



Town of Barnstable
Town Council
James H. Crocker Jr. Hearing Room
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Hyannis, MA 02601

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TOWN COUNCIL MEETING AGENDA

September 15, 2022

7:00 PM

The September 15, 2022 Meeting of the Barnstable Town Council shall be conducted in person. The public may attend in person or participate remotely in Public Comment or during a Public Hearing via the Zoom link listed below.

Councilors:

Matthew Levesque
President
Precinct 10

Paula Schnepf
Vice President
Precinct 12

Gordon Starr
Precinct 1

Eric R. Steinhilber
Precinct 2

VACANT
Precinct 3

Nikolas Atsalis
Precinct 4

VACANT
Precinct 5

Paul C. Neary
Precinct 6

Jessica Rapp Grassetti
Precinct 7

Jeffrey Mendes
Precinct 8

Tracy Shaughnessy
Precinct 9

Kristine Clark
Precinct 11

Jennifer L. Cullum
Precinct 13

Administrator:
Cynthia A. Lovell
Cynthia.Lovell@
town.barnstable.ma.us

1. The meeting will be televised live via Comcast Channel 18 or may be accessed via the Channel 18 live stream: <http://streaming85.townofbarnstable.us/CablecastPublicSite/watch/1?channel=1>

2. Written Comments may be submitted to:
https://tobweb.town.barnstable.ma.us/boardscommittees/towncouncil/Town_Council/Agenda-Comment.asp

3. Remote Participation: The public may participate in Public Comment or Public Hearings by utilizing the Zoom video link or telephone number and access meeting code:

Join Zoom Meeting <https://zoom.us/j/92311638653> Meeting ID: 923 1163 8653
US Toll-free 888 475 4499

PUBLIC SESSION

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. TOWN MANAGER COMMUNICATIONS

- Update on the Water Resource Management Plan;
Daniel W. Santos, P.E., Director, Department of Public Works

7. ACT ON PUBLIC SESSION MINUTES

8. COMMUNICATIONS- from elected officials, boards, committees, and staff, commission reports, correspondence and announcements

- Recognition of Joseph O'Brien, Recreation Commission/Alex Rodolakis, Zoning Board of Appeals

9. ORDERS OF THE DAY

- A. Old Business
- B. New Business

10. ADJOURNMENT

NEXT REGULAR MEETING: October 06, 2022

ITEM NO.	INDEX TITLE	PAGE
A. OLD BUSINESS		
2022-159	Amending the Code of the Town of Barnstable, Part I, General Ordinances, Chapter 240 Zoning, Article III, §240-30(E)(4) by amending the separation requirements of the Medical Marijuana Overlay District (Public Hearing) (Roll Call 2/3 Full Council)	
2023-011	Amending the Code of the Town of Barnstable, Part I, General Ordinances, Chapter 240 Zoning, Article V Section 46, Home Occupation, and Article III Section 14, RC-1 and RF Residential Districts, Subsection (C) Conditional Uses, to update requirements pertaining to Home Occupations (Public Hearing) (Roll Call 2/3 Full Council)	
2023-022	Appointments to a Board/Committee/Commission: Airport Commission: Mark Guidod, as a regular member, to a term expiring 06/2025; Human Services Committee: Kimberly Crocker Crowther as a representative member to a term expiring 06/2025; Land Acquisition and Preservation Committee: Katherine Gulliver, as a regular member to a term expiring 06/2025 (May be acted upon) (Majority Vote)	
2023-024	Appropriation Order in the amount of \$75,000 for the purpose of funding the local match requirement for a Federal Grant from the United States Department of Agriculture, Natural Resources Conservation Service in the amount of \$200,000 for design and construction of Stormwater Improvements at Old Shore Road, Cotuit (Public Hearing) (Roll Call 2/3 Full Council)	
2023-025	Appropriation Order in the amount of \$145,000 for the purpose of funding stormwater improvements at Shubael Pond, Marstons Mills (Public Hearing) (Roll Call 2/3 Full Council)	
2023-026	Appropriation Order in the amount of \$95,000 for the purpose of funding an Alum treatment for Shubael Pond, Marstons Mills (Public Hearing) (Roll Call 2/3 Full Council)	
B. NEW BUSINESS		
2023-030	Appropriation Order in the amount of \$1,337,890 for the purpose of funding the restoration work to the Zion Union Historic Museum and Original Chapel, located at 296 North Street, Hyannis, MA (Refer to Public Hearing 10/06/2022)	
2023-031	Resolve approving and adopting the Town of Barnstable 2022 Hazard Mitigation Plan Update, dated April 2022 (May be acted upon) (Majority Vote)	

Approve Minutes: September 01, 2022

Please Note: The lists of matters are those reasonably anticipated by the Council President which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed 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 as 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, it may be continued to a future meeting, and with proper notice.

A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-159
INTRO: 05/05/2022, 09/15/2022**

2022-159 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I, GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE III, §240-30(E)(4) BY AMENDING THE SEPARATION REQUIREMENTS OF THE MEDICAL MARIJUANA OVERLAY DISTRICT

ORDERED: To amend the Code of the Town of Barnstable, Part I, General Ordinances, Chapter 240 Zoning by deleting §240-30(E)(4) in its entirety and inserting the following new §240-30(E)(4) in its place:

“Separation requirements. The site does not abut a religious institution/place of religious assembly, and is at least 500 feet from any school, day-care center, preschool or afterschool facility or any facility in which children commonly congregate. In no case shall a RMD directly abut another RMD or any medical marijuana use.”

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-159

INTRO: 05/05/2022, 09/15/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth Jenkins, Director, Planning & Development Department
DATE: May 05, 2022
SUBJECT: Amending the Code of the Town of Barnstable, Part I, General Ordinances, Chapter 240 Zoning, Article III, §240-30(E)(4) by amending the separation requirements of the Medical Marijuana Overlay District

RATIONALE: Section 5 of M.G.L. c. 40A, the state Zoning Act, provides that “[a]doption or change of zoning ordinances or by-laws may be initiated by the submission to the city council ... of a proposed zoning ordinance ... by ten registered voters in a city ...” Section 5 further provides that the City Council “shall within fourteen days of receipt of such zoning ordinance ... submit it to the planning board for review.”

On May 2, 2022, a proposed amendment to the Town’s zoning ordinance was submitted to the Town Clerk, along with the signatures of ten residents of the Town. On May 2, 2022, the Town Clerk certified that the petition was signed by ten certified voters of the Town. On May 2, 2022, the petition was submitted to the Town Council by one of the proponents of the petition. In accordance with G.L. c. 40A, section 5, the proposed amendment has been placed on this meeting’s agenda for referral to the Planning Board.

FISCAL IMPACT: There is no significant fiscal impact of the proposed zoning amendment.

STAFF SUPPORT: Elizabeth Jenkins, Director, Planning & Development Department; Karen Nober, Town Attorney; James Kupfer, Senior Planner

A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)

BARNSTABLE TOWN COUNCIL

**ITEM# 2023-011
INTRO: 07/21/2022, 09/15/2022**

2023-011 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I, GENERAL ORDINANCES, CHAPTER 240 ZONING, ARTICLE V SECTION 46, HOME OCCUPATION, AND ARTICLE III SECTION 14, RC-1 AND RF RESIDENTIAL DISTRICTS, SUBSECTION (C) CONDITIONAL USES, TO UPDATE REQUIREMENTS PERTAINING TO HOME OCCUPATIONS

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

SECTION 1

By amending Article V Accessory Uses, Section 46, Home Occupation by deleting Section 240-46 in its entirety and inserting the following new Section 240-46 in its place:

“§ 240-46 Home occupation.

A. Intent. It is the intent of this section to allow the residents of the Town of Barnstable to operate a home occupation within a dwelling, subject to the provisions of this section, provided that the activity shall not be discernible from outside the dwelling except as provided herein; there shall be no increase in noise or odor; no visible alteration to the premises which would suggest anything other than a residential use; no increase in traffic above normal residential volumes; and no increase in air or groundwater pollution.

B. A home occupation shall be permitted, in all zoning districts as of right subject to the following conditions:

- (1) The activity is conducted by a permanent resident of a dwelling unit, located within that dwelling unit, or within an accessory structure located on the same lot, subject to the limitations herein.
- (2) Such use is clearly incidental to and subordinate to the use of the premises or occupants for residential purposes.
- (3) Such use occupies no more than 20% of the dwelling unit including office and storage areas combined unless relief is granted by Special Permit as provided by subsection (C) (1)a. below. Such use within an accessory structure shall occupy no more than 200 square feet unless relief is granted by Special Permit as provided by subsection (C) (1)f. below.
- (4) There are no external alterations to the dwelling which are not customary in residential buildings, and there is no outside evidence of such use except as provided herein.
- (5) The use is not objectionable or detrimental to the neighborhood and its residential character

- (6) Traffic generated shall not be more disruptive to the neighborhood than traffic normally resulting from a residential use, considering volume, hours, vehicle types and other traffic characteristics.
- (7) The use shall not involve the production of offensive noise, vibration, smoke, dust or other particulate matter, odors, electrical disturbance, heat, glare, humidity or other objectionable effects.
- (8) There is no storage or use of toxic or hazardous materials, or flammable, or explosive materials, in excess of normal household quantities.
- (9) Any need for parking generated by such use shall be met on the same lot containing the customary home occupation, and not within the front yard.
- (10) There is no exterior storage or display of materials or equipment.
- (11) There are no commercial vehicles related to the home occupation, other than one van or one pickup truck not to exceed one-ton capacity, and one trailer not to exceed 20 feet in length and not to exceed four tires, parked on the same lot containing the home occupation. This section does not apply to residents of a dwelling who park take-home work vehicles that are not registered to them and that do not have a home occupation on premises.
- (12) No sign shall be displayed indicating the home occupation.
- (13) If the home occupation is listed or advertised as a business, the street address shall not be included.
- (14) No more than one non-resident employee may be employed on the premises of a home occupation. Except pursuant to a special permit in accordance with Section C (1) (c) below.
- (15) Home occupations shall not include such uses similar to, and including the following:
- (a) Barber- and beauty shops.
 - (b) Commercial stables or kennels¹.
 - (c) Real estate or insurance office.²
 - (d) The sale of retail or wholesale merchandise from the premises, with the exception of online or mail order sales. The storage of merchandise is included in the total area limits of the home occupation subject to B (3) above.
 - (e) The sale of antique or secondhand goods, with the exception of online or mail order sales. The storage of merchandise is included in the total area limits of the home occupation subject to B (3) above.
 - (f) Service or repair of vehicles, and gasoline or diesel powered machinery.
 - (g) Contractor's storage yards. Contractor's storage yard includes the keeping of materials in trade outdoors, such as: lumber, granite, windows and other such bulk materials including but not limited to stone, gravel, mulch, firewood etc. beyond the limits of personal use.
 - (h) Veterinary services.
 - (i) The manufacture of goods using heavy machinery.

¹ Kennel - Premises used for the harboring and/or care of more than six dogs or other domestic non-farm animals six months old or over.

² Real Estate and Insurance Offices which provide public access shall be prohibited. Real Estate Office for administrative purposes only are allowed.

- (j) Medical or dental practice.
- (k) Fortune-telling or palm reading.

C. Home occupation by special permit. The Zoning Board of Appeals may allow by Special Permit, subject to the provisions of § 240-125C herein, a home occupation subject to the specific standards for such conditional uses as required in this section:

(1) Home occupations shall comply with all of the requirements of Subsection B (1) through (11) above, except the Zoning Board of Appeals may allow by Special Permit the following waivers from the requirements of Subsection B above.

- a. The Zoning Board of Appeals may allow an activity to exceed 20% of a dwelling's gross floor area by special permit but at no time shall allow a home occupation to occupy more than 40% of a dwelling's gross floor area.
- b. The Zoning Board of Appeals may allow one non-illuminated wall sign not exceeding two square feet in area by special permit.
- c. The Zoning Board of Appeals may allow more than one non-resident employee to be employed on the premises of a home occupation but at no time shall a home occupation allow for greater than two non-residents of the household to be employed on the premise at the same time.
- d. The Zoning Board of Appeals may allow the parking of one work vehicle capable of being operated under a Massachusetts Class B license related to the home occupation by special permit. All parking generated by the use by special permit shall be accommodated off-street, screened by a physical or natural barrier so not to be seen from a public way.
- e. Home occupations shall not include the uses listed in Subsection B (15) above. However, The Zoning Board of Appeals may allow activities that may not be customary within a dwelling provided that the activity meets the intent as specified herein.
- f. The Zoning Board of Appeals may allow a home occupation use to be located within an accessory structure which may occupy greater than 200 sq. ft. of the accessory structure, on the same lot as the primary residential dwelling unit occupied by the applicant. Such use within an accessory structure may occupy greater than 200 square feet by special permit but at no time shall the use within the accessory structure occupy an area within an accessory structure that is greater than 25 percent of the square footage of the primary residential dwelling unit occupied by the applicant.

(2) Home Occupations requiring a special permit shall require Article IX, Site Plan Review.

(3) Any special permit granted by the Zoning Board of Appeals shall be issued solely to the applicant at his or her residence, and shall not be transferable to another person, or to another location.”

SECTION 2

By amending Article III District Regulations, Section 240-14 RC-1 and RF Residential Districts, by deleting in paragraph (1) of Subsection C. Conditional Uses, the words “Home occupation, subject to all the provisions of §240-46C, Home occupation by special permit” and inserting the word “Reserved” in their place.

SPONSOR: Mark S. Ells, Town Manager, upon recommendation of the Planning Board

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2023-011
INTRO: 07/21/2022, 09/15/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth S. Jenkins, Director, Planning & Development Department
DATE: July 21, 2022
SUBJECT: Amending the Code of the Town of Barnstable, Part I, General Ordinances, Chapter 240 Zoning, Article V Section 46, Home Occupation, and Article III Section 14, RC-1 and RF Residential Districts, Subsection (C) Conditional Uses, to update requirements pertaining to Home Occupations

BACKGROUND: This item proposes to amend the Zoning Ordinance to address provisions related to home occupations. The existing zoning ordinance strictly limits home occupations within certain areas of town and allows them only to occur in single-family homes, despite the fact that such uses must be clearly incidental to and subordinate to the use of a premises for residential purposes. Individuals looking to pursue a home occupation, even for rather benign uses, often discover that a rather extensive permitting process requiring relief by the Zoning Board of Appeals is necessary. People are regularly deterred by the necessary process and choose simply not to move forward.

ANALYSIS: The use known as a home occupation has evolved over the years. The Town of Barnstable has seen an influx of applications for home occupations since the pandemic as many embrace new opportunities for remote work and entrepreneurship.

The first section of the amendment proposes an opportunity to support home occupations throughout Town and develop a “by-right” process for those uses that create negligible impacts to the neighborhood. The revised ordinance establishes standards for “by-right” home occupations and then allows specific and limited exceptions to those standards with the grant of a Special Permit by the Zoning Board of Appeals.

The second section of the amendment proposes the deletion of the section referencing home occupation allowed by special permit only in RC-1 and RF Residential Districts and allows for the proposed home occupation amendment to be consistent throughout the Town of Barnstable.

On June 13, 2022, the Planning Board made a motion to recommend the proposed Home Occupation Zoning Amendment as presented to be submitted to Town Council. Zoning amendments are processed in accordance with Massachusetts General Law (MGL) Chapter 40A Section 5. Adoption or change of zoning ordinances may be initiated by the submission to the Town Council of a proposed zoning ordinance by different parties, including the Town Council itself or by other parties, including the Planning Board.

FISCAL IMPACT: There is no significant fiscal impact associated with this item.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, supports this item.

STAFF SUPPORT: Planning & Development Department; Brian Florence, Building Commissioner

A. OLD BUSINESS (May be acted upon) (Majority Vote)

BARNSTABLE TOWN COUNCIL

ITEM# 2023-022
INTRO: 09/01/2022, 09/15/2022

2023-022 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION:

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Airport Commission:** Mark Guidod, as a regular member, to a term expiring 06/2025; **Human Services Committee:** Kimberly Crocker Crowther as a representative member to a term expiring 06/2025; **Land Acquisition and Preservation Committee:** Katherine Gulliver, as a regular member to a term expiring 06/2025

SPONSOR: Appointment Committee Members

DATE	ACTION TAKEN
<u>09/01/2022</u>	<u>Refer to Second Reading 09/15/2022</u>

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

A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2023-024

INTRO: 09/01/2022, 09/15/2022

2023-024 APPROPRIATION ORDER IN THE AMOUNT OF \$75,000 FOR THE PURPOSE OF FUNDING THE LOCAL MATCH REQUIREMENT FOR A FEDERAL GRANT FROM THE U.S. DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE IN THE AMOUNT OF \$200,000 FOR DESIGN AND CONSTRUCTION OF STORMWATER IMPROVEMENTS AT OLD SHORE ROAD, COTUIT AND AUTHORIZATION TO EXPEND SAID GRANT

ORDERED: That the amount of **\$75,000** be appropriated for the purpose of funding permitting and construction expenses for the implementation of Stormwater Improvements at Old Shore Road, Cotuit, representing the local match requirement for the acceptance of a grant from the U.S. Department of Agriculture, Natural Resources Conservation Service in the amount of **\$200,000**, and that to meet this appropriation, that \$75,000 be provided from the Capital Trust Fund, and that the Town Council does hereby authorize the Town Manager to contract for and expend this appropriation and grant for the purpose of funding design, permitting, and construction of Stormwater Improvements at Old Shore Road in Cotuit, including the payment of costs incidental or related thereto.

SPONSOR: Mark S. Ells, Town Manager

DATE

ACTION TAKEN

09/01/2022

Refer to Public Hearing 09/15/2022

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

BARNSTABLE TOWN COUNCIL

ITEM# 2023-024
INTRO: 09/01/2022, 09/15/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: August 18, 2022
SUBJECT: Appropriation Order in the amount of **\$75,000** for the purpose of funding the local match requirement for a Federal Grant from the United States Department of Agriculture, Natural Resources Conservation Service in the amount of **\$200,000** for design and construction of Stormwater Improvements at Old Shore Road, Cotuit

BACKGROUND: This project will fund the design, permitting, and construction required for implementing stormwater improvements at Old Shore Road in Cotuit for the purposes of improving water quality in nearby shellfishing areas of Cotuit Bay. This project will be completed in partnership with the Natural Resources Conservation Service (NRCS). NRCS will provide funding for the design and 75% of the construction costs, totaling up to \$200,000. The Town is responsible for the permitting and 25% of the construction costs, totaling up to \$75,000.

ANALYSIS: This grant is for the for the design and implementation of the Old Shore Road Stormwater Treatment Project to improve water quality in nearby shellfishing areas under the Watershed Flood Prevention Operations (WFPO) Program's Cape Cod Water Resources Restoration Project. The project will install a stormwater BMP adjacent to the boat ramp on Old Shore Road in order to improve water quality.

FINANCIAL IMPACT: This grant opportunity is a reimbursable grant for expenses up to \$200,000. The Town is required to provide a minimum of a 25% match, and anticipates the Town's total expenses to be \$75,000 for the project. The Town's matching funds for this project will be provided from the Capital Trust Fund which has an available balance of \$14,774,637.

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

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

A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)

BARNSTABLE TOWN COUNCIL

**ITEM# 2023-025
INTRO: 09/01/2022, 09/15/2022**

2023-025 APPROPRIATION ORDER IN THE AMOUNT OF \$145,000 FOR THE PURPOSE OF FUNDING STORMWATER IMPROVEMENTS AT SHUBAEL POND, MARSTONS MILLS

ORDERED: That the amount of **\$145,000** be appropriated for the purpose of funding stormwater improvements at Shubael Pond, Marstons Mills, including the payment of costs incidental or related thereto; and that to meet this appropriation, that \$145,000 be provided from the Capital Trust Fund, and that the Town Council does hereby authorize the Town Manager to contract for and expend this appropriation made available for these purposes.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>09/01/2022</u>	<u>Refer to Public Hearing 09/15/2022</u>
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2023-025
INTRO: 09/01/2022, 09/15/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: August 18, 2022
SUBJECT: Appropriation Order in the amount of **\$145,000** for the purpose of funding stormwater improvements at Shubael Pond, Marstons Mills

BACKGROUND: In response to deteriorating water quality in Shubael Pond, the Department of Public Works (DPW) retained the Coastal Systems Program at UMass Dartmouth School for Marine Science and Technology (SMAST) to conduct a diagnostic assessment of Shubael Pond and develop a management plan to address water quality issues. SMAST has completed the diagnostic assessment and developed a final management plan for the pond.

ANALYSIS: The findings of the SMAST report can be summarized as follow:

- The pond is being negatively impacted by excess phosphorus loading
- The largest source of which is septic systems (59%-74%), followed by internal sediments (14% to 23%), and stormwater (4% to 7%).
- Management of phosphorus inputs is necessary to improve water quality.

Ultimately SMAST has determined that most effective long term solution to manage the pond and improve water quality is wastewater management for those properties with septic systems contributing phosphorus load to the pond (those within 300 feet up-gradient of the pond). These properties are currently identified in Phase 3 of the Town's Comprehensive Wastewater Management Plan (CWMP). As a result, the DPW recommends advancing the timeline for sewer expansion of these properties to Phase 2 of the CWMP.

The various sources of direct stormwater inputs into the pond were found to contribute a relatively small amount of the total phosphorus input into the pond 4% to 7% equating to approximately 0.5 kg) with the largest of these sources being the Shubael Pond Road outfall pipe. In order to further reduce the phosphorus input from stormwater, it is recommended that improvements be made to reduce the inputs from the Shubael Pond Road outfall pipe. The other sources of stormwater runoff into the pond were found to contribute negligible amounts of nutrients into the pond. The proposed improvements to the Shubael Pond Road outfall pipe will consist of the installation of additional infiltration facilities up-gradient to reduce/eliminate direct discharge to the pond from the pipe. Due to the large contributing area to the Shubael Pond Road outfall pipe, the pipe will remain in service, but only as an overflow for large storm events.

FINANCIAL IMPACT: Funding for this project will be provided from the Capital Trust Fund which currently has a balance of \$14,774,637.

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

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

A. OLD BUSINESS (Public Hearing) (Roll Call 2/3 Full Council)

BARNSTABLE TOWN COUNCIL

ITEM# 2023-026

INTRO: 09/01/2022, 09/15/2022

2023-026 APPROPRIATION ORDER IN THE AMOUNT OF \$95,000 FOR THE PURPOSE OF FUNDING AN ALUM TREATMENT FOR SHUBAEL POND, MARSTONS MILLS

ORDERED: That the amount of **\$95,000** be appropriated for the purpose of funding an alum treatment for Shubael Pond, Marstons Mills including the payment of costs incidental or related thereto; and that to meet this appropriation, that \$95,000 be provided from the Capital Trust Fund, and that the Town Council does hereby authorize the Town Manager to contract for and expend this appropriation made available for these purposes.

SPONSOR: Mark S. Ells, Town Manager

DATE

ACTION TAKEN

09/01/2022

Refer to Public Hearing 09/15/2022

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

BARNSTABLE TOWN COUNCIL

ITEM# 2023-026
INTRO: 09/01/2022, 09/15/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: August 18, 2022
SUBJECT: Appropriation Order in the amount of **\$95,000** for the purpose of funding an Alum treatment for Shubael Pond, Marstons Mills

BACKGROUND: In response to deteriorating water quality in Shubael Pond, the Department of Public Works (DPW) retained the Coastal Systems Program at UMass Dartmouth School for Marine Science and Technology (SMAST) to conduct a diagnostic assessment of Shubael Pond and develop a management plan to address water quality issues. SMAST has completed the diagnostic assessment and developed a final management plan for the pond.

ANALYSIS: The findings of the SMAST report can be summarized as follow:

- The pond is being negatively impacted by excess phosphorus loading
- The largest source of which is septic systems (59%-74%), followed by internal sediments (14% to 23%), and stormwater (4% to 7%).
- Management of phosphorus inputs is necessary to improve water quality.

Ultimately SMAST has determined that most effective long term solution to manage the pond and improve water quality is wastewater management for those properties with septic systems contributing phosphorus load to the pond (those within 300 feet up-gradient of the pond). These properties are currently identified in Phase 3 of the Town's Comprehensive Wastewater Management Plan (CWMP). As a result, the DPW recommends advancing the timeline for sewer expansion of these properties to Phase 2 of the CWMP.

In the interim (prior to sewer expansion), it is recommended that alum treatment(s) be used to address the internal phosphorus loading source (sediments) and improve water quality. Given that the internal sediments only contribute 14% to 23% (2.3 to 4.4 kg) of the phosphorus load to the pond, alum treatments will not eliminate all potential for cyanobacteria blooms. However, the alum treatments will help reduce the available phosphorus and as a result are expected to improve water quality and reduce the frequency of water quality impairments such as cyanobacteria blooms. It is expected that alum treatments will be required approximately every 3 to 7 years. DPW recommends incorporating adaptive management through water quality monitoring to evaluate the effectiveness of the alum treatments and assess if or when additional treatments are needed.

FINANCIAL IMPACT: Funding for this project will be provided from the Capital Trust Fund which currently has a balance of \$14,774,637.

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

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

B. NEW BUSINESS (Refer to Public Hearing 10/06/2022)

BARNSTABLE TOWN COUNCIL

**ITEM# 2023-030
INTRO: 09/15/2022**

2023-030 APPROPRIATION ORDER IN THE AMOUNT OF \$1,337,890 FOR THE PURPOSE OF FUNDING THE RESTORATION WORK TO THE ZION UNION HISTORIC MUSEUM AND ORIGINAL CHAPEL, 296 NORTH STREET, HYANNIS, MA

ORDERED: That the amount of **\$1,337,890** be appropriated for the purpose of funding the restoration and rehabilitation work to the Zion Union Historic Museum and original chapel located at 296 North Street, Hyannis MA, Map 308, Parcel 029, and to fund this appropriation that **\$457,390** be provided from the Capital Trust Fund, and that, pursuant to the provisions of G.L. c. 44B, the Community Preservation Act, **\$261,778** be transferred from the amount set aside for Historic Preservation within the Community Preservation Fund and **\$618,722** be transferred from the Undesignated Fund Balance within the Community Preservation Fund. It is further ordered that the Town Manager is authorized to contract for and expend the appropriation made available for this purpose, subject to oversight by the Community Preservation Committee.

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

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2023-030
INTRO: 09/15/2022

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lindsey Counsell, Chair, Community Preservation Committee
DATE: September 15, 2022
SUBJECT: Appropriation Order in the amount of **\$1,337,890** for the purpose of funding the restoration work to the Zion Union Historic Museum and Original Chapel, located at 296 North Street, Hyannis, MA

BACKGROUND: At the July 18, 2022, Community Preservation Committee (CPC) meeting, the six members present voted unanimously by roll call vote to recommend to the Town Council through the Town Manager, the Department of Public Works' request as presented for \$261,778 in Community Preservation Historic Preservation Funds; and, \$618,722 in Community Preservation Undesignated Funds totaling \$880,500 in Community Preservation Funds. This funding request represents a portion of the total project cost of \$1,337,890 with \$457,390 in Capital Trust Fund funding. This funding request is for restoration and rehabilitation work for the Zion Union Historic Museum and Original Chapel including siding, roofing, windows, doors, ADA accessibility improvements, interior water damage repair, mechanical equipment replacement and site work.

The Zion Mission was established in 1909 and became the first church on Cape Cod to serve the Black and Cape Verdean Community. In 2007, the Town of Barnstable purchased the property in partnership with Lyndon and Paul Lorusso Foundation with Community Preservation Act funds and has become the steward of maintaining this important cultural asset.

ANALYSIS: The property is listed with the Massachusetts Historical Commission as a Massachusetts Cultural Resource for its significant architecture, education, and ethnic heritage. The ca.1920 building is currently home to the Zion Union Heritage Museum which opened on May 1, 2008 and is a popular destination with over eighty bus tours visiting per season.

FISCAL IMPACT: This appropriation will be provided from available reserves within the Community Preservation Fund and Capital Trust Fund. There is no impact on the General Fund operating budget.

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

VOLUNTEER STAFF ASSISTANCE: Lindsey Counsell, Chair, Community Preservation Committee

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

BARNSTABLE TOWN COUNCIL

**ITEM# 2023-031
INTRO: 09/15/2022**

2023-031 RESOLVE APPROVING AND ADOPTING THE TOWN OF BARNSTABLE 2022 HAZARD MITIGATION PLAN UPDATE, DATED APRIL 2022

WHEREAS, the Town of Barnstable established a Hazard Mitigation Planning Team to prepare the Town’s 2010 Hazard Mitigation Plan; and

WHEREAS, the Town of Barnstable Hazard Mitigation Planning Team and other stakeholders participated in the development of the Town of Barnstable 2022 Hazard Mitigation Plan Update to the Town’s 2010 Hazard Mitigation Plan; and

WHEREAS, the Town of Barnstable 2022 Hazard Mitigation Plan Update contains several potential future projects to mitigate potential impacts from natural hazards in the Town of Barnstable; and

WHEREAS, a draft of the 2022 Hazard Mitigation Plan Update was made available for public review on the Town website on February 22, 2022, and a public comment period was open through March 21, 2022; and

WHEREAS, the Town of Barnstable Hazard Mitigation Planning Team presented the draft 2022 Hazard Mitigation Plan Update to the Town’s Planning Board at a duly noticed public meeting held on March 14, 2022;

NOW, THEREFORE, BE IT RESOLVED: That the Barnstable Town Council hereby approves and adopts the Town of Barnstable 2022 Hazard Mitigation Plan Update, dated April 2022, in the form as provided to the Town Council, and directs the Town Manager to take such steps as he deems necessary to implement the Plan Update.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2023-031
INTRO: 09/15/2022

SUMMARY

TO: Town Council
FROM: Elizabeth Jenkins, Director, Planning & Development Department
DATE: September 15, 2022
SUBJECT: Resolve approving and adopting the Town of Barnstable 2022 Hazard Mitigation Plan Update, dated April 2022

BACKGROUND: The Town of Barnstable has developed the Hazard Mitigation Plan (HMP) update to identify and profile the town's risk and vulnerability to potential natural hazards and to build upon the resiliency efforts first outlined in its 2010 HMP and further discussed in the 2018 Municipal Vulnerability Preparedness program efforts. Specifically, this update assesses the potential impacts of shoreline change/coastal erosion, hurricanes, dam failure, earthquakes, drought/wildfire, flooding, winter storms, tornadoes, and tsunami and identifies properties, resources, and critical facilities which may be impacted by these hazard events. The update identifies mitigation strategies and actions aimed at reducing the loss of or damage to life, property, infrastructure and natural, cultural, and economic resources. A corresponding implementation plan has been prepared to address the prioritization and administration of the identified strategies and actions. Lastly, the update includes a schedule for monitoring, evaluating, and further updating the plan in the future.

The Federal Emergency Management Agency (FEMA) requires local governments to develop a hazard mitigation plan as a condition for receiving certain types of non-emergency disaster assistance. FEMA administers a number of grant programs to assist communities with hazard mitigation efforts, both prior to disasters and following a Presidential disaster declaration. The Plan is required to be updated every five years to remain eligible.

To develop the Barnstable 2022 Hazard Mitigation Plan Update, the Planning and Development department worked in cooperation with many Town departments, emergency service agencies, and the Cape Cod Commission to identify and profile the town's risk and vulnerability to potential natural hazards. The Plan benefited from review by the general public as well. A Public review process is essential to the development of an inclusive and effective plan. A draft of the plan was made available for review on the Town website on February 22, 2022 and a public comment period was open through March 21, 2022. The draft plan was presented to the Town of Barnstable Planning Board at its March 14, 2022 meeting. The meeting was advertised, televised and open to the public for public comment. The draft plan submitted to MEMA/FEMA is accessible on the Town website at this time.

FEMA conditionally approved the Plan pending Town Council adoption, for a one year period, on June 24, 2022. A Town Council vote to adopt the 2022 Hazard Mitigation Plan Update will secure the Town's eligibility to apply for and receive FEMA hazard mitigation grant funds for the next five years as well as guide the town's climate resiliency efforts moving forward.

FISCAL IMPACT: There is no fiscal impact of this resolution. Approving the plan will make the Town of Barnstable eligible for a number of state and federal grants to address hazard mitigation.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, supports this resolution

STAFF SUPPORT: Planning & Development Department