



Town of Barnstable Town Council

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MEETING AGENDA TOWN HALL HEARING ROOM February 7, 2019 7:00 PM

Councilors:

James H. Crocker Jr.
President
Precinct 5

John G. Flores
Vice President
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Britt Beedenbender
Precinct 4

Paul C. Neary
Precinct 6

Jessica Rapp Grassetti
Precinct 7

Debra S. Dagwan
Precinct 8

James M. Tinsley
Precinct 9

Matthew Levesque
Precinct 10

Philip N. Wallace
Precinct 11

Paula Schnepf
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

• Main Street Clean Team Collaboration

Baybridge Board members

- Sue Rohrbach, Elizabeth Wurf Bain
- Kristi Joyce, Director of Vin Fen / Baybridge
- Dionne Dupuis, Assistant Director of Baybridge

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

Original posted 2/5/19@12:37pm.
Updated on 2/6/19 @ 9:21am to add
Presentation by "Main Street Clean
Team Collaboration" Updated on
2/7/19@2:17pm to add 2019-092

NEXT REGULAR MEETING: February 28, 2019

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A. OLD BUSINESS

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Approve Minutes –January 17, 2019

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

**ITEM # 2019-075
INTRO: 01/17/19, 02/07/19**

2019-075 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$250,000.00 FOR COMMUNITY HOUSING CREATION BY FRIENDS OR RELATIVES WITH AUTISM RELATED DISABILITIES, INC. (FORWARD)

ORDERED: That pursuant to the provisions of the Community Preservation Act, G.L. c 44B, the sum of Two Hundred Fifty Thousand and No/100 (**\$250,000.00**) Dollars be appropriated and transferred from the amount set aside for community housing in the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the amounts appropriated for the creation by Friends or Relatives with Autism Related Disabilities, Inc. (FORWARD) of two purpose-built homes on five (5) acres of land in the Town of Dennis for eight (8) adults with autism having household incomes of less than 100% of Area Median Income (AMI) and to execute, deliver, accept and record subordinate leasehold mortgages as security for the purposes authorized herein subject to oversight by the Community Preservation Committee.

SPONSOR: Mark S. Ells, Town Manager, upon recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
<u>01/17/19</u>	<u>Refer to Public Hearing 02/07/19</u>

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

BARNSTABLE TOWN COUNCIL

ITEM # 2019-075
INTRO: 01/17/19, 02/07/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lindsey Counsell, Chair, Community Preservation Committee
DATE: January 17, 2019
SUBJECT: Appropriation and Transfer Order in the amount of **\$250,000.00** for Community Housing Creation By Friends Or Relatives With Autism Related Disabilities, Inc. (FORWARD) at 131 Hokum Rock Road, Dennis, MA

BACKGROUND: Friends or Relatives With Autism & Related Disabilities (FORWARD), a non-profit organization, is seeking approval from the Town Council through the Town Manager for CPA Community Housing funds in the amount of \$250,000 in support of the construction of two purpose-built homes for 8 adults with autism on 5 acres of town-owned land in Dennis located at 131 Hokum Rock Road. Cape Abilities will operate the facility and provide 24/7 onsite services for the residents. The project is certified by the Department of Developmental Disabilities (DDS) and future residents will be selected by the Cape & Islands DDS Area office which includes Barnstable. This \$250,000 CPA funding request represents a portion of the total \$2,004,258 budget with \$1,600,000 already committed by Dennis CPC, 2 Mass grants and private giving. At the August 27, 2018 CPC meeting, the Committee voted unanimously to recommend the Application of FORWARD on its merits and to authorize the Chair to consult with the Legal Department for the development of adequate security measures for the Town's legal interest in the property.

FISCAL IMPACT: This appropriation has no impact on the general fund since the entire amount is appropriated and transferred from the community preservation fund.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends this appropriation

STAFF ASSISTANCE: Lindsey Counsell, Chair, on behalf of the Community Preservation Committee

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

BARNSTABLE TOWN COUNCIL

ITEM# 2019-083
INTRO: 01/17/19, 02/07/19

2019-083 **APPROPRIATION ORDER IN THE AMOUNT OF \$147,725.00**
COMMUNITY PRESERVATION FUNDS FOR PRESERVATION AND
RESTORATION SAINT MARY’S EPISCOPAL CHURCH , 3055 MAIN
STREET (ROUTE 6A), BARNSTABLE

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G. L. c. 44B, the sum of One Hundred Forty-Seven Thousand Seven Hundred Twenty-Five and NO/100 (**\$147,725.00**) Dollars be appropriated and transferred from the amount set aside for historic resources in the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the appropriation made available for interior fire suppression (sprinkler) system, and exterior door, trim and entrance for preservation and restoration of the historic resource consisting of the Saint Mary’s Episcopal Church building at 3055 Main Street, Barnstable and accept, execute, deliver and record an historic restriction and/or other real property interests to secure the amounts expended for the purposes set forth herein, subject to oversight by the Community Preservation Committee.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>01/17/19</u>	<u>Refer to Public Hearing 02/07/19</u>
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2019-083
INTRO: 01/17/19, 02/07/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lindsey Counsell, Chair on Community Preservation Committee
DATE: January 17, 2019
SUBJECT: Appropriation order in the amount of **\$147,725.00** Community Preservation Funds for preservation and restoration of Saint Mary's Episcopal Church , 3055 Main Street (Route 6a), Barnstable

BACKGROUND: Saint Mary's Episcopal Church, located at 3055 Main Street, Barnstable (Route 6A), is seeking an appropriation of CPA Historic Preservation funds in the amount of \$147,725.00 for a small portion of a capital project. The CPA funding request is for the following work on the church: \$113,242 for a portion of the cost for installation of an interior fire protection (sprinkler) system, water line, controls and new fire hydrant; \$9,500 for replacing/replicating exterior doors, replacement/replication of exterior trim work; and \$24,983.20 for restoring the front entrance to its original form by demolition and replacement of the entrance with original bluestone. The fire suppression system will be installed throughout the church complex consisting of the church and attached social hall, however the CPA request is only for the historic church structure portion.

The church structure dates from the eighteen-nineties (1890s). The exterior has solidly positive exterior historic attributes, principally the unique English Country Tudor shingle style architecture. The church is located in the vicinity of other historic resources which have been the subject of past committee CPA recommendations and appropriations for historic preservation projects. At the December 11, 2018 Barnstable Historical Commission hearing, members voted unanimously that the church is a contributing structure in the Old King's Highway Regional Historic District. Numerous community organizations and partners also use Saint Mary's meeting rooms, parish hall, and church for secular activities.

The community preservation request is a small portion (7.6%) of a capital improvement project encompassing the entire church complex with a total budget of \$1,927,730.00. The remaining balance will be raised privately through a capital campaign currently underway which to date stands at \$1,051,000.

At the November 26, 2018 CPC meeting, the Committee voted unanimously to approve the application of Saint Mary's Episcopal Church with an appropriate document to be executed to fulfillment of the Town's interest in the historic resource, preservation and restoration. The possibility of a mortgage instead of a Historic Preservation Restriction was mentioned.

FISCAL IMPACT: This appropriation has no impact on the general fund since the entire amount is appropriated and transferred from the community preservation fund.

TOWN MANAGER RECOMMENDATION: The Town Manager recommends this appropriation.

STAFF ASSISTANCE: On behalf of the Community Preservation Committee

A. OLD BUSINESS (Roll call 2/3 Vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2019-042

INTRO: 11/01/2018, 11/15/18, 12/06/18, 01/17/19, 02/07/19

2019-042 AMENDING CHAPTER 240, ARTICLE III, OF THE ZONING ORDINANCES TO EXPAND THE HIGHWAY BUSINESS DISTRICT

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

Section 1.

By amending Article II, Section 6, The Zoning Map of the Town of Barnstable, Massachusetts, is hereby amended by expanding the Highway Business (HB) District as shown on the maps entitled:

- “Proposed Amendment to the Town Zoning Map Expanding the Highway Business District in Centerville and Hyannis”
- “Proposed Amendment to the Centerville Zoning Map Expanding the Highway Business District in Centerville and Hyannis”
- “Proposed Amendment to the Hyannis Zoning Map Expanding the Highway Business District in Centerville and Hyannis”
- “Proposed Amendment to the Osterville Zoning Map Expanding the Highway Business District in Centerville and Hyannis.”

all dated October 26, 2018, as prepared by the Town of Barnstable GIS Unit.

Section 2

That Chapter 240, Article III, § 240-26 "Highway Office" of the Zoning Ordinance is hereby deleted.

Section 3

That Chapter 240, Article II, § 240-5 "Establishment of Districts" of the Zoning Ordinance is hereby amended by striking the Office Districts section and the associated “Highway Office District.”

SPONSORS: Zoning & Regulatory Committee members

DATE	ACTION TAKEN
<u>11/01/18</u>	<u>Refer to Joint Public Hearing with the Planning Board on 11/15/18</u>
<u>11/15/18</u>	<u>Opened and Continued to a Joint Public Hearing with the Planning Board 12/06/18</u>
<u>12/06/18</u>	<u>Public Hearing closed/ Continued to 01/17/19</u>
<u>01/17/19</u>	<u>Continued to 02/07/19</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2019-042

INTRO: 11/01/2018, 11/15/18, 12/06/18, 01/17/19, 02/07/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Town Council Zoning & Regulatory Committee
DATE: November 1, 2018
SUBJECT: Amending Chapter 240, Article III, of the Zoning Ordinances to Expand the Highway Business District

RATIONALE: This proposed amendment to Highway Business District boundaries would expand the commercial zoning in areas along the Route 28 corridor, the West Main Street corridor and around the West End Rotary in the Villages of Centerville and Hyannis. The areas to be rezoned feature preexisting nonconforming uses; zoning district boundaries that do not match parcel boundaries; and/or other locations where infill development potential may exist.

This map amendment is presented concurrently with proposed comprehensive changes to the Highway Business District. This amendment would rezone the entirety of the land area currently zoned HO Highway Office to Highway Business, and thus the HO District is proposed to be repealed with this amendment.

The proposed amendments to the district boundary received a favorable recommendation from the Town Council Zoning and Regulatory Subcommittee members in attendance at the meeting on October 18, 2018 listed as sponsors herein.

STAFF ASSISTANCE: Elizabeth Jenkins, Director of Planning & Development

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

BARNSTABLE TOWN COUNCIL

ITEM # 2019-068
INTRO: 01/03/19, 02/07/19

2019-068 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$250,000 FOR A FEASIBILITY STUDY AND PRELIMINARY INVESTIGATIONS OF THE WASTEWATER TREATMENT FACILITY AT JOINT BASE CAPE COD

ORDERED: That the sum of **\$250,000** be appropriated and transferred from the Comprehensive Water Management and Private Way Fund for the purpose of a feasibility study and preliminary investigations to evaluate the potential of the Town utilizing the wastewater treatment facility at Joint Base Cape Cod for future sewer expansion, including the payment and costs incidental and related thereto, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>01/03/19</u>	<u>Refer to Public Hearing 02/07/19</u>

- _____ Read Item
- _____ Motion to Open Public Hearing
- _____ Rationale
- _____ Public Hearing
- _____ Close public hearing
- _____ Council Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2019-068
INTRO: 01/03/19, 02/07/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: January 3, 2019
SUBJECT: Appropriation and Transfer Order in the amount of **\$250,000** for a Feasibility Study and preliminary investigations of the Wastewater Treatment Facility at Joint Base Cape Cod

BACKGROUND: The towns of Bourne, Falmouth, Mashpee and Sandwich have been studying the feasibility of utilizing the existing wastewater treatment facility at Joint Base Cape Cod for their future wastewater needs. It is anticipated that the facility and effluent disposal beds will require significant upgrades to allow for the projected additional flow from surrounding communities. Due to the proximity of planned infrastructure in Mashpee and Sandwich to the western portion of the Town of Barnstable, it may be more cost effective for future sewered areas in the western portion of the Town to be treated at an expanded Joint Base Cape Cod facility than the Town's Water Pollution Control Facility in Hyannis. Additionally, there are anticipated water quality benefits associated with treating and disposing of effluent outside of the Town's boundaries.

ANALYSIS: Under this project, the Town will hire a consultant to study the feasibility of further expanding the Joint Base Cape Cod wastewater treatment facility to accommodate additional flows from the western portion of the Town of Barnstable. With growing interest in further expansion of sewers in the western portion of the Town, it is recommended that the Town begin this study immediately in order to determine if utilizing the JBCC facility is an option that the Town should further pursue and to begin further discussions with surrounding communities and regulatory agencies.

FINANCIAL IMPACT: Funding for this appropriation will be provided from the Comprehensive Water Management and Private Way fund which has an available balance of \$16,447,139. There is no impact to the department of Public Work's operating budget as a result of this appropriation.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends approval of this appropriation order.

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works and Amanda Ruggiero, P.E., Interim Town Engineer

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

BARNSTABLE TOWN COUNCIL

ITEM # 2019-069
INTRO: 01/03/19, 02/07/19

2019-069 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$835,000 FOR THE DESIGN OF ROADWAY AND UTILITY WORK

ORDERED: That the sum of **\$735,000** be appropriated and transferred from the Comprehensive Water Management and Private Way Fund and that the sum of **\$100,000** be appropriated and transferred from the Water Supply Enterprise Fund reserves for the purpose of funding the design of roadway and utility work, including the payment and costs incidental and related thereto, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>01/03/19</u>	<u>Refer to Public Hearing 02/07/19</u>

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

BARNSTABLE TOWN COUNCIL

ITEM # 2019-069
INTRO: 01/03/19, 02/07/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: January 3, 2019
SUBJECT: Appropriation and Transfer Order in the amount of **\$835,000** for the design of roadway and utility work

BACKGROUND: Vineyard Wind plans to begin construction in 2020 on a project which will install over 5.1 miles of underground 220kV Transmission Cable from Covell's Beach to the interconnection point at the substation proposed on Independence Drive. The work will involve installing large underground utility duct banks and underground vaults within the following lengths of roadway: Craigville Beach Road between Covell's Beach and Strawberry Hill Road; Strawberry Hill Road from Craigville Beach Road and Wequaquet Lane, Wequaquet Lane between Strawberry Hill Road and Phinney's Lane; Phinney's Lane from Wequaquet Lane to Attucks Lane; Attucks Lane from Phinney's Lane to Independence Drive; and Independence Drive from Attucks Lane to near Communication Way. Approximately 3.8 miles of this route is targeted for future sewer expansion in the Town's wastewater plan. This project does not proposed sewer the neighborhoods off this route at this time. Approximately 3,100 linear feet of existing 50-year old water main owned and operated by the Hyannis Water System will need to be relocated as a result of the project.

ANALYSIS: Vineyard Wind plans to begin construction in 2020, which will include complete road reconstruction or mill and overlay. As a result, it will be cost advantageous for the Town to participate with Vineyard Wind to complete planned utility improvements along the project length as part of this project. Additionally, Vineyard Wind's duct bank will congest the roadways and makes it difficult to install these utilities after their work has been completed. In order to participate with Vineyard Wind in this project, it is imperative that the design of the new sewer mains and the water relocations be completed as soon as possible.

FINANCIAL IMPACT: Funding for this project will be provided from the Comprehensive Water Management and Private Way Fund and Water Supply Enterprise Fund reserves. The Comprehensive Water Management and Private Way Fund will provide \$735,000 and has an available balance of \$16,447,139. The Water Supply Enterprise Fund reserves will provide \$100,000 and was recently certified at \$2,157,029. There is no impact to the Department of Public Work's operating budget.

TOWN MANAGER RECOMMENDATION: <Mark S. Ells, Town Manager recommends funding this appropriation and transfer order.

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works and Amanda Ruggiero, P.E., Interim Town Engineer.

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

BARNSTABLE TOWN COUNCIL

ITEM # 2019-071
INTRO: 01/03/19, 02/07/19

2019-071 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$250,000 FOR CONCEPTUAL PLANNING AND DESIGN OF THE FIRST STAGE OF SEWER EXPANSION IN COTUIT

ORDERED: That the sum of **\$250,000** be appropriated and transferred from the Comprehensive Water Management and Private Way Fund for the purpose of conceptual planning and design of the first stage of sewer expansion in Cotuit, including the payment and costs incidental and related thereto, and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>01/03/19</u>	<u>Refer to Public Hearing 02/07/19</u>

- _____ Read Item
- _____ Motion to Open Public Hearing
- _____ Rationale
- _____ Public Hearing
- _____ Close Public Hearing
- _____ Council Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2019-071
INTRO: 01/03/19, 02/07/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: January 3, 2019
SUBJECT: Appropriation and Transfer Order in the amount of **\$250,000** for Conceptual Planning and Design of Sewer Expansion in Cotuit

BACKGROUND: During public outreach of the draft wastewater plan, interest developed with expanding the plan to include a traditional approach for the Village of Cotuit. The draft wastewater plan targets areas that modeling efforts have identified as requiring significant nitrogen removal to improve water quality in the coastal embayments. Including this village would provide a solution for Zone II water protection, properties requiring innovative approach to their existing septic systems upon redevelopment and for economic development.

ANALYSIS: Under this project, the Town will retain a consultant to begin conceptual planning efforts for further expansion of sewer into Cotuit. The effort is anticipated to include conceptual design scenarios, phasing recommendations, cost estimates and public outreach.

FINANCIAL IMPACT: Funding for this appropriation will be provided from the Comprehensive Water Management and Private Way Fund which has a current available balance of \$16,447,139. There is no operating budget impact as a result of funding this appropriation.

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

STAFF ASSISTANCE: Daniel W. Santos, P.E., Director of Public Works and Amanda Ruggiero, P.E., Interim Town Engineer

A. OLD BUSINESS (Second Reading) (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM #2019-080
INTRO: 01/17/19, 02/07/19

2019-080 AUTHORIZATION FOR THE AIRPORT COMMISSION TO ENTER INTO A FORTY-NINE YEAR LEASE FOR THE PROPERTY IDENTIFIED AS MAP 311, PARCEL 092 AND ADDRESSED AS 790 IYANNOUGH ROAD/ROUTE 132, HYANNIS, MA

ORDERED: That the Town Council hereby authorizes the Barnstable Airport Commission on behalf of the Inhabitants of the Town of Barnstable to enter into a lease for a term of forty-nine (49) years with WS Landing at Hyannis LLC and/or WS Development Associates LLC or any of its affiliates for property identified as Map 311, Parcel 092 and addressed as 790 Iyannough Road/Route 132, Hyannis, MA

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>01/17/19</u>	<u>Refer to Second Reading 02/07/19</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2019-080
INTRO: 01/17/19, 02/07/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Katie R. Servis, Airport Manager
DATE: January 17, 2018
SUBJECT: Authorization for the Airport Commission to enter into a Forty-Nine year lease for the property identified as Map 311, Parcel 092 and addressed as 790 Iyannough Road/Route 132, Hyannis, Ma

SUMMARY: On April 26, 2018 the Chief Procurement Officer (CPO) for the Town of Barnstable on behalf of the Barnstable Municipal Airport Commission (Airport), and Town Manager of the Town of Barnstable (Town), solicited responses through a Request for Proposals (RFP) process from interested parties for the ground lease for up to 49 years of a commercially developed property of approximately 25 acres located at 790 Iyannough Road/Route 132 in Hyannis, Massachusetts, known presently as the Capetown Plaza (and also known as the KMART plaza). This highly visible property is centrally located in Cape Cod's primary regional commercial district. The Hyannis Route 132 commercial corridor is an employment center and the main destination for Cape Cod residents and visitors seeking a wide range of goods and services. The property benefits from access to Route 132 (Iyannough Road), a major regional roadway and proximity to the Barnstable Municipal Airport. It is located across from the Cape Cod Mall, the region's only enclosed mall. It is minutes away from downtown Hyannis and historic Hyannis Main Street, home to the John F. Kennedy Hyannis Museum and HyArts Cultural District, a cultural hub for residents and visitors known for its restaurants, local artists and festivals.

The property is located in the Town of Barnstable on land controlled by the Barnstable Municipal Airport, and has operated under a ground lease since 1968 (the "Existing Ground Lease"). The term of the Existing Ground Lease, including all extensions is set to expire in 2024. The Airport's intent with the RFP is to execute a ground lease for the redevelopment of the property for its highest and best use, consistent with the development plans and interests of the Airport and the Town of Barnstable.

According to Massachusetts General Law, M.G.L. Chapter 90 Section 51F, any airport commission wishing to let or lease property may do so if the lease term does not exceed 20-years. Any period in excess of twenty years requires that the Airport Commission seek the approval of the mayor, city/town council and/or the approval of a town meeting, as the case may be, based on the structure of town government.

Due to the nature of the property's potential use, any lease with a term less than a twenty year lease would be deemed inappropriate for the parcel and would not allow potential developers adequate return on investment and ability to amortize a tenant's investment. Additionally, a term less than 20-years for this parcel would prevent the airport from realizing the full benefits of the land and its potential development. Therefore, the Airport Commission is seeking approval for the ground lease for up to 49 years.

Why 49-Years?

Barnstable Municipal Airport has been identified by Congress as one of 3,321 public-use airports that are important to national air transportation and the National Aerospace System. As such, the Federal Aviation Administration (FAA) includes Barnstable Airport in its National Plan of Integrated Airport Systems (NPIAS) and issues federal funding via the Airport Improvement Program (AIP). Such funding is in the form of grants for the planning and development of the nation's public-use airports. With the grant comes assurances that various federal laws and rules shall be complied with in the performance of grant agreements for airport development and airport planning. These obligations require the recipients to maintain and operate their facilities safely and efficiently and in accordance with specified conditions.

Although the FAA does not read every lease an airport has with its tenants, the FAA does require that the lease abide by a set of rules. The term (or length) of the lease is one such rule that the FAA weighs in on. The FAA is agreeable to ground leases with term lengths of 10, 20, 30 and 40 years depending on the type of business. They want to ensure that the years are sufficient to retire a tenant's initial financing and provide a reasonable return for the tenant's development of major facilities. However, the FAA specifically stresses that leases that exceed 50 years may be considered a disposal of the property in that the term of the lease will likely exceed the useful life of the structures erected on the property. FAA offices will not consent to proposed lease terms that exceed 50 years.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends approval of this lease.

STAFF ASSISTANCE: Katie R. Servis, Airport Manager

A. OLD BUSINESS (Second Reading) (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM # 2019-084A
INTRO: 01/17/19, 02/07/19**

2019-084A APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:

RESOLVED: That the Town Council appoints the following individuals to a multiple-member board/committee/commission: **Zoning Board of Appeals:** Paul Pinard from an associate member to a full member to a term expiring 6/19

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
<u>01/17/19</u>	<u>First Reading</u> _____
_____	_____

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

A. OLD BUSINESS (Second Reading) (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2019-085
INTRO: 01/17/19, 02/07/19

2019-085 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:

RESOLVED: That the Town Council reappoints the following individuals to a multiple-member board/committee/commission: **Steamship Authority Port Council:** Eric Shufelt as the Town of Barnstable Representative member to a term expiring 12/31/20

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
<u>01/17/19</u>	<u>First Reading</u>
_____	_____

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM # 2019-086
INTRO: 02/07/19**

**2019-086 ACCEPTANCE OF GRANT IN THE AMOUNT OF \$1,000 FROM THE
KIWANIS CLUB OF HYANNIS TO THE BARNSTABLE YOUTH
COMMISSION FOR THE ANNUAL SEVENTH GRADE YOUTH SUMMIT**

RESOLVED: That the Town of Barnstable hereby accepts a grant of **\$1,000** from the Kiwanis Club of Hyannis for the Barnstable Youth Commission's Annual Seventh Grade Youth Summit and does hereby authorize the Town Manager to contract for and expend said funds for that purpose.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2019-086
INTRO: 02/07/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lynne M. Poyant, Director of Community Services
DATE: February 07, 2019
SUBJECT: Acceptance of grant in the amount of **\$1,000** from the Kiwanis Club of Hyannis to the Barnstable Youth Commission for the Annual Seventh Grade Youth Summit

RATIONALE: The Barnstable Youth Commission has received a grant in the amount of \$1,000 from the Kiwanis Club of Hyannis. These funds will be used to defray costs associated with this year's Seventh Grade Youth Summit which will be held on Friday, March 15, 2019.

For the past four years, the Barnstable Youth Commission successfully held its annual Seventh Grade Youth Summit and Community Substance Abuse Prevention Forum. These two events endeavored to brief students about the serious dangers of drug and alcohol abuse concerns while simultaneously educating parents and community leaders on the detrimental effects that they can have as well. This year's Community Prevention Forum took place in October at the Hyannis Youth and Community Center and featured panelists from the Barnstable Police Department, Cape Cod Healthcare and Gosnold Cape Cod. The Youth Commission strives to locate speakers who are 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 plans to continue the event for the indefinite future. In order to get all students together at the same time, the Youth Commission moved the events to Cape Cod Community College two years ago. As it is the College's vacation week, the Youth Commission has full use of the College Campus. The Youth Summit is a full school day of activities with provided lunch for all Youth Summit participants.

The Barnstable Youth Commission is extremely grateful for the generous gift from Kiwanis Club of Hyannis.

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

STAFF ASSISTANCE: Patti Machado, Recreation Director ; Lt. Jean Challies, Barnstable Police Department

B. NEW BUSINESS (Refer to Public Hearing 02/28/19)

BARNSTABLE TOWN COUNCIL

**ITEM #2019-087
INTRO: 02/07/19**

**2019-087 SUPPLEMENTAL APPROPRIATION AND TRANSFER ORDER IN THE
AMOUNT OF \$765,000 FOR THE FISCAL YEAR 2019 AIRPORT OPERATING
BUDGET**

ORDERED: That the sum of **\$765,000** be appropriated for the purpose of funding Fiscal Year 2019 Airport Operating expenses, and that to meet this appropriation, that **\$765,000** be transferred from the Airport Enterprise Fund Reserves.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM #2019-087
INTRO: 02/07/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Katie R. Servis, Airport Manager
DATE: February 07, 2019
SUBJECT: Supplemental Appropriation and Transfer Order in the amount of 765,000 for the Fiscal Year 2019 Airport Enterprise Fund Operating Budget

SUMMARY: The Airport is requesting that the sum of \$765,000 be appropriated for the purpose of funding various Airport operating expenses as follows:

- \$750,000 for Aviation Jet Fuel; and
- \$15,000 for Legal Fees.

Fuel: Barnstable Municipal Airport is requesting an increase in the FY2019 Operating Expense Budget funds to cover the cost of jet fuel purchases through the end of the 2019 fiscal year. There are two major factors associated with the need to increase the FY2019 Operating Expense Budget funds to cover the cost of jet fuel purchases; they include:

- Increases in the jet fuel price per gallon actual cost; and
- Increase in the projected fuel sales being sold.

Increases in the jet fuel price per gallon actual cost

When projecting fuel sales for Fiscal Year 2019, the airport calculated the projected budget based upon an average purchase price of \$2.45 per gallon with the anticipation of selling 765,000 gallons for a total budget of \$1,874,250 to cover the cost of fuel purchases for resale.

The regular retail price of jet fuel at Barnstable Municipal Airport is based upon the PLATTS New York Harbor Jet Barge Mean Previous Week wholesale price. Because prices fluctuate daily, these prices reflect the best industry-driven price and are the methodology used for setting fuel rates. The retail price of a gallon of fuel reflects the costs and profits (or losses) of producing and delivering the product to customers. Four main components contribute to the retail price of a gallon of fuel:

- The cost of oil purchased by refineries
- Refining costs and profits
- Distribution, marketing, and retail station costs and profits
- Taxes (federal, state, county, and local government)

The relative share of these components in the retail price of a gallon of fuel varies over time and by the region of the country where it is sold. Because of these fluctuations it is sometimes hard to predict the

needs from one fiscal year to the next. A snapshot of the average fuel purchase price per gallon since Fiscal Year 2013 indicates the volatile market.

Fiscal Year	Average Price Per Gallon	Fiscal Year	Average Price Per Gallon	Fiscal Year	Average Price Per Gallon
FY2013	\$3.64/gallon	FY2016	\$1.94/gallon	FY2019 (projected)	\$2.45/gallon
FY2014	\$3.56/gallon	FY2017	\$2.08/gallon		
FY2015	\$2.83/gallon	FY2018	\$2.35/gallon		

Since July 2018 (the start of the Fiscal Year 2019), the actual average price per gallon was closer to \$2.80. Using this “actual” cost of \$2.80 per gallon with the continued anticipation of selling 765,000 gallons would require the budget to be increased by just under \$270,000 ($\$2.80 \times 765,000 \text{ gallons} = \$2,142,000 - \$1,874,250 \text{ {budgeted}} = \$267,750$). However, this only tells half the story as the Airport has nearly surpassed the total fiscal year projected fuel sales sold in 1st and 2nd quarter of FY19.

Increase in the projected fuel sales being sold.

The Airport tracks year-over-year and month-over-month the average fuel loads purchased and sold. This tracking allows us to identify the number of fuel loads typically needed year-over-year and month-over-month and is used for forecasting purposes. As you can see from the tables below, our highest months for fuel purchased and sold is June, July and August. Within the 1st and 2nd quarters of FY19, the Airport had already purchased over 84% of the total projected fuel need for the fiscal year (or 645,869 gallons as of 1/29/2019 of the 765,000 gallons projected). In FY2018 the Airport had already purchased over 76% of the total projected fuel need for the fiscal year. This is not uncommon, however, the Airport has seen an increase in gallons purchased and sold when comparing FY18 to FY19. See the tables below.

GALLONS PURCHASED				GALLONS SOLD			
MONTH	FY2018	FY2019	FY 19 vs FY18	MONTH	FY2018	FY2019	FY 19 vs FY18
JULY	178,428	178,281	-147	JULY	173,267	179,701	6,434
AUGUST	168,591	197,546	28,955	AUGUST	155,978	195,709	39,731
SEPTEMBER	89,561	99,250	9,689	SEPTEMBER	91,271	101,600	10,329
OCTOBER	59,698	59,942	244	OCTOBER	50,997	56,450	5,453
NOVEMBER	50,308	50,279	-29	NOVEMBER	41,860	44,071	2,211
DECEMBER	20,270	30,233	9,963	DECEMBER	26,269	34,541	8,272
JANUARY*	20,248	30,338	10,090	JANUARY*	16,770	24,992	8,222
FEBRUARY	20,224		-20,224	FEBRUARY	18,307		-18,307
MARCH	20,188		-20,188	MARCH	17,400		-17,400
APRIL	30,182		-30,182	APRIL	33,667		-33,667
MAY	49,895		-49,895	MAY	51,220		-51,220
JUNE	117,382			JUNE	126,589		
TOTALS	824,975	645,869	-179,106	TOTALS	803,595	637,064	-166,531

* Depicts a partial month and not the actual full month of gallons sold for January 2019. January may be higher in FY19 than identified here.

From February through June, we historically have purchased 25-27 fuel loads. The historic average purchase of fuel is outlined below.

ANALYSIS OF HISTORICAL GALLONS SOLD/MONTH			
MONTH	Average Load Purchased/Month	Average Gallons/Load	Total Gallons/Month
FEBRUARY	3	9,900	29,700

MARCH	3	9,900	29,700
APRIL	3	9,900	29,700
MAY	5	9,900	49,500
JUNE	12	9,900	118,800
TOTALS	26	645,869	257,400

Using the average historical fuel load purchases for February through June and maintaining the actual average price per gallon of \$2.80, the analysis would indicate that an additional 257,400 gallons at a price of \$720,720 is necessary to meet the shortfall in available funds for jet fuel purchases for the remainder of the year. See table below.

ANALYSIS OF HISTORICAL GALLONS PURCHASED				ANALYSIS OF FUNDS NEEDED TO COVER SHORTFALL
MONTH	Average Load Purchased/Month	Average Gallons/Load	Total Gallons/Month	Average Price/Load @ \$2.80/gallon multiplied by the average load purchased per month
FEBRUARY	3	9,900	29,700	\$83,160
MARCH	3	9,900	29,700	\$83,160
APRIL	3	9,900	29,700	\$83,160
MAY	5	9,900	49,500	\$138,600
JUNE	12	9,900	118,800	\$332,640
TOTALS	26	645,869	257,400	\$720,720

Because the Airport has most recently experienced the sale of more fuel in the 1st and 2nd quarters of Fiscal Year 2019, it would be prudent to include an additional 4 load buffer for a total of 30 loads to be purchased before the end of the fiscal year. The table below identifies the budget analysis and funding request.

<i>Jet Fuel Purchase Analysis (Numbers as of 1/29/2019)</i>	
Original Appropriation	\$1,874,250.00
Year to Date Expended	\$1,789,681.71
Encumbered Funds/Requisition	\$79,765.84
Available Budget	\$84,568.29
Total Unencumbered	\$4,802.45
Loads needed for remainder of year (includes 4 load buffer)	30
Estimated Cost per Load (assumed \$2.80/gallon)	\$27,720.00
Estimated Total Cost	\$831,600.00
Available Budget	\$84,568.29
Funds Potentially Needed	\$747,031.71
Funding Increase Request	\$750,000.00

Legal Fees

Following the commencement of the Fiscal Year 2019 budgetary cycle, the Barnstable Municipal Airport continues to use outside counsel. When able and depending on the topic the Airport will consult with the Town’s Legal Department; however, there are a number of instances when the advice and guidance of experts well versed in aviation law are necessary.

Over the past few years, the Airport’s legal fees have fluctuated and the need has been dependent on the topics at hand. For instance in Fiscal Year 2017, the Airport incurred additional fees associated with the bankruptcy of Island Airlines and the Airport’s request to recoup lease fees and other airport related charges unpaid at the time of the company’s filing. During FY2018 the evaluation of the presence of perflouroalkyl substances (PFAS) in

soil and groundwater on and off airport property and the Request for Proposal (RFP) development for the K-mart parcel, property owned and managed by the Barnstable Municipal Airport, increased outside counsel fees.

It was assumed after Fiscal Year 2018 that legal fees may return to the average fee incurred in past years (between \$35,000 and \$45,000). The original appropriation of \$45,069 for legal assistance may result in a shortfall for Fiscal Year 2019 as the Airport anticipates that legal fees will continue to accrue for the remainder of fiscal year. To date (July – December 2018), the Airport has expended \$27,360.70 of the \$45,069 budgeted with \$17,708.30 of the budget remaining. It is anticipated that over the next several months legal fees will be incurred as agreements and leases are negotiated with WS Landing at Hyannis LLC, the recipient and awardee for development of the CapeTown Plaza (aka KMART Plaza). Additionally, the Airport has a number of older leases that are set to expire plus assistance with implementing standards set forth by the Federal Aviation Administration (FAA) that will need to be addressed.

As such, the Fiscal Year 2019 budget projections may cause a shortfall in available funds for legal fees for the remainder of the year and our budget for Fiscal Year 2019 may be inadequate to meet current demand; therefore, the Barnstable Municipal Airport is requesting an additional \$15,000 to cover legal fees for Fiscal Year 2019. This number was derived from looking at the average monthly fee incurred over the past three years, which equals approximately \$5,000 per month. The table below identifies the budget analysis and funding request.

Legal Fees	
Numbers as of 1/29/2019	
Original Appropriation	\$45,069.00
Year to Date Expended	\$27,360.70
Encumbered Funds/Requisition	\$17,708.30
Available Budget	\$17,708.30
Total Unencumbered	\$0.00
Estimated need for remainder of year (\$5,000/month January - June)	\$30,000.00
Available Budget	\$17,708.30
Funds Potentially Needed	\$12,291.70
Funding Increase Request	\$15,000.00

Any funds remaining at the end of the Fiscal Year will be returned to the Airport Enterprise Reserve Fund. It is therefore requested that to meet this appropriation, \$765,000 be transferred from available funds within the Airport Enterprise Reserve Fund.

FISCAL IMPACT: Sales of jet fuel will replenish the Airport’s reserves used to fund the \$750,000 appropriation for fuel. Legal fees will not be replenished. The airport’s share for this appropriation will be provided from the airport’s reserve fund, which has a balance of \$3,525,181 as of July 1, 2018.

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

B. NEW BUSINESS (Refer to Public Hearing 02/28/19)

BARNSTABLE TOWN COUNCIL

**ITEM # 2019-088
INTRO: 02/07/19**

2019-088 AUTHORIZING THE TOWN MANAGER TO EXECUTE A REGULATORY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND 720 MAIN RESIDENCES, LLC, FOR PROPERTY LOCATED AT 720 MAIN STREET, HYANNIS, MA

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 720 MAIN RESIDENCES, LLC, for the property 720 Main Street, Hyannis, 1.13 ± acres, shown on Town of Barnstable Assessor’s Map 308 as Parcel 003, and which is more particularly described in the deed recorded with the Barnstable County Registry of Deeds in Book 30351, Page 192 (“the Property”); and permitting the redevelopment of the Property and granting the requested zoning relief. The Developer desires to develop the Property pursuant to this Regulatory Agreement.

REGULATORY AGREEMENT

720 MAIN STREET, HYANNIS

This regulatory agreement (“Agreement”) is entered by and between the developer, **720 MAIN RESIDENCES, LLC**, a Massachusetts limited liability company (“Developer”) and the **TOWN OF BARNSTABLE** (“Town”), a municipal corporation, on this ___ day of _____, 201__ pursuant to Section 240-24.1 of the Barnstable Zoning Ordinance and Section 168 of the Barnstable Code;

WITNESS:

WHEREAS, this Agreement shall establish the permitted uses, densities, and traffic within the Development (as hereafter defined), the duration of the agreement, and any other terms or conditions mutually agreed upon between Developer and the Town;

WHEREAS, this Agreement shall vest land use development rights in the property for the duration of the 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 Town is authorized to enter into this Agreement pursuant to Chapters 168 and 240 of the Barnstable Code;

WHEREAS, Developer is the buyer under a purchase a sale agreement entitled “Agreement for Sale and Purchase of Property” dated May 26, 2017 of the property at 720 Main Street, Hyannis, Massachusetts shown on Town of Barnstable Assessor’s Map 308 as Parcel 003, consisting of 49,249 ± square feet (1.13 ± acres), referred to herein as “the Property”;

WHEREAS, Developer is willing to commit itself to use of the Property in accordance with this Agreement and desires to have a reasonable amount of flexibility to do so and therefore considers this Agreement to be in its best interests;

WHEREAS, the Town and Developer desire to set forth in this Agreement their respective understandings and agreements with regard to use of the Property;

WHEREAS, the Development will not require regulatory review under the Massachusetts Environmental Policy Act (MEPA) or the Cape Cod Commission Act;

WHEREAS, Developer has made application to the Planning Board pursuant to Section 168 of the Barnstable Code;

WHEREAS, the Development is located in the Downtown 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, as authorized by Barnstable County Ordinance 2005-13, as amended by Barnstable County Ordinance 10-19, 14-05, 17-11 and 18-02 Chapter G, Growth Incentive Zone Regulations of the Cape Cod Commission Regulations of General Application;

WHEREAS, the Development 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, as amended by Barnstable County Ordinance 10-19, 14-05, 17-11 and 18-02, establishing revised development thresholds within the GIZ, under which this development may proceed and Developer has submitted a Jurisdictional Determination to the Town of Barnstable Building Department to confirm the same;

WHEREAS, prior to applying for approval of this Agreement, the Development was reviewed by the Town of Barnstable Site Plan Review Committee on June 7, 2018 (SPR 016-18) and the Site Plan Review Committee voted to find the development proposal approvable subject to the grant of a Regulatory Agreement and other conditions as stated in its letter dated June 11, 2018 (the "Site Plan Approval Letter");

WHEREAS, the Property is currently improved only with curb cuts off Main Street and North Street with frontage on both, and existing paved internal driveways and parking areas and subsurface drainage and sewer structures;

WHEREAS, Developer proposes to: retain and improve the existing improvements located on the Property, including undertaking and completing improvements, reconfigurations and additions to existing paved parking areas and driveways, landscaping, subsurface drainage structures, including a significant addition, reconfiguration and improvement to the design and functionality of the Town drainage collection system located in Main Street and Town-owned property at 725 Main Street, Hyannis, which is adjacent to, and across the street from, the Property, as depicted on plans submitted to and reviewed by the Town, Town sewer lines and tie-ins, and Town domestic and fire suppression water supply lines and tie-ins and other utility tie-ins to service the property and to redevelop the property substantially by constructing a mixed-use building consisting of 40 residential units to be offered for rent as moderately priced, workforce housing consisting of 1, 2 and 3 bedroom units and 1 office unit, with parking located both off-site and on-site, a portion of which will be located under the building at ground level, together with related landscaping and other site improvements as depicted on the plans submitted herewith;

WHEREAS, Developer will require zoning relief to allow for construction of the structures and improvements described above to redevelop the property all as shown on the plans submitted with its application for approval of the within Agreement and as further defined in paragraphs numbered 1 and 2 below;

WHEREAS, the project is consistent with the Downtown Hyannis Design & Infrastructure Plan in that it contributes to the plan's goals of: creating livable neighborhoods for year round residents; creating housing opportunities for persons and households of all income levels; enhancing pedestrian access; promoting traffic reduction and alternate transportation modes; and promoting private investment in buildings and structures that support appropriate economic development;

WHEREAS, this Agreement will result in the following community benefits to the Town

a. 40 moderately priced, workforce residential housing units located within walking distance to the businesses, restaurants, cafes and shops located in and near the downtown Main Street area and the area designated in and by the Town and the Cape Cod Commission for growth and redevelopment known as the Growth Incentive Zone will be added to the housing stock of the Town;

b. blight will be reduced in the neighborhood as this commercial site that has sat vacant for ten plus years will be redeveloped to provide needed moderately-priced residential housing offered for rent;

c. Developer will upgrade, reconfigure and improve the Town stormwater drainage collection system to increase its capacity and functionality in Main Street adjacent to and south of the property, upgrading the existing system components in Main Street and at 725 Main Street to the outfall thereon as depicted on plans submitted to and approved by the Town; and

d. the Town's property tax revenue will increase.

WHEREAS, Developer has undergone at least two public hearings on the Agreement application and received a majority vote from the Planning Board approving the application on _____; and

WHEREAS, Developer has undergone a public hearing on the Agreement application before the Town Council and received a 2/3rds vote approving the application on _____;

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

1. The Developer proposes to redevelop and maintain the property as follows:

a. The Developer proposes to retain and improve the existing improvements located on the Property, including undertaking and completing improvements, reconfigurations and additions to existing paved parking areas and driveways, landscaping, subsurface drainage structures, including a significant addition, reconfiguration and improvement to the design and functionality of the Town stormwater collection system located in Main Street adjacent to the Property and at 725 Main Street, across the street from the property as depicted on plans submitted to and reviewed by the Town, Town sewer lines and tie-ins, and Town domestic and fire suppression water supply lines and tie-ins and other utility tie-ins to service the property and to redevelop the property substantially by constructing a mixed-use building consisting of 40 residential units to be offered for rent as moderately priced, workforce housing consisting of 1, 2 and 3 bedroom units and 1 office unit, with parking located both off-site and on-site, a portion of which will be located under the building at ground level, together with related landscaping, retaining walls and other site improvements as depicted on the plans submitted herewith;

The Gross Square Footage of the proposed four-story, mixed-use building is 62,003 square feet, with a no less than 40 and not more than 44 spaces (2 ADA accessible) parking area under on the ground floor with general space comprised of entries, hallways, lobby, trash collection room, and sprinkler and utility rooms; 1,306 gross square feet committed to office use located on the ground floor and 43,912 gross square feet committed to residential use with a total of 40 residential units, consisting of 19 one-bedroom units (47%); 6 one-bedroom plus den units (15%); 11 two-bedroom units (28%); and 4 three-bedroom units (10%) comprising a total bedroom count of 59 bedrooms;

b. The Developer agrees to redevelop and maintain the Property in accordance with the plans and specifications submitted to and approved by the Town, listed as follows and made a part of this Regulatory Agreement by reference:

i. "720 Main Residences Redevelopment" 8 Sheets, dated February 20, 2018, previously revised June 25, 2018, last revised Nov. 29, 2018 as to Sheet C-101 'Grading and Drainage Plan' only

(one sheet) prepared by BSC Group, West Yarmouth, MA for Williams Building Company, Inc., West Yarmouth, MA;

ii. “Fire Truck Access Plan” dated Feb. 28, 2018 prepared by BSC Group, West Yarmouth, MA for Williams Building Company, Inc., West Yarmouth, MA; and

iii. Floor and Elevation Plans entitled: “720 Main Residences, Hyannis, MA,” 14 sheets, dated February 19, 2018 prepared by MTD Architects, Salem, MA.

2. The Developer agrees to comply with the conditions in the aforesaid Site Plan Approval Letter dated June 11, 2018 (SPR 016-18), a copy of which is attached hereto and incorporated by reference herein;
3. Mixed-use development with a total floor area greater than 20,000 square feet is a permitted principal use by special permit under Section 240-24.1.6 OM Office/Multi-family Residential District Subsection B.(1)(b);
4. The development rights granted hereunder shall be exercised and development permits may be obtained hereunder for a period of 5 years from the effective date of the Agreement, provided, however, that prior to the expiration of said 5 year period Developer may request an eighteen month extension to obtain development permits. Upon receipt of necessary development permits, construction shall proceed continuously and expeditiously, but in no case shall construction exceed 2 years from receipt of necessary development permits. In addition, if and as exigent or necessary, Developer may request additional extensions, not to exceed in the aggregate 10 years from the effective date of the Agreement, plus one 12 month extension thereafter to obtain development permits, if and as necessary, requested and granted;
5. To the extent that the referenced plans do not depict all of the findings and conditions as set forth in this Agreement, revised plans and/or notations shall be provided. In addition to permits, plans and approvals listed above, any and all permits and licenses required shall be obtained:
 - a) Final elevations and material selections, including exterior siding, shall be provided to the Planning & Development Department and a determination of consistency with the Design and Infrastructure Plan shall be made by the Director of the Planning & Development Department prior to the building permit stage.
6. Rental restrictions. Developer’s minimum lease term of rental units shall be twelve (12) months. Sublease of rental units, if permitted by the Developer, shall be for a minimum term of ninety (90) days. The lease documents shall be reviewed by the Town Attorney for consistency with the conditions of this Agreement prior to issuance of the first Certificate of Occupancy;
7. Each residential unit shall have at least one dedicated parking space, designated by signage and/or surface paint. The total number of parking spaces provided for the Property is 79 (4 of which shall be ADA compliant) with 64 provided on-site (no less than 40 and no more than 44 of which shall be sheltered, located under the structure, access to which shall be restricted to residents of the units by operational gate with passcode or remote operated access) and 15 provided off-site by existing grant of easement benefitting the property recorded in Book 5496, Page 38 and shown on Plan Bk. 428, Page 9 and the total exceeds the number of spaces required by the Town of Barnstable Zoning Ordinance. A copy of any modification of said easement shall be filed with the Planning and Development Department;
8. The developer shall provide bike racks and or bike storage on the Property;
9. All plumbing fixtures in the new units shall be low water use fixtures and other water conservation measures are encouraged in the design and development of the project;
10. Construction and demolition debris shall be removed from the Property and shall be reused or recycled to the maximum extent possible;

11. All landscaping within the development shall be low-water use and shall minimize the use of fertilizers and pesticides;

12. Letter of Credit. Prior to the issuance of any foundation building permit, Developer will provide a Letter of Credit or cash in an amount to be approved by the Planning Board or its designee, said Letter of Credit or cash to be expended on the replacement of landscape materials if such replacement becomes necessary. Any unexpended portion of said Letter of Credit or cash shall be released by the Planning Board to Developer or his successor(s) after three years from the date of the initial landscape plantings, such date to be determined by the Building Commissioner, upon the request of Developer. The terms of the Letter of Credit are subject to review and approval by the Town of Barnstable Town Attorney;

13. This Agreement will result in the following benefits to the Town:

- a. 40 moderately priced, workforce residential housing units located within walking distance to the businesses, restaurants, cafes and shops located in and near the downtown Main Street area and the area designated in and by the Town and the Cape Cod Commission for growth and redevelopment known as the Growth Incentive Zone will be added to the housing stock of the Town;
- b. blight will be reduced in the neighborhood as this commercial site that has sat vacant for ten plus years will be redeveloped to provide needed moderately-priced residential housing offered for rent;
- c. Developer will upgrade, reconfigure and improve the Town stormwater collection system to increase its capacity and functionality in Main Street adjacent to and south of the property, upgrading the existing system components in Main Street and at 725 Main Street to the outfall thereon as depicted on plans submitted to and approved by the Town; and
- d. the Town's property tax revenue will increase.

14. a. The Developer shall participate in, and be in full compliance with, the affordability restrictions and requirements of MassHousing's Workforce Housing Initiative, or similar alternative financing and subsidy program or combination of programs, which, among other guidelines and requirements targets individuals and families with incomes of between 61% to 120% of Area Median Income (AMI); ensures workforce housing units are deed restricted as affordable; and requires 20% of units at the development must be deed restricted and affordable for households earning at or below 80% of AMI.

b. Notwithstanding anything to the contrary in the previous paragraph, 14(a), any alternative financing and subsidy scenarios other than participation in MassHousing's Workforce Housing Initiative that result in deed restricted unit affordability equal to or greater than that provided by MassHousing's Workforce Housing Initiative as described above shall be reviewed and approved by the Director of Planning & Development for compliance with this agreement. The Town reserves the right to determine that any alternative to paragraph 14(a) above constitutes an amendment of this agreement pursuant to Chapter 168 of the Code of the Town of Barnstable.

c. If Developer's application for participation in such state or federal financial assistance initiative or program that carries with it a requirement of establishing deed restricted affordable and workforce housing affordability is denied or is discontinued or becomes unavailable such that applying therefor would be impossible or futile, then, in that case, Chapter 9, Article I Inclusionary Affordable Housing Requirements – Section 9-4-D requiring at least 10% of residential units constructed to be dedicated by deed restriction to affordable housing units shall not be waived and Developer shall be required to comply therewith, subject to the following requirements:

1. Four (4) of the units in the proposed new development shall be dedicated as an affordable housing unit in perpetuity and shall be eligible for inclusion on the State's subsidized Housing inventory 760 CMR 56, as follows:

2. The four units shall only be rented to qualified households with an income of not more than sixty-five (65%) percent of Area Medium Income for the Town of Barnstable (as determined by

HUD) and priced so as to be affordable and not exceed a monthly housing cost of 30% of such households' annual income, including rent and utilities;

3. In order to protect the perpetuity of the affordable units, an Affordable Housing Restriction such as the one for the Commonwealth of Massachusetts Department of housing and Community Development Local Initiative Program shall be prepared by the applicant and reviewed and approved by the Town Attorney's office and recorded as the senior encumbrance at time of recording of this agreement;

4. The Town reserves the right to determine that any alternative to subparagraphs (a) and (b) constitutes an amendment of this agreement pursuant to Chapter 168 of the Code of the Town of Barnstable.

d. Prior to issuance of the first Certificate of Occupancy, proof of the recording of the required affordable housing restriction(s) shall be provided to the Building Commissioner.

15. Developer agrees that 30 days prior to any change of ownership of the Property that written notice shall be sent to the Planning Board, Town Council, and Town Manager and further agrees, that all terms and conditions of this regulatory agreement and any amendments thereto, shall be binding on any successive owner of the Property;

16. The Town hereby grants waivers from the following Zoning Ordinance sections:

a. Section 240-24.1.6 OM Office/Multi-family Residential District

B.(1)(b.) The requirement of obtaining a special permit for mixed use developments with a total floor area greater than 20,000 square feet is waived to permit mixed use development with a total of 62,003 gross square feet as proposed;

b. Section 240-24.1.6 C. Dimensional, bulk and other requirements:

- Minimum Front Yard Setback of 20 feet is waived to allow a Front Yard Setback of 7.1± feet from Main Street.
- Front yard landscaped set back of 10 feet is waived to allow a Front Yard Setback of 7.1± feet from Main Street
- Maximum Building Height of 40 feet is waived to allow a Maximum Building Height of 49 feet and 2 inches to the average height of the highest roof plane that also has the highest ridgeline.
- Number of stories limitation of three stories is waived to allow four stories.
- Maximum lot coverage of 80% is waived to allow lot coverage of 87.3%
- Maximum F.A.R. of 1.0 is waived to allow F.A.R. of 1.26.

d. Section 240-24.1.11 Site Development Standards.

-(A.)(4) (a) –(e) Parking computation and parking lot design standards and landscaping provisions are waived to permit the proposed number, configuration and design of the parking area and parking are landscaping as shown on the plans submitted.

-(A.)(5)(a)-(f) Landscaping provisions are waived to permit the proposed landscaping as shown on the plans submitted;

e. Section 240-52 Design and Screening Standards

- Subsections B. is waived to permit stormwater runoff to not be contained on site and to migrate off the premises into existing and Developer upgraded catch basins adjacent to the Property and into the Town stormwater collection system, to be upgraded by Developer according to the plans submitted and approved by the Town. All plans for stormwater runoff shall be reviewed and approved by the Director of the Department of Public Works prior to initiating any work within the public way or Town-owned property at 725 Main Street. Sufficient upgrades to the stormwater collection system shall result from completion of improvements as agreed to in a Memorandum of Understanding between the Developer and the Town setting forth required conditions for the Town to accept proposed stormwater collection system upgrades. The Developer must file a Notice of Intent on behalf of the Town of Barnstable in order to upgrade the stormwater collection system at 725 Main Street and receive an Order of Conditions from the Town of Barnstable Conservation Commission prior to initiating any work within the public way and on Town-owned property at 725 Main Street, complying with any associated restrictions. ; and

f. Section 240-53 Landscape Requirements for parking lots

-Subsections B. thru F. are waived to permit the proposed configuration and design of the parking area landscaping as shown on the plans submitted

15. General Ordinances. The Town hereby conditionally grants a waiver from Chapter 9, Article I Inclusionary Affordable Housing Requirements – Section 9-4-D subject to the provisions of paragraph 14 above.
16. Changes to the approved Redevelopment Plans referenced in Condition No. 1 shall require an amendment to this agreement under either §168-5 or §168-10 of the Barnstable Code, as determined by the Town.
17. Upon completion of all work, Developer shall cause a registered engineer or land surveyor to submit as-built plans accompanied by 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. This document shall be submitted prior to the issuance of the final certificate of occupancy;
18. The development allowed in this permit shall be considered full build-out of the property. The structures authorized shall not be expanded nor other buildings and structures added without compliance with §168-10 of the Barnstable Code.

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

Dated this _____ day of _____, 2019.

Town of Barnstable Developer, 720 Main Residences, LLC
By:By:



**Town of Barnstable
Building Department Services**

**Brian Florence, CBO
Building Commissioner**

200 Main Street, Hyannis, MA 02601
www.town.barnstable.ma.us



Office: 508-862-4038

Fax: 508-790-6230

June 11, 2018

Handwritten: 6/11/18

Attorney Dan Crendon III
Crendon & Earley, P.A.
1436 Iyannough Road, Suite 1
Hyannis, MA 02601

RE: Site Plan Review #016-18 720 Main Residences, LLC - REGULATORY AGREEMENT
720 Main Street, Hyannis Map 308, Parcel 003

Proposal: Site improvements proposed to redevelop vacant former site of the "Hyport Brewing Co." restaurant into a mixed-use building consisting of 40 residential units to be offered for rent as moderately priced, workforce housing consisting of 1, 2 and 3 bedroom units and 1 office unit, with parking located off-site and on-site, a portion of which will be located under the building at ground level, together with related landscaping and other site improvements.

Dear Attorney Crendon:

At the formal site plan review meeting held June 7, 2018, the Site Plan Review Committee found the above proposal to be approvable subject to the following:

- Approval is based upon and must be substantially constructed in accordance with plans entitled "720 Main Residences Redevelopment" 8 Sheets, dated February 20, 2018, last revised June 6, 2018 to reflect revised drainage system (final approval is required for drainage); "Fire Truck Access Plan" dated February 28, 2018; all prepared by BSC Group, West Yarmouth, MA for Williams Building Company, Inc. West Yarmouth. Also, floor and elevation plans entitled "720 Main Residences, Hyannis MA", 14 Sheets, dated February 19, 2018 prepared by MTD Architects, Salem, MA.
- The granting of Regulatory Agreement waivers will be required for the following: Height/# of stories limitation; front yard setback; landscape/parking lot requirements and setback; impervious lot coverage; requirement for retention of all drainage on site; and, reduction of required parking spaces. Contact: Elizabeth Jenkins, Director, Planning & Development. Tel: 508-862-4678.
- Perpetual "Parking Easement (A)", Book 5496, Page 38, and shown on Plan Bk 428, Page 9 providing 15 parking spaces offsite on the adjacent lot to the east, Map 308, Parcel 007, with the condition as stated in the easement, "that there shall be no overnight parking on the premises".
- Approval is contingent upon provision of an acceptable storm water/drainage plan and calculations and a capital improvement agreement. Contact: Amanda Ruggiero, Assistant Town Engineer. Tel: 508-790-6400 Ext 4933.

- A Road Opening permit must be obtained from DPW and restoration of the granite curbing and sidewalk will be required. .
- A photometric plan is required to be provided and approved by the Assistant Town Engineer, DPW Dept. prior to the building permit stage, with review and approval by the Planning & Development Director for aesthetic compliance with the DIP (Design Infrastructure Plan).
- A Sewer Modification Permit will be required for new construction.
- The domestic service line for the abutting property is located on this parcel and must be preserved
- An easement to the Town for maintenance of the water lines will be required
- Addressing will need to be coordinated with DPW and receive Hyannis FD approval. Contact: Matt Sumner, DPW Tel: 508-790-6400 Ext. 4942.
- Once the landscape plan has been finalized, consultation with Hyannis FD will be required for location of the fire service line, hydrant and FDC. Contact: Deputy Chief Dean Melanson, Hyannis FD. Tel: 508-775-1300..
- Fire safety sprinklers are required to be installed with standpipes in both staircases. Consultation with Hyannis FD regarding available pressure and sizing of the standpipes is required prior to the building permit stage.
- Proposed parking garage requires CO detection alarms to be installed. Consultation and approval of the Hyannis FD will be required at the building permit stage.
- Consultation with Hyannis FD to ensure the adequacy of the existing 6" fire main is recommended by the Hyannis Water Department Supervisor.
- A permit from the Health Department is required for removal of the existing abandoned grease trap. Contact: Health Department Tel: 508-862-4644.
- Rental units will require registration and inspection by the Health Department annually.
- Maintenance of trash disposal areas, including chutes leading to the internal dedicated trash room, as well as adequate frequency of trash pickup service is required.
- A Notice of Intent is required to be filed with the Conservation Commission for storm water management/intermittent drainage stream and conditions of same complied with. Contact: Darcy Karle, Conservation Administrator, Tel: 508-862-4041.

Applicant must obtain all other applicable permits, licenses and approvals required.

Upon completion of all work, a registered engineer or land surveyor shall submit a certified "as built" site plan and 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 (Zoning Section 240-105 (G)). This document shall be submitted prior to the issuance of the final certificate of occupancy.

Sincerely,



Ellen M. Swiniarski
Site Plan Review Coordinator

CC: Brian Florence, Building Commissioner, SPR Chairman
Elizabeth Jenkins, Director of Planning & Development
Deputy Chief Dean Melanson, Hyannis FD
Amanda Ruggiero, Assistant Town Engineer, DPW
Hans Keijser, DPW Water Dept
Planning Board
Health Department.

LIMITED LIABILITY COMPANY SIGNATORY AUTHORITY

1. I, the undersigned, being a manager of **720 MAIN RESIDENCES, LLC** a limited liability company (LLC) hereby certify as to the contents of this form for the purpose of signing a between **720 MAIN RESIDENCES, LLC** and the Town of Barnstable.

2. The LLC is organized under the laws of the Commonwealth of Massachusetts.

3. The LLC is managed by **(check one)** a M a n a g e r or by its M e m b e r s (attach operating agreement provisions).

4. I hereby certify that each of the following individual(s), including foreign corporation(s) is:
- duly authorized to execute and deliver this contract, agreement, and/or other legally binding documents relating to any contract and/or agreement on behalf of the LLC;
 - duly authorized to do and perform all acts and things necessary or appropriate to carry out the terms of this contract or agreement on behalf of the LLC; and
 - that no resolution, vote, or other document or action is necessary to establish such authority.

Name	Title

5. **IF A FOREIGN CORPORATION:** I hereby certify that I comply with the provisions of Massachusetts General Laws, Chapter 30, Section 39L and Chapter 156D as they relate to Foreign Corporations.

(check one) Not Applicable I comply and am registered and in good standing with the Massachusetts Secretary of State.

6. I am attaching a certified certificate of good standing from Commonwealth of Massachusetts.

Signed under the pains and penalties of perjury this ____ day of _____

6. **Signature:** _____

Printed Name: _____

Printed Title: _____

Date: _____

NOTARIZATION: Need State and county of execution heading

On this _____ day of _____, _____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document in my presence.

Notary Public
My commission expires: _____

DATE

ACTION TAKEN

- ____ Read Item
- ____ Motion to Open Public Hearing
- ____ Rationale
- ____ Public Hearing
- ____ Close Public Hearing
- ____ Council Vote

BARNSTABLE TOWN COUNCIL

ITEM # 2019-088
INTRO: 02/07/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth Jenkins, Planning & Development Director on behalf of 720 Main Residences, LLC
DATE: February 7, 2019
SUBJECT: Authorizing the Town Manager to execute a Regulatory Agreement between the Town of Barnstable and 720 Main Residences, LLC; for property located at 720 Main Street, Hyannis, MA to redevelop 720 Main Street, Hyannis with 40 Units of Workforce Housing

RATIONALE: Developer, 720 Main Residences, LLC (principal owner: Timothy C. Williams), which entity has standing to proceed as buyer under an agreement entitled “Agreement for Sale and Purchase of Property” dated May 26, 2017 of the property located at and commonly known as 720 Main Street, Hyannis, Massachusetts shown on Town of Barnstable Assessor’s Map 308 as Parcel 003, consisting of 49,249 ± square feet (1.13 ± acres), which property is located within the Downtown Hyannis Growth Incentive Zone (GIZ), has filed an application to enter into a Regulatory Agreement with the Town of Barnstable under Chapter 168 and Chapter 240 of the Barnstable Code to redevelop said property by constructing a single 4-story structure consisting of forty (40) one, two and three bedroom units to be offered for rent as moderately priced, workforce residential housing.

Developer has undergone at least two public hearings on the Agreement application and received a majority vote from the Planning Board approving the application on Dec. 10, 2018.

The development 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, as amended by Barnstable County Ordinance 10-19, 14-05, 17-11 and 18-02, establishing revised development thresholds within the GIZ, under which this development may proceed and developer has submitted a Jurisdictional Determination to the Town of Barnstable Building Department to confirm the same.

Developer has received approvals as follows: Site Plan Review, Conservation Commission and Planning Board. A separate Notice of Intent is pending for review by the Conservation Commission for issuance of a separate Order of Conditions for work proposed to be completed to upgrade the Town stormwater drainage collection system at property located across the street at 725 Main Street, Hyannis and owned by the Town of Barnstable.

The development is consistent with the Downtown Hyannis Design & Infrastructure Plan in that it contributes to the plan’s goals of: creating livable neighborhoods for year round residents; creating housing opportunities for persons and households of all income levels; enhancing pedestrian access; promoting traffic reduction and alternate transportation modes; and promoting private investment in buildings and structures that support appropriate economic development;

Approval of this Regulatory Agreement will result in the following community benefits to the Town: creation of 40 moderately-priced, workforce residential housing units located within walking distance to the businesses, restaurants, cafes and shops located in and near the downtown Main Street area; blight will be reduced in the neighborhood as this commercial site has sat vacant for more than ten years; the developer has committed to upgrading, reconfiguring and improving the Town stormwater drainage collection system to increase its capacity and functionality in Main Street and at 725 Main

Street adjacent to and south of the property by upgrading the existing system components to the outfall located at 725 Main Street; and the development will increase the Town's property tax revenue base.

STAFF SUPPORT: Elizabeth Jenkins, Planning & Development Director

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

ITEM # 2019-089

INTRO: 02/07/19

**2019-089 ACCEPTANCE OF A GIFT IN THE FORM OF A DAVIT (VALUED AT \$500.00)
FROM MR. JAMES HURLEY, PRESIDENT OF NEW ENGLAND MARITIME**

RESOLVED: That the Town of Barnstable hereby accepts a gift in the form of a davit (valued at \$500.00) from Mr. James Hurley, President of New England Maritime, and does hereby authorize the Town Manager to accept the gift.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2019-089
INTRO: 02/07/19

SUMMARY

TO: Town Council
FROM: Mark S. Eells, Town Manager
THROUGH: Daniel J. Horn, Director of Marine and Environmental Affairs
DATE: January 15, 2019
SUBJECT: Acceptance of a gift in the form of a davit (valued at **\$500.00**) from Mr. James Hurley, President of New England Maritime Inc. for use as needed for Harbormaster Duties

RATIONALE: Mr. James Hurley, President of New England Maritime Inc., would like to donate to the Town of Barnstable; a davit that currently resides on the Town dock at Aselton Park. A davit is a hoist/lift that we can use to assist with hauling channel markers, anchors, and other heavy items from a boat to shore. The item is pictured below.



Mr. Hurley and New England Maritime no longer have use for the davit. Harbormaster staff does have a use for the davit and would be grateful for the generous gift from Mr. Hurley.

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

STAFF ASSISTANCE: Derek Lawson, Harbormaster Division Supervisor

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM # 2019-090
INTRO: 02/07/19**

2019-090 ACCEPTANCE OF A GIFT IN THE AMOUNT OF \$2,000 TO THE TOWN OF BARNSTABLE SHELLFISH PROPAGATION PROGRAM OF THE MARINE AND ENVIRONMENTAL AFFAIRS DEPARTMENT FROM THE CAPE COD COMMERCIAL FISHERMEN’S ALLIANCE AND AQUACULTURAL RESEARCH CORPORATION (ARC)

RESOLVED: That the Town of Barnstable hereby accepts a gift in the amount of **\$2,000** from the Cape Cod Commercial Fishermen’s Alliance and Aqua cultural Research Corporation (ARC), for the purpose of supporting the town’s shellfish propagation program and does hereby authorize the Town Manager to expend the gift for said purpose.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM # 2019-090
INTRO: 02/07/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel J. Horn, Director of Marine and Environmental Affairs
DATE: February 7, 2019
SUBJECT: Acceptance of a gift in the amount of **\$2,000** from the Cape Cod Commercial Fishermen's Alliance and Aqua cultural Research Corporation (ARC) for use as needed by the Town of Barnstable Shellfish Propagation Program

RATIONALE: The Cape Cod Commercial Fishermen's Alliance and Aqua cultural Research Corporation (ARC), through its representative Melissa Sanderson, would like to donate \$2,000 to the Town of Barnstable Shellfish Propagation Program for allowing the use of a propagation site near Handy Point in Cotuit for a surf clam study. For the last two years, the Fisherman's Alliance has partnered with ARC Hatchery and the Cape Cod Cooperative Extension to conduct research on how to best grow surf clams, a species of shellfish that was recently approved to be grown by aqua culturists in Massachusetts. The project, funded by NOAA's Saltonstall Kennedy grant program, had \$1,000 per year dedicated to each participating grower as compensation for use of their space and their occasional help during the study. Four research sites were carefully selected to represent a range of tidal exposure, water temperature, and sediment type. For two years we grew surf clam seed at these sites using different gear types and regularly returned to the site to evaluate growth and survival.

These funds are for our Shellfish Propagation Program. Marine and Environmental Affairs has a 'special' revenue account derived from funds received from the selling of permits and may be used for programs providing recreational activities to participating residents of the Town, shellfish seed stock and related shellfish propagation equipment, shellfish merchandise purchased for resale, and salaries of shellfish staff.

The Town of Barnstable Shellfish Program is grateful for this generous gift.

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

STAFF ASSISTANCE: Amy Croteau, Natural Resource Officer, Shellfish Constable

B. NEW BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

**ITEM #: 2019-091
INTRO: 02/07/19**

2019-091 TRANSFER ORDER IN THE AMOUNT OF \$30,000 FOR THE TREATMENT OF THE INVASIVE SPECIES FANWORT IN BEARSE POND, CENTERVILLE

ORDERED: That the sum of **\$30,000** be transferred from the Fiscal Year 2019 Planning & Development Department’s personnel services budget to the Fiscal Year 2019 Planning & Development’s operating expenses budget for the purpose of treating fanwort in Bearse Pond, Centerville

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM #: 2019-091
INTRO: 02/07/19

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth Jenkins, Director of Planning & Development
DATE: February 7, 2019
SUBJECT: Transfer Order in the amount of **\$30,000** for Treating the Invasive Species Fanwort in Bearnse Pond, Centerville

RATIONALE: The funds will be used to manage the growth of invasive, non-native plants (fanwort) in Bearnse Pond, within Wequaquet Lake, Centerville with EPA-approved chemical treatment. Treatment is recommended to take place in May to address early plant growth, reduce the amount of herbicide needed, and protect fish species. The treatment should be done at the time of early growth of plants, reducing the amount of herbicide needed. If the treatment is done later, when water temperatures are higher, it could lead to increased algae growth and increase the turbidity (cloudiness) of the pond, further decreasing its overall health. The DEP Division of Marine Fisheries has reviewed and approved the proposal.

FISCAL IMPACT: The Planning & Development Department is projected to have approximately \$70,000 of personnel savings in its FY 2019 operating budget due to vacancies occurring during the fiscal 2019 budget year. A portion of these savings is requested to be used for this purpose.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager recommends approval of the transfer order.

STAFF ASSISTANCE: Elizabeth Jenkins, Director of Planning and Development, Mark Milne, Director of Finance

B. NEW BUSINESS (Refer to the Planning Board)

BARNSTABLE TOWN COUNCIL

**ITEM# 2019-092
INTRO: 02/07/19**

2019-092 AMENDMENT OF THE ZONING MAP OF THE TOWN OF BARNSTABLE MASSACHUSETTS TO AMEND AND EXPAND THE RESIDENCE C DISTRICT TO INCLUDE THE ENTIRETY OF PARCEL 116/014

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

SECTION 1

By amending Article II, Section 6, The Zoning Map of the Town of Barnstable Massachusetts is hereby amended to rezone property from the Marine Business A-2 Zoning District to the Residence C Zoning District to the as shown on maps entitled;

- “Proposed Amendment to the Town Zoning Map expanding the Residence C District in Osterville” and
- “Proposed Amendment to the Osterville Zoning Map expanding the Residence C District in Osterville” and

Dated February 7, 2019 as prepared by the Town of Barnstable GIS (Geographical Information System) Unit.

SPONSOR: Council President James H. Crocker, Jr., Councilor Precinct 5

DATE ACTION TAKEN

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

BARNSTABLE TOWN COUNCIL

ITEM# 2019-092
INTRO: 02/07/19

SUMMARY

TO: Town Council
FROM: Planning & Development Department
DATE: February 7, 2019
SUBJECT: Zoning amendment to amend and expand the Residence C District to include the entirety of Parcel 116/014.

BACKGROUND/ANALYSIS/RATIONALE:

The property at 306 West Road, identified on the Assessor's Map 116 as Parcel 014, includes portions of both the Residence C (RC) District, supporting single-family residential use in Osterville and Centerville, and the Marine Business A-2 (MB-A2) District, supporting established marine uses around the North Bay Channel in Osterville.

The approximately 2900 sq. ft. portion of the 306 West Bay Road within the MB-A2 District includes a building that once functioned as a boat shed for the adjacent Crosby Yacht Yard, until being sold to an adjacent property owner in 1951.

In 1998, the premise was conveyed again and the building was renovated to be a guesthouse accessory to the single family dwelling at 306 West Bay Road.

The proposed zoning map amendment will expand the Residence C District to include the entirety of 306 West Bay Road, consistent with the property's use for over twenty years.