



# The Town of Barnstable

## Town Council

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### TOWN COUNCIL MEETING

#### AGENDA

May 3, 2007

7:00 PM

Councilors:

Janet S. Joakim  
President

Gary R. Brown  
Vice President

Richard G. Barry  
Janice L. Barton  
Ann A. Canedy  
Frederick Chirigotis  
James H. Crocker, Jr.  
Leah C. Curtis  
Henry C. Farnham  
J. Gregory Milne  
James F. Munafo, Jr.  
Tom Rugo  
Harold E. Tobey

Administrator:  
Donald M. Grissom

Town Council  
Secretary:  
Cheryl A. Phillips

1. **ROLL CALL**
  2. **PLEDGE OF ALLEGIANCE**
  3. **MOMENT OF SILENCE**
  4. **PUBLIC COMMENT (May be limited to 2 minutes)**
  5. **COUNCIL RESPONSE TO PUBLIC COMMENT**
  6. **ACT ON MINUTES**
  7. **COMMUNICATIONS FROM ELECTED OFFICIALS, BOARDS, COMMISSIONS, STAFF, CORRESPONDENCE, ANNOUNCEMENTS AND COMMITTEE REPORTS**
  8. **ORDERS OF THE DAY**  
**A. OLD BUSINESS    B. NEW BUSINESS**
  9. **TOWN MANAGER COMMUNICATIONS**
  10. **ADJOURNMENT**
- NEXT FY08 OPERATING BUDGET WORKSHOP MAY 10TH.**
-

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**ITEM NO.**

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**Minutes** of Barnstable Town Council Meeting of April 26, 2007.

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**Please Note:** It is possible, if it so votes, the Council may go into executive session.  
The council may act on items in a different order than they appear on this agenda.

**A. OLD BUSINESS (May Be Acted Upon) (Roll Call 2/3)**

**BARNSTABLE TOWN COUNCIL**

**2007-083 TO SEE IF TOWN COUNCIL WILL VOTE TO AMEND THE ZONING ORDINANCE TO EXTEND THE BOUNDARY OF THE HYANNIS GATEWAY ZONING DISTRICT**

**INTRO.: 02/15/07; 03/01/07; 03/15/07; 04/05/07; 04/26/07; 05/03/07**

**NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE MASSACHUSETTS DO ORDAIN AS FOLLOWS:**

**ORDERED:** That Chapter 240, Article II of the Zoning Ordinance, Section 240-6 the Zoning Map, is amended by extending the boundary of the Hyannis Gateway (HG) zoning district within the Hyannis Village Zoning Districts as shown on maps on file with the Town Clerk entitled “Zoning Map of the Town of Barnstable, Massachusetts, Index Map”, and “Sheet 3 of 7, Hyannis”, both maps notated “Proposed Amendment to Modify the HG and RB Zones in Hyannis File Copy Date February 5, 2007” and as shown on “Downtown Hyannis Rezoning Illustration Map Proposed Amendment to Modify the HG and RB Zones in Hyannis” dated 2/6/2007.

**SPONSOR:** Town Council Vice President Gary R. Brown

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ Read item
- \_\_\_ Motion to open public hearing
- \_\_\_ Rationale
- \_\_\_ Public hearing
- \_\_\_ Close Public hearing
- \_\_\_ Council discussion
- \_\_\_ Move/vote

**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-083  
INTRO.: 02/01/07**

**TO:** Town Council  
**FROM:** Town Councilor Gary Brown  
**DATE:** February 6, 2007  
**SUBJECT:** To see if the town council will vote to amend the zoning ordinance to extend the boundary of the Hyannis Gateway Zoning District

**RATIONALE:** The following amendments have been identified for adoption within the Hyannis Village Zoning Districts.

The first involves a zoning map amendment to include two small existing lots in the Hyannis Gateway (HG) District. The lots proposed for inclusion in the HG District are in total 7,405 square feet and in common ownership with abutting parcels that are currently included in the HG District.

The current line as it exists in relationship to the properties assumes the development of the road called Washington Avenue Extension, designated on Town maps in 1957. Although developed as a road on the other side of Charles Street, this tiny end of it, now referred to as the butt, was never actually created into a road, and the land parceled as lots with addresses on Washington Ave. Ext. and other proposed lots, 36 Pine Court, and 65 Washington Ave. Ext. by the current arbitrary zoning are rendered completely useless.

The required building specs for developing new residences have changed, making it impossible to ever develop these lots into houses, since there is no room for septic installations. Remaining zoned as residential, but in fact surrounded by and essentially extensions of commercial property, the owner's hands are tied.

The third lot in question, 37 Pine Court, has been assimilated into the back yard of 72 Grove Street. It is surrounded by commercial use, and would be more valuable if it were possible to make it available for that use.

**A. OLD BUSINESS (Public Hearing Continued May Be Acted Upon)(Roll Call 2/3)**

**BARNSTABLE TOWN COUNCIL**

**2007-101 ZONING ORDINANCE FOR POND VILLAGE DISTRICT OF CRITICAL PLANNING CONCERN (PVDCPC)**

**INTRO.: 03/15/07; 04/05/07; 04/26/07; 05/03/07**

**“NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE MASSACHUSETTS DO ORDAIN AS FOLLOWS:**

**ORDERED:**

**SECTION 1**

That Chapter 240, Article II of the Zoning Ordinance, Section 240-6 the Zoning Map, is amended by creating a new zoning district known as R-2C which covers the area shown on a reference map entitled “Proposed Pond Village DCPCs 1 and 2, Draft Map” and described as follows: the northerly boundary is Cape Cod Bay/Barnstable Harbor; the easterly boundary includes those parcels on the east side of Scudder Lane; the southerly boundary includes those parcels on the south side of Rte. 6A from the Scudder Lane intersection to the Railroad Overpass; and the westerly boundary follows the property line of the so-called Blair parcel up to the Mass Audubon parcels to Barnstable Harbor.

**SECTION 2**

That Chapter 240, Article III of the Zoning Ordinance is hereby amended as follows by adding a new Section 240-12, Pond Village (Barnstable) District of Critical Planning Concern (PVDCPC) R-2C. Pond Village is located north of Route 6A in the vicinity of Scudder Lane, Calves Pasture Lane and Hinckley Pond. The district includes those parcels on the easterly side of Scudder Lane and on the southerly side of Rte. 6A from the Railroad Overpass to the Scudder Lane intersection. The purpose of this ordinance is to allow more appropriate land use development to preserve and contribute to the historic, agricultural and/or maritime character of the Pond Village Neighborhood. The ordinance enables the review of development as it relates to pedestrian access and outdoor public spaces to the waterfront and /or pondfront. This ordinance is intended to be used in conjunction with other regulations already adopted by the town, including historic district regulations, site plan review and other local ordinances designed to encourage appropriate land use and environmental protection.

**Section 240-12. Pond Village (Barnstable) District of Critical Planning Concern (PVDCPC) R-2C**

- A. Principal permitted uses. The following uses are permitted in the R-2C District:
  - (1) Single-family residential dwelling (detached).
- B. Accessory uses. The following uses are permitted as accessory uses in the R-2C District:
  - (1) Family apartments (see section 240-47.1).
  - (2) Keeping, stabling and maintenance of horses subject to the provisions of Section 240-11B(2).
  - (3) Home occupation (see Section 240-46).
  - (4) Renting of rooms to not more than three non-family members by the family residing in a single-family residence.
- C. Special permit granting authority and special permit criteria. Within the R-2C District, the Planning Board shall be the special permit granting authority. The Planning Board shall follow the criteria and procedures set forth in § 240-125C of the Barnstable Zoning Ordinance when acting on a special permit application. In addition to the criteria set forth in § 240-125, the Planning Board shall find that the issuance of the special permit is consistent with one or more of the following criteria:

**BARNSTABLE TOWN COUNCIL**  
**2007-101 ZONING ORDINANCE FOR POND VILLAGE DISTRICT OF**  
**CRITICAL PLANNING CONCERN (PVDCPC)(Continued)**  
**INTRO.: 03/15/07**

- (1) The development maintains or improves pedestrian access and/or outdoor public spaces specifically to any one of the following: Audubon parcels, Hinckley Pond, and Scudder Lane Landing;
- (2) The development contributes to the historic, agricultural and/or maritime character of the Pond Village area;
- (3) The development eliminates or minimizes curb cuts and driveways on Scudder Lane, Calves Pasture Lane, and Sheperds Way;
- (4) The development provides or preserves views from public ways and spaces to the waterfront and/or pondfront and provides or preserves public access to the waterfront and/or pondfront;
- (5) The development is consistent with the findings of the PVDCPC.

D. Special permit uses. The following uses are permitted as special permit uses in the R-2C District provided that a special permit is first obtained from the Planning Board:

- (1) Keeping, stabling and maintenance of horses in excess of the density provisions of 240-11B(2)(b) herein, either on the same lot or adjacent lot as the principal building to which such use is accessory.
- (2) Windmills and other devices for the conversion of wind energy to electrical or mechanical energy but only as an accessory use. (See *new proposed* Section 240-44.1)
- (3) Open Space Residential Developments. (See Section 240-17)

E. Dimensional relief. Within the R-2C District, the SPGA may provide relief from minimum lot area, minimum lot frontage, maximum building setback, minimum yard setbacks, floor area ratio limits, when such relief is necessary to ensure that a proposed development is consistent with the PVDCPC findings and Special Permit Criteria.

F. Bulk regulations:

Minimum lot area, contiguous upland (square feet)	87,120
Minimum lot frontage (feet)	125
Minimum <i>road layout setback</i> (feet)	50
Minimum <i>property line setback</i> (feet)	20
Minimum wetland <i>setback</i> (feet)	50
(except 100 feet from Hinckley’s Pond and the edge of the Coastal Bank along Barnstable Harbor)	
Maximum <i>building height</i> in feet	30
Maximum building height in stories	3
(Provided that at least one of the allowable stories is either the basement or a <i>habitable attic</i> .)	
Floor Area Ratio (FAR):	.06

G. Grandfathering. Within the R-2C District, any lot that met the minimum lot area and minimum lot frontage requirements of the RF-1 or RF-2 Districts respectively, prior to the effective date of the Pond Village DCPC nomination of August 26, 2005 as specified in the Cape Cod Commission Acceptance Decision dated September 15, 2005 shall not be subject to R-2C minimum lot area or minimum lot frontage requirements as specified above in subsection F, but shall be subject to the minimum road layout setback, minimum property line setback, minimum wetland setback, maximum building height, maximum building height in stories, and floor area ratio.

**BARNSTABLE TOWN COUNCIL**  
**2007-101 ZONING ORDINANCE FOR POND VILLAGE DISTRICT OF**  
**CRITICAL PLANNING CONCERN (PVDCCPC) (Continued)**  
**INTRO.: 03/15/07**

H. Definitions

**Building Height:** The vertical distance from the *grade plane* to the average height of the *highest roof plane*.

**FAR (floor area ratio):** FAR is measured by dividing the gross floor area of all stories above grade of all buildings on site by the total lot area, all upland, including any restricted or unrestricted upland. This shall not limit a single building or the aggregate of multiple buildings on any lot to less than 2000 gross square feet.

**Grade Plane:** A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. The reference plane shall be established by using the lowest points of grade within the area between the building and a point six feet from the building.

**Habitable Attic:** The *habitable space* between the rafters of a pitched roof and the floor next below.

**Highest Roof Plane:** The roof plane having the highest ridge and having the highest average height (exclusive of cupolas or spires) or the flat roof that is higher than any pitched roof.

**Property Line Setback:** The perpendicular distance between any property line (other than the property line abutting a road layout) and a line running parallel to that property line.

**Road Layout Setback:** The perpendicular distance between the road layout and a line running parallel to the road layout.

**Setback:** The area between a road layout or property line and the setback line where no building or structure is allowed except:

1. Accessories such as arbors, garden trellises or clothes poles;
2. Roof eaves projecting not more than 3 feet;
3. Chimneys, window sills, belt courses, rain leaders and similar architectural features projecting not more than 2 feet;
4. Steps and stoops less than 18" in height and 25 square feet in area.

**Story:** That portion of a building between the upper surface of a floor and the upper surface of the floor or roof next above.

**Story Above Grade:** Any *story* having its finished floor surface entirely above grade except that a basement shall be considered a *story above grade* where the finished surface of the floor above the basement is:

1. More than four feet above the *grade plane*;
2. More than four feet above the finished ground level for more than 50% of the total building perimeter; or
3. More than eight feet above the finished ground level at any point."

**SPONSOR:** Ann B. Canedy, Precinct 1 Town Councilor

DATE	ACTION TAKEN

Read item    Motion to open public hearing    Rationale    Public hearing  
 Close public hearing    Council discussion    move/vote

**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-101**

**INTRO.: 03/15/07**

**TO:** Town Council  
**FROM:** Ann Canedy, Precinct 1 Town Councilor  
**DATE:** March 5, 2007  
**SUBJECT:** Zoning Ordinance for Pond Village District of Critical Planning Concern (PVDCPC)

**BACKGROUND:** Pond Village is adjacent to West Barnstable and shares similar topographical characteristics with West Barnstable. However, when the entire town went to two acre lots under the Town wide DCPC several years ago, Barnstable Village (like Hyannis) remained at one acre zoning. As a result, Barnstable Village, especially the Pond Village area, has been subjected to increased and rapid development pressure. Additionally, there was increased evidence of degradation of Hinckley Pond which lies in the center of this neighborhood and increased frequency of closings because of nitrogen loading and high bacteria counts at the Scudder Landing, a site for recreational and commercial fishing. Several permanent residents of Pond Village became concerned about the future of this rural area. At the request of these residents, a neighborhood meeting was held on June 28, 2004 to discuss ways they could protect their neighborhood.

The Pond Village residents wanted to take a comprehensive look at their neighborhood since rules and regulations were seemingly being applied piecemeal. For example the OKH has some limited and largely subjective authority on individual parcels in the area but only if those parcels are in front of them. Zoning only speaks to minimum setbacks and not to building envelopes. There is no protection of view sheds. There is no drainage requirements on or proposed improvements to the private ways leading to the properties being developed. It became apparent to the neighborhood that the existing standards in effect in the area were not going to protect the cultural, historical, environmental and aesthetic environs that made this area unique. One acre lot size, 20' frontage, 30' front yard setback and 15' side/rear yard setback with no lot coverage provided for large unrestrained building envelopes and spec building and development was encroaching into the coastal embankment and pond frontage.

The Pond Village residents saw a DCPC designation as a tool to stop the immediate and rapid development pressure and allow a comprehensive and thoughtful review of land use in this area. The residents elected to hire the environmental engineering firm Horsley & Witten to draft a DCPC nomination for the neighborhood to present to the Planning Board, as a natural conduit to formulating and suggesting zoning changes.

The Planning Board held several public hearings beginning on March 14, and ending on May 9, 2005. It should be noted that a public hearing is not required by the DCPC regs but public input was actively sought. The Planning Board ultimately directed the town planner to prepare a document for review at the May 23, 2005 Planning Board meeting where the document was amended and a final version presented to the Planning Board on June 6, 2005 which was then forwarded to the Cape Cod Commission (CCC).



**BARNSTABLE TOWN COUNCIL**  
**AGENDA ITEM SUMMARY (Continued)**  
**2007-101**  
**INTRO.: 03/15/07**

The CCC accepted both the original and revised nominations on September 26, 2005. The Commission voted to approve a decision on the approval of the nominations on October 31, 2005 and approved the DCPC on January 18, 2006. All of these votes were done at public hearings noticed in the local newspapers and were attended by numerous Pond Village residents. While not required to notify abutters, efforts were made to “spread the word” about these public hearings.

Beginning in February 2006 ,CCC staff along with Planning Department Staff and interested residents of Pond Village met informally to establish how the actual crafting of the proposed land use controls outlined in the approved CCC/County Commission decisions could be completed. It was determined that a “Steering Committee” would need to be established that was small enough to actually get work done but broad enough to represent all interests in the area. Members of the public who were for and some who were skeptical and even against the designation were placed on this Committee.

The initial meeting of the “Steering Committee” was March 6, 2006. At that meeting it was decided to keep all Pond Village residents informed of all steering committee meetings via email/direct mailings. Steering Committee meetings were scheduled for the first and third Mondays of each month at the Growth Management Offices at 200 Main Street, Hyannis. Minutes have been kept and were attached to each agenda notice sent out to over 50 neighborhood residents and interested parties.

The regs that have been promulgated are the result of many months of work, many drafts, input from many residents, a neighborhood meeting, input from experts and compromise.

The Steering Committee proposes to continue its work beyond the proposal of this zoning ordinance in the areas of boardwalks and piers, conservation and health issues, the remediation of Hinckley Pond, repair of Route 6A and other issues related to this area.

**FISCAL IMPACT:** The proposed zoning regulations will positively influence property values which translates into additional property tax revenue and encourages smart growth in the community.

**BOARD/COMMITTEE/STAFF ASSISTANCE:** Pond Village Steering Committee, Planning Board

**A. OLD BUSINESS (Public Hearing May Be Acted Upon) (Roll Call)**

**BARNSTABLE TOWN COUNCIL**

**2007-117 COMMUNITY PRESERVATION FUND APPROPRIATION FOR  
HISTORIC PRESERVATION**

**INTRO.: 04/05/07; 04/26/07; 05/03/07**

**ORDERED:** that, pursuant to the provisions of G. L. c. 44B, the sum of Twenty Thousand and No/100 (\$20,000.00) Dollars be appropriated and transferred from the amount set aside for Historic Preservation in the Community Preservation Fund on June 15, 2006 under agenda item number 2006-144; that the Growth Management Department is authorized to contract for and expend the amount of (\$20,000.00) for the purpose of preserving the historic Barnstable Patriot newspaper by digitizing ancient copies.

**SPONSOR:** Ann Canedy and Town Manager upon recommendation of the Community Preservation Committee

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ Read item
- \_\_\_ Motion to open public hearing
- \_\_\_ Rationale
- \_\_\_ Public hearing
- \_\_\_ Close public hearing
- \_\_\_ Council discussion
- \_\_\_ move/vote

**BARNSTABLE TOWN COUNCIL**  
**AGENDA ITEM SUMMARY**  
**2007-117**  
**INTRO.: 04/05/07**

**TO:** Town Council  
**FROM:** Community Preservation Committee  
**DATE:** April 5, 2007  
**SUBJECT:** Rationale for the preservation of the Barnstable Patriot Newspaper

**BACKGROUND:** The Community Preservation Committee (CPC) met on March 20, 2007 and has recommended that the town support the funding request of \$20,000.00 from the Sturgis Library to digitize historic copies of the Barnstable Patriot Newspaper.

**RATIONALE:** The project goal is to digitize the first 100-150 years of the Barnstable Patriot, an important historic newspaper covering both the town and county of Barnstable. The first issue of the Barnstable Patriot was published on June 26, 1830, making it the oldest continuous uninterrupted publication in Barnstable County. The Sturgis Library owns one of the only complete sets of all issues of the Barnstable Patriot, both in print and on microfilm.

The project includes producing copies of the microfilm, scanning and digitization of the newspaper from the microfilm, indexing and conversion of the newspaper, promotion of the complete project and finally publicizing the project. The digitization project will enable Sturgis Library to offer complete online access to the newspaper for researchers at home and in the library. The newspaper is an essential resource for researchers, and is used by genealogists, maritime researchers, historians, authors, teachers, students and many others.

The projected cost to digitize 100-150 years of the Barnstable Patriot will be approximately \$60,000-\$80,000 in total. Funds have already been secured from the LSTA Federal Grant and the Lothrop Family Foundation in the amount of \$42,500.00. Additional potential funding sources include the Cape Cod Foundation, the Kirkman Fund, and the Barnstable Patriot publishers and business partners. The request of \$20,000 from the Community Preservation Committee meets specific funding criteria.

**A. OLD BUSINESS (Public Hearing May Be Acted Upon)**

**BARNSTABLE TOWN COUNCIL**

**2007-118 ORDINANCE FOR WAIVER OF FEES FOR CONSTRUCTION  
WORK ON THE HYANNIS YOUTH AND COMMUNITY CENTER  
INTRO: 04/26/07; 05/03/07**

**ORDERED:** Notwithstanding the provisions of any other ordinance of the Town regarding Schedules of Fees, the Hyannis Youth and Community Center construction project shall hereby be exempt from payment of such fees.

**SPONSOR:** Town Manager John C. Klimm

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

- \_\_\_ Read item
- \_\_\_ Motion to open public hearing
- \_\_\_ Rationale
- \_\_\_ Public hearing
- \_\_\_ Close public hearing
- \_\_\_ Council discussion
- \_\_\_ move/vote

**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-118  
INTRO.: 04/26/07**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Mark S. Ells, Director  
**DATE:** April 27, 2007  
**SUBJECT:** Hyannis Youth and Community Center Waiver of Fees for Construction Work

**BACKGROUND:** In the planning and design for the construction of the new Hyannis Youth & Community Center, and in the budgets presented to the Town Council for completion of the project, no provision was made for the payment of any municipal fees that may be required for this construction project. In the collective experience of staff members, the architect, and others directly associated with the project, the prior experience had been that all such fees were waived for municipal projects. As a consequence no provision was made for the rather costly fees associated with a construction project of this magnitude. For example, the largest such fee is the new building permit fee of \$8.10 per \$1,000 of construction value. The current estimated construction value for the project is \$16,000,000.00. The associated building permit fee for that size project is \$129,600.00. If this fee and other associated construction fees are not waived, significant portions of the proposed project will have to be either reduced or eliminated in order to stay within available funds for construction.

**ANALYSIS:** The aspects of this request for fee waiver have been vetted with the Building Commissioner, who has agreed with this request to the extent that the normal inspection services to be used on this project, and such related costs as may be necessary, may be covered with existing funds. If the Building Commissioner is required to hire inspectors with special expertise to inspect various aspects of the project, the project will pay for the special expertise needed for that inspection.

**FISCAL IMPACT:** It is anticipated that adoption of this order would have a neutral fiscal impact.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends that the Town Council approve the action proposed by this order.

**BOARD AND COMMISSION ACTION:** N/A

**STAFF ASSISTANCE:** Roland W. Breault, Jr., Assistant Director, DPW

**A. OLD BUSINESS (SECOND READING)**

**BARNSTABLE TOWN COUNCIL**

**2007-139 HYANNIS YOUTH AND COMMUNITY CENTER UTILITY EASEMENTS  
INTRO: 04/26/07; 05/03/07**

**ORDERED:** That the Town Manager be authorized to acquire by purchase or take by eminent domain, for the purpose of providing access and installing utilities, an easement containing 745 square feet, or 0.17 acres, more or less, and being shown on a plan entitled “Plan Showing Proposed Access Easement at #166 Stevens Street: Scale: 1” = 40’, March 9, 2007, in Barnstable (Hyannis) MA, As Made By the D.P.W. Survey Section,” a copy of which plan is on file in the Town Clerk’s office; execute and record any and all necessary documents in relation thereto; and that the Town Manager is authorized to accept any gifts or grants in relation thereto.

**SPONSOR:** Town Manager John C. Klimm

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____
___ Read item	
___ Discussion	
___ Move/vote	

**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-139  
04/26/07**

**TO:** Town Council  
**FROM:** John C. Klimm, Town Manager  
**THROUGH:** Mark S. Ells, Director  
**DATE:** April 27, 2007  
**SUBJECT:** Hyannis Youth and Community Center Utility Easement in Stevens Street,  
Hyannis

**BACKGROUND:** In July 2006, an additional \$1,600,000.00 was appropriated in Appropriation and Loan Order 06-009, for the purpose of funding the construction of the Hyannis Youth & Community Center. In order to reduce the cost of utility construction and the length of utility installations to the new Hyannis Youth & Community Center, a small easement is necessary to connect the construction site to the nearest location of most utilities on Stevens Street. The easement will be used to install all utilities with the single exception of sewer connections, which will be connected at Bearses Way.

**ANALYSIS:** The construction project will be facilitated by the Town acquiring the easement that allows the utilities to be placed in this private property.

**FISCAL IMPACT:** There is a minor cost to the Town in the taking of this easement as it will be acquired by purchase or eminent domain. Additional costs will be incurred in preparing and filing the easement documents with the Registry of Deeds.

**TOWN MANAGER RECOMMENDATION:** The Town Manager recommends that the Town Council approve the action proposed by this order.

**BOARD AND COMMISSION ACTION:** N/A

**STAFF ASSISTANCE:** Roland W. Breault, Jr., Assistant Director, DPW

**B. NEW BUSINESS (To Be Referred To Public Hearing June 7th)**

**BARNSTABLE TOWN COUNCIL**

**2007-141 TO SEE IF THE TOWN COUNCIL WILL AMEND GENERAL ORDINANCE  
RELATIVE TO A REVISED GROUND WATER PROTECTION OVERLAY  
DISTRICT MAP  
INTRO.: 05/03/07**

**TO SEE IF TOWN COUNCIL WILL VOTE TO AMEND THE GENERAL ORDINANCES AS  
FOLLOWS**

**IT IS ORDERED:**

That Chapter 232, Sections 232-5 and 232-6 of the General Ordinances be amended as follows:

- a) Section 232-5 (B) by striking “Revised Groundwater Protection Overlay Districts Map. Planning Department, dated April, 1993” and substituting in its place “Revised Groundwater Protection Map Planning Division – February 2002.”
- b) Section 232-6 by striking “Revised Groundwater Protection Overlay Districts Map. Planning Department, dated April, 1993” and substituting in its place “Revised Groundwater Protection Map Planning Division – February 2002.”

**SPONSORS:** Councilor Richard Barry and Town Manager John Klimm

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____
___ Read item	
___ Rationale	
___ Council discussion	
___ Move/vote	



**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-141  
INTRO: 05/03/07**

**TO:** Town Council  
**FROM:** Ruth Weil, Director of Growth Management  
**DATE:** April 25, 2007  
**SUBJECT:** Amending Sections 232-5 and 232-6 of the General Ordinances by Inserting Most Current Map Reference.

**BACKGROUND:** The purpose of these proposed amendments is to replace the 1993 Groundwater Protection Overlay Districts Map with the most recent map which was prepared on February, 2002.

**ANALYSIS:** The Board of Health has requested an update to the Town Ordinance Chapter 232: Wastewater Discharge. Under Sections 232-5 and 232-6, the ordinance refers to the “Revised Groundwater Protection Overlay Districts Map” dated April 1993. The Board has requested that the updated February, 2002 Groundwater Protection Overlay District map be referenced so that application of the Board of Health regulations can be consistent with the best science available.

**FISCAL IMPACT:** There is no fiscal impact.

**B. NEW BUSINESS (To Be Referred To Public Hearing June 7th)**

**BARNSTABLE TOWN COUNCIL**

**2007- 142 COMMUNITY PRESERVATION FUND APPROPRIATION FOR HISTORIC RECORDS PRESERVATION  
INTRO.: 05/03/06**

**ORDERED:** that, pursuant to the provisions of G. L. c. 44B, the sum of Sixty Five Thousand, Two Hundred Sixty Six and No/100 (\$65,266.00) Dollars be appropriated and transferred from the amount set aside in the Community Preservation Fund on June 15, 2006 under agenda item number 2006-144 for “Unrestricted” CPA funds; and that the Town Clerk is authorized to contract for and expend the amount appropriated with the prior approval of the Town Manager in order to deacidify and bind in order to preserve ancient Town records.

**SPONSOR:** Town Manager upon recommendation of the Community Preservation Committee

<b>DATE</b>	<b>ACTION TAKEN</b>
_____	_____
_____	_____

\_\_\_ Read item

\_\_\_ Rationale

\_\_\_ Council discussion

\_\_\_ Move/vote

**BARNSTABLE TOWN COUNCIL  
AGENDA ITEM SUMMARY  
2007-142  
INTRO: 05/03/07**

**TO:** Town Council  
**FROM:** Community Preservation Committee  
**DATE:** March 2, 2007  
**SUBJECT:** Rationale for the Deacidification and Binding ancient records

**BACKGROUND:** The Community Preservation Committee (CPC) met on February 20, 2007 and has recommended that the town support the funding request of \$65,266.00 from the Town Clerk to Deacidify and Bind Ancient records. This project is phase two of the two phase series.

**RATIONALE:** The first phase of this project that has been approved for funding in 2006 by the CPC allowed the laser fiche software program to be purchased. The software program is currently installed and running. Many historic volumes have been scanned into the system. Volunteers and the Clerk's office have been working to index the handwritten volumes. The Clerk's office is also working on transferring other meeting records to the program. Talin Bookbindery is in the process of working on the deacidification and binding of approximately 8 books. The second phase of this project is to continue with the indexing and binding books. The use of these funds will complete the entire project.

Preserving these books will help preserve the character and save these resources that are currently threatened by acidity. This project is vital to the Town's character. It is the Town's job to preserve that history for all times, for the use of historians and genealogists. If they are not preserved, the history will be jeopardized.