUNT OF \$2,389,106 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 COMMUNITY SERVICES DEPARTMENT GENERAL FUND BUDGET

ORDERED: That the sum of **\$2,389,106** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Community Services Department General Fund Budget as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------------------|---|
| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-150
INTRO: 05/21/2020, 06/04/2020

COMMUNITY SERVICES DEPARTMENT GOLF COURSE ENTERPRISE FUND

2020-150 APPROPRIATION ORDER IN THE AMOUNT OF \$3,648,381 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 GOLF COURSE ENTERPRISE FUND BUDGET

ORDERED: That the sum of **\$3,648,381** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Golf Course Enterprise Fund budget; and to meet such appropriation that **\$2,825,464** be raised from Enterprise Fund revenues, and that **\$822,917** be raised from the General Fund, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
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| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-151
INTRO: 05/21/2020, 06/04/2020

**COMMUNITY SERVICES DEPARTMENT HYANNIS YOUTH AND COMMUNITY CENTER
ENTERPRISE FUND**

**2020-151 APPROPRIATION ORDER IN THE AMOUNT OF \$3,352,395 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 HYANNIS YOUTH
AND COMMUNITY CENTER ENTERPRISE FUND BUDGET**

ORDERED: That the sum of **\$3,352,395** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Hyannis Youth and Community Center Enterprise Fund budget; and to meet such appropriation that **\$841,800** be raised from Enterprise Fund revenues, that **\$1,391,458** be raised in the General Fund, and that **\$1,119,137** be transferred from the Capital Trust Fund, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
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| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

**ITEM # 2020-152
INTRO: 05/21/2020, 06/04/2020**

MARINE & ENVIRONMENTAL AFFAIRS DEPARTMENT GENERAL FUND BUDGET

2020-152 APPROPRIATION ORDER IN THE AMOUNT OF \$1,146,965 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 MARINE & ENVIRONMENTAL AFFAIRS DEPARTMENT GENERAL FUND BUDGET

ORDERED: That the sum of **\$1,146,965** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Marine & Environmental Affairs Department General Fund Budget, and to meet such appropriation, that **\$798,965** be raised from current year revenue and that **\$348,000** be transferred from the Waterways Special Revenue Fund, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
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| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-153
INTRO: 05/21/2020, 06/04/2020

MARINE & ENVIRONMENTAL AFFAIRS DEPARTMENT MARINA ENTERPRISE FUND

2020-153 APPROPRIATION ORDER IN THE AMOUNT OF \$787,977 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 MARINA ENTERPRISE FUND BUDGET

ORDERED: That the sum of **\$787,977** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Marina Enterprise Fund budget; and to meet such appropriation that **\$548,750** be raised from Enterprise Fund revenues, and that **\$54,031** be transferred from the Capital Trust Fund, that **\$30,000** be transferred from the Bismore Park Special Revenue Fund, and that **\$155,196** be transferred from the Marina Enterprise Fund reserves as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
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| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

**ITEM # 2020-154
INTRO: 05/21/2020, 06/04/2020**

**MARINE & ENVIRONMENTAL AFFAIRS DEPARTMENT SANDY NECK
ENTERPRISE FUND**

**2020-154 APPROPRIATION ORDER IN THE AMOUNT OF \$961,288 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 SANDY NECK
PARK ENTERPRISE FUND BUDGET**

ORDERED: That the sum of **\$961,288** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Sandy Neck Park Enterprise Fund Budget; and to meet such appropriation that **\$680,455** be raised from Enterprise Fund Revenues, and that **\$280,833** be transferred from the Sandy Neck Enterprise Fund Reserves, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
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| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-155
INTRO: 05/21/2020, 06/04/2020

LICENSING DEPARTMENT

2020-155 APPROPRIATION ORDER IN THE AMOUNT OF \$163,646 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 LICENSING DEPARTMENT BUDGET

ORDERED: That the sum of **\$163,646** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Licensing Department Budget, and to meet such appropriation, that **\$163,646** be raised from current year revenue, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
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| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-156
INTRO: 05/21/2020, 06/04/2020

INSPECTIONAL SERVICES DEPARTMENT

2020-156 APPROPRIATION ORDER IN THE AMOUNT OF \$2,164,880 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 INSPECTIONAL SERVICES DEPARTMENT BUDGET

ORDERED: That the sum of **\$2,164,880** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Inspectional Services Department Budget, and to meet such appropriation, that **\$2,164,880** be raised from current year revenue as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
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| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

**ITEM # 2020-157
INTRO: 05/21/2020, 06/04/2020**

DEPARTMENT OF PUBLIC WORKS GENERAL FUND BUDGET

2020-157 APPROPRIATION ORDER IN THE AMOUNT OF \$10,103,252 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 DEPARTMENT OF PUBLIC WORKS GENERAL FUND BUDGET

ORDERED: That the sum of **\$10,103,252** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Department of Public Works General Fund budget, and to meet such appropriation, that **\$10,022,892** be raised from current year revenue, **\$55,360** be transferred from the Embarkation Fee Special Revenue Fund and **\$25,000** be transferred from the Bismore Park Special Revenue Fund, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
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| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-158
INTRO: 05/21/2020, 06/04/2020

DEPARTMENT OF PUBLIC WORKS SOLID WASTE ENTERPRISE FUND

2020-158 APPROPRIATION ORDER IN THE AMOUNT OF \$3,577,403 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 DEPARTMENT OF PUBLIC WORKS SOLID WASTE ENTERPRISE FUND BUDGET

ORDERED: That the sum of **\$3,577,403** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Department of Public Works Solid Waste Enterprise Fund budget, and to meet such appropriation that **\$3,081,725** be raised from the Enterprise Fund Revenues, and that **\$495,678** be transferred from the Solid Waste Enterprise Fund Reserves, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------------------|---|
| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-159
INTRO: 05/21/2020, 06/04/2020

**DEPARTMENT OF PUBLIC WORKS WATER POLLUTION CONTROL
ENTERPRISE FUND**

**2020-159 APPROPRIATION ORDER IN THE AMOUNT OF \$4,590,439 FOR THE
PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 DEPARTMENT
OF PUBLIC WORKS WATER POLLUTION CONTROL ENTERPRISE FUND
BUDGET**

ORDERED: That the sum of **\$4,590,439** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Department of Public Works Water Pollution Control Enterprise Fund Budget, and to meet such appropriation that **\$4,590,439** be raised from the Enterprise Fund Revenues, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------------------|---|
| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-160
INTRO: 05/21/2020, 06/04/2020

DEPARTMENT OF PUBLIC WORKS WATER SUPPLY ENTERPRISE FUND

2020-160 APPROPRIATION ORDER IN THE AMOUNT OF \$7,865,088 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 DEPARTMENT OF PUBLIC WORKS WATER SUPPLY ENTERPRISE FUND BUDGET

ORDERED: That the sum of **\$7,865,088** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Department of Public Works Water Supply Enterprise Fund budget, and to meet such appropriation that **\$7,101,271** be raised from the Enterprise Fund revenues, that **\$500,000** be transferred from the Comprehensive Water Management Stabilization Fund, and that **\$263,817** be transferred from the Water Enterprise Fund reserves, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------------------|---|
| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-161
INTRO: 05/21/2020, 06/04/2020

TOWN COUNCIL DEPARTMENT

2020-161 APPROPRIATION ORDER IN THE AMOUNT OF \$286,659 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 TOWN COUNCIL BUDGET

ORDERED: That the sum of **\$286,659** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Town Council Budget and to meet such appropriation, that **\$277,847** be raised from current year revenue, that **\$8,812** be transferred from the General Fund Reserves, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------------------|---|
| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-162
INTRO: 05/21/2020, 06/04/2020

TOWN MANAGER DEPARTMENT

2020-162 APPROPRIATION ORDER IN THE AMOUNT OF \$873,142 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 TOWN MANAGER BUDGET

ORDERED: That the sum of **\$873,142** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Town Manager Budget as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------------------|---|
| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-163
INTRO: 05/21/2020, 06/04/2020

PUBLIC, EDUCATION & GOVERNMENT ACCESS CHANNELS ENTERPRISE FUND

2020-163 APPROPRIATION ORDER IN THE AMOUNT OF \$841,030 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 PUBLIC, EDUCATION AND GOVERNMENT (PEG) ACCESS CHANNELS ENTERPRISE FUND BUDGET

ORDERED: That the sum of **\$841,030** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Public, Education and Government (PEG) Access Channels Enterprise Fund Budget, and to meet such appropriation that **\$823,000** be raised from the Enterprise Fund revenues, and that **\$18,030** be transferred from the PEG Enterprise Fund reserves.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------------------|---|
| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-164
INTRO: 05/21/2020, 06/04/2020

ADMINISTRATIVE SERVICES DEPARTMENT

2020-164 APPROPRIATION ORDER IN THE AMOUNT OF \$6,239,788 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 ADMINISTRATIVE SERVICES DEPARTMENT BUDGET

ORDERED: That the sum of **\$6,239,788** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Administrative Services Department Budget, and to meet such appropriation, that **\$6,172,053** be raised from current year revenue, and that **\$67,735** be transferred from the General Fund Reserves, as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------------------|---|
| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-165
INTRO: 05/21/2020, 06/04/2020

TOWN COUNCIL RESERVE FUND

2020-165 APPROPRIATION ORDER IN THE AMOUNT OF \$250,000 FOR THE PURPOSE OF FUNDING THE TOWN'S FISCAL YEAR 2021 RESERVE

ORDERED: That the sum of **\$250,000** be appropriated for the purpose of funding the Town's Fiscal Year 2021 Reserve Fund and that the sum of **\$250,000** be transferred from the General Fund Reserves.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------------------|---|
| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

**ITEM # 2020-166
INTRO: 05/21/2020, 06/04/2020**

OTHER REQUIREMENTS BUDGET

2020-166 APPROPRIATION ORDER IN THE AMOUNT OF \$50,994,976 FOR THE PURPOSE OF FUNDING THE TOWN’S FISCAL YEAR 2021 OTHER REQUIREMENTS BUDGET

ORDERED: That the sum of **\$50,994,976** be appropriated for the purpose of funding the Town’s Fiscal Year 2021 Other Requirements Budget, and to meet such appropriation, that **\$44,100,128** be raised from current year revenue, that **\$230,000** be transferred from the Pension Reserve Trust Fund, that **\$6,567,324** be transferred from the Capital Trust Fund, that **\$44,640** be transferred from the Embarkation Fee Special Revenue Fund, that **\$52,900** be transferred from the Bismore Park Special Revenue Fund, and that the following sums be transferred from the Town’s Enterprise Funds for the purpose of reimbursing administrative, employee benefit and insurance costs budgeted within the General Fund:

| | |
|-------------------------|-----------|
| Water Pollution Control | \$517,837 |
| Solid Waste | \$426,584 |
| Water Supply | \$192,837 |
| Airport | \$726,408 |
| Golf Course | \$477,240 |
| Marinas | \$70,961 |
| Sandy Neck | \$116,606 |
| HYCC | \$332,922 |
| PEG | \$82,542 |

And further, that the sum of **\$1,593,648** be transferred from the General Fund Reserves all for the purpose of funding the Town’s Fiscal Year 2021 General Fund Budget as presented to the Town Council by the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------------------|---|
| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

**ITEM # 2020-167
INTRO: 05/21/2020, 06/04/2020**

**COMMUNITY PRESERVATION FUND ADMINISTRATION EXPENSES AND FISCAL
YEAR 2021 PROGRAM SET-ASIDES**

**2020-167 APPROPRIATION ORDER IN THE AMOUNT OF 2,500,499 FOR THE FISCAL
YEAR COMMUNITY PRESERVATION FUND FISCAL YEAR 2021
SET-ASIDES**

ORDERED: That, pursuant to the provisions of G. L. c. 44B § 6, for the fiscal year beginning July 1, 2020, the following sums of the annual revenues of the Community Preservation Fund be set aside for further appropriation and expenditure for the following purposes: **\$423,253** for Open Space and Recreation; **\$423,253** for Historic Resources; **\$423,253** for Community Housing; **\$1,030,740** for a Budget Reserve, and that the sum of **\$200,000** be appropriated from the Annual Revenues of the Community Preservation Fund for the Administrative Expenses of the Community Preservation Committee, to be expended under the direction of the Town Manager, or the Community Preservation Committee with the prior approval of the Town Manager.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------------------|---|
| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-168
INTRO: 05/21/2020, 06/04/2020

COMMUNITY PRESERVATION FUND FISCAL YEAR 2021 DEBT SERVICE

2020-168 APPROPRIATION ORDER IN THE AMOUNT OF \$1,820,347 FOR THE PURPOSE OF PAYING THE FISCAL YEAR 2021 COMMUNITY PRESERVATION FUND DEBT SERVICE REQUIREMENTS

ORDERED: That the Town Council hereby appropriates **\$1,820,347** For the purpose of paying the Fiscal Year 2021 Community Preservation Fund Debt Service Requirements, and to meet such appropriation, that **\$1,732,028** be provided from current year revenues of the Community Preservation Fund and that **\$88,319** be provided from the reserve for the Historic Preservation Program within the Community Preservation Fund.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------------------|---|
| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-169
INTRO: 05/21/2020, 06/04/2020

**COMPREHENSIVE WATER MANAGEMENT AND PRIVATE WAY IMPROVEMENT FUND
FISCAL YEAR 2021 OPERATING BUDGET**

**2020-169 APPROPRIATION ORDER IN THE AMOUNT OF \$585,264 FOR THE
PURPOSE OF PAYING THE FISCAL YEAR 2021 COMPREHENSIVE WATER
MANAGEMENT AND PRIVATE WAY IMPROVEMENT FUND DEBT
SERVICE REQUIREMENTS**

ORDERED: That the Town Council hereby appropriate **\$585,264** for the purpose of paying the Fiscal Year 2021 Comprehensive Water Management and Private Way Improvement Fund Debt Service Requirements, and to meet such appropriation, that **\$585,264** be provided from the current year revenues of the Comprehensive Water Management and Private Way Fund.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------------------|---|
| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-170
INTRO: 05/21/2020, 06/04/2020

FISCAL YEAR 2021 REVOLVING FUND SPENDING LIMITS

2020-170 RESOLVED: That the Town Council hereby authorizes the following spending limitations for Fiscal Year 2021 Revolving Funds:

| | |
|--|------------------|
| Senior Services Classroom Education Fund | \$100,000 |
| Recreation Program Fund | \$525,000 |
| Shellfish Propagation Fund | \$200,000 |
| Consumer Protection Fund | \$600,000 |
| Geographical Information Technology Fund | \$10,000 |
| Arts and Culture Program Fund | \$50,000 |
| Asset Management Fund | \$500,000 |

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------------------|---|
| <u>05/21/2020</u> | <u>Refer to Public Hearing 06/04/2020</u> |
| <u>06/04/2020</u> | <u>Continue to a Public Hearing on 06/18/2020</u> |

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

A. OLD BUSINESS (Public Hearing) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM # 2020-185

INTRO: 06/04/2020, 06/18/2020

2020-185 AUTHORIZING THE TOWN MANAGER TO EXECUTE A REGULATORY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND AIRVIEW, LLC

ORDERED: That the Town Manager is authorized pursuant to Section 168-5, General Ordinances of the Code of the Town of Barnstable (the "Code"), to enter into and execute a Regulatory Agreement between the Town of Barnstable and Airview, LLC, for the properties at 451 and 467 Iyannough Road/Route 28, Hyannis, Massachusetts, and shown on Town of Barnstable Assessor's Map 311 as Parcels 027, 081 and 082, respectively, consisting of approximately 2.108 acres of land, and which are more particularly described in the deed recorded with the Barnstable County Registry of Deeds in Book 28116, Page 008 (collectively, the "Property"), with the Property having access to Barnstable Road via an easement over the parcel of land located at 400 Barnstable Road, Hyannis; and permitting the redevelopment of the Property and granting the requested zoning relief and approval under Chapter 115 of the Code pursuant to and as described in this Regulatory Agreement.

REGULATORY AGREEMENT

AIRVIEW, LLC

**451 AND 467 IYANNOUGH ROAD,
HYANNIS, MA 02601**

This regulatory agreement ("Agreement") is entered into by and between the applicant, **Airview, LLC** (the "Applicant" and/or "Developer"), a Massachusetts limited liability company with a mailing address of 297 North Street, Hyannis, MA 02601, and the **Town of Barnstable** (the "Town"), a municipal corporation with a mailing address of 367 Main Street, Hyannis, MA 02601, on this ____ day of _____, 2020, pursuant to Section 240-24.1 of the Barnstable Zoning Ordinance and Chapter 168 of the Code of the Town of Barnstable.

WITNESS:

WHEREAS, this Agreement shall establish the following: permitted uses, densities, signage, and traffic within the proposed Redevelopment (as defined herein), the duration of this Agreement, and any other terms and conditions mutually agreed upon between the Applicant and the Town;

WHEREAS, pursuant to section 168-3 of the Code of the Town of Barnstable, the Town of Barnstable is authorized to enter into a regulatory agreement with a qualified applicant within the Downtown Implementation District as the Town's Local Comprehensive Plan has been certified by the Cape Cod Commission as consistent with the Regional Policy Plan and said

certification has not been revoked, and the Town has adopted the enabling regulation contained in §§ 168-1 through 168-10;

WHEREAS, the Applicant owns the properties known as and numbered 451 and 467 Iyannough Road, Hyannis, which are shown on Barnstable Assessor's Map 311, as Parcels 027, 081 and 082 respectively, and which are more particularly described in the deed recorded with the Barnstable County Registry of Deeds in Book 28116, Page 008 (hereafter, collectively, the "Property");

WHEREAS, each of the three parcels which combined comprise the Property, as described in the preceding paragraph, were developed with commercial structures, which were recently demolished, as follows: (i.) 451 Iyannough Road- a one story building consisting of approximately 8,624 square feet, formerly used as a restaurant with a seating capacity of 274; and (ii.) 467 Iyannough Road- a one story building containing approximately 8,422 square feet used as a VFW Post;

WHEREAS, the Property borders Iyannough Road (Route 28) to the north and has access to Barnstable Road to the west via an easement over the parcel of land located at 400 Barnstable Road, Hyannis, and the existing development on the Property has three large curb cuts with undefined circulation onto Route 28;

WHEREAS, the Property consists of approximately 2.108 acres of land and is located in the Hyannis Gateway (HG) zoning district and the Groundwater Protection (GP) and Wellhead Protection (WP) overlay districts;

WHEREAS, the Applicant has commenced development of the Property by demolishing the two existing structures, which collectively contained a total gross floor area of approximately 17,046 square feet, and proposes to combine the existing lots into one lot, and construct a one-story retail pharmacy building with a drive through lane with a gross floor area of approximately 10,000 square feet, and an approximately 6,000 square foot building reserved for a future retail use, together with numerous site improvements, including a significant reduction in curb-cuts, increased landscaping, new parking, pedestrian and site amenities, and new storm-water drainage, all as shown on the plans submitted and attached hereto as **Exhibit A** (hereafter, the "Redevelopment Plans," and such proposed site work, new buildings and improvements all as shown on the Redevelopment Plans are hereafter referred to herein, collectively, as the "Redevelopment");

WHEREAS, the Redevelopment is consistent with the Town of Barnstable's Design and Infrastructure Plan in that the proposed project provides a sidewalk along Route 28; reduces curb cuts along Route 28 and provides access from Barnstable Road; the scale, placement, materials, design, and details of the proposed buildings comply with the Design and Infrastructure Plan guidelines; and the project provides the infrastructure necessary to support the project.

WHEREAS, the Town and Applicant desire to set forth in this Agreement their respective understandings and agreements with regard to the Redevelopment;

WHEREAS, the Applicant is willing to commit to the reuse of the Property in accordance with this Agreement and desires to have a reasonable amount of flexibility to carry out the reuse and therefore considers this Agreement to be in its best interests;

WHEREAS, this Agreement shall vest land use development rights in the Property for the duration of this Agreement, and such rights shall not be subject to subsequent changes in local development

ordinances, with the exception of changes necessary to protect the public health, safety or welfare;

WHEREAS, the Redevelopment will not require regulatory review under the Massachusetts Environmental Policy Act (MEPA);

WHEREAS, the Property is located in the Hyannis Growth Incentive Zone (GIZ) as originally approved by the Cape Cod Commission by decision dated April 6, 2006 and re-designated by decision dated April 19, 2018, and as authorized by Barnstable County Ordinance 2005-13, as amended by Barnstable County Ordinance 10-19, 14-05, 17-11, and 18-11, Chapter G, Growth Incentive Zone Regulations of the Cape Cod Commission Regulations of General Application;

WHEREAS, the Redevelopment is not subject to review by the Cape Cod Commission as a Development of Regional Impact due to its location in the GIZ and due to the adoption of Barnstable County Ordinance 2006-06 establishing a cumulative development threshold within the GIZ, under which this Redevelopment may proceed;

WHEREAS, the Redevelopment has undergone formal site plan review and the Town of Barnstable Site Plan Review Committee determined the Redevelopment Plans approvable by decision dated July 2, 2019, and Developer shall submit final plans consistent with the terms and conditions contained in this Agreement to the Building Commissioner to determine whether any modifications to the Site Plan Review approval are necessary prior to any building permits being issued for the Redevelopment;

WHEREAS, the Applicant submitted a "Traffic Assessment Memorandum" dated September 19, 2019, as supplemented by a "Transportation Memorandum" Responses to Comments and Questions From Town of Barnstable dated August 16, 2019 performed by VHB;

WHEREAS, the Redevelopment proposal has undergone four public hearings on the Agreement application and received an affirmative unanimous vote from the Planning Board on April 27, 2020;

WHEREAS, the Redevelopment proposal has undergone a public meeting on the Agreement before the Barnstable Town Council and has received a two-thirds vote approving the Agreement on _____, 2020;

WHEREAS, this Agreement authorizes only the uses, intensity of uses, dimensions and signage specified herein. Any substantial deviation from the authorized terms of this Agreement shall require review by the Town Council and Planning Board pursuant to Chapter 168-10 of the Code;

NOW, THEREFORE, in consideration of the agreements and covenants set forth hereinafter, and for other good and valuable consideration, the receipt and sufficiency of which each of the parties hereby acknowledge to each other, the Applicant and Town do enter into this Agreement, and hereby agree to covenant as follows:

1. Description of Existing and Proposed Conditions:

A. Existing Conditions

The Property was previously developed with two (2) structures, each on separate lots, combined totaling approximately 17,046 square feet of development as follows:

- A one-story building consisting of approximately 8,624 square feet, formerly used as a restaurant with a seating capacity of 274.
- A one-story building consisting of approximately 8,422 square feet, used as a VFW Post.
- The Property contains 3 large, poorly defined and, in some cases, undefined curb-cuts on Route 28.
- Based on full occupancy of the previous structures, the existing site traffic generation is 144 trips in the weekday evening peak hour and 150 trips in the Saturday mid-day peak hour.
- Minimal landscaping.
- Total impervious coverage is 78.1%.
- No storm-water treatment facilities; presently, storm-water now causes sheet flow run-off into the roadways.

B. Proposed Redevelopment

The proposed Redevelopment involves combining the Property into one (1) lot, and constructing two (2) buildings collectively totaling 16,000 square feet of development as follows:

- A one-story building containing an approximately 10,000 square foot retail pharmacy with a drive up pharmacy pick up window.
- A one-story building with a gross floor area of approximately 6,000 square feet reserved for a future retail and/or office use.
- Combining and reconfiguring the three existing curb-cuts onto Route 28 into two consolidated entrances with defined geometry meeting Town and State access standards. Each curb cut is configured to allow right-in/right out only turns.
- A limited movement right-in/right-out only curb cut on Barnstable Road.
- Significant landscaping and vegetation improvements.
- Reduction of impervious coverage to 74.5%.
- Architectural and site design in accordance with the Design and Infrastructure Plan.
- Construction of sidewalks within the Property for pedestrian circulation through the site.
- Construction of a new 6-foot wide sidewalk along the frontage of Route 28 in accordance with the future planned widening of the Route 28 travel lanes along the site frontage.
- Storm-water management system incorporating low impact design measures to retain and pre-treat all storm-water run-off on-site.
- Two free-standing signs with sign panels, one for each tenant, which total 24 square feet per sign, together with building and directional

signage. One free-standing sign is to be located along Iyannough Road and one is to be located along Barnstable Road.

- A total of 80 paved parking spaces.
- The Developer agrees to construct the Redevelopment on the Property in accordance with the Redevelopment Plans which are submitted herewith and which are entitled as follows:

a. "Proposed Redevelopment Project 451 and 467 Iyannaough Road, Hyannis, Massachusetts dated April 9, 2019, revised on May 28, 2019, revised August 8, 2019, revised October 17, 2019, revised December 6, 2019, revised January 2, 2020, revised February 14, 2020, last revised February 28, 2020 (unless otherwise noted), consisting of 12 pages, as follows:

- i. Cover Sheet, Sheet C0.0;
- ii. Legend and General Notes Plan, Sheet C1.0;
- iii. Existing Conditions Plan, Sheet C2.0;
- iv. Layout and Dimension Plan, Sheet C3.0;

v. Delivery Truck Turning Template Plan, Sheet C3.2;

- vi. Tower Truck Turning Template Plan, Sheet C3.3;
- vii. Grading and Drainage Plan, Sheet C4.0;
- viii. Utilities Plan, Sheet C5.0;
- ix. Details Plan, Sheet C6.0;
- x. Details Plan, Sheet C6.1;
- xi. Details Plan, Sheet C6.2;

a. Landscape Plans as follows:

- i. Sheet L1 dated January 6, 2020 revised February 19, 2020

Landscape Planting Plan prepared by Hawk Design, Inc.

- ii. Sheet D1 dated January 6, 2020 revised February 19, 2020

Planting Notes prepared by Hawk Design, Inc.

- iii. Sheet D2 dated January 6, 2020 revised February 19, 2020

Planting Details prepared by Hawk Design, Inc.

c. Building A: "Proposed Floor Plan Walgreen's 451 Iyannough Road, Hyannis, MA Project 19002 dated November 15, 2019, revised February 28, 2020" consisting of one page, Sheet SK-100.01; "Proposed North & East Elevations Walgreen's 451 Iyannough Road, Hyannis, MA Project 19002 dated November 15, 2019, revised February 28, 2020" consisting of one page, Sheet SK-101.01; and "Proposed South & West Elevations Walgreen's 451 Iyannough Road, Hyannis, MA Project 19002 dated November 15, 2019, revised February 28, 2020" consisting of one page, Sheet SK-102.01.

d. Building B: "First Floor Plan Holly Management & Supply Corp. 451 & 467 Iyannough Road, Hyannis, MA Project No. 19025 dated December 5th, 2019" consisting of one page, Sheet A – 100.00; and "Exterior Elevations Holly Management & Supply Corp. 451 & 467 Iyannough Road, Hyannis, MA Project No. 19025 dated December 5, 2019" consisting of two pages, sheet A – 400.00, and A-410.00, Filename Bld B Black Awning19025_A-400.00-Exterior Elevations (Note: Developer shall have the option to use a combination of cedar shingles and clapboard on the South elevation of Building B. If Developer so elects, Developer must first obtain written approval of the elevations for shingles/clapboard from the Director of the Planning and Development Department).

e. "17258 Hyannis, MA Preliminary Exterior Signage dated 3/17/2020" consisting of nine pages (including this page) as follows:

Exterior Signage;

- i. Title Page – 17528 Hyannis, MA
- ii. Site Plan – showing proposed signage locations;
- iii. Proposed West and South Elevations;
- iv. Proposed North and East Elevations;
- v. Walgreens Script Sign;
- vi. Corner W Sign;
- vii. Drive Thru Canopy Signage;
- viii. Monument Sign;
- ix. Directional Sign.

2. The Redevelopment provides, without limitation, the following multi-modal transportation, economic, place-making, site design, traffic safety, and community benefits:

- a. Redevelopment and significantly improved aesthetics at a gateway property into the Hyannis Growth Incentive Zone.
- b. Substantial reduction in the number of curb-cuts servicing the Property.
- c. Substantially increased landscaping and reduction in impervious surfaces from 78.1% existing impervious coverage to 74.5% impervious coverage under proposed conditions.
- d. Construction of a sidewalk along the Property's Route 28 frontage in accordance with the future planned widening of Route 28 travel lanes along the site frontage.
- e. Safe and well marked interior pedestrian connections within the Property between the two proposed buildings.
- f. Exterior site lighting improvements, including use of LED lights.
- h. Improved storm-water drainage management on-site with low impact design measures, including landscaped bio-infiltration drainage areas. New storm-water system will eliminate storm-water sheet run-off into adjacent roadways.
- i. New underground utility connections for Redevelopment eliminating existing overhead services for the Property.
- j. Removing the existing 6-inch public water main along the frontage of Route 28 and the two existing domestic service lines all the way to the main line and replacing them with two new two-inch domestic lines (one for each building) and two new fire service lines (one for each building).
- k. Installation of two new fire hydrants to service the surrounding community in accordance with locations identified by the Hyannis Fire Department and Water District.

3. Outdoor storage is prohibited including storage in trailers, containers, trucks or other storage units. This prohibition shall be prominently noted on the final approved site plans.
4. This Agreement shall run with the land, and all of the terms, conditions, and obligations contained in this Agreement shall be binding on any successor or assignor of the Applicant.
5. Prior to issuance of a building permit, the Developer shall provide evidence to the Building Commissioner of an agreement with the Town which provides that during the Term of this Regulatory Agreement, the Walgreen's Pharmacy identified as one of the tenants of the

Redevelopment shall in accordance with Section 168-6(A) of Chapter 168 of the Code of the Town of Barnstable, provide the following benefits to the Town: (i) a listing of all sites at which hypodermic syringes, needles, and medical sharps can be disposed of in Barnstable County, to be made available to each customer visiting the Walgreen's Pharmacy at the Property as well as the display of such listing at the registers within the Walgreen's Pharmacy operated at the Property, and (ii) health educational assistance to the community in accordance with the programs developed and offered by Walgreen's Pharmacy from time to time.

6. All mortgagee(s) holding good and valid mortgage(s) against the Property have executed document(s) effectively subordinating the provisions of their mortgage(s) to this Agreement, which subordination agreement(s) shall be approved by the Town Attorney and recorded contemporaneously with this Agreement.
7. Prior to the issuance of the first building permit, the Developer shall provide a letter of credit, or cash escrow in an amount approved by the Planning and Development Director, said letter of credit or cash escrow to be expended to replace landscape materials if such replacement becomes necessary because of the failure of Developer or its tenants to do so. An "acceptable" letter of credit is a letter of credit issued by a bank incorporated in the Commonwealth of Massachusetts or currently licensed to do business in the Commonwealth, and having at the time of issue of the letter of credit an S&P Rating of "BBB+" or better and/or a Bankrate.com rating of 4-star or better. Further, an acceptable letter of credit shall be approved as to issuer by the Treasurer of the Town of Barnstable and as to form by the Office of the Town Attorney. Any unexpended portion of said letter of credit or cash escrow shall be released by the Planning Board to the Developer or its successor(s), as directed by the Developer, after three years from the date of the landscape installation, such date to be determined by the Building Commissioner, upon the request of the Developer.
8. Developer is responsible for obtaining all applicable permits and licenses.
9. No Certificate of Occupancy shall be issued until all conditions of this Agreement have been met and Design and Infrastructure Plan approval has been issued.
10. This Agreement is transferable to a person or entity other than the Applicant (hereafter, the "Transferee") with prior written notice to the Town Manager and contingent upon the Applicant being in compliance with all the requirements of this Agreement. However, no such notice to the Town shall be effective unless it includes a written acknowledgement by the Transferee that they have read this Regulatory Agreement, and any amendments thereto, and they agree to be bound by the terms and conditions set forth herein, in which event after such assignment the transferor shall be relieved of liability from and after the date of transfer. Upon receipt of such written notice of transfer, and subject to a determination by the Town Manager that that the Applicant is in compliance with all the then applicable requirements of the Agreement, the Transferee and the Town Manager shall execute a minor amendment of this Regulatory Agreement acknowledging the Transferee is a signatory of this Regulatory Agreement, agreeing to be bound by the terms and conditions set forth herein, and any subsequent amendments hereto, and assuming liability as of the date of transfer. No Planning Board or Town Council approval is required for such a minor amendment acknowledging such a transfer in ownership.
11. The development rights granted hereunder shall be exercised and development permits needed to commence construction may be obtained hereunder for a period of five years from the effective

date of this Agreement, provided, however, that prior to the expiration of said five year period, the Developer may request one six month extension to obtain development permits necessary to commence construction. Upon receipt of necessary development permits, construction shall proceed continuously and expeditiously, but in no case shall construction exceed two years from receipt of necessary development permits. In the event that this Agreement and/or any necessary development permits for the Project are appealed, the timeframes set forth in this section shall be tolled for the length of any such appeals. The Developer estimates that construction will commence on or about Spring 2020 and will be completed on or about Winter 2020.

12. Construction and demolition debris from the Project shall be removed and reused or recycled to the maximum extent possible.

13. No uses shall use, store, generate, treat or dispose of hazardous waste or hazardous materials and shall not generate hazardous waste as defined in the Massachusetts Hazardous Waste Regulations, 310 CMR Section 30.353, except in compliance with all applicable laws.

14. To the extent that the Redevelopment Plans referenced in this Agreement do not depict all the findings and conditions set forth in this Agreement, revised plans and/or notations shall be provided in the final site plan. The Redevelopment shall remain in substantial conformance with the Site Plan Review approval dated July 2, 2019 and all conditions thereof and any modifications thereto as reflected in the final approved site plan.

15. Upon completion of all work, a registered engineer or land surveyor shall submit a letter of certification, made upon knowledge and belief in accordance with professional standards that all work has been done in substantial compliance with the approved site plan (Barnstable Code Section 240-104(G)). This document shall be submitted before the issuance of the final certificate of occupancy.

16. The term of this Agreement shall be five (5) years from the effective date of the Agreement (herein, the "Term"), and the development rights authorized herein must be exercised prior to expiration of the Term or this Agreement shall be null and void. Once the development rights authorized herein have been timely exercised, all terms and conditions of this Agreement shall remain in effect until the Property is no longer used in accordance with the Redevelopment Plans.

17. The Town hereby grants the following waivers from the Town of Barnstable Zoning Ordinance for the Redevelopment, as requested by the Developer:

- a. Section 240-24.1.8(B)(1)(a), Special Permit for Non-Residential Development with total gross floor area greater than 10,000 square feet.
 - i. Applicant proposes 6,000 square foot reserved retail and/or office space, and 10,000 square foot retail pharmacy.
- b. Section 240-24.1.8(B)(3), Special Permit for retail uses that increase the number of vehicle trips per day and/or increase peak hour vehicle trips.
 - ii. Proposed retail pharmacy and 6,000 square foot reserved retail and/or office space area will result in increase of vehicle trips.
- c. Section 240-24.1.8(C) (1), Front yard landscape setback from Route 28 of 60 feet.
 - iii. Proposed landscape setback from Route 28 is 10.00 feet, but represents a substantial improvement as

compared to existing conditions, (zero feet).

d. Section 240-24.1.8(C)(2)(a), Special Permit for new vehicular access/change in use that increases vehicle trips per day and/or peak hour roadway use for existing curb cuts on Route 28.

iv. Proposed retail uses will result in increase of vehicle trips.

e. Section 240-24.1.8(C)(2)(d), Location of Parking

v. Proposed two rows of parking in front of Building B from Route 28 frontage.

f. Section 240-24.1.8(C)(2)(e), Transit improvement incentives.

vi. Applicant proposes a reduction in required parking from 82 spaces to 80 spaces as project significantly reduces the width of existing curb cuts in a manner that improves the through flow of traffic on Route 28.

g. Section 240-24. 1.11(A)(3), Drive-through windows.

vii. Redevelopment proposes one drive through window for retail pharmacy.

h. Section 240-24.1.11(A)(4)(a)[1] and Section 240-56, Schedule of Parking Spaces.

viii. Redevelopment proposes 80 parking spaces and Ordinance requires 82 parking spaces.

i. Section 240-24.1.11(A)(4)(c)[1], Parking Design Standards.

Parking areas shall be located to the rear of a building.

ix. Proposed project has one row of parking in front of Building A and two rows of parking in front of Building B.

j. Section 240-35(F)(3) and (4), GP Overlay District.

x. Redevelopment proposes impervious coverage of 74.5% (Ordinance provides for 50% maximum, but existing impervious coverage is 78.1%).

ix. Existing and proposed natural state is 0% (30% minimum required).

k. Section 240-35(G)(3) and (4), WP Overlay District.

xi. Redevelopment proposed impervious coverage of 74.5% (Ordinance provides for 50% maximum, but existing impervious coverage is 78.1%).

xii. Existing and proposed natural state is 0% (30% minimum required).

l. Sections 240-24.1.11(A)(6); 240-67(A),(B), and (C), and 240-65 (A)-(I), Signage.

xiii. Section 240-67(B) limits the maximum square footage of all signs to the lesser of 50 square feet or 10% of the building face. Excluding directional drive thru signage, the total square footage of signage for Building A (proposed pharmacy) is 134.16 square feet and the total square footage of signage for Building B (proposed retail space) is 100 square feet.

xiv. Section 240-67(C) limits the maximum size of any freestanding sign to 10 square feet except that the Building Commissioner can grant up to 24 square feet. The project proposes two freestanding signs each totaling 24 square feet.

xv. Section 240-65(A) limits each business to a total of two signs. Building A (proposed pharmacy) proposes 5 signs (three building signs and one panel on each of the two freestanding pylon signs). Building B (retail space) proposes four signs (a panel on each of

the freestanding pylon signs for each location) with additional signage to be determined.

xvi. Section 240-65(d) allows one freestanding sign per business, which may not exceed half of the allowable size as permitted. The project proposes two freestanding signs each of which exceeds the allowable size.

xvii. Section 240-75 allows for directional or safety signs provided such signs do not exceed one square foot in area, nor be more than three feet high. No more than four such signs are allowed per site. Building A proposes the following directional/safety signs:

Drive Thru Canopy Sign 1.75 sq.ft.
Drive Thru Directional Sign 3.00 sq.ft.
Drive Thru Clearance Sign 1.67 sq.ft.
Drive Thru Exit Sign 1.75 sq.ft.

m. Section 240-65 and 240-67 Signs in the HG District.

xviii. Redevelopment proposes two free-standing signs – one along Route 28 and one along Barnstable Road. The Ordinance allows for only one free-standing sign per business.

18. In addition to the foregoing waivers/relief from the Zoning Ordinance, this Agreement also waives the requirement for a public hearing before the Town Manager pursuant to Chapter 115-2 of the Code (Hours of Operation of Businesses) and authorizes issuance of a permit to allow the proposed pharmacy drive-up window to remain open twenty-four hours a day. Said permit may be revoked by the Town pursuant to the process set forth in Chapter 115-2 of the Code.

20. Commencing on the date of issuance of an Occupancy Permit for Building B and ending on the 5th anniversary of said issuance, the Applicant or any owner of said premises shall not enter into a lease, or otherwise occupy any portion of Building B without first obtaining written approval from the Director of Planning and Development for the Town of Barnstable. The Applicant or owner of the property shall submit a written request for approval of a tenant/occupant to the Director of Planning and Development. The written request shall contain the name of the tenant/occupant; the amount of square footage to be occupied; the type of use; number of employees; and hours of operation. If the use is one which is listed as a permitted principal use or a principal accessory use in the HG Hyannis Gateway Zoning District, the Director of Planning and Development shall issue a letter to the Applicant/owner approving the tenancy or occupancy within ten (10) days of receipt of the written request for approval. If the use triggers a need for a special permit or other zoning relief, the Director of Planning and Development shall, within said ten (10) day timeframe, issue a letter directing the Applicant or owner to make application to the Planning Board for appropriate relief.

21. The failure of this agreement to address a particular permit, condition, term, or restrictions shall not relieve the qualified applicant of the necessity of complying with the law governing said permitting requirements, conditions, term or restriction;

22. This regulatory agreement may not be used to prevent the Town of Barnstable or other governmental agency from requiring the qualified applicant to comply with the laws, rules and regulations and policies enacted after the date of the regulatory agreement, if the Town of Barnstable or governmental agency determines that the imposition of and compliance with the newly effective laws and regulations are essential to ensure the public health, safety or welfare of the residents of all or part of the jurisdiction.

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed on the day and year first above written.

Applicant:Town of Barnstable:
Signature:Signature:
Print:Print:
Date:Date:

PROPERTY DESCRIPTION

The land, together with the buildings thereon, situated in Barnstable (Hyannis), Barnstable County, Commonwealth of Massachusetts, consisting of two parcels, bounded and described as follows:

Parcel I

A certain parcel of land with the buildings thereon situated in Barnstable (Hyannis), Barnstable County, Commonwealth of Massachusetts, bounded and described as follows:

NORTHERLYbyIyannough Road - Route 28, a public way, as shown on a plan hereinafter mentioned, 175.90 feet;

EASTERLYbyland now or formerly of Henry Murphy, et ali, as shown on said plan, 202.99 feet;

SOUTHERLYbyland now or formerly of Allan F. Jones, as shown on said plan, by two courses, 96.24 feet and 49.34 feet, respectively; and

WESTERLYbyParcel II described below, as shown on said plan, 247.96 feet.

The above described parcel contains 34,450 square feet of land, more or less, according to said plan.

The above described premises are shown on a plan entitled "Plan of Land in Hyannis - Barnstable - Mass. for Armands Restaurant, Scale: 1 IN = 40 FT, Date: 3 July 1958, Charles N. Savery, Co., Engineers & Surveyors, Cotuit- Falmouth Mass., Plan No. 75839," which said plan is recorded with the Barnstable County Registry of Deeds in Plan Book 144, Page 85.

Property Address: 451 Iyannough Road - Route 28, Hyannis, Massachusetts.

Parcel II

A certain parcel of land with the buildings thereon situated in Barnstable (Hyannis), Barnstable County, Commonwealth of Massachusetts, bounded and described as follows:

NORTHERLYbyRoute 28, a public way, as shown on a plan hereinafter mentioned, 150.00 feet;

EASTERLY by other land of the Town of Barnstable Cobb Trust as shown on said plan, 248.47 feet, being Parcel I described above;

SOUTHERLY by land now or formerly of Allan F. Jones as shown on said plan, 231.98 feet;

WESTERLY by land now or formerly of N. W. Kalat and M. H. Segel, Trustees, as shown on said plan, 236.98 feet;

NORTHERLY by other land of the Town of Barnstable Cobb Trust as shown on said plan, 100.00 feet; and

WESTERLY by said Cobb Trust land as shown on said plan, 107.97 feet.

The above described parcel contains 1.34 acres of land, more or less, according to said plan.

The above described premises are shown on a plan entitled "Town of Barnstable Plan of a portion of a Cobb Lot in Hyannis (Barn's) Mass. to be conveyed to the Dennis F. Thomas Post No. 2578 Veterans Of Foreign Wars Building Association, Inc., Engineering Section D. P. W., Scale: 1 in. = 30 ft., Date: Aug. 18, 1982," and recorded with the Barnstable County Registry of Deeds in Plan Book 368, Page 97.

Property Address: 467 Iyannough Road – Route 28, Hyannis, Massachusetts 02601.

For title to Parcels and II see deed recorded in the Barnstable County Registry of Deeds in Book 28116, Page 008.

ASSENT TO REGULATORY AGREEMENT

The undersigned, Airview, LLC, a Massachusetts limited liability company, of 297 North Street, Hyannis, Massachusetts 02601, the owner of property in Hyannis, Barnstable County, Massachusetts, described in a Deed recorded in Book 28116, Page 008, does hereby consent to the recording of a Regulatory Agreement by and between Airview, LLC, a Massachusetts limited liability company and the Town of Barnstable dated _____, 20___. Airview, LLC further agrees to be bound by the terms and conditions contained in said Regulatory Agreement.

Executed this ___ day of _____, 2020.

Applicant:

Signature:

Print:

Date:

EXHIBIT A: REDEVELOPMENT PLANS

SPONSOR: Debra S. Dagwan, Councilor, Precinct 8

DATE

ACTION TAKEN

06/04/2020

Refer to a Public Hearing on 06/18/2020

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

BARNSTABLE TOWN COUNCIL

ITEM #2020-189
INTRO: 06/04/2020

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth Jenkins, Director of Planning & Development
SUBJECT: Regulatory Agreement Airview, LLC – Pharmacy with drive through and Retail and/or Office Building

BACKGROUND: The proposed Regulatory Agreement has been negotiated between the Planning Board (with assistance of Planning & Development Staff, and with input from the Town Engineer, Hyannis Fire Department, and the Town Attorney) and the Applicant, and has been the subject at four Planning Board hearings, at the conclusion of which the Planning Board voted unanimously (6-0 vote) to recommend the Regulatory Agreement to the Town Council.

RATIONALE: Airview, LLC, the Applicant in the proposed Regulatory Agreement, purchased the three developed properties known as and numbered 451 and 467 Iyannough Road in Hyannis on April 30, 2014. These three properties, which collectively comprise the subject property under the Regulatory Agreement, total 2.108 acres of land, which were developed with approximately 17,046 square feet of commercial uses that included a restaurant with a seating capacity of 274 and a VFW Post. The existing development contains three large curb cuts with undefined circulation onto Iyannough Road. The existing site is nonconforming as to dimension, contains minimal landscaping, is approximately 78% impervious, and contains no on-site storm-water treatment facilities.

The subject property is within the Hyannis Gateway (HG) zoning district and the Groundwater Protection (GP) and Wellhead Protection (WP) overlay districts. It is also located within the Growth Incentive Zone (GIZ).

The Applicant proposes to make a substantial investment in the subject property by redeveloping and improving this gateway location. The proposed Regulatory Agreement authorizes the redevelopment of the property by combining the existing three (3) lots into one (1) lot and constructing an approximately 10,000 square foot retail pharmacy with a drive up pharmacy window and an approximately 6,000 square foot building for use as a future retail and/or office location. Numerous site improvements are proposed including combining and reconfiguring the three existing curb cuts onto Iyannough Road into two consolidated entrances with defined geometry meeting Town and State access standards. Each curb cut will be configured to allow right-in/right-out only turns. Pedestrian and site amenities, new storm-water drainage, and significantly increased landscaping are proposed.

Because the Applicant requests zoning relief for the proposed redevelopment, a two-thirds vote of the Town Council is needed to approve the proposed Regulatory Agreement. In addition to the requested zoning relief, the Regulatory Agreement also authorizes the proposed pharmacy drive-up window to remain open twenty-four hours a day pursuant to Chapter 115 of the Code.

FISCAL IMPACT: The fiscal impact is positive.

B. NEW BUSINESS (Refer to Public Hearing 07/16/2020)

BARNSTABLE TOWN COUNCIL

**ITEM #2020-190
INTRO: 6/18/2020**

**2020-190 SUPPLEMENTAL APPROPRIATION AND TRANSFER ORDER IN THE
AMOUNT OF \$212,700.00 FOR THE FISCAL YEAR 2020 AIRPORT CAPITAL
BUDGET**

ORDERED: That the sum of **\$212,700.00** be appropriated and added to the original amount of \$220,000 appropriated under Town Council Order 2019-103, for a revised appropriation amount of \$432,700, for the purpose of funding the replacement of ARFF Equipment - Airport #816 (Rapid Response ARFF Vehicle circa 1999) and that to meet this appropriation, that \$212,700.00 be transferred from the Airport Enterprise Fund reserves; and that the 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.

| DATE | ACTION TAKEN |
|-------|--------------|
| _____ | _____ |
| _____ | _____ |

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

BARNSTABLE TOWN COUNCIL

ITEM #2020-190
INTRO: 06/18/2020

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Katie R. Servis, Airport Manager
DATE: June 18, 2020
SUBJECT: Supplemental Appropriation and Transfer Order in the amount of **\$212,700.00** for the Fiscal Year 2020 Airport Enterprise Fund Capital Budget

SUMMARY: Bids received came in higher than what the Airport had set aside in its Fiscal Year 2020 Airport Enterprise Fund Capital Budget for the Replacement of ARFF Equipment - Airport #816 (Rapid Response ARFF Vehicle circa 1999).

- We were approved for \$220,000.00 (Town Council Order 2019-103 approved 4/4/2019).
- The piece of equipment that Federal Aviation Administration (FAA) allows for this size airport is no longer manufactured (and this was unknown until the bid was circulated) so FAA allowed the Airport to purchase the next higher level of vehicle.
- Working with the Town Procurement Officer, we rebid this item with the new specifications
- Bid results:

Vehicle

| Company Name | Bid Result |
|-------------------------------|--------------|
| Rosenbauer Minnesota, LLC | \$306,066.00 |
| Oshkosh Airport Products, LLC | \$360,000.00 |

Equipment

| Company Name | Bid Result |
|--------------------------------|-------------|
| Firematic Supply | \$82,945.00 |
| Industrial Protection Services | \$99,425.00 |

- Lowest responsive bidder = \$306,066.00 for the vehicle and \$82,945.00 for the fire equipment
- Lowest bid plus bid development and admin fees = **\$432,700.00 total**
- **Appropriation is short of need by \$212,700.00**

FISCAL IMPACT: The entire project is being funded 100% by the FAA but it is a reimbursable program, therefore the Airport must have the funding in place to conduct the work and request repayment post work completion. The funds for this appropriation will be provided from the airport's reserve fund, which will be replenished through the FAA grant. The airport's certified reserve as of July 1, 2019 is \$2,761,211.00.

STAFF ASSISTANCE: Katie R. Servis, Airport Manager; Mark A. Milne, Director of Finance

B. NEW BUSINESS (May be acted upon) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

**ITEM #2020-191
INTRO: 06/18/2020**

**2020-191 TRANSFER ORDER IN THE AMOUNT OF \$52,209.00 FOR THE FISCAL YEAR
2020 AIRPORT CAPITAL BUDGET**

ORDERED: That the sum of **\$52,209.00** be transferred from Town Council Order 2019-105 to Town Council Order 2019-106 for the purpose of funding the Fiscal Year 2020 Airport Capital Expenses associated with the Aircraft Snow Removal Equipment Project.

SPONSOR: Mark S. Ells, Town Manager

| DATE | ACTION TAKEN |
|-------|--------------|
| _____ | _____ |
| _____ | _____ |

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

BARNSTABLE TOWN COUNCIL

ITEM #2020-191
INTRO: 6/18/2020

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Katie R. Servis, Airport Manager
DATE: June 18, 2020
SUBJECT: Transfer Order in the amount of **\$52,209.00** for the Fiscal Year 2020 Airport Enterprise Fund Capital Budget

SUMMARY: Barnstable Municipal Airport is requesting a transfer to the Fiscal Year 2020 Airport Enterprise Fund Capital Expense Budget to cover the costs associated with the Aircraft Snow Removal Equipment project. The Airport had two pieces of replacement snow removal equipment approved in the Fiscal Year 2020 Airport Enterprise Fund Capital Budget as follows:

- ➔ Replace SRE Equipment - Airport #36 (Heavy Duty Kodiak Snow Blower - circa1997).
 - Airport approved for \$800,000 (Town Council Order 2019-105 approved 4/4/2019)
 - Bid results:

| Company Name | Bid Result |
|--------------------------|--------------|
| Wausau Equipment Company | \$590,000.00 |
| M-B Companies, INC. | \$617,199.00 |
| Oshkosh Airport Products | \$625,888.00 |
| Kodiak America LLC | No Bid |

- Lowest responsive bidder = \$590,000.00
 - Lowest bid plus bid specification development and administration fees = \$612,983.02
 - Appropriation is in excess of need by \$187,016.98
- ➔ Replace SRE Equipment - Airport #26 (Carrier Vehicle with 11-foot plow and sander circa 1995)
 - Airport approved for \$230,000 (Town Council Order 2019-106 approved 4/4/2019)
 - Bid results:

| Company Name | Bid Result |
|--------------------------|---------------|
| Minuteman Trucks | \$200,145.65* |
| Advantage Truck Group | \$246,468.00* |
| Wausau Equipment Company | \$269,724.00 |
| Advantage Truck Group | \$336,352.00 |

- Lowest responsive bidder = \$269,924 * bid deemed unresponsive/not all requirements met
- Bid plus bid development and admin fees = \$282,208.26 total
- Appropriation is short of need by \$52,208.26
- Request transfer from Town Council Order 2019-105 to Town Council Order 2019-106 in the amount of \$52,208.26

Estimates provided for the FY2020 Airport Enterprise Fund Capital Expense Budget were based on like equipment purchased in 2018 and 2019 by other airports in the region. The open procurement process provided for some wins and losses for both pieces of equipment.

The intent is to use the remaining funds from Town Council Order 2019-105 (\$187,016.98) to supplement the shortfall in Town Council Order 2019-106. Any funds not used will be returned to the Airport Enterprise Fund Reserves.

FISCAL IMPACT: The entire project is being funded 100% by the Federal Aviation Administration (FAA) but it is a reimbursable program, therefore the Airport must have the funding in place to conduct the acquisitions and request repayment post work completion. The funds for this appropriation will be provided from the airport's reserve fund, which will be replenished through the FAA grant. The airport's certified reserve as of July 1, 2019 is \$2,761,211.00.

STAFF ASSISTANCE: Katie R. Servis, Airport Manager; Mark A. Milne, Director of Finance

B. NEW BUSINESS (Refer to Public Hearing 07/16/2020)

BARNSTABLE TOWN COUNCIL

**ITEM# 2020-192
INTRO: 06/18/2020**

2020-192 ORDER AMENDING THE GENERAL ORDINANCES BY ADDING CHAPTER 190 SHORT TERM RENTAL PROPERTIES AND AMENDING CHAPTER 170 RENTAL PROPERTIES

SECTION 1. ORDERED that the Code of the Town of Barnstable be amended by adding the following Chapter 190, Short Term Rental Properties, to the General Ordinances:

“CHAPTER 190 SHORT TERM RENTAL PROPERTIES

§ 190-1 Purpose

The purpose of this chapter is to protect the health, safety, and welfare of both the occupants of short term rental units and the general public and to maintain the quality of life in residential neighborhoods and the availability of the Town’s housing stock. It will assist the Town in the enforcement of state and local health and safety regulations and provide a method of correcting violations when requiring immediate attention.

§ 190-2 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING COMMISSIONER

The Building Commissioner of the Town of Barnstable or his designee.

COTTAGE COLONY

A group of three or more detached dwellings, legally in existence at the time of adoption of this ordinance, located on a single lot, which are customarily occupied on a seasonal basis.

DWELLING

Any building or area in a building used or intended for use for human habitation, including, but not limited to, apartments, condominiums, cottages, guesthouses, one-, two- or multiple-unit residential buildings/dwellings, except those licensed under any state or local laws or regulations other than those licensed under this chapter.

INSPECTIONAL SERVICES DEPARTMENT

Consisting of Town Building and Health Divisions.

OCCUPANCY

The use or possession of or the right to use or possess a short term rental.

OCCUPANT (GUEST)

Any individual residing overnight in a short term rental.

OPERATOR (HOST)

Any individual operating a short term rental.

OPERATOR'S AGENT

An individual who, on behalf of an operator of a short term rental: (i) manages the operation or upkeep of a property offered for rent; or (ii) books reservations at a property offered for rent. An "operator's agent" shall include, but not be limited to, a property manager, property management company or real estate agent.

OWNER

Any person, as defined immediately below, whom alone or severally with others has legal or equitable title or a beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee or other person appointed by the courts.

PERSON

An individual, partnership, trust or association, with or without transferable shares, joint-stock company, a corporation which is not publicly traded, society, club, firm, organization, institution, estate, receiver, trustee, assignee or referee any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, or any other combination of individuals, directly or indirectly or through any agent, employee, stockholder, officer or other person or any subsidiary whatsoever acting as a unit, including a governmental unit other than the Town of Barnstable or any of its agencies.

SHORT TERM RENTAL

A residential dwelling or any portion of a dwelling rented out through the use of advance reservations, for a fee, for a period of not more than 31 consecutive calendar days, excluding: Cottage Colonies, as defined herein; hotels licensed under M.G.L. Chapter, 140, Section 6; motels licensed under M.G.L. Chapter 140, Section 32B; lodging establishments licensed under M.G.L. Chapter 140, Section 23 or under Chapter 506 of the Code of the Town of Barnstable; and bed & breakfast establishments or bed & breakfast homes licensed under said Chapter 506.

§ 190-3 Short Term Rental Registration

A.Registration Required

No Owner shall rent, or offer to rent, any Short Term Rental prior to registering with the Inspectional Services Department. No tenant or lessee of an Owner shall let or sub-let a Short Term Rental under any circumstances.

B. Limits on Number of Registrations per Owner

A maximum of two (2) Short Term Rental registrations shall be issued per Owner; provided that Owners who have short term rentals registered with the Massachusetts Department of Revenue as of April 30, 2020, will be eligible to register those short term rentals with the Inspectional Services Department, notwithstanding the limit of two set forth herein.

C. Compliance

A dwelling used as a Short Term Rental shall be in compliance with the provisions of all state and local health and safety laws, ordinances and regulations. Demonstration of compliance shall be in the form of a sworn affidavit submitted as part of the registration application described in Section D below to the Inspectional Services Department prior to occupancy. Operators shall comply with all applicable federal, state and local laws, ordinances and regulations, including, but not limited to, Chapter 133 Noise, Chapter 353, Art. 1, Storage of Garbage and Refuse, the Fair Housing Act, G.L. c. 151B, and

local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings, except as specifically set forth otherwise herein.

D. Application Required

The Owner of the dwelling shall be required to complete a short term rental registration application, the form and content of which shall be provided by the Inspectional Services Department.

E. Registration Renewal

Short term rental registrations shall be renewed biennially (every two years) after a satisfactory inspection by Inspectional Services and upon payment of the renewal fee.

F. Fees

The fee for a short term rental registration or a renewal of a registration shall be initially set at \$35 and thereafter may be modified by the Town Manager at a fee hearing.

G. Non-Transferability

Short term rental registrations shall be granted solely to an Owner and shall not be transferable or assigned to any other person, legal entity, or address. The registration does not run with the property; it shall be terminated upon sale or transfer of the property for which the registration has been issued.

§ 190-4 Publication of Registration Number

The Town-issued registration number shall be included on any listing offering the Short Term Rental for rent.

§ 190-5 Contact Information of Owner, Operator and/or Operator's Agent

- A. An Owner of a Short Term Rental shall provide the Inspectional Services Department with his/her current residential address and telephone number upon application for a Registration as well as a full and complete list of persons (as defined above) or who have a direct or indirect interest in any property for which a Short Term Rental Registration in the Town of Barnstable has been issued or for which a Short Term Rental Registration application is pending.
- B. If the Owner is a corporation, the name, address, and telephone number of the president and legal representative of the corporation shall be provided. If the Owner is a realty trust or partnership, the name, address, and telephone numbers of the managing trustee or partner shall be provided.
- C. The name and contact information of the Operator must be provided, along with the name and contact information of an Operator's Agent, if different from the Operator, who is able to respond in person to any issues or emergencies that arise during occupancy within one (1) hour of contact by Inspectional Services Department, Barnstable Police, or any Fire District to complaints regarding the condition or operation of the Short Term Rental. Contact information must include a telephone number that is available 24 hours per day, 7 days a week to Short Term Rental Occupants and the above-stated public safety agencies. This contact information shall be included in the application for a Short Term Rental Registration and shall be posted conspicuously within the rental unit.

§ 190-6 Good Neighbor Information

Short term rental registrations will be published to the Inspectional Services page of the Town's website and shall include the contact information required in section 190-5(C) above. The website shall also include information about these short term rental regulations, and instructions and contact information to file a complaint.

§ 190-7 Posting of Notices

The Town shall provide information to each registered Operator summarizing the regulations for short term rentals. For each Short Term Rental Registration issued, this will include, but shall not be limited to: the name and 24-hour contact information of the Operator or Operator's Agent designated in the Application, requirements for trash removal, occupancy requirements, parking, and noise restrictions.

The Operator shall:

- A. Provide occupants a copy of the provided information; and
- B. Post the information, along with the Short Term Rental Registration, in a conspicuous location within the Short Term Rental.

§ 190-8 Trash Removal.

The Short Term Rental Operator shall be responsible for ensuring that household trash is removed from the premises immediately after Occupancy is concluded or once per week, whichever is more frequent, in addition to compliance with the requirements of Chapter 353, Art. 1, Storage of Garbage and Refuse.

§ 190-9 Occupancy Requirements.

Notwithstanding the provisions of Chapter 59-3, the maximum number of Occupants in a Short Term Rental shall be two per bedroom, plus an additional two.

§ 190-10 Smoke detectors and carbon monoxide alarms

Each Short Term Rental shall contain functional smoke detectors and carbon monoxide alarms. In addition, the Operator shall provide and maintain one 2.5 lb. multi-purpose fire extinguisher on each floor. Extinguishers shall be maintained or replaced in accordance with the manufacturer's specifications. Operators shall test and perform maintenance on every smoke detector, carbon monoxide alarm upon renewal of the Short Term Rental Registration. Any detector or alarm found to be defective shall be repaired or replaced forthwith. The Occupant(s) shall be notified to report faulty or inoperative smoke detector unit(s) to, first, the owner of the dwelling and, second, the Inspectional Services Department.

§ 190-11 Keeping of Register

The Operator or Operator's Agent shall be responsible for keeping a register containing the name of the Occupant who is the leaseholder, total number of occupants, and dates of occupancy. The register shall be retained for a period of two (2) years and shall be made available upon request to Inspectional Services Department staff, police, or other duly appointed or authorized code compliance staff of the Town of Barnstable.

§ 190-12 Ineligible Units

The following are not eligible to be rented or offered to rent as Short Term Rentals:

1. Dwellings designated as below market rate or income-restricted, that are subject to affordability covenants, or that are otherwise subject to housing or rental assistance under local, state, or federal law;
2. Family Apartments or Accessory Affordable Apartments;
3. Dwellings subject to any requirement of local, state, or federal law that prohibits the leasing or subleasing of the unit or use of the unit as a Short Term Rental.
4. Dwellings that are the subject of any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop work orders.
5. Properties designated as Problem Properties under Chapter 160.

§ 190-13 Failure to Pay or to Make Suitable Arrangements for the Payment of Municipal or District Taxes, Fees, Assessments, and Charges

The privilege of receiving or holding a Short Term Rental Registration is contingent upon the timely payment of municipal and district taxes, fees, assessments, and charges. Failure of a Person to comply with this requirement shall be cause, after notice and hearing pursuant to the requirements of G.L. c. 40, § 57, for denial, suspension, amendment, or revocation of a Short Term Rental Registration for any and all property in which the person holds a direct or indirect ownership interest, as above defined.

§ 190-14 Inspections

Short term Rentals shall be subject to reasonable inspections by Town and District inspectional staff (“Inspectors”).

§ 190-15 Complaint Process, Violations

- A. Complaint. A complaint alleging that a Short Term Rental is in violation of this Chapter or any applicable law, code or regulation may be filed with the Inspectional Services Department. The complaint must contain the Short Term Rental address, unit number, date and nature of alleged violation(s), and name and contact information of complainant.
- B. Written notice of any violations of this chapter shall be treated as a complaint and may also be given by Inspectors. The notice shall specify the nature of the violation to the Occupant and Owner and the time within which compliance must be achieved. The requirements of this subsection shall be satisfied by mailing such notice, through the United States Postal Service by certified mail, or by delivering in hand such notice as memorialized by an affidavit of any Town employee or officer authorized to serve any form of process notice to the Owner or legal representative named on the registration application.
- C. Any notice required or contemplated by this chapter shall be deemed sufficient if delivered to or mailed to the mailing address listed by the owner on the Short Term Rental Registration application then on file with the Inspectional Services Department. A written change-of-address notice signed by the Owner/s and delivered to the Inspectional Services Department may be filed at any time.
- D. Review of Complaint. The Commissioner or his designee shall investigate complaint(s) within a reasonable timeframe and shall determine whether there may be a violation. If the alleged violation is under the jurisdiction of another city or state or federal agency, the Commissioner shall refer the complaint to such agency for further action. Upon a finding of a potential violation, the Commissioner or designee shall serve notice of the violation upon the Owner of the Short Term Rental. The Commissioner shall keep records of all complaints received and determinations made.
- E. Offering an Ineligible Unit as a Short Term Rental. Any person who offers a unit as a Short Term Rental, where such unit is not an eligible Dwelling Unit or is not registered, may be fined in accordance with the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation. The Commissioner or a designee may also seek an injunction from a court of competent jurisdiction prohibiting the offering of the unit as a Short Term Rental.
- F. Failure to Obtain a Registration. Any person who offers an eligible Dwelling Unit as a Short Term Rental without a valid Short Term Rental Registration, or any person who offers an eligible

Dwelling Unit as a Short Term Rental while the unit's registration is suspended, may be fined in accordance with the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

- G. Failure to Comply with Notice of Violation. Any person who fails to comply with any notice of violation or other order issued pursuant to this section by the Commissioner or a designee for a violation of any provision of this section may be fined in accordance with the fine schedule herein on a per violation per day basis. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.
- H. Right to Hearing. A person upon whom a notice of violation has been served may request a hearing by filing a written petition requesting a hearing on the matter with the Inspectional Services Department within fourteen days after the day the notice of violation was served. Upon receipt of a petition for hearing, the Inspectional Services Department shall notify the complainant of the place, date and time of the hearing. The hearing shall be conducted by a Hearing Officer designated as such by the Town Manager and shall occur no later than three (3) weeks after the date the Inspectional Services Department receives the petition for hearing. The time period in which violations must be remedied shall be stayed upon receipt of the petition for a hearing until such time as the hearing is held and the Hearing Officer has issued a decision.
- I. Decision. Within seven days after the conclusion of the hearing, the Commissioner or designee shall sustain, modify, or withdraw the notice of violation and shall inform the person upon whom a notice of violation has been served, in writing, of its decision and the reasons therefor. If the Inspectional Services Department sustains or modifies the notice of violation, said violation shall be remedied within the time period allotted as issued or in the modification.
- J. Violations of an unoccupied dwelling shall be corrected prior to occupancy. Violations found in an occupied dwelling shall be corrected within the time specified as determined by the Inspectors.
- K. If a written petition for a hearing is not filed within fourteen (14) days after the notice of violation has been served, or if, after a hearing, the notice of violation has been sustained in any part, each day's failure to comply with the notice of violation within the time allotted as issued or modified shall constitute a separate violation.

§ 190-16 Registration Suspension, Modification and Revocation

In addition to, and not in lieu of, the penalties that may be assessed pursuant to this chapter, the Inspectional Services Department, after notice and public hearing, may suspend, revoke or modify any or all registration approvals issued hereunder to an Owner for violation of these regulations or of any conditions imposed by the Inspectional Services Department, notwithstanding that a violation may have been found with respect to one or more, but not all of the registered properties held by an owner. These remedies shall be non-exclusive.

§ 190-17 Judicial Appeals

Any person aggrieved by a final decision of the Hearing Officer and Inspectional Services Department with respect to a notice of violation or any other order issued under this section may seek relief therefrom in any court of competent jurisdiction.

§ 190-18 Penalties

A. Any person who violates any provision of this chapter may be subject to a fine in accordance with the following:

- Warning 1st Offense
- \$100 2nd Offense
- \$200 3rd Offense
- \$300 4th Offense – and each subsequent offense

Each day that a violation exists constitutes a separate offense.

§ 190-19 Enforcement

The Town may enforce the provisions of this chapter by any or all of the following: the noncriminal disposition process of M.G.L. c. 40, s. 21D; by seeking to restrain a violation by injunction; and by filing a complaint in any court of competent jurisdiction.

§ 190-20 Regulations

The Inspectional Services Department may adopt regulations, policies and procedures for the implementation of this chapter.

§ 190-21 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. In the event of a conflict between this chapter and any other chapter of the General Ordinances, this chapter 190 shall control.”

SECTION 2. **ORDERED** that the Code of the Town of Barnstable, General Ordinances Chapter 170, Rental Properties, be amended as follows:

- A. By adding to § 170-2, Definitions, “Dwelling,” after the words “rooming houses,” the words “except any required to be registered pursuant to § 190-3 Short Term Rental Registration” of Chapter 190 Short Term Rental Properties.
- B. By adding to § 170-2, Definitions, “Licensed Facility,” after the words “registered under this chapter” the words “or Chapter 190 Short Term Rental Properties.”

SPONSOR: Town Council Committee to Review Zoning & Permitting Regulations: Paula K. Schnepf, Chair, Councilor Precinct 12, Britt Beedenbender, Councilor Precinct 4, Kristine Clark, Councilor Precinct 11, Jennifer Cullum, Councilor Precinct 13, Gordon Starr, Councilor Precinct 1

| DATE | ACTION TAKEN |
|-------|--------------|
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| _____ | _____ |

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

BARNSTABLE TOWN COUNCIL

ITEM# 2020-192
INTRO: 06/18/2020

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Town Council Committee to Review Zoning & Permitting Regulations
DATE: June 18, 2020
SUBJECT: Order amending the General Ordinances by adding Chapter 190 Short Term Rental Properties and amending Chapter 170 Rental Properties

RATIONALE: This proposed Short Term Rental General Ordinance aims to create enforceable standards for the operation and occupancy of Short Term Rentals that promote the safety of our residents and guests and provide a clear understanding of what is permitted in terms of renting a residential dwelling in the Town of Barnstable. Appropriate regulation of short term rentals will allow for varied accommodations and experiences for visitors, while retaining the quality of life in residential neighborhoods. Currently, Short Term Rentals are neither expressly permitted nor prohibited in the Town of Barnstable; the use is not addressed in any municipal ordinance. Short term rentals are being, and historically have been, operated in all villages in Barnstable. According to the latest data set provided by the Massachusetts Department of Revenue, there are 663 short term rentals currently registered in the Town of Barnstable.

This ordinance defines Short Term Rentals in a manner consistent with the Commonwealth's Short-Term Rental Law (Chapter 337 of the Acts of 2018, revising G.L. c. 64G, Section 3A), which includes Short Term Rentals among the list of establishments subject to the local excise tax. Short Term Rentals are broadly defined as residential dwellings, or portions of dwellings that are rented out in advance for less than 31 days (including weekly rentals).

The proposed approach to Short Term Rentals is two-fold: a general ordinance to register Short Term Rentals with the Inspectional Services Department and regulate them by requiring that certain standards, including life safety standards, are met; and an amendment to the zoning ordinance to recognize short-term rentals as an allowed use of a residential dwelling.

This item is the proposed general ordinance creating a registration process and associated requirements for the operation of Short Term Rentals. This process is separate and distinct from the current rental registration requirements of Chapter 170 to address the unique aspects of Short Term Rentals. The item establishes that all Short Term Rentals in the Town of Barnstable must be registered with the Inspectional Services Department, with registration renewals due every two years. Upon registration, owners of short term rentals must sign an affidavit attesting to compliance with pertinent health, safety, and other regulations. Registrations are not transferable to new owners. Upon registering, owners must provide their own contact information as well as contact information for someone who is available 24 hours a day and able to respond in-person to the Short Term Rental if necessary.

The proposed general ordinance limits the number of Short Term Rental registrations that may be issued to a single owner, as defined, to two. The intention of this limitation is to reduce the potential that multiple dwellings will be purchased exclusively for Short-Term Rentals use and is a measure to protect the Town's housing stock from this form of speculative investment. Limits on the number of licenses

may incentivize the owners of multiple dwelling units to rent year-round, which can help both housing availability and affordability.

The proposed general ordinance establishes several provisions for Short Term Rentals to address potential health, safety, and community concerns, including measures to keep the public informed of short term rentals registered in their neighborhood. The Town will be obligated to maintain a website with the address of all registered Short Term Rentals and corresponding contact information available for public view. The proposed general ordinance also commits the Town to providing template informational items that make clear the requirements of being both a host and a guest in a Short Term Rental in Barnstable.

There are requirements for regular trash removal and for the installation of smoke detectors and carbon monoxide alarms. Additionally, the proposed general ordinance proposes occupancy restrictions: a maximum of two occupants per bedroom, plus an additional two.

The proposed general ordinance establishes a process for filing complaints with the Inspectional Services Department and for violations, rights to a local hearing before a hearing officer, penalties and fines, and allowance for judicial appeals.

This proposed general ordinance was developed with the assistance of consultant groups who provided background research on Short Term Rental operations in Barnstable; meetings with the Centerville, Osterville, West Barnstable, Barnstable, Marston Mills, and Greater Hyannis Civic Associations; and public input at multiple Town Council and Zoning & Regulatory Subcommittee meetings.

A proposed General Ordinance requires introduction at a first reading before the Council, and must be considered at an advertised public hearing upon second reading, and requires a majority vote for passage.

STAFF ASSISTANCE: M. Andrew Clyburn, Assistant Town Manager, Karen Nober, Town Attorney, Charles McLaughlin, Assistant Town Attorney, Brian Florence, Building Commissioner, Elizabeth Jenkins, Planning & Development Director, Paul Wackrow, Senior Planner, Gloria McPherson, Planning & Economic Development Coordinator

B. NEW BUSINESS (Refer to Planning Board)

BARNSTABLE TOWN COUNCIL

**ITEM# 2020-193
INTRO: 06/18/2020**

**2020-193 ORDER AMENDING CHAPTER 240 ZONING, ARTICLE II, SECTION 7
ADDING CERTAIN PROVISIONS PERTAINING TO SHORT TERM RENTALS**

ORDERED that the Code of the Town of Barnstable, Chapter 240 Zoning, Article II, Section 7, be amended by adding the following subparagraph (J) to Section 240-7:

“J. Short term rentals. Notwithstanding any provisions to the contrary in this Chapter 240, short term rentals shall be permitted within lawful dwelling units in all zoning districts. A short term rental shall be defined as a residential dwelling or any portion of a dwelling rented out through the use of advance reservations, for a fee, for a period of not more than 31 consecutive calendar days, excluding: Cottage Colonies, as defined herein; hotels licensed under M.G.L. Chapter 140, Section 6; motels licensed under M.G.L. Chapter 140, Section 32B; lodging establishments licensed under M.G.L. Chapter 140, Section 23 or under Chapter 506 of the Code of the Town of Barnstable; bed & breakfast establishments or bed & breakfast homes licensed under said Chapter 506. Cottage Colony shall be defined as a group of three or more detached dwellings, legally in existence at the time of adoption of this ordinance, located on a single lot, which are customarily occupied on a seasonal basis. When a property is in use as a short term rental, on-site parking shall not be in any cultivated or landscaped area between a roadway and the part of the principal structure nearest to the roadway.”

SPONSOR: Town Council Committee to Review Zoning & Permitting Regulations: Paula K. Schnepf, Chair, Councilor Precinct 12, Britt Beedenbender, Councilor Precinct 4, Kristine Clark, Councilor Precinct 11, Jennifer Cullum, Councilor Precinct 13, Gordon Starr, Councilor Precinct 1

| DATE | ACTION TAKEN |
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- _____ Read Item
- _____ Motion to Open Public Hearing
- _____ Rationale
- _____ Public Hearing
- _____ Close Public Hearing
- _____ Council Discussion
- _____ Move/Vote

BARNSTABLE TOWN COUNCIL

ITEM# 2020-193
INTRO: 06/18/2020

SUMMARY

TO: Town Council
FROM: Town Council Committee to Review Zoning & Permitting Regulations
DATE: June 12, 2020
SUBJECT: Order amending Chapter 240 Zoning, Article II, Section 7 adding certain provisions pertaining to Short Term Rentals

RATIONALE: This proposed amendment to Chapter 240, Zoning, aims to provide a clear understanding of what is permitted in terms of renting a residential dwelling as a Short Term Rental in the Town of Barnstable. Currently, Short Term Rentals are neither expressly permitted nor prohibited in the Town of Barnstable; the use is not addressed in any municipal ordinance. Short Term Rentals are being, and historically have been, operated in all villages in Barnstable. According to the latest data set provided by the Massachusetts Department of Revenue, there are 663 short term rentals currently registered in the Town of Barnstable.

This proposed amendment to the Town's zoning ordinance defines Short Term Rentals in a manner consistent with the Commonwealth in the Short-Term Rental Law (Chapter 337 of the Acts of 2018, revising G.L. c. 64G, Section 3A), which includes Short Term Rentals among the list of establishments subject to the local excise tax. Short Term Rentals are broadly defined as residential dwellings, or portions of dwellings, that are rented out in advance for less than 31 days (including weekly rentals).

The proposed approach to Short Term Rentals is two-fold: a general ordinance to register Short Term Rentals with the Inspectional Services Department and require that certain standards, including life safety standards, are met; and an amendment to the zoning ordinance to recognize Short Term Rentals as an allowed use of a residential dwelling.

This item is a proposed amendment to the Zoning Ordinance to recognize and define Short Term Rentals. Short Term Rentals are defined consistent with the Short-Term Rental Law, as noted above; the definition also includes exclusions, including historical cottage colonies. The amendment also establishes parking standards for the use. Parking is appropriately addressed through zoning, as opposed to a general ordinance.

This proposed amendment to the zoning ordinance was developed with the assistance of consultant groups who provided background research on short term rental operations in Barnstable; meetings with the Centerville, Osterville, West Barnstable, Barnstable, Marston Mills, and Greater Hyannis Civic Associations; and public input at multiple Town Council and Zoning & Regulatory Subcommittee meetings.

A proposed zoning amendment requires referral by the Council to the Planning Board, and a recommendation by the Planning Board to the Town Council. The amendment then must be considered by the Town Council at an advertised public hearing, and requires a two-thirds majority vote for passage.

STAFF ASSISTANCE: M. Andrew Clyburn, Assistant Town Manager, Karen Nober, Town Attorney, Charles McLaughlin, Assistant Town Attorney, Brian Florence, Building Commissioner, Elizabeth Jenkins, Planning & Development Director, Paul Wackrow, Senior Planner, Gloria McPherson, Planning & Economic Development Coordinator