



Town of Barnstable Town Council

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MEETING AGENDA TOWN HALL HEARING ROOM

**April 25, 2013
7:00 PM**

Councillors:

Dr. Debra S. Dagwan
President
Precinct 8

Jessica Rapp Grassetti
Vice President
Precinct 7

Ann B. Canedy
Precinct 1

Tom Rugo
Precinct 2

Michael P. Hersey
Precinct 3

Frederick Chirigotis
Precinct 4

James H. Cote
Precinct 5

Janet S. Joakim
Precinct 6

James M. Tinsley
Precinct 9

Janice L. Barton
Precinct 10

June M. Daley
Precinct 11

John T. Norman
Precinct 12

Jennifer L. Cullum
Precinct 13

Administrator to the
Town Council:
Barbara A. Ford

Administrative
Assistant:
Cynthia A. Lovell

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. MOMENT OF SILENCE**
 - **Representative Brian Mannal – Discussing the naming the Route 6 overpasses in Barnstable**
- 4. PUBLIC COMMENT**
- 5. COUNCIL RESPONSE TO PUBLIC COMMENT**
- 6. ACT ON MINUTES (Includes Executive Session)**
- 7. COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS**
- 8. ORDERS OF THE DAY**
 - A. OLD BUSINESS**
 - B. NEW BUSINESS**
 - **Town Clerk – vacancy of the office**
- 9. TOWN MANAGER COMMUNICATIONS**
- 10. ADJOURNMENT**

NEXT REGULAR MEETING: May 2, 2013

ITEM NO.	INDEX TITLE	PAGE
----------	-------------	------

A. OLD BUSINESS

2013-032	Amending Code of Barnstable General Ordinances by inserting, “Chapter 54, Building and Property Maintenance” (Public hearing continued) (Roll-call)	4 - 7
2013-034	Amending Code of Barnstable General Ordinances Chapter 170, Rental Properties (Public hearing continued) (Roll-call)	8 - 10
2013-043	Amending the General Ordinances, Article I, §1-3, Chapter 170, Rental Registration (Public hearing continued) (Roll-call)	11 - 12
2013-082	Appropriation order of \$50,000 to conduct a planning process to study the complex issues related to the siting of medical marijuana treatment centers (Public hearing continued)(Roll-call)	13 - 14
2013-083	Amending the General Ordinances, Chapter 40, Boats, §40-5 B (Public hearing continued)(Roll-call)	15 - 16
2013-096	Appropriation and transfer order \$200,000 Airport Enterprise Fund Capital Improvement Plan for testing, design, and constructing of the Runway 6 engineered material arresting system (EMAS) (Public hearing continued) (Roll-call)	17
2013-097	Appropriation and transfer order \$102,000 Airport Enterprise Fund Capital Improvement Plan for design of a new fixed base operations facility (Public hearing continued) (Roll-call)	18
2013-098	Appropriation and transfer order \$200,000 Airport Enterprise Fund Capital Improvement Plan for an airport terminal and ARFF (aircraft rescue and firefighting) building improvements (Public hearing continued) (Roll-call)	19
2013-099	Appropriation and transfer order \$90,000 Airport Enterprise Fund Capital Improvement Plan for airfield access control and security upgrades (Public hearing continued) (Roll-call)	20
2013-100	Appropriation and loan order \$260,000 Airport Enterprise Fund Capital Improvement Plan for airfield lighting regulators and runway hold-position signs (Public hearing continued) (Roll-call, 2/3)	21
2013-101	Appropriation and loan order \$7,800,000 Airport Enterprise Fund Capital Improvement Plan for design and construction of the main terminal ramp—phase 2; constructing the aircraft deicing pad; the relocation and reconstruction of all taxiway alpha from Runway 33 end to Runway 15 end; and other miscellaneous airfield improvements (Public hearing continued) (Roll-call, 2/3)	22
2013-102	Appropriation and loan order \$810,000 Airport Enterprise Fund Capital Improvement Plan for a new fuel farm (Public hearing continued) (Roll-call, 2/3)	23
2013-103	Appropriation and loan order \$634,000 Airport Enterprise Fund Capital Improvement Plan for the East Ramp sewer extension (Public hearing continued) (Roll-call, 2/3)	24

B. NEW BUSINESS

2013-123	Appropriation of \$40,000 for additional FY13 elections expenses (Refer to public hearing 05/02/13)	25 – 26
2013-124	Acceptance of a \$27, 073 grant from the Massachusetts Clean Energy Technology Center for the water pollution control division (May be acted upon)	27 – 28
2013-125	Acceptance of a \$2,500 grant from the Citizens Housing and Planning (CHAPA) for education and outreach (May be acted upon)	29 - 30

ITEM NO.	INDEX TITLE	PAGE
----------	-------------	------

B. NEW BUSINESS (Continued)

2013-126	Amending the Zoning Ordinance, Ch. 240, Article IX, Personal Wireless Communication, updating the permitting process (Refer to the planning board for public hearing)	31 - 33
2013-127	Reappointments to a Board/Committee/Commission— Board of Assessors: Andrew Machado; Community Preservation Committee: Marilyn Fifield; Laura Shufelt, Richard Sawyer, Paul Curley; Conservation Commission: Peter Sampou, F.P. Tom Lee, Louise Foster; Disability Commission: Anne Mazzola, Raffaele Kaddy, Jean Boyle; Economic Development Commission: Hartley Johnson, Jeffrey Craddock, Alan Eric Feltham; Golf Committee: Nancy Beauchamp, Geoffrey Converse, Richard Aliberti; Historical Commission: George Jessop; Housing Committee: Janet Daly, Merrill Blum, Paul Hebert; Human Services Committee: Coreen Brinckerhoff; Hyannis Main Street Waterfront Historic District Commission: George Jessop; Jane Eshbaugh Community Service Award Committee: Jaci Barton; JFK Memorial Trust Fund Committee: Lynne Poyant; Licensing Authority: Paul Sullivan, David Nunheimer; Personnel Board: Stephen Whitmore; Shellfish Committee: Stuart Rapp, Gerard Ganey; Waterways Committee: Frederick Komenda; Youth Commission: Colleen Morin, Christopher Bartley, Samuel Spillane, Elizabeth Ells (First reading)	34 - 35
2013-128	Appointments to a Board/Committee/Commission— Cable TV Advisory Board: Thomas Terry Jr; Council on Aging: Charlotte Saunders; Human Services Committee: Scott Fitzgerald, Mark Thomas, Paul Thompson Jr; Land Acquisition & Preservation Committee: Steven Gould; Library Committee: Genevieve Hill; Renewable Energy Commission: Katie Lamoureux (First reading)	36
2013-129	Authorizing Town Manager to convey a 65’ wide easement off Sassafras Lane in Marstons Mills to Centerville-Osterville-Marstons Mills Fire District for consideration of \$100.00 (May be acted upon)	37 - 38
2013-130	Appropriation of \$200,000 Community Preservation Funds for the preservation of the Cahoon Museum of American Art (Refer to public hearing 05/02/13)	39 - 40
2013-131	Appropriation of \$100,000 Community Preservation Committee for the creation of Community Housing on Sesame Street, Marstons Mills (Refer to public hearing 05/02/13)	41 - 42
2013-132	Acceptance of a FY12 \$18,000 Massachusetts Cultural Council Adams Art program grant extension (May be acted upon)	43 - 44
2013-133	Amending the Zoning Ordinance—a new sign code for the Osterville Business A zoning districts (Refer to planning board for public hearing)	45 - 50
2013-136	Resolve on the exemption for the Town Manager of an interest under the conflict of interest law, Massachusetts General Laws, Chapter 268A, §19 (May be acted upon)	51 - 52

Approve Minutes- April 4, 2013 No executive session minutes.

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 (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-032

INTRO: 10/18/12, 11/15/12, 12/06/12, 01/17/13, 02/28/13, 03/21/13, 04/25/13

2013-032 AMENDING CODE OF BARNSTABLE GENERAL ORDINANCES BY INSERTING, "CHAPTER 54. BUILDING AND PROPERTY MAINTENANCE"

ORDERED: That Part I, General Ordinances, of the Code of the Town of Barnstable be amended by inserting the following chapter 54.

"Chapter 54"

BUILDING AND PROPERTY MAINTENANCE

§54-1. Purpose and intent.

The purpose and intent of this ordinance is to eliminate nuisances in the town. Nuisances, such as deteriorated structures, vacant buildings, overgrowth of vegetation, trash, debris and stagnant pools of water cause and contribute to blight within neighborhoods and commercial areas; adversely affect the value of adjacent and surrounding property; and impair the health, safety and general welfare of the inhabitants of the town. This ordinance is intended to further the objectives of and to act in concert with any existing state or local laws.

§54-2. Building, structure and premises maintenance.

Each owner and occupant shall comply with this ordinance by keeping land, premises, buildings and structures in a safe, sanitary and non-hazardous manner so as to prevent deterioration and ensure that the property itself may be preserved safely so that hazards to public health and safety are avoided. For purposes of sections 54-2 to 54-4, "occupant" means the person or persons other than an owner or owners having exclusive possession of land, premises, buildings and structures, or parts thereof, and the obligation to maintain the same.

§54-3. Building and structure maintenance standards.

A. All means of egress, devices, safeguards and equipment shall be kept in good working order

B. All exterior components of every building and structure including but not limited to walls, roofs, chimneys, cornices, gutters, downspouts, drains, porches, canopies, awnings, steps, landings, fire escapes, exterior stairs, windows, shutters, and doors, shall be kept in sound condition and good repair, with proper weather protection and waterproofing, and be maintained substantially free of deterioration, including but not limited to loose or missing shingles or siding, crumbling brick, stone and mortar, and peeling, scaling or deteriorated paint.

C. Vacant buildings and structures shall be maintained in compliance with this ordinance and be kept secure from use or occupation by unauthorized persons.

D. Overhanging structures, including canopies, awnings, exterior stairways, fire escapes, and other overhanging extensions shall be maintained in sound condition and good repair, be securely anchored, and be composed of decay resistant materials or protected from substantial decay by application of a protective coating material.

E. All buildings and structures damaged by fire, explosion, weather or other cause shall be repaired and returned to their former condition or in compliance with this ordinance, or be razed within six (6) months unless granted an extension by the Building Commissioner.

§54-4. Maintenance of land, premises and landscape elements.

A. Each owner and occupant shall keep premises and land, including but not limited to steps, walks, driveways, fences, retaining walls and vegetation, in good condition. "Occupant" for purposes of this section has the same meaning as in section 54-2.

B. All paved driveways and walks shall be maintained substantially free from broken or uneven condition.

C. All steps, fences, retaining walls and landscape features shall be firmly anchored and maintained in good structural repair. Elements subject to deterioration shall be composed of decay resistant materials or protected from substantial decay by application of a protective coating material.

D. All premises shall be maintained substantially free from overgrowth of vegetation which constitutes a suitable habitat for vermin, otherwise poses a hazard to the health and safety of any person in the vicinity of the premises, or is so overgrown as to have a clear adverse affect on the value of surrounding properties.

E. Indoor items such as furniture, appliances, plumbing fixtures and bedding shall be kept within enclosed structures after fifteen (15) days. All other personal property shall be kept within enclosed structures or screened from public view after six (6) months. Functional outdoor items such as fixtures, landscape elements, outdoor furniture, outdoor appliances, children's play structures, firewood, compost materials, operable vehicles, trailers, boats and inventory shall not be subject to the requirements of this subsection.

F. Water shall not be permitted to continuously stagnate outside of any building or structure for more than ten (10) days except under natural conditions. Nothing in this subsection shall operate as a waiver or exception to any other law, rule or regulation for the storage or handling of water.

§54-5. Storage and Removal of Rubbish, Garbage and Refuse.

A. Owner's responsibilities. The owner of any building, structure or premises shall be responsible for receptacles with tight-fitting lids to be used for the proper storage of rubbish, garbage and other refuse. Said receptacles shall be located in such manner that no objectionable odors enter any other building, structure or premises and so as to provide maximum screening from the street. The owner of any dwelling that contains three or more units, and the owner of any dwelling which contains one or two units which is rented or leased for a period of six months or less, shall be responsible for the final collection and disposal of rubbish, garbage and other refuse at a permitted transfer station or facility.

B. Occupant's responsibilities. The occupants of any building, structure or premises shall be responsible for the proper storage of rubbish, garbage and other refuse within receptacles with tight-fitting covers. Said occupant(s) shall also ensure that all tight-fitting covers are kept so that all rubbish, garbage and other refuse, which is stored outside a building or structure is properly covered. Said occupant(s) shall be responsible for the proper use and cleaning of the receptacles and keeping the premises free of rubbish, garbage and other refuse. Unless a written lease agreement specifies otherwise, the occupant(s) of any dwelling which contains one or two units and which is rented or leased for any period greater than six months shall be responsible for the collection and ultimate disposal of rubbish, garbage and other refuse at a permitted transfer station or facility.

C. For purposes of subsections (A) and (B): "owner" shall mean any person(s) who alone or severally with others has legal title to buildings, structures, vacant land or to land with buildings or structures thereon, or to any dwelling or rooming unit, mortgagee in possession, or agent, trustee or person appointed by a court; and "occupant" shall mean any person(s) who alone or severally with others rents or leases premises, or resides overnight other than as a guest.

D. Premises covered by this section shall be subject to reasonable inspections by Town inspectional staff. All interior inspections shall be done in the company of the owner, occupant or the representative of either.

§54-6. Enforcement

A. The Board of Health, the Police Chief, and the Building Commissioner, or their designees, are hereby designated as the enforcing authorities for this ordinance. If any enforcing authority determines that a violation of the standards contained in this ordinance exists, he or she shall notify the owner or occupant to

remove or abate the nuisance by a date certain as determined by the enforcing authority not more than ten (10) days after service of notice of the violation(s): provided, however, that if the enforcing authority determines that the violation is such that the public health and safety will be jeopardized by that delay, the enforcing person may order the abatement or removal of the nuisance in a shorter time as public health and safety may in her or his judgment require. The order shall be in writing and may be served personally on the owner, occupant or his authorized agent by any person authorized by the enforcing authority. If the violation is not removed or abated after notice, the enforcing authority may commence enforcement action through non-criminal, criminal or civil proceedings and no action shall preclude any other enforcement action or actions.

B. In addition to any penalties or enforcement action(s) hereunder, after final determination of three (3) or more violations within a twelve-month period an enforcing authority may notify a violator in writing that the enforcing authority may elect to bill the violator for the costs incurred by the Town for response to each subsequent violation not abated or ordered without abatement as provided herein. Such bill(s) shall be due and payable in full by the violator within thirty (30) days of submission and if unpaid thereafter shall be subject to a municipal charges lien as provided in G. L. c. 40 §58.

§54-7. Applicability and Severability.

A. The provisions of this ordinance are in addition to and not in lieu of any other ordinance, rule or regulation of the Town of Barnstable and any board, commission or officer. Compliance with this ordinance shall not thereby constitute compliance with any other ordinance, rule or regulation, and violation of this ordinance does not thereby preclude violation of any other ordinance, rule or regulation.

B. If any provision of this ordinance is declared invalid, it shall not thereby invalidate any other provision.

SPONSOR: Councilor Jennifer Cullum with Councilors James Cote and Jessica Rapp Grasseti

<u>DATE</u>	<u>ACTION TAKEN</u>
<u>11/15/12</u>	<u>Referred to pub. hearing 12/6/12</u>
<u>12/06/12</u>	<u>Public hearing, cont'd to 01/17/13</u>
<u>01/17/13</u>	<u>Public hearing, cont'd to 02/28/13</u>
<u>02/28/13</u>	<u>Public hearing, cont'd to 03/21/13</u>
<u>03/21/13</u>	<u>Public hearing, cont'd to 04/25/13</u>
<u>04/25/13</u>	

- Read Item
- Motion to open public hearing
- Rationale read
- Public input
- Close public hearing
- Council discussion
- Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2013-032

INTRO: 10/18/12, 11/15/12, 12/06/12, 01/17/13, 02/28/13, 03/21/13, 04/25/13

SUMMARY

TO: Town Council
FROM: Councilor Jennifer Cullum with Councilors James Cote and Jessica Rapp Grassetti
DATE: October 9, 2012
SUBJECT: Amending the Code of Barnstable General Ordinances, C.54

RATIONALE: Throughout the Town of Barnstable, many blighted and/or abandoned homes not presently addressed by the town. The intent of this ordinance is to eliminate deteriorated structures, vacant buildings, overgrowth of vegetation, trash and debris within neighborhoods and commercial areas, where buildings may be abandoned.

This amendment outlines basic property management and repair standards and guidelines for structural and landscape management, trash removal, and land maintenance standards.

At present, these unchecked blighted/abandoned properties impair the health, safety and general welfare of the neighborhood in which they are located. It is intended that this amendment address these issues of abandoned/blighted properties and improve the standard of public safety and general welfare in the neighborhoods in which they are located.

A. OLD BUSINESS (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-034

INTRO: 10/18/12, 11/15/12, 12/06/12, 01/17/13, 02/28/13, 03/21/13, 04/25/13

2013-034 AMENDING CODE OF BARNSTABLE GENERAL ORDINANCES CHAPTER 170, RENTAL PROPERTIES

ORDERED: That Chapter 170 of the Code of the Town of Barnstable, General Ordinances, be amended as follows.

SECTION 1. By striking the following sections 170-11 entitled “storage and removal of rubbish, garbage, and other refuse” and 170-12 entitled “inspections” and re-numbering the remaining sections accordingly.

“§170-11. Storage and removal of rubbish, garbage, and other refuse.

A. Owner’s responsibilities. The owner of any dwelling shall be responsible for providing receptacles with tight-fitting lids to be utilized for the proper storage of rubbish, garbage, and other refuse. Said receptacles shall be located in such a manner that no objectionable odor enters any dwelling and so as to provide maximum screening from the street. The owner of any dwelling that contains three or more units, and the owner of any dwelling which contains one or two units which is rented or leased for a period of six months or less, shall be responsible for the final collection and disposal of rubbish, garbage, and other refuse at a permitted transfer station or disposal facility.

B. Occupant's responsibilities. The occupant(s) of any dwelling shall be responsible for the proper storage of rubbish, garbage, and other refuse within receptacles with tight-fitting covers. Said occupant(s) shall also ensure that all tight-fitting covers are kept so that all rubbish, garbage, and other refuse which is stored outside the dwelling unit is properly covered. Said occupant shall be responsible for the proper use and cleaning of the receptacles and keeping the premises free of rubbish, garbage, and other refuse. Unless a written lease agreement specifies otherwise, the occupant(s) of any dwelling which contains one or two units and which is rented or leased for any period greater than six months shall be responsible for the collection and for the ultimate disposal of rubbish, garbage, and other refuse at a permitted transfer station or disposal facility.”

§170-12. Inspections.

Dwelling units covered by this section shall be subject to reasonable inspections by Town inspectional staff. All interior inspections shall be done in the company of the owner, occupant or the representative of either.”

SECTION 2. By adding the following sentence to subsection 170-12(A) of section 170-12 as re-numbered entitled “violations and penalties” after the first sentence; “Any owner of a rental property found to have two (2) documented violations within any twelve month period shall pay a fine of

\$300.00”; and by adding the following at the end of the second sentence in subsection 170-12(B) as re-numbered; “or \$300.00 for any owner of a rental property found to have two (2) documented violations within any twelve month period” ; said subsection 170-12 to read as follows

“§170-12. Violations and penalties.

A. Any person who violates any provision of this chapter shall be subject to a fine not to exceed \$300. Any owner of a rental property found to have two (2) documented violations within any twelve month period shall pay a fine of \$300.00. Each day of continued violation may be deemed to be a separate offense.

B. This chapter may be enforced under the provisions of MGL c. 40, §21D. The fine for any violation under the provisions of MGL c. 40, §21D shall be \$100 or \$300.00 for any owner of a rental property found to have two (2) documented violations within any twelve month period. Each day of continued violation may be deemed to be a separate offense.”

SPONSOR: Councilor Jennifer Cullum with Councilors James Cote and Jessica Rapp Grasseti

<u>DATE</u>	<u>ACTION TAKEN</u>
<u>11/15/12</u>	<u>Referred to pub. hearing 12/6/12</u>
<u>12/6/12</u>	<u>Public hearing, cont'd to 01/17/13</u>
<u>01/17/13</u>	<u>Public hearing, cont'd to 02/28/13</u>
<u>02/28/13</u>	<u>Public hearing, cont'd to 03/21/13</u>
<u>03/21/13</u>	<u>Public hearing, cont'd to 04/25/13</u>
<u>04/25/13</u>	

- Read Item
- Motion to open public hearing
- Rationale read
- Public input
- Close public hearing
- Council discussion
- Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2013-034

INTRO: 10/18/12, 11/15/12, 12/06/12, 01/17/13, 02/28/13, 03/21/13, 04/25/13

SUMMARY

TO: Town Council
FROM: Councilor Jennifer Cullum with Councilors James Cote, and Jessica Rapp Grasseti
DATE: October 9, 2012
SUBJECT: Amending the Code of Barnstable General Ordinances, C.170

RATIONALE: The Code of Barnstable General Ordinances, Chapter 170 concerns rental properties in the town. This amendment provides for a maximum fine of \$300 after two (2) valid violations within a twelve (12) month period, making it consistent with other graduated fines.

A. OLD BUSINESS (Continued public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-043

INTRO: 11/15/12, 12/06/12, 01/17/13, 02/28/13, 03/21/13, 04/25/13

2013-043 AMENDING THE GENERAL ORDINANCES, ARTICLE 1, §1-3, CHAPTER 170, RENTAL REGISTRATION

ORDERED: That the schedule of fines in Article I, Section 1-3 of the General Ordinances is hereby amended by striking out the line related to Chapter 170 and inserting in place thereof the following.

<u>CODE, CH/SECTION</u>	<u>SUBJECT</u>	<u>FINE</u>
Art. I, §1-3, Ch. 170	Rental Registration Any violation	\$100
	Rental Registration Two documented violations by owner in a twelve-month period	\$300

SPONSOR: Councilor Jennifer Cullum

<u>DATE</u>	<u>ACTION TAKEN</u>
<u>11/15/12</u>	<u>Referred to pub. hearing 12/6/12</u>
<u>12/6/12</u>	<u>Public hearing cont'd to 01/17/13</u>
<u>01/17/13</u>	<u>Public hearing cont'd to 02/28/13</u>
<u>02/28/13</u>	<u>Public hearing cont'd to 03/21/13</u>
<u>03/21/13</u>	<u>Public hearing, cont'd to 04/25/13</u>
<u>04/25/13</u>	<u>_____</u>

- Read Item
- Motion to open public hearing
- Rationale read
- Public input
- Close public hearing
- Council discussion
- Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2013-043

INTRO: 11/15/12, 12/06/12, 01/17/13, 02/28/13, 03/21/13, 04/25/13

SUMMARY

TO: Town Council
FROM: Councilor Jennifer Cullum
DATE: November 6, 2102
SUBJECT: Amending the General Ordinances, Article 1, §1-3, Chapter 170, Rental Registration

BACKGROUND: Amending Chapter 170, Rental Registration, is relevant to the passage of 2013-034 - Chapter 170, Rental Properties. This amendment will conform to the maximum allowable fine of \$300 as referenced.

A. OLD BUSINESS (Public hearing continued) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-082

INTRO: 03/07/13, 03/21/13, 04/04/13, 04/25/13

2013-082 APPROPRIATION ORDER OF \$50,000 TO CONDUCT A PLANNING PROCESS TO STUDY THE NOVEL AND COMPLEX ISSUES OF SITING MEDICAL MARIJUANA TREATMENT CENTERS

ORDERED: That the sum of **\$50,000** be appropriated to hire a consultant for the purposes of conducting a planning process to study the public health, safety, general welfare, legal and land use implications, including the direct and secondary effects of siting medical marijuana treatment centers and accessory uses in the Town, as those uses are defined under Ballot Question 3 on November 6, 2012, and to meet this appropriation that **\$50,000** be transferred from available funds.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
<u>03/07/13</u>	<u>Referred to 03/21/13 public hearing</u>
<u>03/21/13</u>	<u>Public hearing, cont'd to 04/04/13</u>
<u>04/04/13</u>	<u>Public hearing, cont'd to 04/25/13</u>
<u>04/25/13</u>	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-082

INTRO: 03/07/13, 03/21/13, 04/04/13, 04/25/13

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
DATE: February 28, 2013
SUBJECT: Appropriation for a professional consultant to study Medical Marijuana Treatment Center Moratorium requirements

RATIONALE: This request responds to the fiscal impact of the Medical Marijuana Treatment Center (MMTC) Moratorium. These funds will be used to hire a qualified professional consultant to conduct a study pursuant to the moratorium. Tasks required to fulfill the study requirements of the Medical Marijuana Treatment Center Moratorium include the following:

- ♦ A simplified list of use requirements set out in the MMTC legislation
- ♦ Research of Chapter 240 the Zoning Ordinance to document any sections where amendments would be required to address MMTC use and activity
- ♦ Research related land use regulations in the Town Code to document any sections where amendments would be required to address MMTC use and activity
- ♦ Conduct comparative studies of other communities nationwide that have implemented such uses
- ♦ Conduct thorough research, using professional resources to determine direct and secondary effects of siting medical marijuana treatment centers within the community and produce detailed documentation of those effects. Such research and documentation shall include the potential direct and secondary impacts of siting one MMTC and any change in these impacts when more than one MMTC is located in the community.
- ♦ Thoroughly analyze the Department of Public Health regulations and registration process(es) to determine if these regulations and processes create additional areas to be addressed through local regulations of any type.

The work product will be:

- ♦ A professionally researched and thoroughly documented study presenting the results from the above referenced tasks,
- ♦ An analysis that determines ordinances, regulations and/or other land use strategies that must be developed and adopted to regulate the siting of medical marijuana treatment centers, to regulate uses related to medical marijuana and to ameliorate to the greatest extent feasible the direct and secondary effects of this land use.
- ♦ Participation in several meetings to inform residents and Town officials about the study results as they develop the community's preferred course of action.

A. OLD BUSINESS (Public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-083

INTRO: 03/21/13, 04/04/13, 04/25/13

2013-083 AMENDING THE GENERAL ORDINANCE, CHAPTER 40, BOATS, S.5 B

ORDERED: That Chapter 40 Section 5 of the General Code of the Town of Barnstable is hereby amended by adding to Section B after the words “other boats or of the shore” the words, “Additionally there shall be no water skiing within 300 feet of a shoreline being used as a swimming area whether public or private.”

SPONSOR: Town Manager, Thomas K. Lynch

<u>DATE</u>	<u>ACTION TAKEN</u>
<u>03/21/13</u>	<u>Referred to 04/04/13 for public hearing</u>
<u>04/04/13</u>	<u>Public hearing, cont'd to 04/25/13</u>
<u>04/25/13</u>	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-083

INTRO: 03/21/13, 04/04/13, 04/25/13

SUMMARY

TO: Town Council
FROM: Lynne M. Poyant, Director of Community Services
DATE: March 5, 2013
SUBJECT: Ordinance change for Chapter 40 (Boats)

BACKGROUND: In the summer of 2012, the Town Council adopted updates to Chapter 40 of the town code relating to boats. State law requires any boating law to be approved by the Massachusetts Environmental Police (MEP). When we submitted our changes for review, they observed a section that was not recently amended that was in conflict. This occurred when the state regulations changed after our original ordinance was enacted decades ago. This section was not one of the changes adopted in 2012.

The new wording would be as follows:

*Water skiing as hereinafter permitted is subject to the provisions of §8, Chapter 90B, of the General Laws of Massachusetts and to the further restriction that there shall be no water skiing within 150 feet of bathers, divers, piers, docks, floats, moorings, other boats or of the shore. **Additionally there shall be no water skiing within 300 feet of a shoreline being used as a swimming area whether public or private.** For the purpose of this article, the words "water skiing" shall include the towing or manipulation of a surfboard, tube or other similar device behind a vessel.*

RATIONALE: For our ordinance to be valid and enforceable, the MEP must sign off on them. This minor change, which mirrors the state regulation, will allow them to do that. Without this change, the amendments in 2012 will not be valid.

FISCAL IMPACT: None

STAFF ASSISTANCE: Daniel J. Horn, Marine & Environmental Affairs Director/Harbormaster
Joe Gibbs, Assistant Harbormaster
Charles McLaughlin, Assistant Town Attorney

A. OLD BUSINESS (Public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-096

INTRO: 03/21/13, 04/04/1, 04/25/13

2013-096 APPROPRIATION AND TRANSFER ORDER - \$200,000 Airport Enterprise Fund Capital Improvement Plan for testing, design, and construction of Runway 6 engineered material arresting system (EMAS)

ORDERED: That the sum of **\$200,000** be appropriated for the purpose of funding the testing, design, and constructing of the Runway 6 Engineered Material Arresting System (EMAS) as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$200,000** be transferred from the Airport Enterprise Fund reserves, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

<u>DATE</u>	<u>ACTION TAKEN</u>
<u>3/21/13</u>	<u>Referred to 4/4/13 for public hearing</u>
<u>04/04/13</u>	<u>Public hearing, cont'd to 04/25/13</u>
<u>04/25/13</u>	<u></u>

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

A. OLD BUSINESS (Public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-097

INTRO: 03/21/13, 04/04/13, 04/25/13

**2013-097 APPROPRIATION AND TRANSFER ORDER - \$102,000 Airport Enterprise Fund
Capital Improvement Plan for design of a new fixed base operations facility**

ORDERED: That the sum of **\$102,000** be appropriated for the purpose of funding the design of a new Fixed Base Operations Facility as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$102,000** be transferred from the Airport Enterprise Fund reserves, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

<u>DATE</u>	<u>ACTION TAKEN</u>
<u>3/21/13</u>	<u>Referred to 4/4/13 for public hearing</u>
<u>04/04/13</u>	<u>Public hearing, cont'd to 04/25/13</u>
<u>04/25/13</u>	<u></u>

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

A. OLD BUSINESS (Public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-098

INTRO: 03/21/13, 04/04/13, 04/25/13

2013-098 APPROPRIATION AND TRANSFER ORDER - \$200,000 Airport Enterprise Fund Capital Improvement Plan for airport terminal and ARFF (aircraft rescue and firefighting) building improvements

ORDERED: That the sum of **\$200,000** be appropriated for the purpose of funding airport Terminal and ARFF Building Improvements as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$200,000** be transferred from the Airport Enterprise Fund reserves, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

<u>DATE</u>	<u>ACTION TAKEN</u>
<u>3/21/13</u>	<u>Referred to 4/4/13 for public hearing</u>
<u>04/04/13</u>	<u>Public hearing, cont'd to 04/25/13</u>
<u>04/25/13</u>	<u></u>

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

A. OLD BUSINESS (Public hearing) (Roll-call)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-099

INTRO: 03/21/13, 04/04/13, 04/25/13

2013-099 APPROPRIATION AND TRANSFER ORDER - \$90,000 Airport Enterprise Fund Capital Improvement Plan for airfield access control and security upgrades

ORDERED: That the sum of **\$90,000** be appropriated for the purpose of funding Airfield Access control and Security Upgrades as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, that **\$90,000** be transferred from the Airport Enterprise Fund reserves, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

<u>DATE</u>	<u>ACTION TAKEN</u>
<u>3/21/13</u>	<u>Referred to 4/4/13 for public hearing</u>
<u>04/04/13</u>	<u>Public hearing, cont'd to 04/25/13</u>
<u>04/25/13</u>	<u>_____</u>

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

A. OLD BUSINESS (Public hearing) (Roll-call, 2/3)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-100

INTRO: 03/21/13, 04/04/13, 04/25/13

2013-100 APPROPRIATION AND LOAN ORDER - \$260,000 Airport Enterprise Fund Capital Improvement Plan for airfield lighting regulators and runway hold-position signs

ORDERED: That the sum of **\$260,000** be appropriated for the purpose of funding Airfield lighting regulators and runway hold-position signs as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$260,000**, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

<u>DATE</u>	<u>ACTION TAKEN</u>
<u>3/21/13</u>	<u>Referred to 4/4/13 for public hearing</u>
<u>04/04/13</u>	<u>Public hearing, cont'd to 04/25/13</u>
<u>04/25/13</u>	<u>_____</u>

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

A. OLD BUSINESS (Public hearing) (Roll-call, 2/3)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-101

INTRO: 03/21/13, 04/04/13, 04/25/13

2013-101 APPROPRIATION AND LOAN ORDER - \$7,800,000 Airport Enterprise Fund Capital Improvement Plan for design and construction of the main terminal ramp—phase 2; construction of aircraft deicing pad; relocation and reconstruction of all taxiway alpha from runway 33 end to runway 15 end; other miscellaneous airfield improvements

ORDERED: That the sum of **\$7,800,000** be appropriated for the purpose of funding for the design and construction of the main terminal ramp – phase 2; construction of the aircraft deicing pad; the relocation and reconstruction of all of taxiway alpha from runway 33 end to runway 15 end; and other miscellaneous airfield improvements as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$7,800,000**, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

<u>DATE</u>	<u>ACTION TAKEN</u>
<u>3/21/13</u>	<u>Referred to 4/4/13 for public hearing</u>
<u>04/04/13</u>	<u>Public hearing, cont'd to 04/25/13</u>
<u>04/25/13</u>	<u>_____</u>

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

A. OLD BUSINESS (Public hearing) (Roll-call, 2/3)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-102

INTRO: 03/21/13, 04/04/13, 04/25/13

**2013-102 APPROPRIATION AND LOAN ORDER - \$810,000 Airport Enterprise Fund
Capital Improvement Plan for a new fuel farm**

ORDERED: That the sum of **\$810,000** be appropriated for the purpose of funding a New Fuel Farm as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$810,000**, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

<u>DATE</u>	<u>ACTION TAKEN</u>
<u>3/21/13</u>	<u>Referred to 4/4/13 for public hearing</u>
<u>04/04/13</u>	<u>Public hearing, cont'd to 04/25/13</u>
<u>04/25/13</u>	<u></u>

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

A. OLD BUSINESS (Public hearing) (Roll-call, 2/3)

BARNSTABLE TOWN COUNCIL

ITEM# 2013-103

INTRO: 03/21/13, 04/04/13, 04/25/13

**2013-103 APPROPRIATION AND LOAN ORDER - \$634,000 Airport Enterprise Fund
Capital Improvement Plan for the East Ramp sewer extension**

ORDERED: That the sum of **\$634,000** be appropriated for the purpose of funding the East Ramp Sewer Extension as outlined in the FY 2014 - FY 2018 Capital Improvement Plan as recommended by the Town Manager; and that to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow **\$634,000**, and that the Airport Commission is authorized to contract for and expend the appropriation made available for these purposes and be authorized to accept any grants or gifts in relation thereto.

SPONSOR: Thomas K. Lynch, Town Manager

<u>DATE</u>	<u>ACTION TAKEN</u>
<u>3/21/13</u>	<u>Referred to 4/4/13 for public hearing</u>
<u>04/04/13</u>	<u>Public hearing, cont'd to 04/25/13</u>
<u>04/25/13</u>	<u>_____</u>

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

B. NEW BUSINESS (Refer to public hearing 05/02/13)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-123
INTRO: 04/25/13**

2013-123 APPROPRIATION – \$40,000 FOR ADDITIONAL FY13 ELECTIONS EXPENSES

ORDERED: That the Barnstable Town Council hereby appropriates \$40,000 for the FY 2013 Administrative Services Department budget and that this amount be used to cover the costs associated with conducting two additional elections in FY 2013.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-123
INTRO: 04/25/13

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch
THROUGH: Linda Hutchenrider, Town Clerk
DATE: March 29, 2013
SUBJECT: Appropriation Order – Elections

BACKGROUND: Two special elections are necessary to fill the vacancy created when our United States Senator, John F. Kerry, was recently appointed the Secretary of State by President Obama. The two elections will be held in fiscal year 2013; the primary in April and the general election in June. Funding for these elections was not included in the fiscal year 2013 budget, as the vacancy was not known at the time the budget was developed.

ANALYSIS: The Town Clerk's office is one of mandates, and the elections are mandated functions and must be held and paid for. This appropriation pays for the two additional elections.

FISCAL IMPACT: Funding for this appropriation will come from the municipal savings account. This account has over a \$1.3 million balance. This appropriation will not be added to the FY 2014 Town Clerk operating base budget.

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

STAFF ASSISTANCE: Ann Quirk, Assistant Town Clerk
Mark Milne, Director of Finance

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-124
INTRO: 04/25/13**

2013-124 ACCEPTANCE OF \$27,073.00 GRANT FROM THE MASSACHUSETTS CLEAN ENERGY TECHNOLOGY CENTER FOR THE WATER POLLUTION CONTROL DIVISION

RESOLVED, that the Town Council hereby accepts a grant award in the amount of \$27,073.00 from the Massachusetts Clean Energy Technology Center for the purpose of conducting a feasibility study on the addition of digestion to reduce solids, generate agronomic projects and recover energy at the Water Pollution Control Facility and that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2013-124
INTRO: 04/25/13

SUMMARY

TO: Town Council
VIA: Thomas K. Lynch, Town Manager
FROM: Daniel W. Santos, P.E., Director
Department of Public Works
DATE: March 11, 2013

BACKGROUND: The Department of Public Works Water Pollution Control Division has been awarded a \$27,073.00 grant from the Massachusetts Clean Energy Technology Center. These funds will be used to conduct a feasibility study on the addition of digestion to reduce solids, generate agronomic projects and recover energy at the Water Pollution Control Facility.

ANALYSIS: The acceptance of this grant will allow the Water Pollution Control Division to investigate new and emerging technologies as they may apply to the handling of wastewater solids.

FISCAL IMPACT: The grant requires a 5% Grantee cost share of \$1,425.00. The division's operating expense budget shall provide the local share from the existing FY13 operating budget and no appropriation is necessary.

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

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-125
INTRO: 04/25/13**

2013-125 ACCEPTANCE OF A \$2,500 GRANT FROM THE CITIZENS HOUSING AND PLANNING ASSOCIATION (CHAPA) FOR EDUCATION AND OUTREACH

RESOLVED: That the Town Council does hereby accept the Welcome Home Massachusetts Regional Initiative grant award in the amount of \$2,500 from CHAPA for the purpose of hiring a qualified professional to assist in the production of several videos to be used for education and outreach, Further resolved that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Thomas K. Lynch, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2013-125
INTRO: 04/25/13

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Jo Anne Miller Buntich, Growth Management Director
DATE: April 3, 2013
SUBJECT: Acceptance of \$2,500 Welcome Home Massachusetts grant from CHAPA

BACKGROUND: The Growth Management Department has successfully applied for a \$2,500 Citizens Housing and Planning Association Welcome Home Massachusetts Initiative grant. This project supports GMD's community outreach

ANALYSIS: Acceptance of this grant will enable the Town to produce documentary videos describing local affordable housing initiatives and will be used for education and outreach in the community. This grant will provide additional support and services for production of the video.

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

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

B. NEW BUSINESS (Refer to planning board for hearing)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-126
INTRO: 04/25/13**

2013-126 AMEND THE ZONING ORDINANCE CH. 240, ARTICLE X PERSONAL WIRELESS COMMUNICATION

ORDERED:

That Chapter 240, Article X Personal Wireless Communication of the Zoning Ordinance is hereby amended as follows:

§ 240-108. Antennas permitted by special permit in all zoning districts.

This section is amended by deleting the word “or” after the word “building”; deleting the words “other than a” after the word “structure”; and adding the word “or” after the word “structure” in the second line. The amended section would then read:

Except where permitted as of right in § 240-109 below, in all zoning districts, an antenna mounted or located on any existing building, structure **or** communications tower may be permitted by special permit from the Zoning Board of Appeals, provided that no antenna exceeds the height of the existing structure by more than 12 feet, unless the Board finds that additional height is necessary to provide coverage, and the additional height will not be visually intrusive upon the surrounding area.

§ 240-109. Antennas permitted as of right in all zoning district.

Antennas permitted as of right in all zoning district shall be as follows:

This section is amended by adding new subsection A and re-numerating existing subsection A,B,C,D,E and F to B,C,D.E.F and G to accommodate the insertion of the new subsection A

New subsection A to be inserted would read as follows:

A. Co-locations of antennas and customary appurtenant equipment on an existing communications tower lawfully permitted for the purpose of supporting FCC-licensed antennas, subject to compliance with Section 240-107 and the following standards:

- i. The antenna shall not increase the height of the communications tower.
- ii. The antenna shall not extend out from the tower more than technically necessary for proper operation.
- iii. The Applicant shall submit a structural analysis prepared and stamped by a registered professional engineer licensed to practice in the Commonwealth of Massachusetts demonstrating that the communications tower has sufficient structural capacity for the installation. The analysis shall include information about all antenna installations on the tower.
- iv. Ground-mounted accessory equipment shall be located within an existing equipment shelter or an area fully screened in accordance with subsection 240-107(F).

The following subsections would be re-numerated as follows:

~~B.A.~~ An antenna and/or tower used in accordance with the terms of an amateur radio service license issued by the Federal Communications Commission provided that any facility tower is not licensed or used for any commercial use, subject to all the requirements of § 240-8, Exempt uses.

~~C.B.~~ Television and radio antennas, including satellite dishes not exceeding a diameter of four feet, for personal use, accessory to a residential use, or to provide entertainment for a single business such as a restaurant.

~~D.C.~~ An antenna completely enclosed within an existing structure other than a communications tower, provided that the associated equipment or base transceiver station is located within an underground vault, or within an existing building or addition thereto, other than an equipment or base receiver shelter.

~~E.D.~~ An antenna located upon the roof of an existing building or structure other than a communications tower, provided that the antenna does not exceed a height of 12 feet, and provided that the equipment shelter is set back from the roof edge a distance equal to the height of the equipment shelter

~~F.E.~~ An antenna located on a water tower belonging to a public water supply utility, by permission of the water utility, not to exceed the height of the water tower by more than 12 feet, except that the Zoning Board of Appeals may by special permit increase the height of the antenna up to 20 feet where the location of the water tower and design of the antenna is such that it will not be visually intrusive upon the surrounding area.

~~G.F.~~ Antennas located on existing utility stanchions, not to exceed a height of 12 feet above the utility stanchions, located within a Commonwealth Electric Company easement, with permission of the landowner to location and maintenance of an equipment or base receiver station shelter, or submission of recorded easement language demonstrating the right to install an equipment or base receiver station for a wireless communication facility.

SPONSOR: Councilor Janet S. Joakim

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2013-126
INTRO: 04/25/13

SUMMARY

TO: Town Council
FROM: Councilor Janet S. Joakim
THROUGH: Jo Anne Miller Buntich, Growth Management Director
DATE: April 3, 2013
SUBJECT: Amending the zoning ordinance to update the permitting process for wireless antenna on existing telecommunication towers

SUMMARY/ANALYSIS/RATIONALE: The purpose of this ordinance amendment is to update the permitting process for telecommunications companies to locate a wireless antenna on an existing telecommunications tower.

The current zoning regulations require a modification of the telecommunications tower special permit or variance prior to installation of an additional antenna. This process is time and resource intensive for Town regulatory staff, the Zoning Board of Appeals, and private wireless service companies. Consumer demand and technology advances continually prompt wireless companies to replace and amend antennas installations.

It is best practice to incentivize wireless carriers to locate antennas on existing towers or even other facilities. This practice reduces the likelihood of new tower construction.

This amendment updates Article X of the Zoning Code: Personal Wireless Telecommunication to allow antennas to be co-located on lawfully existing communications towers as of right without relief from the Zoning Board of Appeals. New antennas would however be thoroughly reviewed during the Site Plan Review and Building Permit processes. These administrative processes incorporate all reviews necessary to ensure that tower structures have sufficient structural capacity to accommodate the new antenna and that antenna installations are authorized by the property or tower owner. Prior to issuance of a building permit a structural analysis, prepared by a registered professional engineer, must be submitted and is thoroughly reviewed before approval by Building Division.

This proposal would not affect the siting or construction of new telecommunications towers. New towers are largely under the regulatory jurisdiction of the Cape Cod Commission, as almost all modern towers exceed Development of Regional Impact thresholds. Once approved by the county local permitting, typically thought the Zoning Board of Appeals, would commence.

B. NEW BUSINESS (First reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-127
INTRO: 04/25/13**

2013-127 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED, that the Town Council reappoint the following individuals to a multiple-member board/committee/commission:

BOARD OF ASSESSORS

Andrew Machado, Lane 30 Rosemary Lane, Centerville, as a member to a term expiring 6/30/2016

COMMUNITY PRESERVATION COMMITTEE

Marilyn Fifield, 49 Colonial Way, Barnstable, as a historical commission representative member to a term expiring 6/30/2016

Laura Shufelt, 1696 West Barnstable Road, West Barnstable, as a member to a term expiring 6/30/2016

Richard Sawyer, 75 Cap'n Crosby Road, Centerville, as a recreation commission representative member to a term expiring 6/30/2016

Paul Curley, 27 Lancaster Way, West Barnstable, as a planning board representative member to a term expiring 6/30/2016

CONSERVATION COMMISSION

Peter Sampou, 111 Cedar St., West Barnstable, as a member to a term expiring 6/30/2016

F.P. Tom Lee, 1081 Old Putnam Avenue, Osterville, as a member to a term expiring 6/30/2016

Louise Foster, 204 Clamshell Cove Road, Cotuit, as a member to a term expiring 6/30/2016

DISABILITY COMMISSION

Anne Mazzola 16 Linden Street, Hyannis, as a member to a term expiring 6/30/2016

Raffaele Kaddy, 25 Craigville Road, Hyannisport, as a member to a term expiring 6/30/2016

Jean Boyle, 24 West Hyannisport Circle, W. Hyannisport, as a member to a term expiring 6/30/2016

ECONOMIC DEVELOPMENT COMMISSION

Hartley Johnson, 782 Mystic Drive, Marstons Mills, as a member to a term expiring 6/30/2015

Jeffrey Craddock, 17 Captain Baker Road, Marstons Mills, as a member to a term expiring 6/30/2016

Alan Eric Feltham, 535 Ocean Street, Hyannis, as a member to a term expiring 6/30/2016

GOLF COMMITTEE

Nancy Beauchamp, 7 Christina's Path, Hyannis, as a member to a term expiring 6/30/2016

Geoffrey Converse, 558 Lumbert Mill Road, Centerville, as a member to a term expiring 6/30/2016

Richard Aliberti, 126 Trout Brook Lane, Cotuit, as a member to a term expiring 6/30/2016

HISTORICAL COMMISSION

George Jessop, 863 Bumps River Road, Centerville, as an architect representative member to a term expiring 6/30/2016

HOUSING COMMITTEE

Janet Daly, 68 Center Street, Unit 12, Hyannis, as a member to a term expiring 6/30/2016

Merrill Blum, 94 Water View Circle, Centerville, as a member to a term expiring 6/30/2016

Paul Hebert, 142 Strawberry Hill Road, Centerville, as member to a term expiring 6/30/2016

HUMAN SERVICES COMMITTEE

Coreen Brinckerhoff, Cape Organization for the Rights of the Disabled, 106 Bassett Lane, Hyannis, as a representative member to a term expiring 6/30/2016

HYANNIS MAIN STREET WATERFRONT HISTORIC DISTRICT COMMISSION

George Jessop, 863 Bumps River Road, Centerville, as a Historical Commission representative member to a term expiring 6/30/2016

JANE ESHBAUGH COMMUNITY SERVICE AWARD COMMITTEE

Jaci Barton, 87 School Street, Cotuit, as a member to a term expiring 6/30/2016

JFK MEMORIAL TRUST FUND COMMITTEE

Lynne Poyant, 18 Leonard Road, West Hyannisport, as a member to a term expiring 6/30/2015

LICENSING AUTHORITY

Paul Sullivan, 209 Longview Drive, Centerville, as a member to a term expiring 6/30/2016
David Nunheimer, 221 Saddler Lane, West Barnstable, as an associate member to a term expiring 6/30/2016

PERSONNEL BOARD

Stephen Whitmore, 1391 Hyannis Road, Barnstable, as a member to a term expiring 6/30/2016

SHELLFISH COMMITTEE

Stuart Rapp, 601 Lumbert Mill Rd., Centerville, as a member holding a family to a term expiring 6/30/2016
Gerard Ganey, 65 Tracey Road, Cotuit, as a member-at-large to a term expiring 6/30/2016

WATERWAYS COMMITTEE

Frederick Komenda, 65 Elliot Road, Centerville, as a member to a term expiring 6/30/2016

YOUTH COMMISSION

Colleen Morin, c/o Youth Commission, Hyannis, as a student member to a term expiring 6/30/2014
Christopher Bartley, c/o Youth Commission, Hyannis, as a student member to a term expiring 6/30/2014
Samuel Spillane, c/o Youth Commission, Hyannis, as a student member to a term expiring 6/30/2014
Elizabeth Ells, c/o Youth Commission, Hyannis, as a student member to a term expiring 6/30/2014

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____
___ Read item	
___ Council discussion	
___ Move/vote	

B. NEW BUSINESS (First Reading)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-128
INTRO: 04/25/13**

2013-128 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED, that the Town Council appoint the following individuals to a multiple-member board/committee/commission:

CABLE TV ADVISORY COMMITTEE

Thomas Terry Jr., 168 Barnstable Road, Hyannis as a member to a term 6/30/2014

COUNCIL ON AGING

Charlotte Saunders 148 Arrowhead Drive, Hyannis from a regular member to an associate member to a term 6/30/2015

HUMAN SERVICES COMMITTEE

Scott Fitzgerald, 453 Main Street, Hyannis as a member to a term 6/30/2016

Mark Thomas, 350 Pheasant Hill Circle, Cotuit as a member to a term 6/30/2015

Paul Thompson Jr., 22 Arrowhead Drive, Hyannis as a member to a term 6/30/2016

LAND ACQUISITION & PRESERVATION COMMITTEE

Steven Gould, 24 Old Shore Road, Cotuit as a member to a term 6/30/2016

LIBRARY COMMITTEE

Genevieve Hill, 49 Indian Hill Road, Barnstable as a member to a term 12/31/2013

RENEWABLE ENERGY COMMISSION

Katie Lamoureux, 161 Sea Street, Hyannis as a member to a term 6/30/2015

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council discussion
- ___ Move/vote

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-129
INTRO: 04/25/13**

2013-129 AUTHORIZING TOWN MANAGER TO CONVEY A 65' WIDE EASEMENT OFF SASSAFRAS LANE IN MARSTONS MILLS TO CENTERVILLE-OSTERVILLE-MARSTONS MILLS FIRE DISTRICT FOR CONSIDERATION OF \$100.

RESOLVED: That the Town Council does hereby authorize the Town Manager to convey a 65' wide easement over open space off SassafRAS Lane in Marstons Mills to Centerville-Osterville-Marstons Mills Fire District for consideration of \$100, to enable the construction and operation of a public water supply main, to be reduced to 20' wide upon construction, and to execute and record any documents in furtherance thereof.

SPONSOR: Town Manager Thomas K. Lynch at the request of Centerville-Osterville-Marstons Mills Fire District

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-129
INTRO: 04/25/13

SUMMARY

TO: Town Council
VIA: Thomas K. Lynch, Town Manager
FROM: Centerville-Osterville-Marstons Mills Fire District
DATE: April 3, 2013

BACKGROUND: COMM Water Department is in the process of developing a new well head in the northerly section of the Hayden Well field, which lies generally between the Cotuit Shopping Center and the Sassafras Lane neighborhood.

ANALYSIS: COMM Water Department is seeking the most directly accessible, convenient, and economical route from the new well head to a portion of the COMM's existing infrastructure on Sassafras Lane. The easement is for construction and subsequent operation of the public water supply main.

FISCAL IMPACT: All costs associated with the requested easement shall be borne by the COMM Fire District and consideration of \$100.00 shall be paid to the Town for conveyance of the easement.

TOWN MANAGER RECOMMENDATION: Town Manager Thomas K. Lynch recommends conveyance of the easement.

B. NEW BUSINESS (Refer to public hearing on 05/02/13)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-130
INTRO: 04/25/13**

2013-130 APPROPRIATION --\$200,000 COMMUNITY PRESERVATION FUNDS FOR THE PRESERVATION OF THE CAHOON MUSEUM OF AMERICAN ART

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of Two Hundred Thousand and NO/100 (\$200,000.00) Dollars be appropriated and transferred from the Undesignated portion of the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the total amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for the preservation of the Cahoon Museum of American Art, listed on the National Register of Historic Places, to include; foundation support, walls and roof, masonry and chimneys located at 4676 Falmouth Road, Cotuit, MA, Map-Parcel 010-008-001, to be secured by a historic restriction on behalf of the Town of Barnstable.

SPONSOR: Town Manager, Thomas K. Lynch, upon the recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-130
INTRO: 04/25/13

SUMMARY

TO: Town Council
FROM: Community Preservation Committee
DATE: April 12, 2013
SUBJECT: Cahoon Museum of American Art – Historic Preservation

BACKGROUND: The Community Preservation Committee (CPC) met on Monday, February 25, 2013 and voted to recommend, to the Town Council through the Town Manager, the funding request by the Cahoon Museum of American Art in the amount of \$200,000.00 for the preservation of the historic structure to include the foundation, walls, roof, masonry and chimneys.

RATIONALE: The Cahoon Museum of American Art (CMAA) continues to be a destination for both art lovers and lovers of historic buildings. It is the former home and studio of famous folk artists Ralph and Martha Cahoon. The contribution that Ralph and Martha Cahoon made to American folk art and part of the historic building will be arranged as their former studio – a tribute to them and an attraction for school children as well. The original construction of the building is believed to be about 1775 and is listed in the National Register of Historic Places as one of 17 significant buildings in the Santuit Historical District.

B. NEW BUSINESS (Refer to public hearing on 05/02/13)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-131
INTRO: 04/25/13**

**2013-131 APPROPRIATION -\$100,000 COMMUNITY PRESERVATION COMMITTEE FOR
CREATION OF COMMUNITY HOUSING ON SESAME STREET, MARSTONS MILLS**

ORDERED: That, pursuant to the provisions of G.L. c. 44B, the sum of One Hundred Thousand and NO/100 (\$100,000.00) Dollars be appropriated and transferred from the Housing portion of the Community Preservation Fund; and that the Town Manager is authorized to contract for and expend the total amount appropriated, subject to oversight of the project expenses by the Community Preservation Committee, for the acquisition of Affordable Housing Restrictions to be held by the Town of Barnstable on approximately one (1) acre of land located at 28 Sesame Street, Marstons Mills, MA with map and parcel 173-007-002 and on approximately one (1) acre of land located 29 Sesame Street, Marstons Mills, MA with map and parcel 173-007-001 for the creation of community housing contingent upon all permits being issued.

SPONSOR: Town Manager Thomas K. Lynch, upon the recommendation of the Community Preservation Committee

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2013-131
INTRO: 04/25/13

SUMMARY

TO: The Barnstable Town Council
FROM: Community Preservation Committee
DATE: April 12, 2013
SUBJECT: Funding for the Creation of Affordable Housing by the Habitat for Humanity of Cape Cod, Inc. at 28 and 29 Sesame Street, Marstons Mills, MA 02648

BACKGROUND: The Community Preservation Committee (CPC) met on Monday February 25, 2013 and voted unanimously to recommend to the Town Council, through the Town Manager, to support the funding request of \$100,000.00 from Habitat for Humanity of Cape Cod for the creation of affordable housing on the property located at 28 and 29 Sesame Street, Marstons Mills, MA with map and parcel 173-007-002 and 173-007-001 respectively.

RATIONALE: The acquisition of approximately two (2) acres of land will support the creation of two single family dwellings. CPA funds will cover the land acquisition costs and will offset pre-development and infrastructure costs. The homes are built in partnership with the community and with the selected buyer families.

The homes will be affordable in perpetuity with affordability ensured by a Department of Housing and Community Development (DHCD) Local Initiative Program (LIP) Deed Rider and will be counted on Barnstable's DHCD Subsidized Housing Inventory (SHI). The homes will be made available to very-low income households; households earning between 45% and 65% of Area Median Income. Each home sale price will be approximately \$133,800.

This project meets the criteria for Community Preservation projects as it creates community housing. The project helps preserve Barnstable's character by providing much needed housing opportunities that help maintain a diverse and vibrant community.

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-132
INTRO: 04/25/13**

**2013-132 ACCEPTANCE OF A \$18,000 MASSACHUSETTS CULTURAL COUNCIL ADAMS
ARTS PROGRAM FY12 GRANT EXTENSION**

ORDERED: That the Town Council does hereby accept the grant award in the amount of \$18,000 from the Massachusetts Cultural Council’s Adams Arts Program. These funds will leverage other funds to create, support and promote arts programming in Barnstable. Further resolved that the Town Manager be authorized to contract for and expend the grant funds for the purpose stated herein.

SPONSOR: Town Manager Thomas K. Lynch

DATE	ACTION TAKEN
_____	_____
_____	_____

- _____ Read Item
- _____ Rationale
- _____ Council discussion
- _____ Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2013-132
INTRO: 04/25/13

SUMMARY

TO: Town Council
FROM: Thomas K. Lynch, Town Manager
THROUGH: Jo Anne Miller Buntich, Growth Management Director
DATE: April 16, 2013
SUBJECT: Massachusetts Cultural Council Adams Arts Program grant

BACKGROUND: The Growth Management Department has been awarded pursuant a \$18,000 grant from the Massachusetts Cultural Council Adams Arts program. The use of these funds will continue and augment the successful downtown Hyannis Harbor Your Arts economic development program, will be invested in temporary and permanent public art and promote arts and cultural programs and events throughout Barnstable.

This grant award is an extension of the FY 12 grant awarded to GMD Economic Development Program, Arts & Culture. This is our seventh year of funding from the MCC.

GMD Economic Development Program, Arts & Culture through the Harbor Your Arts (HyA) program organizes, administers and promotes performing arts, exhibits, retail space for artists through the artist shanty program, artist live/work space and several arts and cultural events primarily in Hyannis, throughout the year. A vibrant, engaging downtown is supported by the public sector, maximizing economic development opportunities for private sector business development. Arts focused activities attract visitors and residents and enhance their experience; provide market opportunities for artists and businesses; support the local creative economy; enhance business activity in Hyannis; and help define Hyannis as an arts and culture destination. Frequently collaborating with the Hyannis Main Street BID, the Hyannis Area Chamber of Commerce, Cape Cod Art Association and the Arts Foundation of Cape Cod, we provide resources to the arts community through cooperative marketing and promotion to support community led arts and culture initiatives in Barnstable.

This award leverages other grant funds from Arts Foundation of Cape Cod and in kind services from the Hyannis Main Street BID, Cape Cod Art Association, Cape Cod Chamber and the Hyannis Area Chamber of Commerce. The required grant match is satisfied by these activities. No Town funds are, allocated for or expended, on this arts and culture program.

STAFF ASSISTANCE:

Melissa Hersh, Growth Management Economic Development Program, Arts & Culture Coordinator
Marjorie Watson, Administrative Assistant to the Director

B. NEW BUSINESS (Refer to planning board for public hearing)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-133
INTRO: 04/25/13**

2013-133 AMENDING THE ZONING ORDINANCE PROVIDING A NEW SIGN CODE FOR THE OSTERVILLE BUSINESS A ZONING DISTRICTS

ORDERED:

That the Code of the Town of Barnstable, Zoning Ordinance, Chapter 240, Article VII, Sign Regulations is hereby amended by adding a new Section 240-65.1 to apply only to the Osterville Business A Zoning Districts, by amending other sections to acknowledge this new sign code section and by updating the sign code definitions of Open Closed Signs and Neon Signs and to read as follows:

Section 1

§240-65.1 Signs in the BA Districts

A. Business Identification Signs.

- (1) Each business establishment is allowed two signs.
- (2) The area of all signs for each individual business establishment shall not exceed ten percent (10%) of the area of the building façade associated with the business establishment that contains the establishment's primary customer entrance or 100 square feet, whichever is the lesser amount.
- (3) In instances where multiple business establishments share a customer entrance on the same façade, the following requirements shall apply:
 - (a) The total square footage for all signs of all business establishments attached to each façade shall not exceed 10% of the total area of the façade associated with the business establishments that contains the establishments' shared customer entrance or 100 square feet, whichever is the lesser amount.
 - (b) In instances where a building façade with a shared customer entrance does not have a ground-floor window belonging to each and all business establishments within the building, the following additional requirements shall apply:
 - [1] Business establishments with a window on the ground floor of the building façade that includes a shared customer entrance shall be allowed one sign attached to that building façade.
 - [2] Up to two directory signs shall be allowed for all businesses within the building. That sign may have multiple panels for each business tenant within the building. The total size of the directory sign(s) shall not exceed 20 square feet.

(4) Additional Standards for Each Sign Type.

In addition to the number and size limitations of Section (A) (1), signs shall be subject to the following requirements. The most restrictive requirement shall apply.

(a) Wall Signs.

- [1] The maximum size of a wall sign shall not exceed fifty (50) square feet.

(b) Projecting Signs.

- [1] The maximum size of a projecting sign shall not exceed six (6) square feet.
- [2] The sign may be double-faced.
- [3] The bottom of a projecting sign shall be a minimum of 8 feet from grade and the height of the projecting sign shall not exceed 12 feet where the sign projects over a pedestrian walkway.
- [4] The projecting sign must be secured and located so as to preclude its becoming a hazard to the public.
- [5] Each business establishment may only have one projecting sign on a façade.

- [6] Any sign projecting over Town property must have adequate public liability insurance coverage. Proof of such insurance must be provided to the Building Commissioner prior to the granting of a permit for such sign.

(c) Roof Signs.

- [1] The maximum size of a roof sign shall not exceed 20 square feet.
- [2] A roof sign shall be no higher than 1/5 of its length.
- [3] The roof sign shall be located above the eave, and shall not project below the eave, or above a point located 2/3 of the distance from the eave to the ridge.

(d) Freestanding Signs.

- [1] One freestanding sign is allowed on each lot where the building is set back a minimum of five feet from the property line.
- [2] The sign may be double-faced.
- [3] The maximum size and height of freestanding signs shall be as follows:
 - [a] For properties that contain one business establishment, a freestanding sign shall not exceed four (4) square feet in area and seven (7) feet in height.
 - [b] For properties that contain two or more business establishments, a freestanding sign shall not exceed eight (8) square feet in area and ten (10) feet in height.
 - [c] For properties that are located in the portion of the BA District south of Osterville-West Barnstable Road and north of Pond Street, a freestanding sign shall not exceed twenty (20) square feet in area and twelve (12) feet in height.
- [4] When a lot is located on two or more public ways, the Building Commissioner may allow a second freestanding sign, provided the second freestanding sign also conforms to the requirements of subsection (4)(d)[3] above.

(e) Awning Signs.

- [1] Signage may be displayed on a maximum of two awnings per façade per business establishment.
- [2] For the purposes of this Section, two awnings with signage on the same façade shall constitute one sign.
- [3] When a business establishment elects to put signage on two awnings on the same façade pursuant to subsection (e)[2] above, that business establishment shall be limited to one of the following additional signs:
 - [a] One wall sign, not to exceed six (6) square feet in area; or
 - [b] One projecting sign, subject to the requirements of (A)(4)(b); or
 - [c] One freestanding sign, subject to the requirements of (A) (4) (d).
- [4] Lettering on an awning sign shall not exceed six (6) inches in height.
- [5] Any logo, symbol, graphic, or image incorporated into an awning sign shall not exceed two square feet.

(5) Special Permit for Dimensional Relief.

Within the BA Zoning District, the Special Permit Grant Authority (SPGA) may provide relief subject to the provisions of § 240-125C herein from the size and dimensional requirements of Section 240-65.1(A). The grant of any special permit for dimensional relief within the BA District shall require the SPGA to make the following findings:

- (a) There are unique features affecting the property or structure containing the business establishment that make it distinctly different in character from other development in the district. Such features may include, but are not limited to, the visibility of a structure or primary customer entrance from a public way, the size of the structure containing the business establishment, orientation of the structure on the lot, access to the structure, or the number of tenants located on a single lot.
- (b) The proposed sign is consistent with the visual character of surrounding neighborhood and the community.

B. Identification Signs.

Identification signs shall not count against the total number of signs allowed for a business establishment in Section 240-65.1(A).

(1) Identification Signs for secondary customer entrances.

- (a)** Each business establishment with a second customer entrance on a second façade oriented to a public way, parking lot, or publicly used walkway is allowed one identification sign.
- (b)** The area of the sign shall not exceed 5% of the area of the building façade associated with the business establishment that contains the establishment's secondary customer entrance or 20 square feet, whichever is the lesser amount.
- (c)** The identification sign shall be limited to either a wall sign, projecting sign, or awning sign, subject to the requirements set forth in Section 240-65.1(A)(4) above.
- (d)** The sign shall be attached to the building façade containing the second customer entrance.
- (e)** In instances where the multiple business establishments share a secondary customer entrance, identification signs shall be subject to the requirements of Section 240-65.1(A)(3) except that size limitations of subsection (B)(1)(c) above shall apply.

(2) Identification Signs for delivery or service entrances.

- (a)** Each business establishment is allowed one identification sign attached to a building façade oriented to a public way, parking lot, or publicly used walkway, providing that such façade has a delivery or service entrance serving that business establishment.
- (b)** The identification sign shall be a wall sign located near the delivery or service entrance.
- (c)** The maximum size of an identification sign shall not exceed two (2) square feet.

C. Trade Signs and Temporary Signs.

These signs shall be permitted in addition to the signs permitted in subsections A and B above. All trade signs and temporary shall be made of high quality materials and kept clean and properly maintained so to avoid peeling, rusting or other forms of decay.

(1) Menu Signs.

- (a)** Each restaurant or food service establishment may have one menu sign not to exceed three square feet.
- (b)** The menu sign shall be attached to the building.

(2) A-Frame Menu Boards.

- (a)** A-Frame Menu Boards are permitted for restaurants and other food service establishments.
- (b)** One A-Frame Menu Board sign per establishment is permitted.
- (c)** The maximum size of the A-Frame Menu Board shall not exceed 2 feet by 3 feet. The sign may be double-sided.
- (d)** The sign must be A-frame style and the frame must be made out of solid wrought-iron and may incorporate a chalk-board.
- (e)** Where the A-Frame Menu Board is proposed on private property, proof shall be submitted demonstrating to the satisfaction of the Building Commissioner that explicit written permission has been given by the owner of the property proposed for locating the A-Frame Menu Board.
- (f)** Where the A-Frame Menu Board is proposed on Town property, the following additional criteria shall be met:
 - [1] Proof of receipt of a license from the Town Manager or designee for the sign at the proposed location.
 - [2] Proof of insurance consistent with this license from the Town Manager or designee shall be provided to the Building Commissioner prior to placing any approved sign.
- (g)** A-Frame Menu Boards may not be used in conjunction with trade figure/symbols, open/closed signs or menu signs.
- (h)** A-Frame Menu Boards must comply with the following performance standards:
 - [1] Shall be secured as necessary so as not to create nuisance or hazard to pedestrians, motorists or business patrons under any conditions.
 - [2] Shall not obstruct safe passage or impede accessibility on the sidewalk.

- [3] Shall not obstruct views to another business or business sign.
- [4] Shall be professionally made and well maintained. Hand-lettered signs shall not incorporate informal, irregular hand lettering.
- [5] Shall not be illuminated.
- [6] Shall not have lights, banners, flags or similar objects placed on or adjacent to the sign.
- [7] Shall be placed on the sidewalk leading to the public business entrance.
- [8] Shall be removed at the close of business each day.
- [9] Shall not be displayed outside of business hours.

(3) Trade Figure or Symbols.

- (a) One trade figure or symbol per business establishment is permitted.
- (b) The trade figure or symbol shall represent the business and/or its services and be based on historic trade representations.
- (c) Trade figures or symbols shall comply with the following requirements:
 - [1] The trade figure or symbol shall be placed at the public entrance immediately abutting the building front or affixed to the front facade of the building in which the business is located. Trade figures or symbols may also be incorporated into a freestanding sign.
 - [2] The maximum size of any trade figure or symbol shall be three cubic feet.
 - [3] The trade figure or symbol shall be secured as necessary so that it does not create nuisance or hazard under any conditions to pedestrians, motorists or business patrons.
 - [4] The trade figure or symbol shall not obstruct safe passage or impede accessibility on the sidewalk and shall not obstruct views to another business or business sign.
 - [5] Trade figures or symbols may not be used in conjunction with A-Frame Menu Boards.
- (d) Proof shall be submitted demonstrating to the satisfaction of the Building Commissioner that explicit written permission has been given by the owner of the property proposed for locating the trade figure or symbol.
- (e) Where the trade figure or symbol is proposed on Town property, the following additional criteria shall be met:
 - [1] Proof of receipt of a license from the Town Manager or designee for the sign at the proposed location.
 - [2] Proof of insurance consistent with this license from the Town Manager or designee shall be provided to the Building Commissioner prior to placing any approved trade figure or symbol.

(4) Open Closed Signs.

- (a) Each business establishment is allowed one open/closed sign on each building façade oriented to a street or parking lot, providing that such façade has a customer entrance serving that business establishment.
- (b) The open/closed sign shall either be attached at the customer entrance, in a display window or door of the building in which the business is located or attached to a freestanding sign. Open/closed signs may also be incorporated into a trade figure or A-Frame Menu Board.
- (c) The maximum size of an open/closed sign shall not exceed 22 inches by 14 inches.

(5) Incidental business signs.

- (a) Incidental business signs indicating the business, hours of operation, credit cards accepted, and business affiliations shall be permitted so long as the total area of all signs does not exceed one square foot.
- (b) "Sale" signs and other temporary signs shall be permitted so long as the total area of all such signs does not exceed three square feet.

(6) Trade Flags.

Trade flags are prohibited in the BA District.

D. Illumination, Design and Materials.

- (1) No neon or LED signs are permitted in the BA District.
- (2) Internally illuminated signs are prohibited in the BA District.
- (3) The lettering, shape, and color employed in a sign shall be compatible with the form, color, and materials of the building housing the business establishment that the sign is identifying. Signs for different businesses within the same building or for multiple business establishments in multiple buildings on the same property shall be of harmonious style and design.
- (4) Wall signs, projecting signs, roof signs, and freestanding signs shall be made primarily of wood, PVC composite, medium density or high density overlay plywood or HDPE sign board.

Section 2

That the Code of the Town of Barnstable, Zoning Ordinance, Chapter 240, Article VII, Sign Regulations §240-65, that now reads “Signs in B, BA, UB, HB, HO, S&D and SD-1 Districts” is hereby amended by deleting the reference to the BA District. That section to read: §240-65, Signs in B, UB, HB, HO, S&D and SD-1 Districts.

Section 3

That the Code of the Town of Barnstable, Zoning Ordinance, Chapter 240, Article VII, Sign Regulations §240-72, Trade Flags, Provision F, that now reads: “F. In the Osterville BA District, the display of a trade flag shall be limited to antique stores, and the dimensions of trade flags shall not exceed two feet by three feet.” is hereby deleted.

Section 4

That the Code of the Town of Barnstable, Zoning Ordinance, Chapter 240, Article VII, Sign Regulations §240-60, Definitions is hereby amended by:

- 1. Amending the definition of OPEN/CLOSED SIGN that now reads, “OPEN/CLOSED SIGN - A business in the HVB may display a sign, which may include a neon sign, as defined herein, indicating whether it is open or closed. Open/closed signs are not counted towards the amount of signage allowed. A neon sign is made of glass tubes filled with an inert gas such as neon or argon electrified to produce illumination. This provision is an exception to § 240-24.1.10A (6).”

That definition to now read:

OPEN/CLOSED SIGN — A sign indicating whether a business is open or closed. A business in the HVB may display a neon open/closed sign, as defined herein, indicating whether it is open or closed. Open/closed signs are not counted towards the amount of signage allowed.

- 2. And adding, in alphabetical order, a definition of a Neon Sign to read as follows: NEON SIGN – A neon sign is made of glass tubes filled with an inert gas such as neon or argon electrified to produce illumination. This provision is an exception to §240-24.1.10A (6).

SPONSOR: Councilor James Cote

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Motion to refer to planning board for a public hearing
- ___ Motion to open public hearing
- ___ Rationale
- ___ Public Hearing
- ___ Close public hearing
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2013-133
INTRO: 04/25/13

SUMMARY

TO: Town Council
FROM: Councilor James Cote
THROUGH: Jo Anne Miller Buntich, Growth Management Director
DATE: April 17, 2013
SUBJECT: Zoning amendment for signs in Osterville Business A Zoning District

BACKGROUND: These proposed amendments were crafted in response to a request from the Osterville Business and Professional Association. Their desire was to have sign regulations that reflect the character and scale of Osterville village center. This amendment is the product of a multi-year collaboration between the OBPA, OVA and the Growth Management Department.

The mission was twofold: to support the needs of local businesses and to preserve the unique appearance Osterville's commercial center.

This amendment recognizes that zoning regulations must be context-sensitive and that a "one size fits all" sign code cannot sufficiently serve the needs of all areas or villages of Barnstable. Osterville has small, independent merchants operating in a pedestrian oriented environment. The existing sign code, as it applies to this zoning district, is more appropriate to business districts serving a more auto oriented land use.

These proposed amendments would provide businesses in Osterville village added flexibility in the types of signage that may be displayed, allowing the ability to respond to the unique orientation and arrangement of storefronts found in Osterville village center.

Growth Management has taken this opportunity to create, in its organization and context sensitivity, a sign code prototype that can be applied to other areas of Town in the future.

B. NEW BUSINESS (May be acted upon)

BARNSTABLE TOWN COUNCIL

**ITEM# 2013-136
INTRO: 04/25/13**

2013-136 RESOLVE ON AN EXEMPTION FOR THE TOWN MANAGER OF AN INTEREST UNDER THE CONFLICT OF INTEREST LAW UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 268A §19

RESOLVED: That the interest of Town Manager, Thomas K. Lynch, in the execution of two open air parking lot licenses for HyLine Harbor Tours are hereby found not to be so substantial as to interfere with the objective performance of his duties in the best interests of the Town.

SPONSOR: Town Council President Debra Dagwan

DATE	ACTION TAKEN
_____	_____
_____	_____

- ___ Read Item
- ___ Rationale
- ___ Council discussion
- ___ Move/vote

BARNSTABLE TOWN COUNCIL

ITEM# 2013-136
INTRO: 04/25/13

SUMMARY

TO: Town Council
FROM: Town Council President Debra Dagwan
DATE: April 23, 2013
SUBJECT: Exemption of Interest for Town Manager, Thomas K. Lynch

RATIONALE: Under the provisions of G.L. c. 268A s. 19, the Town Manager has advised the Town Council President that an immediate family member has a financial interest in a particular matter. Specifically, this family member currently serves as the manager for several open air parking lots owned by HyLine Harbor Cruises. Each year, applicants for open air parking licenses under G.L. c. 148 s. 56 submit applications to the Regulatory Services Department, which reviews the information submitted for accuracy and completes the terms of the license. The completed license is forwarded to the Town Manager for his approval. The two licenses involved are renewals, which were approved under the same terms and conditions for the previous year. The Town Manager's interest is not so substantial as to be deemed likely to affect the Town Manager's integrity in his duties in signing the licenses in question, which forms the basis for requesting the exemption.