



Town of Barnstable Town Council

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of Public Hearing of Item #2022-039

TOWN COUNCIL MEETING AGENDA November 4, 2021 7:00 PM

Councillors:

Matthew Levesque
President
Precinct 10

Paula Schnepf
Vice President
Precinct 12

Gordon Starr
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Nikolas Atsalis
Precinct 4

David W. Bogan
Precinct 5

Paul C. Neary
Precinct 6

Jessica Rapp Grasseti
Precinct 7

Debra S. Dagwan
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

Administrative
Assistant:
Kelly Crahan
Kelly.Crahan@
town.barnstable.ma.us

The November 4, 2021 Town Council Meeting of the Barnstable Town Council shall be conducted remotely and shall be physically closed to the public. Alternative public access shall be provided as set forth below.

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. Remote Participation: Real-time public comment may be addressed to the Barnstable Town Council utilizing the Zoom video link or telephone number and access meeting code:

Join Zoom Meeting <https://zoom.us/j/94336124121> Meeting ID: 943 3612 4121
US Toll-free 888 475 4499

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

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 Green Communities
David W. Anthony, Director of Property and Risk Management

7. ACT ON MINUTES (Including Executive Session)

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

9. ORDERS OF THE DAY

- A. Old Business
- B. New Business

10. ADJOURNMENT

NEXT REGULAR MEETING: November 18, 2021

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Approve Minutes: October 21, 2021

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 execute 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 Majority Full Council)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-035
INTRO: 10/21/2021, 11/04/2021**

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

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

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>10/21/2021</u>	<u>Refer to Public Hearing</u>
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-035
INTRO: 10/21/2021, 11/04/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Lindsey Counsell, Chair, Community Preservation Committee on behalf of the Community Preservation Committee
DATE: October 21, 2021
SUBJECT: Appropriation and Transfer Order in the amount of **\$165,000** in Community Preservation Historic Preservation Funds for the restoration work to Sturgis Library's building located at 3090 Main Street/Rte. 6A, Barnstable

BACKGROUND: At the May 17, 2021, Community Preservation Committee meeting, the seven Community Preservation Committee (CPC) members present voted unanimously to support and recommend to the Town Council through the Town Manager, Sturgis Library's Application for \$165,000 in Community Preservation Historic Preservations funds for replacement of the cedar-shingled roof over the historic portion of the building; replacement of a bay window with an historically correct window; replacement of a failing exterior door on the second floor; replacement of the main entry door; and replacement and addition of historical signage. Sturgis Library's request for funding represents a portion of the total estimated project costs of \$330,000 with \$110,000 having been awarded by the Massachusetts Cultural Facilities Fund. Community Preservation funds provide the requisite 50/50 match for the Massachusetts Cultural Facilities Fund grant. Several letters of support were received from the Public.

ANALYSIS: Sturgis Library's original building was constructed in 1644 as a meetinghouse for the Reverend John Lothrop, founder of the Town of Barnstable. The building has served as a meetinghouse, a private residence, and since 1867 has served as a public library, historic site, and research archive. Sturgis Library is the oldest building housing a library in the country. The property is listed on the State Register of Historic Places and has the benefit of an architectural report and plans for an existing historical building. Based upon report recommendations, the library has undertaken several large projects over the past 15 years that were funded by grants from the Massachusetts Cultural Facilities Fund, the Barnstable CPC, and private fundraising efforts. The property is protected with an existing Preservation Restriction.

FISCAL IMPACT: This appropriation is provided from the set-aside for historic preservation funds within the Community Preservation Fund which has an available balance of \$693,647. There is no impact on the general fund operating budget.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, upon recommendation of the Community Preservation Committee

VOLUNTEER ASSISTANCE: Lindsey Counsell, Chair, Community Preservation Committee

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-036
INTRO: 10/21/2021, 11/04/2021

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

ORDERED: That the Town Council hereby authorizes the Town Manager pursuant to Section 168-5, General Ordinances of the Code of the Town of Barnstable (the “Code”), to enter into and execute a Regulatory Agreement between the Town of Barnstable and Dunrovin Too, LLC, as presented to the Town Council at this meeting, for the property at 68 Yarmouth Road, Hyannis, 0.33± acres, shown on Town of Barnstable Assessor’s Map 327 as Parcel 166, and which is more particularly described in the deed recorded with the Barnstable County Registry of Deeds in Book 32142, Page 260 (the “Property”); and further authorizing the redevelopment of the Property and granting the requested zoning relief pursuant to and as described in said Regulatory Agreement.

REGULATORY AGREEMENT

Dunrovin Too, LLC
68 Yarmouth Road, Hyannis

This regulatory agreement (“Agreement”) is entered into by and between the developer, Dunrovin Too, LLC (“Applicant and/or Developer”) with a usual address of 51 Joyce Ann Road, Centerville, MA 02632 and the Town of Barnstable (“Town”), a municipal corporation with a usual address of 367 Main Street, Hyannis, MA 02601, on this ___ day of _____, 2021 pursuant to Section 240-24.1 of the Barnstable Zoning Ordinance and Section 168 of the Barnstable Code.

WITNESS:

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

WHEREAS, the Town is authorized to enter into this Agreement pursuant to Chapters 168 and 240 of the Barnstable Code;

WHEREAS, Applicant is the owner of the property at 68 Yarmouth Road, Hyannis, Massachusetts consisting of 14,230± square feet (0.33± acres), shown on Town of Barnstable Assessor’s Map 327 as Parcel 166, and which is more particularly described in the deed recorded with the Barnstable County Registry of Deeds in Book 32142, Page 260 (“the Property”) and is located in the MS Medical Services District §240-24.1.4 and Wellhead Protection Overlay District;

WHEREAS, the Property currently contains three (3) three-bedroom units and one (1) studio unit;

WHEREAS, the Applicant proposes to redevelop the Property with four (4) new two story duplex buildings that will contain a total of eight (8) units with a combined total floor area of 9,253 square feet; and the existing structure will be demolished, all as shown on the plans submitted and attached hereto as Exhibit A (hereafter, “Redevelopment Plans”, and such proposed site work and improvements all as shown on the Redevelopment Plans are hereafter referred to herein, collectively, as the “Redevelopment”);

WHEREAS, prior to applying for this Agreement, the Applicant received approval from the Barnstable Historical Commission for a complete demolition of the structure at the Property. The Redevelopment was reviewed by the Town of Barnstable Site Plan Review Committee on June 17, 2021 (SPR 015-21) and the Site Plan Review Committee voted to find the development proposal approvable subject to the grant of a Regulatory Agreement and other conditions as stated in its letter dated June 17, 2021 (the “Site Plan Approval Letter”);

WHEREAS, the Redevelopment is consistent with the Town of Barnstable’s Design and Infrastructure Plan;

WHEREAS, the Town and Applicant desire to set forth in this Agreement their respective understandings and agreements with regard to the Redevelopment;

WHEREAS, the Applicant is will to commit the reuse of the Property substantially in accordance with this Agreement and desires to have a reasonable amount of flexibility to carry out the Redevelopment and therefore considers this Agreement to be in its best interest;

WHEREAS, this Agreement shall vest land use development rights with the Applicant/Owner/ and/or its successors for the duration of this Agreement, and such rights shall not be subject to subsequent changes in local development ordinances, with the exception of changes necessary to protect the public health, safety and welfare;

WHEREAS, the Redevelopment will not require regulatory review under the Massachusetts Environmental Policy Act (MEPA);

WHEREAS, the Redevelopment is not subject to review by the Cape Cod Commission as a Development of Regional Impact as it does not trigger any Cape Cod Commission jurisdictional thresholds;

WHEREAS, Applicant has made application to the Planning Board pursuant to Chapter 168 of the Barnstable Code;

WHEREAS, the Redevelopment will not require regulatory review under the Massachusetts Environmental Policy Act (MEPA);

WHEREAS, the Property is located in the Hyannis Growth Incentive Zone (GIZ) as originally approved by the Cape Cod Commission by decision dated April 6, 2006 and re-designated by decision dated April 19, 2018, and as authorized by Barnstable County Ordinance 2005-13, as amended by Barnstable County Ordinance 10-19, 14-05, 17-11, and 18-11, Chapter G, Growth Incentive Zone Regulations of the Cape Cod Commission Regulations of General Application;

WHEREAS, Applicant has undergone a public hearing on the Regulatory Agreement application with the Planning Board and received a majority vote from the Planning Board approving the application on August 23, 2021;

WHEREAS, Applicant has undergone a public hearing on the Regulatory Agreement application before the Town Council and received a 2/3rds vote approving the application on _____, 2021;

WHEREAS, this agreement authorizes the use, intensity of uses and dimensions specified hearing. Any substantial deviation from the authorized terms of this agreement shall require review by the Town Council and Planning Board pursuant to chapter 168-10 of the Code.

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

1. The Applicant shall redevelop the property as follows:
 - a. the Applicant shall redevelop the Property with four (4) new two story duplex buildings that will contain a total of eight (8) units with a combined total floor area of 9,253 square feet;
 - b. The existing structure at the Property will be demolished and removed;
 - a. The Applicant agrees to construct the project in accordance with the following Redevelopment Plans and specifications submitted to and approved by the Town as shown in Exhibit B, and as modified in accordance with the conditions herein:
 - i. Composite Site Plans entitled Site Redevelopment, 68 Yarmouth Road, Hyannis, MA 02601, prepared by Baxter Nye Engineering & Surveying, dated May 27, 2021, 7 sheets.
 - ii. Proposed Elevations entitled 68 Yarmouth Road, Hyannis MA dated May 20, 2021, 1 sheet.
 - b. Parking will be provided pursuant to an easement, a draft of which is attached hereto as Exhibit C;
 - c. The Applicant agrees to comply with the conditions in the aforesaid Site Plan Approval Letter dated June 17, 2021 (SPR 015-21).

The development rights granted hereunder shall be exercised and development permits may be obtained hereunder for a period of 10 years from the effective date of the Agreement, provided, however, that prior to the expiration of said 10-year period Applicant may request a twelve-month extension to obtain development permits. Upon receipt of necessary development permits, construction shall proceed continuously and expeditiously, but in no case shall construction exceed 2 years from receipt of necessary development permits. Other than a transfer to a single-purpose entity controlled by the Applicant and created specifically for development of the project, the development rights granted under this agreement shall not transfer to another owner without the prior written permission of the Town Manager under Section 168-5 of the Barnstable Town Code.

2. Lighting for the Development shall be contained on-site, shall be down cast, shall not contribute to light pollution of the area, and shall be constructed consistent with the lighting plans identified in paragraph 1.

3. The Applicant shall submit an updated landscape plan showing foundation landscaping along the Yarmouth Road frontage and additional tree plantings in common areas (minimum three trees in locations not in conflict with utilities), to the Director of Planning & Development for review and approval with Design and Infrastructure Plan standards prior to the issuance of a building permit. All landscaping within the development shall be low-water use and shall minimize the use of fertilizers and pesticides. All required landscaping shall be installed prior to issuance of the final Certificate of Occupancy.
4. All plumbing fixtures in the new units shall be low water use fixtures and other water conservation measures are encouraged in the design and development of the project.
5. Applicant shall install a bicycle rack on the property for use of the residents as a Transportation Demand Management measure, prior to the issuance of the first certificate of occupancy. Applicant shall submit an updated site plan showing the location of the bicycle rack and detail of the bicycle rack to the Planning and Development Department for approval prior to issuance of a building permit.
6. Applicant shall be responsible for snow plowing and snow removal on the Development site in perpetuity.
7. Applicant shall be responsible for providing trash removal on the Development site in perpetuity as is required by Section 54-5(2) of the Code of the town of Barnstable.
8. Applicant's minimum lease term of rental units shall be twelve (12) months. Sublease of rental units, if permitted by the Applicant, shall be for a minimum term of sixty (60) days. The lease documents shall be reviewed by the Town Attorney for consistency with the conditions of this Agreement prior to issuance of the first Certificate of Occupancy.
9. Subsequent to the issuance of a Certificate of Occupancy for the units, each apartment shall be registered with the Health Division's Rental Registration Program.
10. Applicant shall provide calculations demonstrating adequate water flow for fire suppression prepared by a fire protection engineer as required by the Hyannis Fire Department, if required by code.
11. Applicant is responsible for obtaining all applicable permits and licenses, including but not limited to the following: foundation permit, building permit, street excavation permit (necessary for work in all public spaces), sewer permits and water permits.
12. Applicant will make best efforts to complete construction work in accordance with a construction schedule submitted and approved in writing by the Town of Barnstable Building Commissioner and Hyannis Fire Department prior to the issuance of any foundation or building permits. Applicant shall have two (2) years from the date of commencement of work to complete construction. The construction schedule shall, to the maximum extent feasible, avoid interference with traffic on Yarmouth Road. The Applicant will be responsible for any construction signage, directional signs, and police officers necessary for the performance of the work as determined by Town.
13. Exterior construction impacts shall be minimized and construction shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays, and 8:30 a.m. to 2:00 p.m. Saturdays. No construction shall occur on Sundays. The Building Commissioner shall establish protocols to minimize the

location of staging, noise, dust, and vibration. Failure to comply with these protocols following written notice from the Building Commissioner shall be grounds for the issuance of a stop work order until agreement as to compliance with the protocols is achieved.

14. During all stages in the demolition of the existing foundation and new construction, all vehicles, equipment and materials associated with the development shall be required to be located off the right of ways of Yarmouth Road except as may be required to install utilities, and work authorized by this Agreement and as approved by Public Works and then only on a temporary basis.
15. To the extent that the referenced plans do not depict all of the findings and conditions as set forth in this Agreement, revised plans and/or notations shall be provided. In addition to permits, plans and approvals listed above, any and all permits and licenses required shall be obtained.
16. The Applicant shall add twelve parking spaces to serve the Redevelopment as shown on the Plans referenced in Paragraph No. 1.
17. Changes to the approved Plans referenced in Paragraph No. 1 shall require an amendment to this agreement under either §168-5 or §168-10 of the Barnstable Code, as determined by the Town.
18. Construction and demolition debris shall be removed from the Property and shall be reused or recycled to the maximum extent possible.
19. The construction of this project will result in the following benefits to the Town:
 - a. The new buildings will significantly improve aesthetics along Yarmouth Road;
 - b. The project will create livable neighborhoods for year-round residents;
 - c. Sufficient parking for the residents and guests; and
 - d. Adhering to smart growth standards and goals by providing attractive new housing opportunities in an area with close accessibility to public transit facilities, shopping, and other amenities which will contribute to the revitalization of Hyannis.
20. The Town hereby grants waivers from the following Zoning Ordinance sections as requested by the Applicant:

See Exhibit A attached hereto and incorporated herein by reference.
21. Upon completion of all work, Applicant shall cause a registered engineer or land surveyor to submit as-built plans accompanied by a letter of certification, made upon knowledge and belief in accordance with professional standards that all work has been done in substantial compliance with the approved site plan. This document shall be submitted prior to the issuance of the final certificate of occupancy.
22. The development allowed in this permit shall be considered full build-out of the property. The structures authorized shall not be expanded nor other buildings and structures added without compliance with §168-10 of the Barnstable Code.
23. All development rights granted under the Agreement shall run with the land. However, the Applicant agrees that 30 days prior to any change of ownership of the Property that written notice shall be sent to the Town Manager and further agrees that all terms and conditions of this

regulatory agreement and amendments thereto, shall be binding on successive owners of the Property .

- 24. This Agreement shall be recorded with the Barnstable Registry of Deeds within sixty (60) days of its execution by the Town and a recorded copy shall be provided to the Barnstable Planning & Development Department, such recording to include the aforesaid Exhibit A hereto and an easement, as approved by the Town in substantially the same form as attached hereto in Exhibit C, attached hereto and incorporated herein by reference.

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

Dated this _____ day of _____, 2021.

Town of Barnstable

Dunrovin Too, LLC

By: _____ By: _____
Mark S. Ells, Town Manager Mark Hansen, its Manager

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this ___ day of _____, 2021, before me, the undersigned notary public, personally appeared Mark Ells, Town Manager of the Town of Barnstable, and proved to me through satisfactory evidence of identification, being (check whichever applies): Driver’s license or other state or federal governmental document bearing a photograph image; Oath or affirmation of a credible witness known to me who knows the above signatory, or My own personal knowledge of the identity of the signatory, to be the person whose name is listed above, and acknowledged to me that he signed the foregoing instrument as his free act and deed as Town Manager of Barnstable and voluntarily for its stated purpose.

Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this ___ day of _____, 2021, before me, the undersigned notary public, personally appeared Mark Hansen, Manager of Dunrovin Too, LLC, and proved to me through satisfactory evidence of identification, being (check whichever applies): Driver’s license or other state or federal governmental document bearing a photograph image; Oath or affirmation of a credible witness known to me who knows the above signatory, or My own personal knowledge of the identity of the signatory, to be the person whose name is listed above, and acknowledged to me that he signed the foregoing instrument as his free act and deed as Manager of Dunrovin Too, LLC, and voluntarily for its stated purpose.

Notary Public
My Commission Expires

**EXHIBIT A
ZONING WAIVERS**

REQUESTED ZONING WAIVERS			
Zoning Bylaw (date)	Required	Provided	Comments
CODE 240-24.1.4A(1)(h) Permitted Uses	Multifamily housing totaling not more than six dwelling units per acre	Required: 6 units Provided: 8 units	
CODE 240-24.1.4C Dimensional, bulk and other requirements	A minimum front yard setback of 20' is to be maintained from all streets	Required 20' Provided 16.8' on Yarmouth and 11.0' on Crocker	
CODE 240-24.1.4D Site Development Standards	A perimeter of green space of not less than 10' in width shall be provided, such space to be planted and maintained as green area and to be broken only in a front yard by a driveway and/or entry walk.	Required: 10 Provided:	
CODE 240-24.1.11A(4)(a)[2] Site Development Standards Off-street parking requirements	Off-street parking shall be provided on-site	Required: 12 Provided: 12	7 Parking spaces exist but with redevelopment parking will be provided on adjacent lot with easement.
CODE 240-24.1.11A(4)(d)[4] Site Development Standards Parking lot landscaping	For parking lots of twenty-one or more spaces at least 10% of the interior parking lot must be landscaped. Planting along the perimeter shall not be considered as part of the 10%. Interior planting beds are ideally continuous to allow for maximum plant bed size and are constructed as rain gardens to control storm water. No landscaped island shall be less than six feet wide, except that in parking lots with 51 or more parking spaces where the minimum island width shall be 10 feet.	Required: Provided:	12 parking spaces will be provided pursuant to an easement are dedicated for 68 Yarmouth Road but with all parking be provided at 27 Crocker Street, the total parking at 27 Crocker Street is over 21 spaces.

EXHIBIT A: REDEVELOPMENT PLANS

SPONSOR: Tracy Shaughnessy, Town Councilor, Precinct 9

DATE	ACTION TAKEN
<u>10/21/2021</u>	<u>Refer to Public Hearing 11/04/2021</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-036
INTRO: 10/21/2021, 11/04/2021

SUMMARY

TO: Town Council
FROM: Dunrovin Too, LLC
THROUGH: Elizabeth Jenkins, Planning & Development Director
DATE: October 21, 2021
SUBJECT: Authorizing the Town Manager to execute a Regulatory Agreement between the Town of Barnstable and DUNROVIN TOO, LLC for 68 Yarmouth Road, Hyannis

RATIONALE: The Developer, DUNROVIN TOO, LLC which entity has standing to proceed as owner of the property, evidenced by deed recorded with the Barnstable Registry of Deeds recorded in Book 32142, Page 260, located at and commonly known as 68 Yarmouth Road, Hyannis, Massachusetts shown on Town of Barnstable Assessor's Map 327 as Parcel 166, consisting of 0.33 ± acres, located within the Downtown Hyannis Growth Incentive Zone (GIZ), has filed an application to enter into a Regulatory Agreement with the Town of Barnstable under Chapter 168 and Chapter 240 of the Barnstable Code to redevelop said property.

The Developer has undergone more than two public hearings on the Agreement application and received a unanimous vote from the Planning Board recommending an approval of the proposed Regulatory Agreement on August 23, 2021.

The Developer proposes to redevelop the Property with four (4) new two-story duplex buildings that will contain a total of eight (8) units with a combined total floor area of 9,253 square feet, and associated landscaping and site improvements. The existing structure will be demolished.

The Redevelopment will provide the following community benefits:

- a. The new buildings and landscaping will significantly improve the aesthetics along Yarmouth Road;
- b. The project will contribute to the creation of livable neighborhoods for year-round residents;
- c. The project will include a bicycle rack on the property for use of the residents as a Transportation Demand Management measure;
- d. The project will address the great need for quality, affordable rental stock that caters to working families with three (3) bedroom units which are in short supply;
- e. Sufficient parking is provided for the residents and guests; and
- f. The project adheres to smart growth standards and goals by providing attractive new housing opportunities in an area with close accessibility to public transit facilities, shopping, and other amenities which will contribute to the revitalization of Hyannis.

FINANCIAL IMPACT: Approval of the proposed Regulatory Agreement will have no significant fiscal impact. An increase in the assessed value of the property is anticipated.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends approval of the Regulatory Agreement.

STAFF ASSISTANCE: Elizabeth S. Jenkins, AICP, Director, Planning & Development; Kate Maldonado, Assistant Director, Planning & Development; Karen Nober, Town Attorney

A. OLD BUSINESS (May be acted upon) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

ITEM# 2022-037
INTRO: 10/21/2021, 11/04/2021

2022-037 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

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

SPONSOR: Appointments Committee

DATE	ACTION TAKEN
<u>10/21/2021</u>	<u>Refer to Second Reading 11/04/2021</u>

-
- Read Item
 - Rationale
 - Council Discussion
 - Vote

B. NEW BUSINESS (May be acted upon) (Roll Call Majority)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-038
INTRO: 11/04/2021**

2022-038 AUTHORIZATION TO EXPEND A GRANT IN THE AMOUNT OF \$250,000 FROM THE COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT HOUSING CHOICE COMMUNITIES GRANT PROGRAM

RESOLVED: That the Town Council does hereby authorize the Town Manager to contract for and expend a Housing Choice Communities grant in the amount of **\$250,000** from the Commonwealth of Massachusetts, Department of Housing and Community Development to support the planned replacement of the sewer pump station at 720 Main Street.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-038
INTRO: 11/04/2021

SUMMARY

TO: Town Council
FROM: Mark Ells, Town Manager
THROUGH: Elizabeth S. Jenkins, AICP, Planning & Development Director
DATE: November 4, 2021
SUBJECT: Authorization to expend a grant in the amount of **\$250,000** from The Commonwealth of Massachusetts, Department of Housing and Community Development Housing Choice Communities Grant Program

BACKGROUND: As a designated Housing Choice Community, Barnstable was eligible to apply for a FY2022 Housing Choice Community Capital Grant. The Planning & Development Department, in cooperation with Department of Public Works, applied for and received this grant in the amount of \$250,000.

ANALYSIS: The acceptance of this grant will support the replacement of the existing 720 Main Street sewer pump station, which is currently over capacity, with a new sewer pump station to be located at 725 Main Street. The project will also re-route a large portion of the flow from the over-capacity sewers on South Street, which serves a significant area of the Hyannis Growth Incentive Zone (GIZ), thus resolving the capacity issues on South Street. The capacity constraints of the 720 Main Street sewer pump station and the South Street sewers limit development/redevelopment within a significant area of the GIZ. The new sewer pump station will play a vital role in supporting existing development and future redevelopment within the GIZ. The funds will be used for a portion of the total cost associated with design funding.

FISCAL IMPACT: The grant to support the design for the pump station replacement has no impact on the Department of Public Works operating budget; the remainder of the cost will be paid for by an approved capital project (2021-125) from the Water Pollution Control Enterprise Fund. No match is required by this grant program.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends acceptance of this grant.

STAFF SUPPORT: Kaitlyn Maldonado, Planning & Development Department Assistant Director; Griffin Beaudoin, Town Engineer, Department of Public Works

B. NEW BUSINESS (Refer to Public Hearing 12/02/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-039
INTRO: 11/04/2021**

2022-039 APPROPRIATION ORDER IN THE AMOUNT OF \$39,600 FOR THE PURPOSE OF FUNDING SURVEY WORK FOR PROPOSED SIDEWALK IMPROVEMENTS ON EAST BAY ROAD AND WIANNO AVENUE IN OSTERVILLE VILLAGE

ORDERED: That the amount of **\$39,600** be appropriated from the General Fund reserves for the purpose of funding survey work for proposed sidewalk improvements on East Bay Road and Wianno Avenue in Osterville Village, including the payment of costs incidental or related thereto; and that the Town Manager is authorized to contract for and expend the appropriation made available for these purposes.

SPONSOR: David W. Bogan, Town Councilor, Precinct 5

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-039
INTRO: 11/04/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Daniel W. Santos, P.E., Director of Public Works
DATE: November 4, 2021
SUBJECT: Appropriation Order in the amount of **\$39,600** for the purpose of funding survey work for proposed sidewalk improvements on East Bay Road and Wianno Avenue in Osterville Village

BACKGROUND: East Bay Road and Wianno Avenue in Osterville Village are heavily used by pedestrians. However, portions of these roadways do not have adequate pedestrian facilities. Residents of Osterville Village have requested that sidewalks be installed on the portions of East Bay Road and Wianno Avenue where there are currently not sidewalks.

ANALYSIS: Department of Public Works (DPW) has reviewed the request for sidewalks and agrees that there is a need for sidewalks on these roadways to improve public safety. DPW anticipates submitting a Capital Improvement Project request as part of the Fiscal Year 2023 Capital Budget. As a first step for the project and in an effort to expedite the sidewalk installation, DPW has sought estimates for survey services.

FINANCIAL IMPACT: Funding for this project will be provided from the General Fund Reserves whose balance was last certified at \$24,427,000 as of July 1, 2021.

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