



# Town of Barnstable Town Council

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## **MEETING AGENDA TOWN HALL HEARING ROOM May 5, 2016 7:00 PM**

### Councillors:

Jessica Rapp Grassetti  
President  
Precinct 7

Eric R. Steinhilber  
Vice President  
Precinct 2

John G. Flores  
Precinct 1

Paul Hebert  
Precinct 3

Frederick Chirigotis  
Precinct 4

James H. Crocker  
Precinct 5

William Crocker, Jr.  
Precinct 6

Debra S. Dagwan  
Precinct 8

James M. Tinsley  
Precinct 9

Sara Cushing  
Precinct 10

Philip N. Wallace  
Precinct 11

John T. Norman  
Precinct 12

Jennifer L. Cullum  
Precinct 13

Administrator:  
Cynthia A. Lovell

Administrative  
Assistant:  
Kelly Crahan

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
- 4. PUBLIC COMMENT**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. TOWN MANAGER COMMUNICATIONS**
- 7. ACT ON MINUTES (Including Executive Session)**
- 8. COMMUNICATIONS – from elected officials, boards, committees, staff, commission reports, correspondence and announcements**
- 9. ORDERS OF THE DAY**
  - A. Old Business**
  - B. New Business**
- 10. ADJOURNMENT**

**NEXT REGULAR MEETING: May 19, 2016**

**Special Meeting May 7, 2016, 10:00am**

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**A. OLD BUSINESS**

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2016-077	Amend the General Code of the Town of Barnstable Chapter 1-7 setting the schedule of Consumer Affairs Fee Schedule Changes to be in effect in the Town of Barnstable <b>(May be acted upon) (Roll call)</b> .....	9-17

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2016-113	Appropriation Transfer and Loan Order in the amount of <b>\$1,686,000</b> be appropriated for the purpose of funding the Lombard Field Improvements as outlined in the Fiscal Year 2017 – Fiscal Year 2021 Capital Improvement Plan <b>(Public hearing) (Roll call 2/3 vote)</b> .....	18
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**COMMUNITY PRESERVATION FUND**

2016-114	Appropriation Transfer and Loan Order in the amount of <b>\$173,000</b> be appropriated for the purpose of funding the West Barnstable Community Building Window Replacements as outlined in the Fiscal Year 2017 – Fiscal Year 2021 Capital Improvement Plan <b>(Public hearing) (Roll call 2/3 vote)</b> .....	19
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**B. NEW BUSINESS**

2016-146	Amend Chapter 240, Article III <b>§240-21</b> “B, BA and UB Business Districts” of the Zoning Ordinance By Adding Active Adult Dwellings and Assisted Living Dwellings, Amend Chapter 240, Article XI (Growth Management), <b>§240-116</b> by adding Exemptions for Active Adult Dwellings and Assisted Living Dwellings and Amend Zoning Definitions to include Active Adult Dwellings and Assisted Living Dwellings <b>(Refer to Joint Public hearing on 5/19/16 with Planning Board)</b> .....	20-22
2016-147	Transfer Order of <b>\$13,000</b> from the Fiscal Year 2016 Department of Public Works Personnel Budget to the Department of Public Works Fiscal Year 2016 Operating Budget for the purpose of funding the inspection and assessment of private roads <b>(May be acted upon)</b> .....	23-24
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<b>2016-151</b>	Acceptance of grants totaling \$5,150 to the Barnstable Youth Commission from Cape Cod Healthcare, Cape & Islands District Attorney’s Office, MassCop Local 416 Barnstable Police Superior Officers’ Union, Barnstable Police Patrolman’s Union, EJ Jaxtimer Builders, Inc., Cape Cod 5 Cents Savings Bank, Hyannis Firefighters Local 2172, Barnstable Professional Firefighters Local 3276, Barnstable Teachers’ Association and Barnstable Municipal Employees’ Association to support the 2016 Youth Summit <b>(May be acted upon)</b> .....	31-32
<b>2016-152</b>	Acceptance of Grant of <b>\$2,500</b> from Cape Cod Healthcare to the Barnstable Recreation Division’s Mommy Mixer programming <b>(May be acted upon)</b> .....	33-34
<b>2016-153</b>	Acceptance of two portable defibrillators (approximate value <b>\$4,000</b> ) from the Barnstable Association for Recreational Shellfishing (BARS) to the Shellfish Program of the Marine and Environmental Affairs Division <b>(May be acted upon)</b> .....	35-36
<b>2016-154</b>	Amend Zoning Ordinance, Article V Accessory Uses § <b>240-43</b> by adding section <b>243-43.1</b> and Amend Section <b>240-46</b> section b. (12) Commercial Vehicle Storage in Residential Areas <b>(Refer to Planning Board)</b> .....	37-38
<b>2016-155</b>	Resolve to request the Town Manager to postpone implementation of the South Coast Bike Route until a full evaluation of the road system, number of signs and safety of the project can be performed <b>(May be acted upon)</b> .....	39
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<b>2016-157</b>	Transfer order in the amount of <b>\$31,156</b> from the remaining Beach Facility Design funds under town council order 2013-116 to town council order 2016-031 for the Craigville bathhouse renovations <b>(May be acted upon)</b> .....	42-43

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Approve Minutes – April 21, 2016

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**Please Note:** The list of matters, are those reasonably anticipated by the council president, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. It is possible that if it so votes, the Council may go into executive session. The Council may also act on items in an order other than they appear on this agenda. Persons interested are advised, that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, may be put off to a continued session of this meeting, and with proper notice. Anyone requiring hearing assistance devices please inform the Town Clerk at the meeting.

**A. OLD BUSINESS (Public Hearing) (Roll call 2/3 vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-054**

**INTRO: 12/03/15, 03/24/16, 05/05/16**

**2016-054 AMENDING THE CODE PART I GENERAL ORDINANCES, CHAPTER 240 ZONING OF THE TOWN OF BARNSTABLE TO INCLUDE A HYANNIS PARKING OVERLAY DISTRICT**

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

**SECTION 1**

By amending Section 240-6 the Zoning Map, to create a new overlay zoning district known as “Hyannis Parking Overlay District” which includes the area shown on the reference map entitled “Hyannis Parking Overlay District”, dated November 30, 2015, prepared by the Town of Barnstable GIS Department.

**SECTION 2**

By amending Section 240-5, Establishment of Districts, by adding under the heading “Overlay Districts” the term “Hyannis Parking Overlay District”

**SECTION 3**

Re-numerate sections as follows:

240-24.1.10 to 240-24.1.11

240-24.1.11 to 240-24.1.12

240-24.1.12 to 240-24.1.13

**SECTION 4**

These amendments are adopted pursuant to and in furtherance of the provisions of Chapter 240, Article II of the Zoning Ordinance, Section 240-24.10, Hyannis Parking Overlay District

**240-24.1.10 Hyannis Parking Overlay District (HPOD)**

**240-24.1.10 Purposes and Intent.**

A. This section allows as of right permitting for land located south of Main Street in Hyannis which land has some legal pre-existing nonconforming status or was licensed as of May 1, 2014 as an open air parking lot involving the temporary storage of vehicles. The scope of such uses would otherwise have to be clarified through a quasi-judicial or regulatory process. The purpose of this section is to:

- (1) Clarify this land use and create as of right permitting for land now used as open air parking lots and located south of Main Street in Hyannis;
- (2) Protect the safety of the users of the lot and the general public through site development standards providing constant access for emergency responders;

- (3) Ensure safe access to structures for emergency responders;
- (4) Protect adjacent property from nuisance which may result from the operation of cars and parking off streets;
- (5) Enhance and protect the visual quality of the Hyannis harbor area;
- (6) Reduce congestion on lot access streets which also serve residential areas; and
- (7) Contribute to traffic safety by ensuring orderly access to and egress from such lots.

#### **204-24.1.10.2 Relationship to underlying districts and regulations.**

A. The Hyannis Parking Overlay District (HPOD) shall overlay all underlying districts so that any parcel of land lying in the HPOD shall also lie in the zoning district or districts in which it is otherwise classified by this chapter.

B. All regulations of the underlying zoning district(s) shall apply within the HPOD to the extent that they are not inconsistent with the specific provisions of this section 240-24.10. To the extent the provisions of this section 240-24.10 are in conflict with or are inconsistent with other provisions of this chapter, the provisions of this section 240-24.10 shall govern and prevail even if such other provisions are more restrictive than those set forth in this section 240-24.10.

#### **204-24.1.10.3 Definitions**

**Aisle** - An aisle is that portion of the Commercial Surface Parking Lot circulation area providing safe and constant access for emergency responders and access to parking spaces for lot patrons. Aisle area is calculated exclusive of any other area on the lot such as driveway, parking stalls, and attendant areas.

**Commercial Surface Parking Lot** - The commercial parking of vehicles where parking is a principal use on the property. Non-commercial trucks, vans and other vehicles not exceeding 7.5 feet may use a Commercial Surface Parking Lot.

**Emergency Access Aisles and Fire Lanes** – Aisles, unobstructed at all times, for the safe and immediate access of emergency response vehicles. At no time shall any portion of a designated Emergency Access Aisle be used for parking or storing vehicles for any length of time no matter how short.

**Kiosk** – A structure, which may be temporary or seasonal, located on the Commercial Surface Parking Lot from which parking transactions are conducted.

**Parking Attendant** – An employee of the Commercial Surface Parking Lot available to customers to park and retrieve vehicles within the licensed lot.

**Remote Parking Sites** – Sites accommodating excess parking for HPOD parking lots that are located in another area of Hyannis where such parking use is allowed. Such remote parking lots shall be permitted and licensed only in connection with the HPOD parking lot.

**Second Principal Use** – A second principal use, lawfully permitted and established at the time of the adoption of this ordinance, may share a parcel with a Commercial Surface Parking Lot.

**Stacked Parking:** Parking of vehicles in a line or stack that may be up to three vehicles deep at a Commercial Surface Parking Lot. The lot operator shall have an attendant present to move vehicles out of the stack at all times that the lot is open for vehicle pick-up by vehicle owners.

## **240-24.1.10.4 Permitted Uses**

### **A. Principle Uses.**

Commercial Surface Parking Lot

## **204-24.1.10.5 Site Development Standards**

### **(A) Access Management**

- (1) Entrance and exit driveways shall be a minimum of fourteen (14) feet wide for one-way use only and a minimum of twenty (20) feet wide for two-way use and shall be delineated.
- (2) Driveways shall be located so as to minimize conflict with traffic on public streets and where good visibility and sight distances are available to observe approaching pedestrian and vehicular traffic.

### **(B) Parking Spaces**

#### **(1) Computation**

- (a) Within the property boundaries the number of parking spaces is limited only by the required dimensions for parking spaces, aisles, emergency access aisles, and fire lanes.
- (b) Where another principal use, lawfully permitted and established at the time of the adoption of this ordinance, is located on the same parcel as the Commercial Surface Parking Lot the number of parking spaces required to support that use shall be deducted from the number of spaces for the Commercial Surface Parking Lot use.
- (c) Where another principal use not located on the same parcel as the Commercial Surface Parking Lot uses some of the Lot's spaces as shared parking for the off lot use, those spaces shall be deducted from the zoning and licensing number of lots for the Commercial Surface Parking Lot.
- (d) Up to 10% of parking spaces may be designed for and allocated to compact spaces.
- (e) Parking facilities shall provide specially designated parking spaces according to 521 CMR the Architectural Access Board.

#### **(2) Dimensions**

- (a) Non-compact spaces 9' X 18'
- (b) Compact spaces 6' x 14'

#### **(3) Demarcation**

- (a) Emergency Access Aisles and Fire Lanes shall be marked as shown on the record parking plan drawn and stamped by a Registered Professional Land Surveyor. In addition to showing the number of spaces that can be accommodated according to the dimensions herein, such plan shall depict demarcations for emergency access aisles through a method permanently affixed to the ground and approved by the Building Commissioner and Fire Safety Official.
- (b) Wheel stops and/or striping shall be installed and maintained to mark each permitted parking space. Stacked parking spaces shall be marked using ground mounted delineators or other demarcation.
- (c) Property boundaries for properties abutting other separately owned properties shall be marked with fencing or other means as may be approved by the Building Commissioner.

## **B. Stacked Parking**

- (1) Stacked parking in compliance with Section 204-24.10.4 B. may be permitted subject to the approval of the Building Commissioner and the Fire Safety Official.
- (2) Lots using stacked parking configurations shall have a full-time attendant supervising the lot and to enable owner access to vehicles at all times.

### **C. Aisle Width**

- (1) Unless otherwise provided for in this section, parking lots shall be designed so that each motor vehicle is able to proceed to and from the parking space provided without requiring the moving of any other motor vehicle.
- (2) All angle parking shall have one way circulation with an aisle width of at least 14 feet.
- (3) Fire lanes and emergency access aisles shall be provided as required by the Building Commissioner and the Fire Safety Official.

### **D. Lot Circulation**

- (1) Dead end aisles including but not limited to emergency access aisles, and fire lanes are prohibited.

### **E. Landscaping and Fencing**

- (1) Parking lots shall install perimeter landscaping area along street frontages.
- (2) Fencing other than split rail fencing is prohibited.

**F. Lighting** - Lighting shall not cause glare for motorists, pedestrians or neighboring premises. Full cut-off light fixtures shall be used in which no more than 2.5% of the total output is emitted at 90° from the vertical pole or building wall on which it is mounted.

**G. Signage** – Signage provisions rely on the requirements of the underlying zoning district or on rights that may be vested in the property as determined by the Building Commissioner.

### **H. Accessory Structures**

- (1) Parking Lot Kiosk - A kiosk for parking lot attendants and/or business needs may be allowed. Kiosks are typically located at the main entrance(s) to or exit(s) from the lot. Each kiosk shall not exceed 150 SF in gross floor area and shall be located so as not to interfere with fire lanes, emergency access aisles, or site circulation. Kiosks shall include temporary sanitary facilities for employees. In no case shall the temporary sanitary facility be visible from any public way. Such structures shall be subject to applicable code or other permitting requirements and shall not host other principal or accessory uses such as retail without the required approvals.
- (2) Trash receptacles – all lots shall provide accommodations for client and employee trash. Trash receptacles and/or dumpsters shall be located near each Parking Lot Kiosk as may be required by the Building Commissioner and the Fire Safety Official. In no case shall the receptacles be visible from any public way.

## **Section 5**

Amend Section 240-51 Location of Parking Spaces by deleting the words , "except that in the MA-1 Business District, parking spaces may be located on another lot within 500 feet of the use, provided that no parking lot shall be created by the demolition of buildings within the MA-2 Business District, OR Office Residential District, or buildings with frontage on Main Street in the MA-1 Business District" from existing Section 240-51:

By re-numerating Section 240-51 to Section 240-51 A, and

By adding new Section 240-51 B. as follows:

**Section 240-51 Location of Parking Spaces**

- A. All off-street parking spaces required by this article shall be located on the same lot as the use for which such spaces are required, except that in nonresidential districts, parking spaces may be located on another lot within 300 feet of, and in the same zoning district as, the use for which such spaces are required.
- B. Parking facilities, including those governed by Sections 240-24.1.11 (as re-numerated herein). Site Development Standards Subsection A.(4) [4] [d] and Section 240-24.1.10 Hyannis Parking Overlay District may operate parking lots in other locations and propose shuttle service to transport patrons from these remote lots to their desired destination. Such proposals shall be subject to Site Plan Review.

**Section 6**

Amend Section 240-128 Definitions by adding the following definition:

**Shuttle Service** – Use of a multi-passenger vehicle to shuttle parking lot patrons between remote parking lots, parking facilities, and transportation terminals.

**SPONSORS:** Town Council Parking Committee

DATE	ACTION TAKEN
<u>12/03/16</u>	<u>Refer to Planning Board</u>
<u>03/24/16</u>	<u>Vote taken (7 Yes) (4 No)</u>
<u>04/07/16</u>	<u>Voted to suspend Town Council Rule 6F (Reconsideration)</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)**

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-077**

**INTRO: 02/25/16 04/07/16, 04/21/16, 05/05/16**

**2016-077 AMEND THE GENERAL CODE OF THE TOWN OF BARNSTABLE  
CHAPTER 1-7 SETTING THE SCHEDULE OF CONSUMER AFFAIRS FEE  
SCHEDULE CHANGES TO BE IN EFFECT IN THE TOWN OF BARNSTABLE**

**ORDERED:** That Chapter 1-7 of the General Code of the Town of Barnstable is hereby amended by deleting the current Chapter 1-7 language and replacing it with the following language

**SCHEDULE OF FEES**

**Article II: Schedule of Parking Fines**

[Adopted 5-6-2004 by Order No. 2004-077; amended in its entirety 1-5-2012 by Order No. 2012-034]

§ 1-7 Parking fines in effect.

The following Schedule of Parking Fines shall be in effect in the Town of Barnstable:

<b>Type of Violation</b>	<b>Amount of Fine</b>
Handicap	\$100.00
Fire Lane	\$100.00
Fire Hydrant	\$100.00
Overtime	\$40.00
Meter	\$40.00
Other Parking Violations	\$40.00
Vehicle with expired inspection sticker	\$50.00
Vehicle with expired registration plate or decal	\$50.00

That Chapter 76-3 of the General Code of the Town of Barnstable is hereby amended by deleting the current Chapter 76-3 language and replacing it with the following language.

§ 76-3Weights and Measures Annual Fees (MGL c. 98, § 56).

[Amended 3-4-2010 by Order No. 2010-071; 1-17-2013 by Order No. 2013-064]

**Description**

**Fee Per Device**

	<b>1 to 3</b>	<b>4 or more</b>
Scale with capacity over 10,000 pounds	\$275.00	\$250.00
Scale with capacity 5,000 to 10,000 pounds	\$145.00	\$120.00
Scale with capacity 100 to 5,000 pounds	\$90.00	\$80.00
Scale with capacity less than 100 pounds	\$60.00	\$55.00
Weights (each)	\$10.00	\$8.00
Liquid measures	\$40.00	\$40.00
Liquid measure meters	-----	-----
Lubricant meters	\$60.00	\$55.00
Motor fuel meters	\$60.00	\$55.00
Vehicle tank meters	\$120.00	\$110.00
Vehicle tank meter gravity	\$185.00	\$160.00
Bulk storage tank meter	\$185.00	\$160.00
Mechanical pumps, each stop	\$15.00	\$15.00
Taxi meters (semiannually)	\$60.00	\$55.00
Commercial odometer - hub odometer	\$60.00	\$65.00
Leather measure	\$185.00	\$160.00
Dry measure, one bushel or less	\$95.00	\$95.00
Dry measure, more than one bushel	\$130.00	\$130.00
Counting device	\$35.00	\$35.00
All other measuring devices	\$135.00	\$135.00
Rope, wire or chain measuring devices	\$35.00	\$30.00
Re-inspection fee (after official rejection)	\$100.00	\$100.00

<b>Description</b>	<b>Fee Per Device</b>	
	<b>1 to 3</b>	<b>4 or more</b>
Reverse vending machines		
Bottle and can redemption inspection		
Disposable test material supplied by inspector	\$35.00	\$30.00
Disposable test material supplied by store	\$20.00	\$15.00
Automatic electronic check-out systems		
3 or less cash registers (per inspection)	\$95.00	
4 to 11 cash registers (per inspection)	\$180.00	
12 or more cash registers (per inspection)	\$300.00	
Adjustment Fee	\$25.00	\$25.00
Legal Ad Fee	\$75.00	\$75.00
Inspection/Fines	\$10 per additional month after 120 days late	\$10 per additional month after 120 days late

That Chapter 76-4 of the General Code of the Town of Barnstable is hereby amended by deleting the current Chapter 76-4 language and replacing it with the following language.

§ 76-4Licenses.

[Amended 3-4-2010 by Order No. 2010-071; 1-5-2012 by Order No. 2012-034; 1-17-2013 by Order No. 2013-064; 11-7-2013 by Order No. .2014-034]

<b>MGL c./Section</b>	<b>Description</b>	<b>Fee</b>
40, § 22	Taxicabs/limos (Town Manager)	\$50.00
100, § 2	Auctioneer, Annual (Town Manager)	\$15.00
100, § 2	Auctioneer, Temporary (Town Manager)	\$10.00
101, § 33	Temporary license to sell for charitable purposes	\$10.00
101, § 33	Temporary license to sell for charitable purposes	\$10.00
138, § 12	Club, All Alcohol	\$2,225.00
138, § 12	Club, Wine & Malt	\$1,725.00
138, § 12	Common Victualer, all alcohol	\$3,050.00
138, § 12	Common Victualer, Wine & Malt	\$1,950.00
138, § 12	Inn holder, All Alcohol	\$3,550.00
138, § 12	Inn holder, Wine & Malt	\$2,450.00
138, § 12	General On Premise, All Alcohol	\$3,900.00
138, § 12	General On Premise, Wine & Malt	\$3,400.00
138, § 12	Annual General On Premise - Art Gallery, Wine & Malt	\$750.00
138, § 12	Seasonal General On Premise - Art Gallery, Wine & Malt	\$1,000.00
138, § 12	Farmer-brewery pouring	\$3,050.00
138, § 14	One-day, All Alcohol	\$90.00
138, § 14	One-day, Wine & Malt	\$40.00
138, § 14	One-day, beer only/wine only	\$35.00
138, § 15	Package store, All Alcohol	\$3,025.00
138, § 15	Package store, Wine & Malt	\$1,950.00

<b>MGL c./Section</b>	<b>Description</b>	<b>Fee</b>
138, § 30A	Pharmacist to sell alcoholic beverages	\$2,000.00
140, § 2	Inns and Restaurants (Common Victuallers)	\$100.00
140, § 21B	Nonalcoholic beverages	\$100.00
140, § 32B	Mobile home parks	\$50.00
140, § 32B	Motels	\$50.00
140, § 34	Lodging House	
	10 guests or fewer	\$75.00
	More than 10 guests	\$125.00
140, § 49	License for vehicle for sale of food	\$250.00
140, § 54	Junk dealer (Secondhand Dealer)	\$50.00
140, § 56	Private Parking Lot (per space) (Town Manager)	\$14.00
140, § 56A	Shooting Gallery	\$100.00
140, § 59	Auto Dealer	\$150.00
140, § 177	Pool Table (each)	\$75.00
140, § 177A	Automatic Amusement Devices (each)	\$100.00
140, § 181	Live Theatre (Theatrical Exhibitions)	\$100.00
140, § 183A	Karaoke	\$100.00
140, § 183A	Entertainment	
	Annual, Seven-day live	\$275.00
	Annual, Seven-day non-live	\$75.00
	One Day, Not-for-profit	\$25.00

<b>MGL c./Section</b>	<b>Description</b>	<b>Fee</b>
	One Day, For-profit	\$50.00
140, § 1851	Fortune-tellers	\$250.00
140, § 186	Carousel	\$75.00
140, § 192	Rental boats (freshwater)	\$100.00
148, § 13	Storage of hazardous materials (Town Manager)	\$100.00
	Septic system inspection fee (Health)	\$25.00
	Board of Health request for variance	\$95.00
	Application fee licenses and permits	\$100.00
	Bad check fee	\$25.00
	Annual/Seasonal License Late fee	\$100.00
	Special Event late filing fee	\$25.00
	Operating an establishment without valid license	Double the Total Cost of Fees
	Operating a special event without valid license	Double the Total Cost of Fees

## Comparison: Current Fee- Proposed Fee

**Article II: Schedule of Parking Fines**

[Adopted 5-6-2004 by Order No. 2004-077; amended in its entirety 1-5-2012 by Order No. 2012-034]  
 § 1-7 Parking fines in effect.

TYPE OF VIOLATION	EXISTING	PROPOSED
Fire Lane	\$50.00	\$100.00
Fire Hydrant	\$25.00	\$100.00
Overtime	\$25.00	\$40.00
Meter	\$25.00	\$40.00
Other Parking Violations	\$25.00	\$40.00

**All others no change**

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§ 76-3Weights and Measures Annual Fees (MGL c. 98, § 56).

[Amended 3-4-2010 by Order No. 2010-071; 1-17-2013 by Order No. 2013-064]

FEE	EXISTING	PROPOSED
Adjustment Fee	\$0	\$25
Inspection/Fines Late Payment Fee	\$0	\$10 per additional month after 120 days late
Legal Ad Fee	\$0	\$75

**All others no change**

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§76-4 Miscellaneous licenses and permits.

[Amended 3-4-2010 by Order No. 2010-071]

FEE	EXISTING	PROPOSED
Legal ad	\$0	\$75
Private parking lots	\$8/space	\$14/space
Inn holder, Wine & Malt	\$0	\$2,450
General on Premise, Wine & Malt	\$0	\$3,400
Club, Wine & Malt	\$0	\$1,725

General On Premise Art gallery, Annual Wine & Malt	\$0	\$750
General On Premise Art gallery, Seasonal Wine & Malt	\$0	\$1,000
Operating an establishment without valid license	\$0	Double the Total Cost of Fees
Operating a special event without valid license	\$0	Double the Total Cost of Fees
Special event late filing fee	\$0	\$25

**All others no change**

**SPONSOR:** Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>02/25/16</u>	<u>Refer to Public hearing 04/07/16</u>
<u>04/07/16</u>	<u>Public hearing closed, Item continued to 04/21/16</u>
<u>04/21/16</u>	<u>Item continued to 05/07/16</u>

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



# **BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-077**

**INTRO: 02/25/16, 04/07/16, 04/21/16, 05/05/16**

## **SUMMARY**

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Richard V. Scali, Director Regulatory Services Department  
**DATE:** February 25, 2016  
**SUBJECT:** Consumer Affairs Fee Schedule Changes

**BACKGROUND:** Chapter 1-7, Article II & Chapter 76-6 of the General Ordinance contains the schedule of fees established by the Town Council. The fees contained therein are primarily fees for licenses or permits associated with commercial or business activities. The council has maintained a policy of 100% cost of service recovery rate for several years. The fee schedule was last changed in June 2012 and in March of 2010.

**ANALYSIS:** Changes in laws and regulations as well as changes in technology impact the procedures and policies governing the licensing and inspection process. Increasing personnel and administrative costs associated with processing permit applications as well as required inspectional functions. This revision is an attempt to bring the fees closer to achieving the council goal of 100% cost recovery. In some cases this is not possible.

**FISCAL IMPACT:** It is anticipated that adoption of this amended fee schedule would have a positive impact on the town's financial position. Failure to adopt the amended schedule will result in reduced revenue in FY17. Reduced revenue will require the town reduce expenditures to balance the budget. Reduced revenues will almost certainly result in reduced services. Reduced services may result in additional lost revenue from fees associated with the reduced services. Our goal is to continually increase our efficiency and effectiveness. We cannot do that without appropriate resources. Fees for service are an important resource.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends approval of this fee change.

**STAFF ASSISTANCE:** Richard V. Scali, Director of Regulatory Services  
Elizabeth Hartsgrove, Supervisor, Consumer Affairs

**A. OLD BUSINESS (Public hearing) (Roll call 2/3 vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2016-113**

**INTRO: 03/24/16, 04/07/16, 04/21/16, 05/05/16**

**2016-113 APPROPRIATION TRANSFER AND LOAN ORDER IN THE AMOUNT OF \$1,686,000 FOR THE PURPOSE OF FUNDING THE LOMBARD FIELD IMPROVEMENTS**

**ORDERED:** That the sum of **\$1,686,000** be appropriated for the purpose of funding the Lombard Field Improvements as outlined in the FY 2017 - FY 2021 Capital Improvement Plan and recommended by the Town Manager and Community Preservation Committee; and that to meet this appropriation, that the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$936,000**, and that **\$750,000** be transferred from the amount set aside for open space/outdoor recreation in the Community Preservation Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto, subject to the oversight of the Community Preservation Committee.

DATE	ACTION TAKEN
<u>03/24/16</u>	<u>Refer to Public Hearing 04/07/16</u>
<u>04/07/16</u>	<u>Opened and Continued to 04/21/16</u>
<u>04/21/16</u>	<u>Opened and Continued to 05/05/16</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 2/3 vote)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2016-114**

**INTRO: 03/24/16, 04/07/16, 04/21/16, 05/05/16**

**COMMUNITY PRESERVATION FUND**

**2016-114 APPROPRIATION TRANSFER AND LOAN ORDER IN THE AMOUNT OF \$173,000 FOR THE PURPOSE OF FUNDING THE WEST BARNSTABLE COMMUNITY BUILDING WINDOW REPLACEMENTS**

**ORDERED:** That the sum of **\$173,000** be appropriated for the purpose of funding the West Barnstable Community Building Window Replacements as outlined in the Fiscal Year 2017 – Fiscal Year 2021 Capital Improvement Plan and recommended by the Town Manager and Community Preservation Committee; and that to meet this appropriation, that **\$173,000** be transferred from the undesignated funds within the Community Preservation Fund, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto, subject to the oversight of the Community Preservation Committee.

DATE	ACTION TAKEN
<u>03/24/16</u>	<u>Refer to Public Hearing 04/07/16</u>
<u>04/07/16</u>	<u>Opened and Continued to 04/21/16</u>
<u>04/21/16</u>	<u>Opened and Continued to 05/05/16</u>

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

**B. NEW BUSINESS (Refer to Joint Public Hearing with Planning Board 05/19/16)**

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2016-146  
INTRO: 05/05/16**

**2016-146 AMEND CHAPTER 240, ARTICLE III §240-21 “B, BA AND UB BUSINESS DISTRICTS” OF THE ZONING ORDINANCE BY ADDING ACTIVE ADULT DWELLINGS AND ASSISTED LIVING DWELLINGS, AMEND CHAPTER 240, ARTICLE XI (GROWTH MANAGEMENT), §240-116 BY ADDING EXEMPTIONS FOR ACTIVE ADULT DWELLINGS AND ASSISTED LIVING DWELLINGS AND AMEND ZONING DEFINITIONS TO INCLUDE ACTIVE ADULT DWELLINGS AND ASSISTED LIVING DWELLINGS**

**ORDERED: Section 1**

That Chapter 240, Article III §240-21 “B, BA and UB Business Districts” of the Zoning Ordinance is hereby amended by adding the following new §240-21 A. (9) (j):

- (j) Multifamily dwellings (apartments) for Active Adult or Assisted Living located in the IND District, where the project includes a total project land area of 24 acres or more and is subject to a Senior Continuing Care Retirement Community Overlay District (SCCRCOD) (§240-29), the following regulations shall apply in lieu of all other bulk and dimensional, parking, landscaping, screening, and setbacks as may otherwise be applicable, and which shall apply to the entire project land area as if it were one lot, even though it may be comprised of more than one lot, which lots may be separated by a street or way:

- [1] Minimum total project land area of 24 acres, including therein any streets or ways

- [2] Minimum project land area ratio shall be 3000 square feet of project land area per each dwelling unit

- [3] Maximum building height shall be 60 feet/5 stories

- [4] Minimum front yard setback: 30 feet

- [5] Landscape buffers (driveways, signage, lighting and walkways excepted):

- (a) Front yard: 20 feet

- (b) Side and rear yard: 10 feet

- [6] Parking

- (a) For Active Adult dwelling units, off-street parking shall be provided at a ratio of 0.75 resident spaces per dwelling unit, 0.5 guest spaces per dwelling unit, and 0.75 employee spaces per 5 dwelling units;

- (b) For Assisted Living dwelling units, off-street parking shall be provided at a ratio of 0.5 resident spaces per dwelling unit, 0.5 guest

spaces per dwelling unit, and 0.75 employee spaces per 5 dwelling units

[7] To the extent a project developed pursuant to this Section §240-21 A.(9)(j) is also subject to the Groundwater Protection Overlay District regulations set forth in Section 240-35, the lot coverage and site clearing requirements of such Section 240-35 shall be calculated using the entire project land area as described in this section. All allowed impervious area may be located on an individual lot within the project land area, provided the impervious area requirements are met over the entire project land area.

**Section 2** That Chapter 240, Article XI (Growth Management), §240-116 (Exemptions) of the Zoning Ordinance is hereby amended by adding the following new §240-116.D and renumbering the subsequent sections as appropriate:

D. Multifamily dwellings (apartments) for Active Adult or Assisted Living created under Section 240-21 A. (9) (j) of the Code of the Town of Barnstable;

**Section 3** That Chapter 240, Article XIII §240-128 “Definitions” of the Zoning Ordinance is hereby amended by adding the following definitions:

**Active Adult dwelling** – an attached dwelling unit (apartment) intended and operated for occupancy by persons 55 years of age or older in which at least eighty percent (80%) of the occupied units are occupied by at least one person who is 55 years of age or older in accordance with applicable requirements of federal and Massachusetts law.

**Assisted Living dwelling** – an attached dwelling unit (apartment) in which supportive services are offered for individuals who need assistance in activities of daily living

**SPONSOR:** Vice President Councilor Eric Steinhilber, Councilor Philip Wallace

# BARNSTABLE TOWN COUNCIL

**ITEM# 2016-146**  
**INTRO: 05/05/16**

## SUMMARY

**TO:** Town Council  
**FROM:** Jo Anne Miller Buntich, Growth Management Director  
**DATE:** May, 5 2016  
**SUBJECT:** Amend Chapter 240, Article III §240-21 “B, BA and UB Business Districts” of the Zoning Ordinance By Adding Active Adult Dwellings and Assisted Living Dwellings, Amend Chapter 240, Article XI (Growth Management), §240-116 by adding Exemptions for Active Adult Dwellings and Assisted Living Dwellings and Amend Zoning Definitions to include Active Adult Dwellings and Assisted Living Dwellings.

**BACKGROUND:** This ordinance amendment is brought forward in response to the needs of the Town’s residents to have access to legally age-restricted housing that is designed to provide appropriate amenities and services. This amendment allows for the construction of independent living and assisted living facilities designed for persons 55 years of age or older, by reducing bulk and dimensional limitations that would otherwise be applicable in the Industrial District. These regulations will enable development of such facilities at an appropriate density, and in appropriate phases, to address demand as it arises. All areas within the Industrial District have access to the municipal wastewater plant, which allows for increased density, without significant impact on the Town’s groundwater resources. The intensity and height standards will also encourage a more compact design in the Industrial District, allowing for the creation and preservation of additional open space on site.

**STAFF ASSISTANCE:** Jo Anne Miller Buntich, Director of Growth Management,  
Ruth J. Weil, Town Attorney,

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-147  
INTRO: 05/05/16**

**2016-147 TRANSFER ORDER OF \$13,000 FOR THE INSPECTION AND ASSESSMENT OF PRIVATE ROADS THAT ARE ELIGIBLE FOR REPAIR UNDER CHAPTER 339 OF THE ACTS OF 2014 OF THE MASSACHUSETTS LEGISLATURE**

**ORDERED:** That the sum of **\$13,000** be transferred from the Fiscal Year 2016 (FY16) Public Works Department personnel budget to the Fiscal Year 2016 (FY16) Public Works Department Operating Budget for the purpose of funding the inspection and assessment of private roads that are eligible for repair under Chapter 339 of the Acts of 2014 of the Massachusetts Legislature.

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM # 2016-147**  
**INTRO: 05/05/16**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**DATE:** March 31, 2016  
**SUBJECT:** Transfer Order of **\$13,000** from the Fiscal Year 2016 Department of Public Works Personnel Budget to the Department of Public Works Fiscal Year 2016 Operating Budget for the purpose of funding the inspection and assessment of private roads

**BACKGROUND:** In October 2014, at the urging of the Town of Barnstable, the Massachusetts legislature enacted law (Chapter 339 of the Acts of 2014) relative to private road maintenance. The Act allows the Town to maintain and improve private roads in the Town that meet certain criteria. Eligible private roads must be in common usage for at least 20 consecutive years and connect one public road or area to another public road or area.

**ANALYSIS:** There are currently 1,100 private roads in the Town. The DPW undertook an analysis and has determined that 90 roads meet the criteria described above. Private roads have not been included in the Town's pavement management program. The current program, restricted to Town roads, is a comprehensive field data collection program that evaluates the physical condition of roadways and assigns a Road Surface Rating (RSR). It also provides a platform for programming and cost estimating maintenance and repairs. In order to develop a plan to improve some or all of the 90 qualifying roads, the DPW need to be able to have an objective means of prioritization based on need (use and condition). This Transfer Order request will provide funds to evaluate the 90 qualifying roads and add them to the asset management database.

**FISCAL IMPACT:** The available funds in the Department of Public Works personnel budget are due to the turnover in several positions throughout the fiscal year resulting in vacancy savings. The total FY16 operating budget appropriation for the Public Works Department is not changing.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends approval of the transfer order.

**STAFF ASSISTANCE:** Daniel W. Santos, P.E., Director of Public Works  
Roger Parsons, P.E., Town Engineer



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

**BARNSTABLE TOWN COUNCIL**

**ITEM #2016-148  
INTRO: 05/05/16**

**2016-148            TRANSFER ORDER OF \$8,500 FOR THE PURCHASE OF A  
WASTEWATER MODELING PROGRAM FOR THE DEPARTMENT OF  
PUBLIC WORKS**

**ORDERED:** That the sum of **\$8,500** be transferred from the Fiscal Year 2016 Public Works Department personnel budget to the Fiscal Year 2016 Public Works Department Operating Budget for the purchase of a wastewater modeling program

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM #2016-148**  
**INTRO: 05/05/16**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**DATE:** March 31, 2016  
**SUBJECT:** Transfer Order of **\$8,500** from the Fiscal Year 2016 Department of Public Works Personnel Budget to the Department of Public Works Fiscal Year 2016 Operating Budget to fund the purchase of a wastewater modeling program

**BACKGROUND:** The DPW has hired a consultant to model the entire wastewater collection system by gathering all the existing sanitary sewer record drawings and utilizing GIS mapping. The downtown Hyannis area was originally modeled in 2005 utilizing SewerCAD® and it was recommended to expand the model to the entire wastewater collection system. The static model depicts the existing and future development wastewater flow data through its wastewater collection system. The model calculates the capacity of its existing sewer infrastructure based on the estimated flows from each property and identifies areas that do not have sufficient capacity.

**ANALYSIS:** Planning and development of the town is constantly evolving and this model will be outdated as time elapses. Every year, approximately 26 residential and commercial properties are connected to the wastewater collection system. It is important for the department to maintain this model to fully understand its capacity of its wastewater collection system. The DPW proposes to purchase a license to SewerCAD®, which can be downloaded and run off existing computers. DPW staff will be trained and responsible for maintaining the records and model as updates occur to the system. The Department will be able to provide prompt responses at Site Plan Reviews and other instances when developers desire to tie their property into the sewer collection system. The model will confirm if the existing sewer infrastructure will be able to handle the additional wastewater flows. In cases that yield insufficient capacity, the model could be used to identify the additional sewer infrastructure needed for future CIP planning. This would eliminate the need to hire additional services from consultants to update the model.

**FISCAL IMPACT:** The available funds in the Department of Public Works personnel budget are due to the turnover in several positions throughout the fiscal year resulting in vacancy savings. The annual licensing fee of \$800 will be paid by the Water Pollution Control Enterprise account.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends approval of the transfer order.

**STAFF ASSISTANCE:** Daniel W. Santos, P.E., Director of Public Works

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-149  
INTRO: 05/05/16**

**2016-149            TRANSFER ORDER OF \$65,000 FOR THE IMPLEMENTATION OF A  
WORK ORDER AND ASSET MANAGEMENT SYSTEM FOR THE  
DEPARTMENT OF PUBLIC WORKS**

**ORDERED:** That the sum of **\$65,000** be transferred from the Fiscal Year 2016 Department of Public Works personnel budget to the Fiscal Year 2016 Department of Public Works Operating Budget for the purpose of funding the implementation of a new work order and asset management system program.

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM # 2016-149**  
**INTRO: 05/05/16**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**DATE:** March 31, 2016  
**SUBJECT:** Transfer Order of **\$65,000** from the Fiscal Year 2016 Department of Public Works Personnel Budget to the Department of Public Works Fiscal Year 2016 Operating Budget to fund the implementation of a new work order and asset management system program

**BACKGROUND:** The DPW currently has 4 separate work order systems among four Divisions. The systems are outdated, limited in function, difficult to service and unable to communicate with each other. Currently we rely on written Work Orders. The efficient management of Work Orders is vital to the Department's overall effectiveness in meeting its mission.

**ANALYSIS:** Current technology has made vastly superior products available for facility managers to generate, track, and manage Work Orders and physical assets. The proposed system will be universal across all divisions; include tablet technology to promote use in the field by inspectors and foremen; allow for instant data retrieval and transmission, communication with supervisors and close-out reporting. It will eliminate the need for much of the mundane data entry required by the current systems and will automatically update the asset management database. This system will eliminate multiple trips to job sites by eliminating the need to go back to the shop to consult a map or database. Work crews will have valuable asset and safety information available at their fingertips; empowering them to make important decisions in the field. The ability to generate reports and analyze important data will allow managers to develop maintenance schedules and Capital planning.

**FISCAL IMPACT:** The available funds in the Department of Public Works personnel budget are due to the turnover in several positions throughout the fiscal year resulting in vacancy savings. The total Fiscal Year 2016 operating budget appropriation for the Public Works Department is not changing. The annual cost of this system beginning in Fiscal Year 2018 is approximately **\$40,000**.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends approval of the transfer order.

**STAFF ASSISTANCE:** Daniel W. Santos, P.E., Director of Public Works

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-150  
INTRO: 05/05/16**

**2016-150 TRANSFER ORDER OF \$7,000 FISCAL YEAR 2016 DEPARTMENT OF PUBLIC WORKS PERSONNEL BUDGET TO THE FISCAL YEAR 2016 DEPARTMENT OF PUBLIC WORKS OPERATING BUDGET TO CONDUCT DAM SAFETY PHASE I INSPECTIONS AT MILL POND AND LAKE WEQUAQUET**

**ORDERED:** That the sum of **\$7,000** be transferred from the Fiscal Year 2016 Department of Public Works Personnel Budget to the Fiscal Year 2016 Department of Public Works Operating Budget for the purpose of funding the Dam Safety Phase I Inspections at Mill Pond and Lake Wequaquet.

DATE	ACTION TAKEN
_____	_____
_____	_____

- \_\_\_ Read item
- \_\_\_ Rationale
- \_\_\_ Council Discussion
- \_\_\_ Move/Vote

# BARNSTABLE TOWN COUNCIL

**ITEM # 2016-150**  
**INTRO: 05/05/16**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**DATE:** March 31, 2016  
**SUBJECT:** Transfer Order of **\$7,000** from the Fiscal Year 2016 Department of Public Works Personnel Budget to the Fiscal Year 2016 Department of Public Works Operating Budget to fund Dam Safety, Phase I Inspections at Mill Pond and Lake Wequaquet.

**BACKGROUND:** The DPW was notified by the Massachusetts Department of Conservation and Recreation (DCR) pursuant to Massachusetts General Laws (MGL c.253, sec.46) that the above referenced dam locations were classified as a “Significant Hazard Potential” and that they were required to be inspected by October 31, 2015.

**ANALYSIS:** The inspection of dams requires specialized knowledge of such structures, which is outside of the expertise within the DPW. In order to expedite the time sensitive response to DCR the DPW sought and received a proposal from the consultant who had previously inspected the dams in 2009. The inspections were performed and the reports submitted in time for the deadline.

**FISCAL IMPACT:** The available funds in the Department of Public Works personnel budget are due to the turnover in several positions throughout the fiscal year resulting in vacancy savings. The total Fiscal Year 2016 operating budget appropriation for the Public Works Department is not changing.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends approval of the transfer order.

**STAFF ASSISTANCE:** Roger Parsons, P.E., Town Engineer  
Daniel W. Santos, P.E., Director of Public Works

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-151  
INTRO: 05/05/16**

**2016-151 ACCEPTANCE OF GRANTS TOTALING \$5,150 TO THE BARNSTABLE YOUTH COMMISSION FROM CAPE COD HEALTHCARE, CAPE & ISLANDS DISTRICT ATTORNEY’S OFFICE, MASSCOP LOCAL 416 BARNSTABLE POLICE SUPERIOR OFFICERS’ UNION, BARNSTABLE POLICE PATROLMAN’S UNION, EJ JAXTIMER BUILDERS, INC., CAPE COD 5 CENTS SAVINGS BANK, HYANNIS FIREFIGHTERS LOCAL 2172, BARNSTABLE PROFESSIONAL FIREFIGHTERS LOCAL 3276, BARNSTABLE TEACHERS ASSOCIATION AND BARNSTABLE MUNICIPAL EMPLOYEES’ ASSOCIATION TO SUPPORT THE 2016 YOUTH SUMMIT.**

**RESOLVED:** That the Town of Barnstable hereby accepts grants totaling **\$5,150** from Cape Cod Healthcare, the Cape & Islands District Attorney’s Office, MassCop Local 416 Barnstable Police Superior Officers’ Union, Barnstable Police Patrolman’s Union, EJ Jaxtimer Builders, Inc., Cape Cod 5 Cents Savings Bank, Hyannis Firefighters Local 2172, Barnstable Professional Firefighters Local 3276, Barnstable Teachers’ Association and Barnstable Municipal Association to support the Barnstable Youth Commission’s 2016 Youth Summit.

**SPONSOR:** Thomas K. Lynch, Town Manager  
Councilor Jennifer L. Cullum

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM # 2016-151**  
**INTRO: 05/05/16**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Lynne M. Poyant, Director of Community Services  
**DATE:** May 5, 2016  
**SUBJECT:** Acceptance of grants totaling **\$5,150** to the Barnstable Youth Commission from Cape Cod Healthcare, Cape & Islands District Attorney's Office, MassCop Local 416 Barnstable Police Superior Officers' Union, Barnstable Police Patrolman's Union, EJ Jaxtiner Builders, Inc., Cape Cod 5 Cents Savings Bank, Hyannis Firefighters Local 2172, Barnstable Professional Firefighters Local 3276, Barnstable Teachers' Association and Barnstable Municipal Employees' Association to support the 2016 youth summit.

**RATIONALE:** The Barnstable Youth Commission (BYC) has received grants totaling **\$5,150** from Cape Cod Healthcare (**\$1,750**); Cape & Islands District Attorney's Office (**\$1,750**); MassCop Local 416 Barnstable Police Superior Officers' Union (**\$300**); EJ Jaxtiner Builders, Inc. (**\$300**); Cape Cod 5 Cents Savings Bank (**\$250**); Hyannis Firefighters Local 2172 (**\$200**), Barnstable Police Patrolman's Union (**\$150**); Barnstable Professional Firefighters Local 3276 (**\$150**); Barnstable Teachers' Association (**\$150**); and Barnstable Municipal Employees' Association (**\$150**). These funds will be used to fund programs at this year's Seventh Grade Youth Summit and Substance Abuse Prevention Forum which were held March 17 and 18, 2016. In addition, the BYC received a generous donation of **\$2,000** from the John F. Kennedy Memorial Trust Fund Committee.

Last March, the Barnstable Youth Commission successfully held its first annual Seventh Grade Youth Summit and Community Prevention Forum. These two events endeavored to brief students about the serious dangers of drug and alcohol abuse concerns whilst simultaneously educating parents and community leaders on the detrimental effects that they can have as well. The Youth Commission strived to locate speakers who were engaging, educated, and well-versed in their topics. The Commission specifically aimed to have speakers, for the students, who did not lecture for lengthy periods of time and got them actively involved in the subject matter. Following the widespread success and media coverage of the summit, the Youth Commission planned to continue the event for the indefinite future. This year's Youth Summit was a full school day of activities and also provided lunch for all Youth Summit participants.

The Barnstable Youth Commission is extremely grateful for the generous gifts from our community partners from Cape Cod Healthcare; Cape & Islands District Attorney's Office; the John F. Kennedy Memorial Trust Fund Committee, MassCop Local 416 Barnstable Police Superior Officers' Union; EJ Jaxtiner Builders, Inc.; Cape Cod 5 Cents Savings Bank; Hyannis Firefighters Local 2172, Barnstable Police Patrolman's Union; Barnstable Professional Firefighters Local 3276; Barnstable Teachers' Association; and Barnstable Municipal Employees' Association in support of the 2016 Youth Summit.

**FISCAL IMPACT:** There is no immediate financial impact to the Town's operating budget as a result of accepting this grant.

**COMMISSION RECOMMENDATION:** The Barnstable Youth Commission recommends acceptance of these grants.

**STAFF ASSISTANCE:** Patti Machado, Leisure Services Director  
Lt. Jean Challies, Barnstable Police Department



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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-152  
INTRO: 05/05/16**

**2016-152 ACCEPTANCE OF GRANT IN THE AMOUNT OF \$2,500 FROM CAPE  
COD HEALTHCARE TO THE BARNSTABLE RECREATION  
DIVISION’S MOMMY MIXER PROGRAMMING**

**RESOLVED:** That the Town of Barnstable hereby accepts a grant of **\$2,500** from Cape Cod  
Healthcare to the Barnstable Recreation Division’s Mommy Mixer Programming

**SPONSOR:** Thomas K. Lynch, Town Manager  
Councilor Dr. Debra Dagwan,

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM # 2016-152**  
**INTRO: 05/05/16**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Lynne M. Poyant, Director of Community Services  
**DATE:** May 5, 2016  
**SUBJECT:** Acceptance of Grant of **\$2,500** from Cape Cod Healthcare to the Barnstable Recreation Division's Mommy Mixer programming.

**RATIONALE:** Barnstable Recreation Division Program Coordinator Melanie Mimmo became a new mom last fall. During her maternity leave, she felt that Barnstable Recreation could create new programming that would benefit new moms just like her and that is how the Mommy Mixer Group was born. The mission of the group is to provide educational and health based activities through recreational programs for mother and baby. By providing these experiences we are hoping to develop an open and safe environment for mothers to bring their babies and enjoy activities they might not otherwise have access to. Through these programs and activities we are fostering relationships, support and community which can in turn help mothers through the postpartum stage.

The Mommy Mixer group meets every Wednesday morning from 9 AM to 11 AM. We welcome mothers and their children, age's newborn to 3 years old. Each week a planned activity or outing is designed to encourage healthy baby development, community and family support as well as provide an opportunity for local mothers to connect with one another. Some examples of activities offered through this program are: Certification in Child/Infant CPR, EAD and First Aid; Mommy/Baby Yoga; Community Service Projects (donations of diapers, formula and clothes to local family support organization); College Planning / Saving Seminar; and Baby Food Nutrition.

The Barnstable Recreation Division is extremely grateful to Cape Cod Healthcare for their generous gift to support the new Mommy Mixer Programming.

**FISCAL IMPACT:** There is no immediate financial impact to the Town's operating budget as a result of accepting this grant.

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

**STAFF ASSISTANCE:** Patti Machado, Leisure Services Director  
Melanie Mimmo, Recreation Program Coordinator

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

**BARNSTABLE TOWN COUNCIL**

**ITEM # 2016-153  
INTRO: 05/05/16**

**2016-153 ACCEPTANCE OF TWO PORTABLE DEFIBRILLATORS (APPROXIMATE VALUE \$4,000) FROM BARNSTABLE ASSOCIATION FOR RECREATIONAL SHELLFISHING (BARS) TO THE SHELLFISH PROGRAM OF THE MARINE AND ENVIRONMENTAL AFFAIRS DIVISION**

**RESOLVED:** That the Town of Barnstable hereby accepts the gift of two portable defibrillators (approximate value **\$4,000**) from the Barnstable Association for Recreational Shellfishing to the Shellfish Program of the Marine and Environmental Affairs Division.

**SPONSOR:** Thomas K. Lynch, Town Manager  
Councilor Philip Wallace

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM # 2016-153**  
**INTRO: 05/05/16**

## SUMMARY

**TO:** Town Council  
**FROM:** Thomas K. Lynch, Town Manager  
**THROUGH:** Lynne M. Poyant, Director of Community Services  
**DATE:** May 5, 2016  
**SUBJECT:** Acceptance of two portable defibrillators (approximate value **\$4,000**) from the Barnstable Association for Recreational Shellfishing (BARS) to the Shellfish Program of the Marine and Environmental Affairs Division.

**RATIONALE:** The Barnstable Association for Recreational Shellfishing (BARS) was founded in 2001 by André Sampou, Ty Ranta, Ed Dutton, Dave Kicilinski, Kris Clark, and Fred Dempsey. The purpose of BARS is to discuss issues relating to recreational shellfishing in the Town of Barnstable and to promote the welfare, propagation, conservation and protection of the existing shellfish habitats. BARS have grown quite a bit since then with over 200 members. The group has focused on conservation of the shellfishing habitat, water quality, and ways to water. BARS volunteers have worked hand-in-hand with the Town of Barnstable department of Marine and Environmental Affairs (MEA) in planting and transplanting shellfish.

BARS has offered to the Shellfish Program of the Marine and Environmental Division of the Town of Barnstable two (2) Portable Defibrillators with an approximate value of \$4,000 for use in their vehicles as they patrol the many shellfish locations and ways to water throughout the Town of Barnstable.

The Shellfish Program of the Marine and Environmental Affairs Division is extremely grateful to the Barnstable Association for Recreational Shellfishing (BARS) for their generous gift.

**FISCAL IMPACT:** There is no immediate financial impact to the Town's operating budget as a result of accepting this gift.

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

**STAFF ASSISTANCE:** Daniel J. Horn, Marine & Environmental Affairs Director  
Douglas Kalweit, Natural Resource Supervisor

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2016-154  
INTRO: 05/05/16**

**2016-154 AMEND ZONING ORDINANCE, ARTICLE V ACCESSORY USES § 240-43 BY ADDING SECTION 243-43.1 AND AMEND SECTION 240-46 SECTION B. (12)**

**ORDERED: Section 1 of the Order.** That the Zoning Ordinance, Article V Accessory Uses be amended by adding new section 240-43.1 to Section 240-43 as follows:

**240-43.1 Commercial Vehicles Accessory to Principal Residential Use**

The continued and regular parking of one (1) commercial vehicle owned or operated by a resident of the premises is permitted by right in all zoning districts.

- A. Only one (1) commercial vehicle is allowed per lot.
- B. All such commercial vehicles shall be parked in a driveway or an enclosed structure. In no case shall such vehicles be parked on the street.
- C. For the purposes of this section, permitted Commercial Vehicles shall not include tractor trailers, or construction vehicles including but not limited to backhoes, bulldozers and dump trucks.
- D. Overnight storage of multi-passenger commercial vehicles is prohibited.
- E. Vehicles temporarily on the premises due to permitted building or site work that is continuing in good faith are allowed.
- F. Nothing in this section shall be construed as authorization for the conducting of a business on the premises

**Section 2 of the Order.** That the Zoning Ordinance, Article V Accessory Uses 240-46, Section B. (12) Home Occupation be amended a follows:

Add new sentence at the end of the section as follows: "In no case shall there be more than one commercial vehicle per lot."

So that the amended Section 240-46, section B. (12) reads:

B.(12) There are no commercial vehicles related to the customary home occupation, other than one van or one truck not to exceed one-ton capacity, and one trailer not to exceed 20 feet in length and not to exceed four tires, parked on the same lot containing the customary home occupation. **In no case, shall there be more than one commercial vehicle per lot.**

**SPONSOR:** Councilor William Crocker Jr.

DATE	ACTION TAKEN
_____	_____
_____	_____
___	Read Item
___	Motion to Open Public Hearing
___	Rationale
___	Public Hearing
___	Close public hearing
___	Council Discussion
___	Move/Vote

# **BARNSTABLE TOWN COUNCIL**

**ITEM# 2016-154**  
**INTRO: 05/05/16**

## **SUMMARY**

**TO:** Town Council  
**THROUGH:** Thomas K. Lynch, Town Manager  
**FROM:** Jo Anne Miller Buntich, Growth Management Director  
**DATE:** May 5, 2016  
**SUBJECT:** Zoning Ordinance Amendment Commercial Vehicle Storage in Residential Areas

### **BACKGROUND:** Section 1

This is a proposed amendment to the Zoning Ordinance, Article V Accessory Uses by adding new section 240-43.1 to Section 240-43. This new section allows the overnight parking of one commercial vehicle to accommodate the transportation needs of working people in neighborhoods. The new section then prohibits other types and numbers of commercial vehicles on lots in residential areas.

### **ANALYSIS:** Section 2

Adds information to the existing Home Occupation ordinance to clarify commercial vehicle storage for this use and make this section relate better to the new section 240-43.1 described herein.

**STAFF ASSISTANCE:** Ruth J. Weil, Town Attorney  
Tom Perry, Building Commissioner

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2016-155  
INTRO: 05/05/16**

**2016-155 RESOLVE TO REQUEST THE TOWN MANAGER TO POSTPONE IMPLEMENTATION OF THE SOUTH COAST BIKE ROUTE UNTIL A FULL EVALUATION OF THE ROAD SYSTEM, NUMBER OF SIGNS AND SAFETY OF THE PROJECT CAN BE PERFORMED**

**RESOLVED:** That the Town Council request the Town Manager postpones the implementation of the South Coast Bike Route until a full evaluation of the road system, number of signs and safety of the project can be performed

**SPONSOR:** Councilor James Crocker Jr.

DATE	ACTION TAKEN
_____	_____
_____	_____

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

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

**BARNSTABLE TOWN COUNCIL**

**ITEM# 2016-156  
INTRO: 05/05/16**

**2016-156 ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$50,000 FROM THE  
LYNDON PAUL LORUSSO CHARITABLE FOUNDATION TO FUND THE  
HIRING OF A CONSULTANT TO COORDINATE OUTREACH FUNCTIONS  
FOR THE HOMELESS**

**RESOLVED:** That the Barnstable Town Council does hereby accept a grant from the Lyndon Paul Lorusso Charitable Foundation in the amount of \$50,000 to hire a consultant for the public purpose of coordinating outreach functions in support of the homeless or near homeless and does hereby authorizes the Town Manager to contract for and expend said funds for that purpose.

**SPONSOR:** Councilor Jennifer L. Cullum

DATE	ACTION TAKEN
_____	_____
_____	_____

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



# BARNSTABLE TOWN COUNCIL

**ITEM# 2016-156**  
**INTRO: 05/05/16**

## SUMMARY

**TO:** Town Council  
**THROUGH:** Thomas K. Lynch, Town Manager  
**FROM:** Mark S. Ells, Assistant Town Manager  
**DATE:** May 5, 2016  
**SUBJECT:** Acceptance of a grant in the amount of **\$50,000** from the Lyndon Paul Lorusso Charitable Foundation to fund the hiring of a consultant to coordinate outreach functions for the homeless

**BACKGROUND:** The Town of Barnstable has applied for and has been awarded a \$50,000.00 grant from the Lyndon Paul Lorusso Charitable Foundation. These funds will be used to retain the contracted services of an Outreach Coordinator for the purposes of coordination of support by human service agencies and organizations for homeless and near homeless in and around Hyannis.

**ANALYSIS:** The acceptance of this grant will allow the Town Manager's office to retain said contracted services and coordinate efforts toward the common goals established by the Town and human service agencies/organizations who are presently serving the homeless and near homeless population in and around Hyannis.

**FISCAL IMPACT:** The total estimated cost of the outreach coordination services is \$100,000 for the period beginning in May 2016 and concluding June 2017. The grant provides 50% of the total cost of the outreach coordination services. The additional funding is proposed to be repurposed for the existing operating budget professional services line item in the amounts of \$25,000 in FY 2016 and \$25,000 in FY 2017.

**TOWN MANAGER RECOMMENDATION:** Town Manager Thomas K. Lynch recommends acceptance of this grant.

**STAFF ASSISTANCE:** Mark S. Ells, Assistant Town Manager

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

**BARNSTABLE TOWN COUNCIL**

**ITEM #2016-157  
INTRO: 05/05/16**

**2016-157 TRANSFER ORDER IN THE AMOUNT OF \$31,156 FROM THE REMAINING BEACH FACILITY DESIGN FUNDS UNDER TOWN COUNCIL ORDER 2013-116 TO TOWN COUNCIL ORDER 2016-031 FOR THE CRAIGVILLE BATHHOUSE RENOVATIONS**

**ORDERED:** That the remaining funds totaling **\$31,156** appropriated under Town Council order 2013-116 for the purpose of a comprehensive beach facility design be transferred and added to the appropriation made under Town Council order 2016-031 for the Craigville Bathhouse Renovations.

**SPONSOR:** Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

# BARNSTABLE TOWN COUNCIL

**ITEM# 2016-157**  
**INTRO: 05/05/16**

## SUMMARY

**TO:** Town Council  
**THROUGH:** Thomas K. Lynch, Town Manager  
**FROM:** Daniel W. Santos, P.E., Director, Department of Public Works  
**DATE:** May 5, 2016  
**SUBJECT:** Transfer Order of \$31,156 for the Craigville Bathhouse Renovations

**BACKGROUND:** The Craigville Beach bathhouse located on Craigville Beach Road in Centerville is a wood-frame building constructed in the 1920's with later additions. In 2012, the Recreation Commission reported that the condition of the facility was "deplorable" and considered it their number one priority for repairs and improvement. In the FY14 Capital Improvement Budget, \$115,000 (2013-116) was appropriated for bathhouse planning and preliminary assessment and design of the Craigville Beach bathhouse renovations. The bathhouse assessment concluded that the building is in poor condition, does not meet the operational needs of the Recreation Division; and does not meet current sanitary, safety, and accessibility code requirements. Accordingly, the Town Council appropriated \$450,000 to fund the renovation work at the bathhouse on October 1, 2015 (2016-031).

**ANALYSIS:** The total amount of the renovation project was intended to be funded with a combination of the remaining funds from the evaluation and preliminary design project and the new funds that were appropriated by the Town Council on October 1. This Transfer Order repurposes the design funds for construction and renovation.

**FISCAL IMPACT:** Funding for these projects has already been provided from bond issues. The annual principal and interest payments on the bonds are provided for in the general fund budget.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends approval of the Transfer Order.

**STAFF ASSISTANCE:** Daniel W. Santos, P.E., Director of Public Works