



The Town of Barnstable

Town Council

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Royden C. Richardson,
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Audrey M. Loughnane

J. Gregory Milne

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Carl S. Riedell

Administrative

Assistant:

Donald Grissom

Council Secretary

Margery L. McCarthy

TOWN COUNCIL AGENDA FEBRUARY 22, 2001 6:00 PM WELCOME TO THE BRAZILIAN COMMUNITY 7:00 PM REGULAR MEETING

1. **ROLL CALL**
2. *Pledge of Allegiance*
3. *Moment of Silence*
4. *Act on Minutes 2/01/2001*
5. **Proclamations – None**
6. *Public Comment (also encouraged at the end of the meeting)*
7. *Council Response to Public Comment*
8. **Public Hearings 2001-036, 2001,037, 2001-038 AND
2001-039 JOINT PUBLIC HEARING WITH PLANNING
BOARD & PUBLIC HEARING ON 2001-041**
9. *Communications from Elected Officials, Boards, Commissions and Staff
UPDATE ON REDISTRICTING - LINDA HUTCHENRIDER*
10. *Correspondence*
11. *President/Vice President Communications*
12. *Town Manager Communications*

OLD BUSINESS (May be Acted Upon)

**13. 2001-036 THAT THE TOWN COUNCIL OF THE TOWN OF
BARNSTABLE, MASSACHUSETTS DO ORDAIN AS FOLLOWS:**

**PAGE #
4**

ORDERED: That Chapter III, Article III of the Ordinances is hereby amended by the insertion of a new Commercial District Business Zoning Districts, after Section 3-3.9 (as printed on pages 4-9)

14. 2001-037 THAT THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE, MASSACHUSETTS DO ORDAIN AS FOLLOWS:

PAGE #
10

ORDERED:That Chapter III, Article III of the Ordinances is hereby amended by inserting after the end of Section 3-2.2 thereof, the following new section:

3-2.3 O 1, O-2 and O-3 Office District (as printed on pages 10-17)

15. 2001-038 THAT THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE, MASSACHUSETTS DO ORDAIN AS FOLLOWS:

18

ORDERED:That Chapter III, Article III of the Ordinances is hereby amended by inserting after the end of Section 3-3.9 thereof, the following new section:

3-3.10 MA-2 Business District (as printed on pages 18-23)

16. 2001-039 THAT THE TOWN COUNCIL OF THE TOWN OF BARNSTABLE, MASSACHUSETTS DO ORDAIN AS FOLLOWS:

24

ORDERED: That Chapter III, Article III of the Ordinances is hereby amended by inserting after the end of Section 3-2.1 thereof, the following new section:

3-2.2 OR Office Residential District (as printed on pages 24-29)

17. 2001-041 APPROPRIATION AND TRANSFER ORDER FOR A COMPREHENSIVE SCHOOL AUDIT

30

ORDERED That the sum of \$105,000 be appropriated for the purpose of conducting a comprehensive audit of the School Department, and that to meet such appropriation, \$105,000 be transferred from the FY 2000 excess lottery distribution.

NEW BUSINESS

(The following agenda items to be referred to a public hearing on March 15th)

18. 2001-048 APPROPRIATION AND TRANSFER ORDER FOR A LONG-RANGE MANAGEMENT PLAN AT SANDY NECK

33

ORDERED: That the sum of \$75,000 be appropriated for the purpose of developing a long-range management plan at Sandy Neck, and that to meet such appropriation, \$75,000 be transferred from the FY 2000 excess lottery distribution

19. 2001-049 APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$352,500.00 FOR THE PURPOSE OF ACQUIRING 12.53 ACRES MORE OR LESS IN MARSTONS MILLS 36

ORDERED: That the Town Council hereby authorizes the Town Manager to purchase or take by eminent domain, pursuant to and for the purposes set forth in chapter 293 of the Acts of 1998 as amended by section 211 of chapter 127 of the Acts of 1999 and/or chapter 79 of the General Laws of Massachusetts, or otherwise acquire the land on a way off Old Post Road, Barnstable (Marstons Mills) containing 12.53 acres more or less..... (as printed on page 36)

NEW BUSINESS (Continued)
(The following two items can be acted upon)

20. 2001-050 SNOW AND ICE OVERDRAFT ORDER 37

ORDERED: That pursuant to Chapter 44, Section 31D MGL, which provides for the ability of the Town to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal; the Town Council approves expenditures in excess of available appropriation for snow and ice removal for fiscal year 2001, subject to further approval action by the Town Manager

21. 2001-051 RESOLUTION ENDORSING THE PROPOSAL BY THE TOWN MANAGER OF A STRATEGY FOR GROWTH MANAGEMENT AND IMPLEMENTING AFFORDABLE HOUSING INITIATIVES.

RESOLVED: That the proposal by the Town Manager of a strategy for growth management and implementing affordable housing initiatives, as presented to the Council, is hereby endorsed. 39

PUBLIC COMMENT

GENERAL DISCUSSION

ADJOURNMENT

NEXT REGULAR MEETING TO BE HELD ON MARCH 1ST.

BARNSTABLE TOWN COUNCIL

**ITEM NO:2001-036
LATE FILE INTRO:01/04/2001**

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

ORDERED:

That Chapter III, Article III of the Ordinances is hereby amended by the insertion of a new Commercial District Business Zoning Districts, after Section 3-3.9 (note: the exact paragraph number is dependent upon adoption of other new commercial districts and should be adjusted accordingly)

3-3.11 B-1 Business District

1) Principal Permitted Uses: The following uses are permitted in the B-1 Business District:

A) Retail uses

B) Medical, dental office, laboratory services, and treatment facilities

C) All other business professional and government offices.

D) Bank

E) Personal Service business including but not limited to the following: barber, beauty shop, dry-cleaning, shoe repair, tailor and dressmaker.

F) Restaurant

G) Research and development, technological and computer research, software development and data processing including computer operations services.

H) Publishing and printing establishments.

I) Hotel or motel subject to all the requirements of Section 3-3.1.(6)

J) Apartments subject to Section 3-2.1(1)(J).

K) Packaging and delivery services.

Deleted: <#>¶

Deleted: <#>Mortuary or funeral home.¶

- L) Parking facility to serve a use established in this zoning district or in an adjoining commercial district.
- M) [Gas station](#), not to include auto repair or body work.
- 2) Accessory Uses: The following uses are permitted as accessory uses in the - B-1 Business District: (reserved for future use)
- 3) Conditional Uses: The following uses are permitted as conditional uses in the B-1 Business District, provided a Special Permit is first obtained from the Zoning Board of Appeals subject to the provisions of Section 5-3.3 herein and subject to the specific standards for such conditional uses as required in this section : (reserved for future use)
- 4) Special Permit Uses: The following uses are permitted as Special Permit uses in the B-1 Business District, provided a Special Permit is first obtained from the Planning Board: (reserved for future use)
 - A) Parking facility to serve a use established in an adjoining Commercial District.
 - B) [Drive-in uses, as an accessory or principal use, where the use is permitted in paragraphs A through M above\).](#)

5) Bulk Regulations:

ZONING DISTRICT	MIN.LOT	MIN.LOT	MIN.LOT	MINIMUM YARD			MAXIMUM	FAR
	AREA	FRONTAGE	WIDTH	SETBACKS IN FT.			HEIGHT	
	SQ.FT	IN FT.	IN FT	FRONT	SIDE	REAR	IN FEET	

B-I	10,000	20	100	20	10	10	30*	.4
-----	------------------------	----	-----	----	----	----	-----	----

Deleted: 43560

* Or two [and a half \(21/2\)](#) stories whichever is lesser.

Floor Area Ratio (FAR) is the ratio of gross building square feet to lot area.

Landscaped Setback from the road right of way: [5 feet](#).

Deleted: [10](#)

The Front Yard Landscaped Setback shall be landscaped with a combination of grasses, trees and shrubs commonly found on Cape Cod. A minimum of one street tree with a minimum caliper of three (3.0) inches, shall be provided per 30 feet of road frontage distributed throughout the front yard setback area. No plantings shall obscure site at entrance and exit drives, and road intersections. All landscaped areas shall be continuously maintained, substantially in accordance with any Site Plan approved pursuant to Section 4-7 herein.

To amend Section 2-1, Establishment of Districts by adding the B-1 Business District to the list of Commercial Districts:

To amend paragraph 3 of Section 2-2.3 Zoning District Boundaries, as follows:

2-2.3 Zoning District Boundaries:

- 3) Where the boundary line between zoning districts divides any lot existing at the time such line is adopted, which has street frontage in the less restricted area, a use authorized on the less restricted portion of such lot may be extended into the more restricted portion for a distance of not more than thirty (30) feet. This paragraph shall not apply to the following districts: the HO Highway Office District; the Groundwater Protection Overlay Districts, the Adult Use Overlay District, the Shopping Center Redevelopment Overlay District; **the B-1 Business District.**

To amend Section 4-2.6, Landscape Requirements for Parking Lots, paragraph 2A, as follows:

- 2) In all Office and Commercial Districts, a parking lot shall conform to the following requirements:
 - A) The surfaced area of a parking lot and all entrance and exit drives shall be set back a minimum of 10 feet from the side and rear lot lines, by a landscaped buffer, except that a minimum 15 foot landscaped buffer shall be required from the side and rear lot lines in the VB-B Village Business District; five (5) feet shall be required from the side and rear lot lines in the PR Professional Residential District and **the B-1 Business District** and 20 feet shall be required from the rear lot line in the HO Highway Office District

And to amend Section 4-3, Sign Regulations, by inserting a new Section 4-3.13 Signs in the B-1 Business District as follows:

Section 4-13, Signs in the B-1 Business District:

The provisions of Section 3-3.7 shall apply, except that:

1. The maximum allowable height of all signs on buildings shall be twelve (12), and the maximum allowable height of a free-standing sign shall be eight (8) feet.
2. The maximum square footage of all signs shall be seventy five (75) feet, or 10% of the building face, whichever is less.

3. The maximum size of any freestanding sign shall be eighteen square (18) feet.

To add the following to Section 4-3.21 paragraph 1 as follows:

4-3.21 Illumination:

- 1) Illuminated signs will normally not exceed fifty (50) foot lamberts (or equivalent measurement) of intensity. Additional intensity may be permitted by the Building Commissioner if it is determined that additional intensity is necessary and that it will not detract from the visual quality or character of the area.
Internally illuminated signs shall not be permitted in the B-1 Zoning District, along North Street only.

To amend Section 7 Definitions, by inserting in appropriate alphabetical sequence the following Definition:

Half Story: that space above the plate line but below the ridge line in an area commonly called the attic space provided that the gross floor area of the half story shall not exceed 66% of the gross floor area immediately below the half story.

SPONSOR: HyRate committee

DATE

ACTION TAKEN

01/04/2001

Referred to Public Hearing on 2/22/2001

**AGENDA ITEM SUMMARY
2001-036**

TO: Town Council
FROM: HyRate committee, Gary Brown and Gregory Milne, Co-Chairman
DATE: December 16, 2000
SUBJECT: **Downtown Zoning Amendments
B-1 Business District (North Street and Barnstable Road)**

BACKGROUND

The B-1 District covers Barnstable Road and a portion of North Street, from Stevens Street eastwards. North Street and Barnstable Road are characterized by a great jumble of uses, characteristic of many of the commercial areas of Hyannis. Apartments are located next to strip malls, fast food restaurants, and gas stations. However, the commercial businesses and fast food restaurants do a brisk business and it is preferable to provide an area in the downtown for these uses, away from Main Street. Redevelopment has been occurring along North Street, which is an opportunity to ensure that new development is well designed. Landscape design requirements have already been adopted which will improve site plan design. In the future, the town needs to adopt design guidelines for commercial and office development located outside of Historic Districts, to ensure an improved appearance to commercial areas such as this, and the Rt. 28/132 commercial corridor.

Car dealerships are not permitted, however existing dealerships are grandfathered, and wherever possible, the UB district has been changed to keep these uses in this district as permitted uses. The HyRate Committee does not want to see any additional dealerships in the downtown, streets are too narrow for the transport vehicles, and in particular, there is concern for the possibility of second hand dealerships locating in this area.

The proposed zoning district would permit a broad variety of commercial, office, residential uses, with a fairly high density, and with a 2 1/2 story height – the same as residential areas. This is an increase in the height limitation and is designed to permit additional space, while encouraging retention of the pitched roof design that is traditional to Cape Cod.

ANALYSIS

Density, lot size and setbacks vary widely throughout this district. In order to avoid creating non-conforming uses, Bulk Regulations have therefore been kept on the low size.

Average lot size: .52 acre
Average floor Area Ratio (FAR) .19

Uses: highly varied mixture of commercial, motel and office uses with some residential development (principally Cromwell Court).

Parcel analysis is available from the Planning Division.

FISCAL IMPACT

This Zoning Ordinance amendment will have no direct impact upon the town budget. In the long term it is designed to improve the downtown area by defining uses, and providing opportunity for modern strip development within the downtown, away from Main Street

TOWN MANAGER RECOMMENDATION

The Town Manager recommends that the Zoning Amendments be adopted when all issues raised at the public hearing have been addressed.

STAFF ASSISTANCE:

Jacqueline Etsten, Principal Planner
Douglas Bill, Associate Planner

BARNSTABLE TOWN COUNCIL

**ITEM NO: 2001-037
LATE FILE INTRO:01/04/2001**

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

ORDERED:

*That Chapter III, Article III of the Ordinances is hereby amended by inserting
after the end of Section 3-2.2 thereof, the following new section:*

3-2.3 O 1, O-2 and O-3 Office District

- 1) Principal Permitted Uses: The following uses are permitted in the O-1, O-2 and O-3 Districts:
 - A) Business, professional and government offices, not to include medical and dental offices.
 - B) Research and development, technological and computer research, software development and data processing including computer operations services.
 - C) Publishing and printing establishments
 - D) Packaging and delivery express services.
- 2) Accessory Uses: The following uses are permitted as accessory uses in the - the O-1, O-2 and O-3 Office District: (reserved for future use)
- 3) Conditional Uses: The following uses are permitted as conditional uses in the O-1, O-2 and O-3 Office District, provided a Special Permit is first obtained from the Zoning Board of Appeals subject to the provisions of Section 5-3.3 herein and subject to the specific standards for such conditional uses as required in this section:
 - A) Parking facility to serve a use established in this Zoning District or in an adjoining commercial district.
 - B) Medical and dental office, laboratory services, treatment facilities, subject to the Zoning Board of Appeals finding that:
 - a) The use has adequate parking and access; and

- b) That the use as proposed will not adversely affect surrounding businesses or residential uses.
- C) Town Houses, in the O-1 Office Residential District only, subject to the following:
- a) Density: No more than 10 town houses shall be permitted per developable acreage. In calculating the developable acreage, developable land shall not include wetlands, slopes in excess of 15% and 50% of land under power easements. No units shall be located in a FEMA A or V zone, as designated prior to grading and filling in connection with proposed development.
 - b) Private yards: Each town house shall have direct access to a yard with a minimum area of 500 sq ft, affording as much privacy as is feasible, designed for passive recreational out door use.
 - c) Solid Waste facilities: Solid waste receptacles shall be secured from animals and screened from view.
 - d) Wastewater: Town houses shall be served by public sewer and public water supplies.
 - e) Town houses should be grouped, generally no more than 5 units in any one building. Consideration should be given to off-setting town houses, with variation in the building line of at least six (6) feet.
 - f) Site, landscape, and building designs and materials shall be consistent with the appearance of Cape Cod architecture, and with any local or regional design guidelines. There should be a variation in town house designs.
 - g) Parking areas shall be small, generally containing no more than 10 spaces, conveniently located in relationship to buildings, preferably to the side of buildings. Except for a designated handicapped space, no parking space should be located within 10 feet of a town house, and the intervening area between the parking area and building, landscaped. Garages may located within the town house, or within separate buildings.
- D) Apartments, in the O-1 Office District only, located in a mixed use development, subject to the following:
- a) The apartments are located on a lot with Principal Permitted uses 1A and 1(B), and Conditional Use 3B only, listed above.

- b) Subject to the conditions for town houses, Section 3-2.3, paragraphs 3(C), (a) through (g) above, except for sub-paragraphs (e) and (g).
- c) No more than four (4) apartments shall share a common entry.
- d) An area equivalent to a minimum of 30% of the gross floor area of the total number of apartments shall be designed for outdoor passive recreational use for residents of the building, and to the maximum extent feasible, by providing private open space as a yard, porch or deck, or a combination of private space and community space.

4) Special Permit Uses: The following uses are permitted as Special Permit uses in the O-1, O-2 and O-3 District, provided a Special Permit is first obtained from the Zoning Board of Appeals:

- A) Retail sales of goods and services associated with offices uses including but not limited to: retail sales and maintenance of office supplies, and office machines including computers.

5) Bulk Regulations:

ZONING	MIN.LOT	MIN.LOT	MIN.LOT	MINIMUM YARD			MAXIMUM	FAR BLDG
DISTS	AREA	FRONTAGE	WIDTH	SETBACKS IN FT.			HEIGHT	
	SQ.FT.	IN FT.	IN FT.	FRONT	SIDE	REAR	IN FT.	
O-1and O-2	20,000	125	--	25	10	20	30*	.4
O-3	10,000	125	--	25	10	20	30*	.3

* Or two and a half (2 1/2) stories whichever is lesser.

Floor Area Ratio (FAR) is the ratio of gross building square feet to lot area.

Landscaped Setback from the road right of way: 10 feet.

The Front Yard Landscaped Setback shall be landscaped with a combination of grasses, trees and shrubs commonly found on Cape Cod. A minimum of one street tree with a minimum caliper of three (3.0) inches, shall be provided per 30 feet of road frontage distributed throughout the front yard setback area. No plantings shall obscure site at entrance and exit drives, and road intersections. All landscaped areas shall be continuously maintained, substantially in accordance with any Site Plan approved pursuant to Section 4-7 herein.

To amend Section 2-1, Establishment of Districts by adding the **O- 1, O 2 and O3 Office Districts** to the list of Office Districts:

To amend paragraph 3 of Section 2-2.3 Zoning District Boundaries, as follows:

2-2.3 Zoning District Boundaries:

3) Where the boundary line between zoning districts divides any lot existing at the time such line is adopted, which has street frontage in the less restricted area, a use authorized on the less restricted portion of such lot may be extended into the more restricted portion for a distance of not more than thirty (30) feet. This paragraph shall not apply to the following districts: the HO Highway Office District; the Groundwater Protection Overlay Districts, the Adult Use Overlay District, the Shopping Center Redevelopment Overlay District; **the O-1, O-2 and O3 Office Districts.**

To add the following sentence to Section 4-3.21 paragraph 1 as follows:

4-3.21 Illumination:

1) Illuminated signs will normally not exceed fifty (50) foot lamberts (or equivalent measurement) of intensity. Additional intensity may be permitted by the Building Commissioner if it is determined that additional intensity is necessary and that it will not detract from the visual quality or character of the area.

Internally illuminated signs shall not be permitted in the O-1, O-2 and O-3 Office Districts.

And to amend Section 4-3, Sign Regulations, by inserting a new section 4.3.14 Signs in the O1, O2, and O3 Office Districts as follows, and to re-number existing sections:

Section 4-3.14 Signs in the O-1, O-2 and O-3 Office District

The provisions of Section 4-3.7 shall apply except that:

- B) The maximum allowable height of all signs on buildings shall be 12 feet, and the maximum allowable height of a freestanding sign is eight (8) feet.
- C) The maximum square footage of signs shall be: seventy five (75) square feet; or 10% of the building face, whichever is less.
- D) The maximum size of any freestanding sign shall be eighteen (18) square feet.

To amend Section 4-2.6, Landscape Requirements for Parking Lots, paragraph 2A, as follows:

- A) The surfaced area of a parking lot and all entrance and exit drives shall be set back a minimum of 10 feet from the side and rear lot lines, by a landscaped buffer, except that a minimum 15 foot landscaped buffer shall be required from the side and rear lot lines in the VB-B Village Business District; five (5) feet shall be required from the side and rear lot lines in the PR Professional Residential District **and O1, O2 and O3 Office Districts**; and 20 feet shall be required from the rear lot line in the HO Highway Office District

To amend Section 7 Definitions, by inserting in appropriate alphabetical sequence the following Definition:

Half Story: that space above the plate line but below the ridge line in an area commonly called the attic space provided that the gross floor area of the half story shall not exceed 66% of the gross floor area immediately below the half story.

SPONSOR: HyRate committee

Date: ACTION TAKEN:

01/04/2001

Referred to Public Hearing on 2/22/2001

**AGENDA ITEM SUMMARY
2001-037**

TO: Town Council
FROM: HyRate Committee, Gary Brown and Gregory Millne, Co-Chairman
THROUGH: Planning Director
DATE: December 13, 2000

**SUBJECT: Downtown Zoning
Office Districts**

BACKGROUND

These zoning districts were developed with the HyRate committee, in consultation with the downtown BID District. This re-zoning effort was recognized in the Local Comprehensive Plan as part of the need to revise commercial districts. The area is presently zoned B Business District, which is a very poorly defined zoning district, that dates back to the beginnings of zoning in the town. It was the principal commercial district, which covering much of Hyannis, with very differing conditions throughout Hyannis commercial areas.

ANALYSIS

The proposed Office Districts are quite different from the rest of downtown. Most of the existing offices are comparatively large buildings, occupied by either professionals, or by large companies. Office areas are important to the downtown. With locations on the periphery of the area, they define the edge of the commercial district, preventing sprawl of commercial development, and provide an appropriate buffer to residential areas. Office workers and clients provide customers for the local stores, and especially to the many small restaurants. Office developments will increase the number of people working in the downtown, and in turn, help create a market for residential development.

Major Uses*:

Offices	65%
Multi-family	16%
Retail trades and services	15%

* by building area

Height: Height has been increased to two and a half stories, a compromise which will help retain the elements of Cape Cod Architecture. A definition of Half Story has been added, based loosely on an interpretation used by the Zoning Board of Appeals in residential areas, and modified for commercial areas.

O-1 Office District (West End)

This area is quite different than the rest of the downtown. It is categorized by large office developments on lots with an average size of slightly less than one acre. Floor Area Ratios are fairly low, approximately 0.2, and there is good on-site parking. There is also substantial re-development potential along Stevens Street and North Street on vacant or under utilized land. This area is an anchor for the downtown, and feeds into the Main Street area. The main danger is for strip development with fast food restaurants and gas stations locating along a portion of North Street and around the West End Rotary, and Stevens Street. This is the entrance to Main Street from the West End, an important gateway to the town center.

At the request of HyRate, residential uses of a moderately high density have been added, with conditions requiring provision of open space designed to ensure good quality development. Both town houses and apartments would be permitted, including mixed-use development.

In the Office 1 District only, medical and dental uses would also be permitted, subject to a Special Permit from the Zoning Board of Appeals.

Related office uses such as printing and delivery services would also be permitted as of right. Retail uses associated with office uses, would require a Special Permit from the Zoning Board of Appeals, because of the traffic that can be generated by such uses.

A parking lot to serve uses in this District or in an adjacent commercial district would also be permitted by Special Permit from the Zoning Board of Appeals. The purpose of this provision is to allow the creation of a parking lot to serve a use located in this district, in the Main Street District, and most importantly, the 500 Block. The 500 Block has substantial re-development potential, but will probably need additional, off-site parking.

Office 2 District

This district differs from the O-1 District in that the district is largely developed for office uses, and would be zoned as such.

Office - 3 (Bearses Way)

This is a small office district proposed for the entrance to the downtown, in the block formed by Bassett Lane, High School Road and a small portion of Bearses Way. At present part of this proposed district is zoned residential. This area has several exempt uses - the Hyannis Fire Station and a church. Several uses permitted by special permit or variance are located in this area. This district will define the boundary of the downtown. Commercial uses should not extend along Bearses Way, which will become an important entry into the downtown when the 500 Block is re-developed.

FISCAL IMPACT

This Zoning Ordinance amendment will have no direct impact upon the town budget. In the long term it is designed to improve the downtown area by increasing office uses which will improve the tax base and support downtown businesses.

TOWN MANAGER RECOMMENDATION

The Town Manager recommends that the Zoning Amendments be adopted when all issues raised at the public hearing have been addressed.

STAFF ASSISTANCE:

Jacqueline Etsten, Principle Planner
Douglas Bill, Associate Planner

BARNSTABLE TOWN COUNCIL

**ITEM NO:2001-038
LATE FILE INTRO: 01/04/2001**

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

ORDERED:

That Chapter III, Article III of the Ordinances is hereby amended by inserting after the end of Section 3-3.9 thereof, the following new section:

3-3.10 MA-2 Business District

1) Principal Permitted Uses: The following uses are permitted in the MA-2 Business District:

A) Single Family Residential (detached)

The following uses are permitted within a structure constructed prior to 1970, provided that in the event of destruction of any building deemed to be historic by the Local Historical Commission or any Local Historic District, by fire or other catastrophe, such uses may be permitted in a building, the design of which is approved by one of the foregoing historical agencies with jurisdiction:

B) Retail uses, not to include drive-in facilities.

C) Business, professional and governmental office, not to include medical office or dental office.

D) Personal Service Business including but not limited to the following: barber, beauty shop, photographers studio, shoe repair, tailor and dressmaker.

2) Accessory Uses: The following uses are permitted as accessory uses in the MA-2 Business District:

A) An apartment, in addition to the principal permitted uses, provided:

a) Where accessory to a single family residential structure, the floor area of an accessory apartment shall not to exceed 50% of the floor area of a single family residential structure

B) Bed and Breakfast operation for no more than a total of six rooms rented to a total of no more than 12 guests at any one time, within an owner occupied single family residential structure, constructed prior to 1970, subject to the

provisions of Section 3-1.1(3)(F), except paragraphs a) and b). For the purpose of this paragraph, children under the age of twelve shall not be considered in the total number of guests.

3) Conditional Uses: The following uses are permitted as conditional uses in the MA-2 Business District, provided a Special Permit is first obtained from the Zoning Board of Appeals subject to the provisions of Section 5-3.3 herein and subject to the specific standards for such conditional uses as required in this section: (reserved for future use)

4) Special Permit Uses: The following uses are permitted as Special Permit uses in the MA-2 Business District, provided a Special Permit is first obtained from the Planning Board: (reserved for future use)

5) Bulk Regulations:

ZONING	MIN.LOT AREA	MIN.LOT FRONTAGE	MIN. YARD SETBACKS IN FT.			MAXIMUM HEIGHT IN FT.	FAR
DISTS	AREA	FRONTAGE	FRONT	SIDE	REAR		
MA-2	SQ.FT.	IN FT.					
	7,500 sq. ft	50	20	10	20	30 *	.3

* Or two and a half (2 1/2) stories, whichever is lesser.

* Or two and one half (2-1/2) stories whichever is lesser.

Floor Area Ratio (FAR) is the ratio of gross building square feet to lot area.

Front Yard Landscaped Setback from the road right of way: 20 feet
 The Front Yard Landscaped Setback shall be landscaped with a combination of grasses, trees and shrubs commonly found on Cape Cod. A minimum of one street tree with a minimum caliper of three (3.0) inches, shall be provided per 30 feet of road frontage distributed throughout the front yard setback area. No plantings shall obscure site at entrance and exit drives, and road intersections. All landscaped areas shall be continuously maintained, substantially in accordance with any Site Plan approved pursuant to Section 4-7 herein.

To insert a new Section 4-2. 11 as follows:

4-2.11 Reduction of Parking within MA-2 Business District.

1) Rebuilding, Rehabilitation or Reuse: Within the MA-2 Business District, a permitted use can be changed to another permitted use without increasing the required off-street parking requirements of Section 4-2 herein, provided:

- a) There is no increase in gross square footage of the building as of -----, (*insert date of passage of this Ordinance*);
- b) There is no added outdoor space.

*To amend Section 2-1, Establishment of Districts:
By adding the **MA-2 Business District** to the list of Commercial Districts:*

To amend paragraph 3 of Section, 2-2.3 Zoning District Boundaries, as follows:

2-2.3 Zoning District Boundaries:

- 3) Where the boundary line between zoning districts divides any lot existing at the time such line is adopted, which has street frontage in the less restricted area, a use authorized on the less restricted portion of such lot may be extended into the more restricted portion for a distance of not more than thirty (30) feet. This paragraph shall not apply to the following districts: the HO Highway Office District; the Groundwater Protection Overlay Districts, the Adult Use Overlay District, the Shopping Center Redevelopment Overlay District; **the MA-2 Business District.**

To amend Section 4-2.6, Landscape Requirements for Parking Lots, paragraph 2A, as follows:

- 2) In all Office and Commercial Districts, a parking lot shall conform to the following requirements:
 - A) The surfaced area of a parking lot and all entrance and exit drives shall be set back a minimum of 10 feet from the side and rear lot lines, by a landscaped buffer, except that a minimum 15 foot landscaped buffer shall be required from the side and rear lot lines in the VB-B Village Business District; five (5) feet shall be required from the side and rear lot lines in the PR Professional Residential District **and MA-2 Business District**; and 20 feet shall be required from the rear lot line in the HO Highway Office District

And to amend Section 4-3, Sign Regulations by inserting a new section 4-3.13 Signs in the MA-2 Business District, as follows, and to re-number the existing sections that follow:

4-3.13, Signs in the MA-2 Business District:

The provisions of Section 4-3.7 herein shall apply except that:

- 1. The maximum allowable height of all signs on buildings shall be 12 feet, and the maximum height of a freestanding sign shall be eight (8) feet.

2. The maximum square footage of all signs shall be: fifty (50) square feet, or 10% of the building face, whichever is less.
3. The maximum size of any freestanding sign shall be twelve (12) square feet.

Deleted: except that

To add the following sentence to Section 4-3.21 paragraph 1 as follows:)

4-3.21 Illumination:

1) Illuminated signs will normally not exceed fifty (50) foot lamberts (or equivalent measurement) of intensity. Additional intensity may be permitted by the Building Commissioner if it is determined that additional intensity is necessary and that it will not detract from the visual quality or character of the area.

Internally illuminated signs shall not be permitted in the MA-2 Business District.

To add the following Definition in appropriate alphabetical sequence to Section 7 Definitions, as follows:

Half Story: that space above the plate line but below the ridge line in an area commonly called the attic space provided that the gross floor area of the half story shall not exceed 66% of the gross floor area immediately below the half story.

DATE

ACTION TAKEN

01/04/2001

Referred to Public Hearing on 2/22/2001

**AGENDA ITEM SUMMARY
2001-038**

TO: Barnstable Town Council
FROM: HyRate Committee, Gary Brown and Gregory Milne, Co-chairman
DATE: December 13, 2000

SUBJECT: Downtown Zoning, MA-2 Business District (Pearl Street)

BACKGROUND

Hyannis land use issues were established as a priority for action in the Local Comprehensive Plan, and by the Town Council. The HyRate Committee developed a policy plan for the downtown area, which was approved by the Town Council 3/25/99. This draft ordinance was developed from that plan, with review by the HyRate Committee, appointed by the Town Council.

ANALYSIS

Pearl Street is a successful small business district, located between Main and South Streets. It differs from Main Street because of a more limited range of uses, and differences in building setbacks, coverage and overall density. C19th buildings have been attractively converted to commercial use, largely through ZBA action. The area is zoned RB—1 which permits residential and limited office uses only. The zoning needs to reflect the existing uses, and provide protection for its attractive combination of commercial and historic character.

Proposed uses include single family residential, accessory apartment, retail, office and bed and breakfast. All proposed uses are permitted as of right; no use requires ZBA action.

Each parcel was analyzed for width of side yards, (right and left), rear yard and front yard setbacks, and overall building densities. Bulk regulations in the draft Ordinance are based on this analysis, and are designed to minimize non-conformities while preserving the attractive character of the area.

Lots are relatively small and although the existing building density is moderate, areas for parking are limited to narrow yards around buildings. Most lots cannot comply with existing parking requirements. These have been reduced by allowing existing space to change use without increasing parking requirements. This prevents paving of front yards to meet minimum parking standards.

The 21/2 story residential height has been retained – commercial areas are limited to two stories, and a definition added, based loosely on a Definition being applied by the Zoning Board of Appeals.

FISCAL IMPACT

This Zoning Ordinance amendment will have no direct fiscal impact on the town budget. In the long term, it should improve the commercial viability of this small area, and have a positive effect on the downtown as a whole.

TOWN MANAGER RECOMMENDATION

The Town Manager recommends approval of the proposed amendment, when all issues raised at the public hearing have been satisfactorily resolved.

SPONSOR: HyRate Committee

STAFF ASSISTANCE: Jacqueline Etsten, Interim Planning Director
Douglas Bill, Associate Planner

BARNSTABLE TOWN COUNCIL

**ITEM NO.:2001-039
LATE FILE INTRO.:01/04/2001**

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

ORDERED:

*That Chapter III, Article III of the Ordinances is hereby amended by inserting
after the end of Section 3-2.1 thereof, the following new section:*

3-2.2 OR Office Residential District

**1) Principal Permitted Uses: The following uses are permitted in the OR
Office Residential District:**

- A) Single Family Residential (detached)
- B) The following uses are permitted within a structure constructed prior to 1970, provided that in the event of destruction of any building deemed to be historic by the Local Historical Commission or any Local Historic District, by fire or other catastrophe, such uses may be permitted in a building, the design of which is approved by one of the foregoing historical agencies with jurisdiction:
- C) Business, professional and governmental office.

**2) Accessory Uses: The following uses are permitted as accessory uses in
the OR Office Residential District:**

- A) Bed and Breakfast operation for no more than a total of six rooms rented to a total of no more than 12 guests at any one time, within an owner occupied single family residential structure, subject to the provisions of Section 3-1.1(3)(F), except paragraphs a) and b). For the purpose of this paragraph, children under the age of twelve shall not be considered in the total number of guests.
- B) Renting of rooms for not more than three (3) non-family members by the family residing in a single family dwelling.

- C) An apartment, in addition to a principle permitted use, provided:
 - a) Where accessory to a single family residential structure, the floor area of an accessory apartment shall not to exceed 50% of the floor area of a single family residential structure.
- D) Home Occupation, subject to all the requirements of Section 4-1.4(2), Home Occupation by Special Permit, except that no Special Permit shall be required in the OR Office Residential District.

3) Conditional Uses: The following uses are permitted as conditional uses in the OR Office Residential District, provided a Special Permit is first obtained from the Zoning Board of Appeals subject to the provisions of Section 5-3.3 herein and subject to the specific standards for such conditional uses as required in this section: (reserved for future use)

- A) Medical and dental office, laboratory services, treatment facilities, subject to the Zoning Board of Appeals finding that:
 - a) The use has adequate parking and access;
 - b) That the use as proposed will not adversely affect surrounding business or residential uses; and
 - c) Subject to paragraph 3-2.2(1)(B) above.

4) Special Permit Uses: The following uses are permitted as special permit uses in the OR Office Residential District, provided a Special Permit is first obtained from the Planning Board: : (reserved for future use)

5) Bulk Regulations:

ZONING DISTRICT	MIN.LOT AREA	MIN.LOT FRONTAGE	MIN.LOT WIDTH	MIN. YARD SETBACKS IN FEET			MAXIMUM HEIGHT	FAR# .
	SQ. FT.	IN FEET	IN FEET	FRONT	SIDE	REAR	IN FEET	
OR	10,000	50	100	30	10	20	30 *	.2

* Or two and one half (2-1/2) stories whichever is lesser.
 # Floor Area Ratio (FAR) is the ratio of gross building square feet to lot area.

Front Yard Landscaped Setback from the road right of way: 10 feet; 30 feet along South Street.

Existing trees and shrubs shall be retained within the road right of way and within the required Front Yard Landscaped Setback and supplemented with other landscape materials, in accordance with accepted landscape practices. Where natural vegetation cannot be retained, the Front Yard Landscaped Setback shall be landscaped with a combination of grasses, trees and shrubs commonly found on Cape Cod. A minimum of one street tree with a minimum caliper of three (3.0) inches, shall be provided per 30 feet of road frontage distributed throughout the front yard setback area. No plantings shall obscure site at entrance and exit drives, and road intersections. All landscaped areas shall be continuously maintained, substantially in accordance with any Site Plan approved pursuant to Section 4-7 herein.

To amend Section 2-1, Establishment of Districts by adding the **OR Office Residential District** to the list of Office Districts:

To amend paragraph 3. of Section 2-2.3 Zoning District Boundaries, as follows:

2-2.3 Zoning District Boundaries:

3) Where the boundary line between zoning districts divides any lot existing at the time such line is adopted, which has street frontage in the less restricted area, a use authorized on the less restricted portion of such lot may be extended into the more restricted portion for a distance of not more than thirty (30) feet. This paragraph shall not apply to the following districts: the HO Highway Office District; the Groundwater Protection Overlay Districts, the Adult Use Overlay District, the Shopping Center Redevelopment Overlay District; the **OR Office Residential District.**

To amend Section 4-2.6, Landscape Requirements for Parking Lots, paragraph 2A, as follows:

- 2) In all Office and Commercial Districts, a parking lot shall conform to the following requirements.
- A) The surfaced area of a parking lot and all entrance and exit drives shall be set back a minimum of 10 feet from the side and rear lot lines, by a landscaped buffer, except that a minimum 15 foot landscaped buffer shall be required from the side and rear lot lines in the VB-B Village Business District; five (5) feet shall be required from the side and rear lot lines in the PR Professional Residential District **and OR Office Residential District;** and 20 feet shall be required from the rear lot line in the HO Highway Office District.

And to amend Section 4-3, Sign Regulations, by inserting a new section 4.3.13 Signs in the OR Office Residential District as follows, and to re-number existing sections:

Section 4-3.13 Signs in the OR Office Residential District

The provisions of Section 4-3.7 shall apply except that:

- A) The maximum allowable height of all signs on buildings shall be 12 feet, and the maximum allowable height of a freestanding sign is eight (8) feet.
- B) The maximum square footage of all signs shall be: fifty (50) square feet; or 10% of the building face, whichever is less.
- C) The maximum size of any freestanding sign shall be twelve (12) square feet.

To add the following to Section 4-3.21 paragraph 1 as follows:

4-3.21 Illumination:

- 1) Illuminated signs will normally not exceed fifty (50) foot lamberts (or equivalent measurement) of intensity. Additional intensity may be permitted by the Building Commissioner if it is determined that additional intensity is necessary and that it will not detract from the visual quality or character of the area. **Internally illuminated signs shall not be permitted in the OR Office Residential District.**

To amend Section 7 Definitions, by inserting in appropriate alphabetical sequence the following Definition:

Half Story: that space above the plate line but below the ridge line in an area commonly called the attic space provided that the gross floor area of the half story shall not exceed 66% of the gross floor area immediately below the half story.

Sponsor: HyRate Committee

DATE ACTION TAKEN

**AGENDA ITEM SUMMARY
2001-039**

TO: Town Council
FROM: HyRate committee, Gary Brown and Gregory Milne, Co-Chairman
DATE: December 16, 2000
SUBJECT: Downtown Zoning Amendments
OR Office Residential Districts (South Street from Sea Street to West of the Armory)

BACKGROUND

Hyannis land use issues were established as a priority for action in the Local Comprehensive Plan, and by the Town Council. The HyRate Committee developed a downtown land use plan that was approved by the Town Council 3/25/99. This draft Ordinance is one of six for the downtown area based upon that plan.

This proposed district consists of a portion of South Street, from the Armory to Sea Street. The area is characterized by large, historic buildings dating from the mid-19th century to early 20th century. It is a very attractive Hyannis Street, reminiscent of Hyannis's past as a port and important commercial center. The entire area is within the Hyannis Main Street Waterfront Historic District.

The area is presently split between two zoning districts. On the north side of South Street, zoning is RB-1, which permits residential uses and limited office use, restricted to two professionals by Special Permit from the Zoning Board of Appeals. At present, the south side of South Street is residentially zoned. In the district as a whole, office buildings are some of the best maintained buildings. The existing ordinance has been successful to some extent in maintaining the character of this area and given high maintenance costs, it is recommended that conversion to office be made easier, on both sides of the street. Residential uses are also continued.

Office uses provide customers for the commercial district year round and should be encouraged in the areas surrounding the downtown. Hyannis is different than many traditional downtowns, in that there is very limited office development. Hyannis needs to expand uses that will support its many business on a year round basis.

DATA SUMMARY

Existing Conditions:

Multi-family	25%
Office	22%
Group Quarters	14%
Single-family	14%
Vacant	8%
Mixed Use	8%
Public Service	6%
Parking	3%

Average:	
Lot size:	.39 acre
FAR	.14
Front yard setback	39 feet
Left side yard setback	28 feet
Right side yard setback	19 feet
Rear setback	69 feet

Existing uses are a nearly equal mix of offices, multi-family, and group quarters.

Many of the lots are deep with a yard behind the building. Front yard setbacks are fairly uniform in the area. Buildings are generally 30-40 feet back from the lot line. Nearly all parking lots are located to the rear of the buildings.

FISCAL IMPACT

This Zoning Ordinance amendment will have no direct fiscal impact on the town budget. Together with other zoning revisions in the downtown, changes are designed to maintain and improve South Street, and to have a positive effect on the downtown as a whole.

TOWN MANAGER RECOMMENDATION

The Town Manager recommends that the Ordinance be adopted, when all issues raised at the public hearing have been satisfactorily resolved.

STAFF ASSISTANCE: Jacqueline Etsten, Principal Planner
Douglas Bill, Associate Planner

**AGENDA ITEM SUMMARY
2001-041**

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: December 29, 2000
SUBJECT: Appropriation and Transfer Order for a Comprehensive School
Department Audit

BACKGROUND

The Town Council passed a resolve at the September 7, 2000 council meeting to request the Town Manager and the School Superintendent to look into and bring forward an appropriation order to study the school system, including, but not limited to space needs.

ANALYSIS

A nationwide search was done to find consultants who could perform such a study. It was determined that a consultant with national experience in performing school finance and performance measurement audits combined with an intimate knowledge of the Massachusetts Education Reform funding formula would be contracted with as project manager.

A steering committee comprised of town and school officials was created and met with the project manager to develop the scope of this project. A number of areas have been identified to be included in the study. The scope will be finalized by the end of January 2001 and work is expected to begin in February 2001.

In addition to financial matters, the audit will also include a study of current and future space needs and curriculum. A space-planning consultant will be subcontracted with by the project manager to work with the recently appointed School Building Needs Committee. The project manager will also sub-contract with consultants to perform the curriculum examination. The space needs and curriculum aspects of the audit will be tied into the financial element. The actual cost of this project will not be known until to scope is finalized and the sub-contractors have submitted their proposals.

FISCAL IMPACT

The Town must fund this project from an available resource, which has not already been committed to balancing the FY 2001 budget.

The Town received an additional FY 2000 surplus lottery distribution in the amount of \$282,000 from the State in September 2000. This distribution was not

known at the time of approving the FY 2001 budget, therefore, it was not, and could not, be included in our FY 2001 revenue estimates.

In accordance with the Department of Revenue's requirement, this distribution can be appropriated for any purpose once it is in the Town's Treasury. The Town has identified several projects to be funded with this revenue source with the School audit being one. The unappropriated balance of this revenue source is \$105,000, which is being requested for this project. Any unexpended funds from this contract will revert to free cash.

TOWN MANAGER RECOMMENDATION

The Town Manager recommends approval of the appropriation order.

<u>DATE</u>	<u>ACTION</u>
<u>01/18/2001</u>	<u>REFERRED TO PUBLIC HEARING ON 2/22/1001</u>

BARNSTABLE TOWN COUNCIL

**ITEM NO.:2001-041
INTRO.: 01/18/2001**

**APPROPRIATION AND TRANSFER ORDER FOR A COMPREHENSIVE
SCHOOL AUDIT**

ORDERED

That the sum of \$105,000 be appropriated for the purpose of conducting a comprehensive audit of the School Department, and that to meet such appropriation, \$105,000 be transferred from the FY 2000 excess lottery distribution.

**AGENDA ITEM SUMMARY
2001-048**

TO: Town Council
FROM: John C. Klimm, Town Manager
DATE: December 21, 2000
SUBJECT: Appropriation and Transfer Order for a Long-Range Management Plan at Sandy Neck

BACKGROUND

In the early 1990s, the Department of Environmental Protection (DEP) initiated proceedings leading to the requirement of an Order of Conditions for off road vehicle use on Sandy Neck and other barrier beaches, addressing geological processes and wildlife habitat, and especially habitat for shorebirds. An Order of Conditions for vehicle use on the Neck was obtained in 1993. That permit has been in existence until the present and will expire on April 01, 2001.

Over the years, an increasing number of conflicts have developed among the user groups of Sandy Neck in the process of living with the restrictions. This culminated in the commencement of a lawsuit in early 2000 by the cottage owners and other user groups. The complexity of the subject matter of the lawsuit and associated administrative appeals to the Department of Environmental Protection quickly made clear that alternative dispute resolution was appropriate for this case.

The good offices of the Massachusetts Office of Dispute Resolution were engaged and an arduous and lengthy mediation process was successfully concluded by the adoption of a consensus agreement. The focal point of that agreement is the development by the Town of a management plan for Sandy Neck.

The services of the Woods Hole Group have been retained contingent upon appropriation to develop that management plan. This appropriation will fund the contract for the services of the Woods Hole Group.

ANALYSIS

Failure to fund the development plan and its preliminary components will result in the destruction by centrifugal force of the painstakingly - mediated agreement and the parties will have to resort once again to adversary litigation.

More importantly, once the present Order of Conditions expires, if nothing exists to take its place, all vehicles access to Sandy Neck may be in jeopardy.

FISCAL IMPACT

At the time of adopting the FY 2001 budget the town did not know of the scope or cost of this project, therefore, no budget was appropriated. The cost of the project is not expected to exceed \$75,000. The Town must fund this project from an available resource, which has not already been committed to balancing the FY 2001 budget.

The Town received an additional FY 2000 surplus lottery distribution in the amount of \$282,000 from the State in September 2000. This distribution was not known at the time of approving the FY 2001 budget, therefore, it was not, and could not, be included in our FY 2001 revenue estimates.

In accordance with the Department of Revenue's requirement, this distribution can be appropriated for any purpose once it is in the Town's Treasury. The Town has identified several projects that could be funded with this revenue source with the Sandy Neck Management Plan being one.

TOWN MANAGER RECOMMENDATION

The Town Manager recommends approval of the appropriation order.

BARNSTABLE TOWN COUNCIL

**ITEM NO.:2001-048
INTRO.: 02/22/2001**

**APPROPRIATION AND TRANSFER ORDER FOR A LONG-RANGE
MANAGEMENT PLAN AT SANDY NECK**

ORDERED

That the sum of \$75,000 be appropriated for the purpose of developing a long-range management plan at Sandy Neck, and that to meet such appropriation, \$75,000 be transferred from the FY 2000 excess lottery distribution.

BARNSTABLE TOWN COUNCIL

ITEM NO.: 2001-049

INTRO.: 01/18/01

APPROPRIATION AND LOAN ORDER IN THE AMOUNT OF \$356,500.00 FOR THE PURPOSE OF ACQUIRING 12.53 ACRES MORE OR LESS IN MARSTONS MILLS

ORDERED: that the Town Council hereby authorizes the Town Manager to purchase, pursuant to and for the purposes set forth in chapter 293 of the Acts of 1998 as amended by section 211 of chapter 127 of the Acts of 1999, take by eminent domain for open space purposes pursuant to the provisions of said chapter 293 as amended by section 211 of chapter 127 and chapter 79 of the General Laws of Massachusetts, or otherwise acquire the land on a way off Old Post Road, Barnstable (Marstons Mills) containing 12.53 acres, more or less, being further described as Parcel I in a Quitclaim Deed of Ethel M. Pierce to Charles H. Eldridge dated February 12, 1964 and recorded March 11, 1964 in the Barnstable County Registry of Deeds in Book 1241, Page 23; and appropriate the sum of THREE HUNDRED FIFTY-SIX THOUSAND FIVE HUNDRED AND NO/100 (\$356,500.00) Dollars for said acquisition or taking and related costs and authorize the Town Manager to contract for and expend said appropriation for such purposes and accept any gifts or grants in relation thereto; and to meet this appropriation, the Town Treasurer, with the approval of the Town Manager, is authorized to borrow the sum of THREE HUNDRED FIFTY-SIX THOUSAND FIVE HUNDRED AND NO/100 (\$356,500.00) Dollars for said acquisition or taking and related costs.

Sponsor: Town Manager

DATE

ACTION TAKEN

BARNSTABLE TOWN COUNCIL

**ITEM NO: 2001-050
INTRO:02/22/2001**

SNOW AND ICE OVERDRAFT ORDER

ORDERED:

That pursuant to Chapter 44, Section 31D MGL, which provides for the ability of the Town to incur liability and make expenditures for any fiscal year in excess of appropriation for snow and ice removal; the Town Council approves expenditures in excess of available appropriation for snow and ice removal for fiscal year 2001, subject to further approval action by the Town Manager

Sponsor: Town Manager

See attached Agenda Item Summary

DATE

ACTION TAKEN

AGENDA ITEM SUMMARY

TO: Town Council
FROM: John C. Klimm, Town Manager
THROUGH: Thomas J. Mullen, Director of DPW
DATE: August 12, 2003
SUBJECT: Snow and Ice Overdraft

BACKGROUND

It is customary to approve an overdraft authorization to ensure that snow and ice operations are not interrupted or suspended when the amount contained in the regular appropriation for this purpose is expended. For FY 2001, the Town appropriated \$122,750 for this purpose.

ANALYSIS

Chapter 44, Section 31D, MGL provides in part that "(any city or town may incur liability and make expenditures in excess of available appropriations for snow and ice removal provided that such expenditures are approved by the city manager and the city council in a city having a city manager....; provided, however, that the appropriation for such purposes in said fiscal year equaled or exceeded the appropriation for said purposes in the prior fiscal year. Expenditures made under authority of this section shall be certified to the Board of Assessors and included in the next annual tax rate."

FISCAL IMPACT

The Town annually appropriates \$122,750 for said purpose. In FY 2000 the total expended was \$344,583.91. Expenditures for preceding years were as follows: FY99 - \$656,097.22, FY98 - 108,226, FY97 - \$380,145; FY96 - \$1,130,160, FY95 - \$139,362; and FY94 - \$801,485.

TOWN MANAGER RECOMMENDATION

The Town Manager requests favorable action by the Town Council.

BOARD AND COMMISSION ACTION N/A

STAFF ASSISTANCE: Thomas J. Mullen, Director

BARNSTABLE TOWN COUNCIL

**ITEM NO. 2001-051
INTRO: 02/22/2001**

**RESOLUTION ENDORSING THE PROPOSAL BY THE TOWN MANAGER OF
A STRATEGY FOR GROWTH MANAGEMENT AND IMPLEMENTING
AFFORDABLE HOUSING INITIATIVES.**

RESOLVED;

**That the proposal by the Town Manager of a strategy for growth
management and implementing affordable housing initiatives, as presented
to the Council, is hereby endorsed.**

SPONSOR: TOWN MANAGER

**JOHN KLIMM WILL PRESENT HIS PROPOSALS AT THE MEETING ON
FEBRUARY 22, 2001**

Date	Action Taken
<hr/>	