



Town Council Meeting
October 21, 2021



A quorum being duly present, President Matthew Levesque called the October 21, 2021, Town Council meeting to order at 7:02 PM.

An announcement was made by President Levesque regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 18.

PRESENT: (On Zoom) Nikolas Atsalis, David Bogan, Kristine Clark, Jennifer Cullum, Debra Dagwan, Jessica Rapp Grassetti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Tracy Shaughnessy, Gordon Starr, Eric Steinhilber.

The Pledge of Allegiance was led by Council President Matthew Levesque followed by a moment of silence. Councilor Hebert asked for positive thoughts regarding Vineyard Wind and our sewer project. He hoped that no one would be injured during the construction process.

PUBLIC COMMENT:

Open Public Comment

Brian Hughes Vice President of Save Twin Brooks had questions regarding the actual net benefits of the apartment development. The money needed for the sewer expansion is \$500,000 per year and according the developer's information the Twin Brooks project would only bring in \$31,176 dollars to Town.

Tina Carey discussed her request to opt out of the Business Improvement District (BID) fees. She requested a grandfather status for her business with acceptance from Council to opt out. She explained her nine year lien and said she would not give up on her request.

Erin Andrews supported housing on Attucks Lane.

Laura Shufelt supported housing on Attucks Lane but felt there should be affordable housing increases: 10 percent for affordable and 5 percent at eight percent affordable.

Wellsy March suggested redevelopment of current vacant lands rather than development of Scudder property. She added 90 percent of this parcel will be market value housing not affordable housing.

Julie Jones felt the proposed project would not add to our need for affordable housing. She noted the Town needs 2000 rental units with 900 affordable units.

Jon Lipman supported the amending the zoning code to add mixed-use sub zone of the medical services overlay district.

Cynthia Cole was not opposed to the Cape Cod Hospital Housing project but had concerns with the need for more affordable housing, the setback on the property and the small scale of outside amenities

Shauna Moos Housing Assistant with Individual and Family Housing said there needed be more diverse housing options. She noted as of July 28 – August 04 nearly 100 people were faced with decisions of no place to live.

Paul and Nancy Thompson supported the zoning changes to create more housing for people who need it.

Jeane Morrison was in favor of more housing for year-round residents. More housing is needed on Cape Cod for workforce.

Linda Edson felt the projects like this housing project was good for the Town.

Response to Public Comment:

(Bogan) Requested information regarding anyone who has left the BID. Please include the information referred to by Tina Carey.

(Ells) Information is incorrect regarding the BID. Karen Nober will request information from the Business Improvement District.

(Levesque) General information regarding the BID – residential property does not pay fees, some properties are in the BID some are outside the BID - we will look for verification by Staff

(Starr) we need more housing at different levels

Close Public Comments

TOWN MANAGER COMMUNICATIONS (update Exhibit A)

Mark Ells explained he would not discuss his report but it was presented to Council in email form. Elizabeth Jenkins, Planning and Development Director would use the time to discuss the Local Comprehensive Plan Committee. She discussed the draft memorandum and noted public comment would be accepted on this through November 1, 2021. There will be update on the November 4th Town Council meeting.

Elizabeth Jenkins spoke about development of the Local Comprehensive Plan Committee. She discussed the consultant who was hired before the committee. Mark Ells explained the consultant and the Chair of the Appointments Committee, with her experience and knowledge had agreed to participate for recommendation and ratification of the Local Comprehensive Plan Committee.

President Levesque welcomed members of the School Committee for their Joint School Committee meeting. Chair Mike Judge opened their meeting with a roll call. Mark Milne, Finance Director and Gareth Markwell, Deputy Finance Director gave an update on the financials of the Town. Milne explained this meeting with the Town Council and the School Board was required per the Town Charter. He discussed the Fiscal Year 2021 bond rating which was AAA with a stable outlook. He spoke about the best practices and policies for the Town. He discussed Enterprise and General Funds, Free Cash, Reserve dollars, Debt Service, Motor Vehicle Excise Tax and supply chain issues. Milne talked about Fiscal Year 2022 Operating Budget, property tax, which was the best in 5 years, and the Enterprise Funds tracking as expected. Markwell discussed the

Barnstable student enrollment numbers, General Fund surplus, school generators, and general supplies needed for the school calendar.
Discussion on Fiscal Year 2023 projections: property tax increase, new properties, excise tax, state aid, permitting and continued growth of high need students.

Chair Mike Judge said the presentation was excellent and noted there were no questions from the School Committee.

(Cullum) Can social and emotional be quantifiable in dollars per year? (Markwell) Yes. Superintendent Mayo Brown explained yes we can put the numbers together for Council.
(Neary) Regarding the financial summary - one million dollars surplus? (Markwell) Unique nature due to COVID school year - increased costs but received State and Federal grants.

Chair Mike Judge closed their meeting with a roll call.

ACT ON MINUTES:

Upon a motion duly made and seconded it was to accept the minutes of as presented.

VOTE: PASSES 13 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

**COMMUNICATIONS- from elected officials, boards, committees, and staff
commission reports, correspondence and announcements:**

(Hebert) Strawberry Hill sewer expansion construction workers and staff always there and are doing a great job. Street is available at night.
(Levesque) Opening of Pickle Ball court – great job !

Break – 9:15 pm

<p>2022-007 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I GENERAL ORDINANCES, CHAPTER 240 ZONING by adding a MIXED-USE SUB ZONE OF THE MEDICAL SERVICES OVERLAY DISTRICT INTRO: 07/15/2021, 09/02/2021, 09/16/2021, 10/21/2021</p>

Elizabeth Jenkins, Planning and Development Director explained the agenda item was a continued Public Hearing and yielded time to New England Development. Mike Ford, Attorney for New England Development introduced Eliza Cox, Attorney for the Cape Cod Hospital, and Timothy Sullivan, Louise Gianakos, John Twohig and Paul Cincotta. Mike Ford discussed the 40 acres owned by the Cape Cod Hospital (CCH) and the purchase agreement with New England Development (NED) for 32 of those 40 acres of land. CCH will retain the 8 acres which will have another Wilkins like complex. NED received permission for the project from the Cape Cod Commission. Tonight we are seeking approval of an amendment to the zoning.

No Public Comment close Public Hearing.

(Clark) Storm surge from a Category 4 storm will wipe out half of the hospital. Why is the hospital selling property – this vulnerability is a big risk.

Recess – 9:40 pm

(Clark) CCH is liquidating property that could be used as an alternate site/emergency site if there was a Category 4 storm surge. Half the hospital will be flooded why is the land being sold?

Eliza Cox, Attorney for CCH explained the main campus of the CCH is not subject to the zoning amendment. She added the existing hospital is not within the Federal Emergency Management Agency (FEMA) high-level map. She noted that last year Medicare reimbursement did not cover all expenses and land is being sold to cover those dollars. (Rapp Grassetti) Hospital has owned the property for decades with no taxes paid to Town. Why has Town not received money from this property? (Ells) Six years the Town has not pursued a pilot. (Rapp Grassetti) Is there a guarantee that NED will not get a tax exemption or Tax Increment Financing (TIF)? (Twohig) NED there will be no TIF or tax relief for the 32 acres. The property will become taxable in Phase I – residential building will be taxable. (Jenkins) New Overlay District incorporates provisions for sub-zone within an existing overlay district. (Cullum) Do we have a price tag on cost of units? (Twohig) Yes cost price per unit is \$350,000 per 800 square feet. (Schnepp) This is a dense development are there amenities like walkways? (Twohig) Yes we will have sidewalks. (Bogan) If the pricing is \$2.30 per square foot do you have any idea what that will be in today's dollars? (Twohig) 800 square feet unit \$1900.00 to \$2000.00 and 65 percent area median income (AMI) \$1100.00 dollars. (Shaughnessy) Hoping this will increase development and diversity in the marketplace.

Amendments to Zoning Ordinance:

Attorney Karen Nober suggested clean-up the language of the amendment.

Upon a motion duly made and seconded it was

Amendment A - Parking

Section 3, Subsection H, subparagraph (3) be amended by striking the words "at a ratio of 1 space per 250 sf." and inserting the following words in place thereof:

"at a ratio of 1 space per 300 sf."

VOTE: PASSES 13 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grassetti, Hebert, Levesque, Neary, Schnepp, Shaughnessy, Starr, Steinhilber.

Upon a motion duly made and seconded it was

Amendment B – Signage

Section 3, Subsection K. Signage, be amended by striking in the first sentence the words "provisions of Sections 240-64, 65 and 66 herein," and inserting the following words in place thereof:

"provisions of Sections 240-65 and 66 herein,"

VOTE: PASSES 13 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grassetti, Hebert, Levesque, Neary, Schnepp, Shaughnessy, Starr, Steinhilber.

Upon a motion duly made and seconded it was
Amendment C – Additional 3 percent inclusionary
Section 3, be amended by inserting the following new Subsection I, and that current
Subsections I, J, K and L, be re-lettered as Subsections J, K, L and M, respectively:

(I) Affordable Housing Units. Notwithstanding any other provisions as may be set forth in this Zoning Ordinance, any multifamily dwelling development in the Mixed-Use Sub Zone shall comply with the following affordable housing requirements:

(1) The provisions of the Town of Barnstable Code, Chapter 9, Inclusionary Affordable Housing Requirements; and

(2) An additional three percent (3%) of the multifamily dwelling units shall be deed restricted as affordable housing units subject to the provisions for affordable units in Town of Barnstable Code, Chapter 9, Inclusionary Affordable Housing Requirements, except that for the purposes of this subsection, a qualified affordable housing unit tenant shall be defined as an individual or household with total annual income that does not exceed 80% of the median income for the Town of Barnstable, as determined annually by the Department of Housing and Urban Development. The affordable units shall conform to all Department of Housing and Community Development (DHCD) standards that must be met to qualify these units for inclusion in the DHCD Subsidized Housing Inventory (SHI) as Local Initiative Program units.

(3) No certificate of occupancy permit shall be issued until recordation of the Regulatory Agreement and Declaration of Restrictive Covenants.”

VOTE: PASSES 13 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

Upon a motion duly made and seconded it was
Amendment X– Lease Term

Section 3, Subsection C shall be amended by adding the following new subparagraph (9):
“Multifamily dwelling units shall be leased for a term of not less than twelve (12) months, provided, however, up to ten percent (10%) of the units in a multifamily dwelling development in the Mixed-Use Sub Zone may be leased for a term of less than twelve (12) months but not less than six (6) months.”

VOTE: PASSES 13 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

Upon a motion duly made and seconded it was
Amendment D – Councilor Starr

4) In addition to the requirements of subparagraphs (1) and (2), an additional 2% of the multifamily dwelling units shall be deed restricted as workforce housing units, offered for rent and affordable to families earning between 81% and 100% of the area median income, as determined annually by the U.S. Department of Housing and Urban Development. Such residential dwelling units shall remain affordable in perpetuity and shall be subject to a Regulatory Agreement and Declaration of Restrictive Covenants and monitoring agreement and such other agreements or restrictions as may be necessary to effectuate the purposes of this subparagraph as may be required and approved by the Barnstable Town Attorney.”

(Starr) More housing is needed and it needs to be affordable – needs more diversity within all levels. (Twohig) Feasibility of this amendment is a \$2 million dollar loss for NED. Please do not support this amendment.

VOTE: FAILED 4 YES 9 NO

Roll Call: YES Bogan, Clark, Dagwan, Starr

NO Atsalis, Cullum, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Steinhilber.

Upon a motion duly made and seconded it was **TO AMEND**

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

SECTION 1

By amending the Zoning Map of Barnstable, Mass. Dated September 1, 1998, as previously amended, as referenced in Article II, Section 240-6, to add a Mixed-Use Sub Zone of the Medical Services Overlay District, as shown on maps dated July 7, 2021, prepared by the Town of Barnstable Geographical Information System Unit, and entitled:

- Proposed Amendment to the Town Zoning Map Creating the Mixed-Use Sub Zone of the Medical Services Overlay District
- Proposed Amendment to the Hyannis Zoning Map Creating the Mixed-Use Sub Zone of the Medical Services Overlay District
- Proposed Amendment to the Barnstable Zoning Map Creating the Mixed-Use Sub Zone of the Medical Services Overlay District

SECTION 2

By amending Article II, Section 240-5, Establishment of districts, by inserting the term “Mixed-Use Sub Zone of the Medical Services Overlay District” immediately below the term “Medical Services Overlay District” as it appears under the heading “Overlay Districts”.

SECTION 3

By inserting in Article III, the following new Section 240-38.1:

“§ 240-38.1 Mixed-Use Sub Zone of the Medical Services Overlay District

A. Purpose.

- (1) The purpose of this section is to permit the development and relocation of medical and healthcare services, together with commercial, retail and residential uses, on a site with convenient regional access. The Mixed-Use Sub Zone is established as a special district of the Medical Services Overlay District which overlays in majority part the Industrial Zoning District, and, in part, the Groundwater Protection and Wellhead Protection Overlay Districts.
- (2) Provisions of this section are designed to ensure that all development activities associated with the Mixed-Use Sub Zone will be carried out so as to provide for

and maintain protection of neighboring properties, convenient and safe access for vehicular and pedestrian movement, fire-fighting and emergency rescue vehicles, satisfactory methods of stormwater management, groundwater recharge and handling and disposal of sewage and waste and adequate off-street parking. To the extent anything contained in this Section 240-38.1 conflicts with any other provisions of this zoning ordinance, this Section 240-38.1 shall govern.

B. District established. A "Mixed-Use Sub Zone of the Medical Services Overlay District" is hereby established and shall be considered superimposed over any other districts established by this chapter and is shown as an overlay on the Official Zoning Map established pursuant to §240-6, Zoning Map, herein.

C. Principal permitted uses. The principal permitted uses allowed in the Mixed-Use Sub Zone shall include all uses permitted in the Medical Services Overlay District, which include all uses permitted in the underlying IND District (including, without limitation, any use permitted in the B and S&D Districts). Additionally, multifamily dwellings (apartments) on a lot within 1,000 feet of Kidd's Hill Road within the Mixed-Use Sub Zone shall be permitted subject to the following provisions in lieu of the requirements set forth in Sections 240-21.A(9)(a)-(i) or 240.38(F), or any other provisions as may be set forth in this Zoning Ordinance:

- (1) The minimum lot area ratio shall be 1,500 square feet of lot area per each apartment unit for new multifamily structures.
- (2) The maximum lot coverage shall be 25%.
- (3) The maximum height shall not exceed 35 feet¹.
- (4) The minimum front yard setback shall be 60 feet.
- (5) The minimum side and rear yard setbacks shall be 30 feet.
- (6) The maximum floor area ratio shall be 0.75.
- (7) A perimeter green space of not less than 20 feet in width shall be provided, such space to be planted and maintained as green area and to be broken only in a front yard by a driveway.
- (8) No living units shall be constructed or used below the ground level.
- (9) Multifamily dwelling units shall be leased for a term of not less than twelve (12) months, provided, however, up to ten percent (10%) of the units in a multifamily dwelling development in the Mixed-Use Sub Zone may be leased for a term of less than twelve (12) months but not less than six (6) months."

D. Accessory uses. Within the Mixed-Use Sub Zone, accessory uses or accessory buildings are permitted, including, without limitation, parking garages, pools, parking areas and offices, provided that any such use or building is customarily incidental to, subordinate to and on the same lot as the principal use it serves.

¹ Except that for multifamily structures on a lot not less than 10 acres, the maximum building height shall be not more than 4 stories which shall not be more than 55 feet in height measured to the highest point on the roof (not including antennas or similar roof structures).

- E. Conditional uses.** The conditional uses allowed in the Mixed-Use Sub Zone shall include all conditional uses permitted in the Medical Services Overlay District, the IND District, the S&D District, and the B District.
- F. Special Permit uses.** The special permit uses allowed in the Mixed-Use Sub Zone shall include all special permit uses permitted in the Medical Services Overlay District, the IND District and the B District, ‘Senior Living, Assisted Living’², ‘Senior Living, Nursing Homes’², independent living facilities, memory care facilities, and long-term care facilities. Additionally, multifamily dwellings (apartments) on a lot, any portion of which is set back greater than 1,000 feet from Kidd’s Hill Road within the Mixed-Use Sub Zone, shall be allowed by special permit, subject to the provisions of Section 240-38.1(C) above in lieu of the requirements set forth in Sections 240-21(A) (9) (a)-(i) or 240.38(F), or any other provisions as may be set forth in this Zoning Ordinance.
- G. Bulk regulations** (dimensional requirements) for all uses other than multifamily dwellings (apartments):
- (1) Minimum lot area: 90,000 square feet.
 - (2) Minimum lot frontage: 200 feet.
 - (3) Minimum setback, front: 60 feet.
 - (4) Side/rear yard: 30 feet minimum.
 - (5) Building height:³ 35 feet⁴.
 - (6) Front yard landscape buffer: 45 feet.
 - (7) Landscape buffer, rear and side yard: 30 feet.
 - (8) Maximum lot coverage: 25%.
 - (9) Maximum floor area ratio: 0.40.
- H. Parking Regulations.**
- (1) For multifamily dwellings, off-street parking shall be provided at a ratio of 1.3 spaces per dwelling unit, and 1 guest space per 10 dwelling unit spaces
 - (2) For retail uses, off-street parking shall be provided at a ratio of 1 space per 250 retail sf.
 - (3) For medical uses, off-street parking shall be provided at a ratio of 1 space per 300 sf.
- I. Affordable Housing Units.** Notwithstanding any other provisions as may be set forth in this Zoning Ordinance, any multifamily dwelling development in the Mixed-Use Sub Zone shall comply with the following affordable housing requirements:

² As such term is defined in Section 240-25(F).

³ Skylights, mechanical penthouses and architectural features not designed for human occupancy shall be excluded in determining the height of any building in the Mixed-Use Sub Zone.

⁴ Except that for structures containing ‘Senior Living, Assisted Living’, ‘Senior Living, Nursing Homes’, independent living facilities, memory care facilities and/or long-term care facilities, on a lot not less than 10 acres, the maximum building height shall not be more than 4 stories which shall not be more than 55 feet measured to the highest point on the roof (not including antennas or similar roof structures).

- (1) The provisions of the Town of Barnstable Code, Chapter 9, Inclusionary Affordable Housing Requirements; and
- (2) An additional three percent (3%) of the multifamily dwelling units shall be deemed restricted as affordable housing units subject to the provisions for affordable units in Town of Barnstable Code, Chapter 9, Inclusionary Affordable Housing Requirements, except that for the purposes of this subsection, a qualified affordable housing unit tenant shall be defined as an individual or household with total annual income that does not exceed 80% of the median income for the Town of Barnstable, as determined annually by the Department of Housing and Urban Development. The affordable units shall conform to all Department of Housing and Community Development (DHCD) standards that must be met to qualify these units for inclusion in the DHCD Subsidized Housing Inventory (SHI) as Local Initiative Program units.
- (3) No certificate of occupancy permit shall be issued until recordation of the Regulatory Agreement and Declaration of Restrictive Covenants.”

J. Design and Screening Standards. Notwithstanding anything contained in Section 240-52, or any other provisions as may be set forth in this Zoning Ordinance, each off-street parking space in the Mixed-Use Sub Zone shall have minimum dimensions of 9 feet by 18 feet excluding the driveway to such space.

K. Incidental Storage of Hazardous Materials and Impervious Coverage. Hazardous Materials may be stored and offered for sale in connection with retail use or incidental to multifamily use in the Mixed-Use Sub Zone, except as prohibited by the WP Wellhead Protection Overlay District. In the Mixed-Use Sub Zone, compliance with the lot coverage requirements set forth in Sections 240-35(F)(3) and 240-35(G)(3) may be determined across multiple lots located within the district if the owners of such lots agree to do so in a written agreement provided to the building department. Additionally, for purposes of Sections 240-35(F) (3) and 240-35(G) (3), porous pavement shall not be considered paved surface.

L. Signage. Notwithstanding the provisions of Sections 240-65 and 66 herein, (i) on lots with not less than 10 acres in the Mixed-Use Sub Zone, an aggregate sign area of up to 400 square feet shall be allowed, provided that the sign area of any single sign does not exceed 200 square feet, and (ii) one free-standing sign of up to 200 square feet shall be allowed in the Mixed-Use Sub Zone, provided that such free-standing sign identifies at least two commercial, retail and/or medical uses within the Mixed-Use Sub Zone.”

M. Exemption. The uses described in this Section 240-38.1 shall be exempt from the residential building permitting limitations established by Article XI, Sections 240-110 through 240-122.”

VOTE: PASSES 11 YES 2 NO Clark, Starr

Roll Call: YES Atsalis, Bogan, , Cullum, Dagwan, Rapp Grassetti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Steinhilber

2022-023 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION
INTRO: 10/07/2021, 10/21/2021

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Council on Aging:** Lucinda Loring, as a regular member to a term expiring 06/2024; **Disability Commission:** Brian Freeman, as a regular member to a term expiring 06/2024; John Lundborn, as a regular member to a term expiring 06/2023; **Hyannis Main Street Waterfront Historic District Commission:** Mark Despotopoulos, as a regular member to a term expiring 06/2023; **Planning Board:** Tim O'Neill, as a regular member to a term expiring 06/2022

VOTE: PASSES 12 YES 1 NO Bogan

Roll Call: YES Atsalis, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

2022-024 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION
INTRO: 10/07/2021, 10/21/2021

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council reappoints the following individual to a multiple-member Board/Committee/Commission: **Disability Commission:** Paula Breagy as a regular member to a term expiring 06/2022

VOTE: PASSES 13 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

2022-025 AMENDING THE ADMINISTRATIVE CODE, CHAPTER 241, ARTICLE III, MULTIPLE-MEMBER APPOINTIVE ORGANIZATION, § 241-21 BOARD OF HEALTH
INTRO: 10/07/2021, 10/21/2021

(Dagwan) Glad to see this item come forward for Council approval.

Upon a motion duly made and seconded it was

ORDERED: That pursuant to Section 5-1 of the Town of Barnstable Home Rule Charter, the Administrative Code, Chapter 241, Article III, Multiple-Member Appointive Organization, § 241-21 Board of Health, Section A, is hereby amended by striking out "three" in the first sentence and inserting "five" in its place.

So that § 241-21 A., as amended, shall read as follows:

"A. Term of office. There shall be a Board of Health consisting of five regular members, one of whom shall be a physician, plus one alternate member. The alternate member shall have voting rights at meetings if there is an absence of a regular member."

VOTE: PASSES 13 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

Upon a motion duly made and seconded it was to go past 11 O'clock pm.

VOTE: PASSES 11YES 2 NO (Clark, Levesque)

Roll Call: Atsalis, Bogan, Cullum, Dagwan, Rapp Grasseti, Hebert, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

2022-032 RESOLVE AUTHORIZING THE TOWN MANAGER TO EXECUTE A FIRST AMENDMENT TO THE HOST COMMUNITY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND VINEYARD WIND, LLC, DATED OCTOBER 3, 2018, AND TO EXECUTE A SECOND HOST COMMUNITY AGREEMENT WITH VINEYARD WIND, LLC FOR THE PROJECT CURRENTLY PENDING BEFORE THE COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF PUBLIC UTILITIES IN D.P.U 20-56 AND 20-57 AND WITH THE ENERGY FACILITIES SITING BOARD IN EFSB-20-01 INTRO: 10/07/21, 10/21/2021

Mark Ells, Town Manager gave the rationale. Karen Nober, Town Attorney explained there was an amendment.

Council Bogan recused himself from this agenda item.

Upon a motion duly made and seconded it was **TO AMEND**

VOTE: PASSES 12 YES 1 RECUSE (BOGAN)

Roll Call: Atsalis, Clark, Cullum, Dagwan, Rapp Grassetto, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council authorizes the execution and delivery by the Town Manager of a First Amended Host Community Agreement between the Town of Barnstable and Vineyard Wind, LLC, or Vineyard Wind Shareco, LLC as the assignee of Vineyard Wind, LLC, amending the Host Community Agreement between the Town and Vineyard Wind, LLC, dated October 3, 2018, with such amendments to said Agreement generally to consist of administrative and procedural revisions; provided that any substantive revisions shall provide additional protections or benefits to the Town; and further authorizes the execution and delivery by the Town Manager of a second Host Community Agreement between the Town of Barnstable and Park City Wind, LLC, currently a wholly owned subsidiary of Vineyard Wind, LLC, substantially in the form of the draft agreement on file with the Office of the Town Council, for the Park City Wind Project which is currently pending before the Commonwealth's Department of Public Utilities in D.P.U. 20-56 and 20-57 and with the Energy Facilities Siting Board in EFSB 20-01.

VOTE: PASSES 12 YES 1 RECUSE (BOGAN)

Roll Call: Atsalis, Clark, Cullum, Dagwan, Rapp Grassetto, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

2022-035 APPROPRIATION AND TRANSFER ORDER IN THE AMOUNT OF \$165,000 IN COMMUNITY PRESERVATION HISTORIC PRESERVATION FUNDS FOR THE RESTORATION WORK TO STURGIS LIBRARY'S BUILDING LOCATED AT 3090 MAIN STREET/RTE 6A, BARNSTABLE INTRO: 10/21/2021

Council Starr recused himself from this agenda item.

Upon a motion duly made and seconded it was

ORDERED: That, pursuant to the provisions of the Community Preservation Act, G. L. c. 44B, the amount of One Hundred Sixty-Five Thousand Dollars (**\$165,000**) be appropriated and transferred from the amount set aside for historic resources in the Community Preservation Fund to Sturgis Library to be used for restoration work on Sturgis Library's building at 3090 Main Street/Rte. 6A, Barnstable. The property has an existing Preservation Restriction held by the Town of Barnstable. It is further ordered that the Town Manager be authorized to expend the appropriation subject to oversight by the Community

Preservation Committee and to receive, execute, deliver, and record any written instruments for the purposes set forth herein.

VOTE: REFER TO PUBLIC HEARING 11/04/2021 PASSES 12 YES 1 RECUSE (Starr)
Roll Call: Atsalis, Bogan, Clark, Cullum, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Steinhilber.

2022-036 AUTHORIZING THE TOWN MANAGER TO EXECUTE A REGULATORY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND DUNROVIN TOO, LLC FOR 68 YARMOUTH ROAD, HYANNIS INTRO: 10/21/2021

Upon a motion duly made and seconded it was

ORDERED: That the Town Council hereby authorizes the Town Manager 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 Dunrovin Too, LLC, as presented to the Town Council at this meeting, for the property at 68 Yarmouth Road, Hyannis, 0.33± acres, shown on Town of Barnstable Assessor's Map 327 as Parcel 166, and which is more particularly described in the deed recorded with the Barnstable County Registry of Deeds in Book 32142, Page 260 (the "Property"); and further authorizing the redevelopment of the Property and granting the requested zoning relief pursuant to and as described in said Regulatory Agreement.

VOTE: REFER TO PUBLIC HEARING 11/04/2021 PASSES 13 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

2022-037 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

INTRO: 10/21/2021

Upon a motion duly made and seconded it was

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Disability Commission:** Jerilyn DiCostanzo, as a regular member to a term expiring 6/2022; **Shellfish Advisory Committee:** Doug Crook, a regular member to a term expiring 06/2024; **Zoning Board of Appeals:** Denise Thorne Johnson, as an associate member to a term expiring 06/2023

TO A 2ND READING ON 11/04/2021 PASSES 13 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

VOTE: PASSES 13 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grasseti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

Adjourned at 11:15 PM

Respectfully submitted,

Janet E. Murphy

Town Clerk/Town of Barnstable

NEXT MEETING: November 4, 2021

Exhibits:

A Town Manager Update