



Town Council Meeting
November 4, 2021



A quorum being duly present, President Matthew Levesque called the November 4, 2021, Town Council meeting to order at 7:00 PM.

An announcement was made by Vice President Schnepf regarding the meeting being televised live and questioning if anyone was actively taping the session to please make their presence known. This session is recorded and broadcast on Channel 18.

PRESENT: (On Zoom) Nikolas Atsalis, David Bogan, Kristine Clark, Jennifer Cullum, Debra Dagwan, Jessica Rapp Grassetti, Paul Hebert, Matthew Levesque, Paul Neary, Paula Schnepf, Tracy Shaughnessy, Gordon Starr, Eric Steinhilber

The Pledge of Allegiance was led by State Representative Steven Xiarhos. During the moment of silence, Councilor Atsalis recounted the life of Thomas Geiler, and asked for a moment of silence for the Geiler family.

President Levesque honored Councilor Dagwan for her many years of service to the Town of Barnstable. Levesque read a citation from the State Senate, a citation from the House of Representatives, a proclamation from the Town of Barnstable, along with congratulations and gifts. Levesque read a letter into the record from Betsy Young, President of the Greater Hyannis Civic Association.

State Representative Xiarhos congratulated Councilor Debra Dagwan for her service before self and would love to work with her in the future. Councilor Clark, thanked Debra for her service to our community, you have big shoes to fill. Councilor Hebert said Debra reached out to him when he was new on the Council, asked for her advice and had some great laughs together. Councilor Bogan is sad to see Debra go, she is a role model and is proud to call her a friend. Town Manager, Mark Ells, spoke on behalf of the employees of the Town of Barnstable, your knowledge and compassion is widely recognized by our staff, it has been an honor to know you and having worked with you. Councilor Schnepf thank you for being such an incredible role model, you have served our community with grace and compassion. Councilor Shaughnessy when I first became a new Town Councilor, you gave me advice and encouragement, made me feel less afraid and more confident, you are inspiring. Councilor Dagwan responded that she is so thankful for the opportunity to work with so many different people, she has learned something from each of the people she has encountered. Debra is grateful and appreciative of all she worked with over the years. It has been a journey; Debra thanked everyone for the support, lifting her up and for all the prayers. She will continue to pray for our town and knows the Council will do their part to make Barnstable the best it can be.

PUBLIC COMMENT:

Paul and Nancy Thompson congratulated Dr. Debra Dagwan. Debra has worked so hard for the Town of Barnstable, she is a path maker, she points the way for her community. Thank you

for your friendship and your service, looking forward to relaxing times together.

Andre King where do I begin, thank you for your support through the years; a dear friend of mine is your nephew, you have been a role model for my friend. Until tonight King was not aware of all of her accomplishments; you are an inspiration, Thank you for your successful career.

Tara Vargas Wallace said thank you for going so hard for the issues in our community, you are a mentor, you taught me to move forward with my head up and with grace.

State Representative Kip Diggs, thank you Debra for all you have given to our town, for your strength and commitment, congratulations on whatever comes next in the chapters of your life. Close public comment.

TOWN MANAGER COMMUNICATIONS (update Exhibit A)

Town Clerk, Ann Quirk gave an overview of the new Poll Pads used at the town election.

Planning and Development Director, Elizabeth Jenkins gave an update on the Local Comprehensive Plan (LCP) a community engagement and visioning process for the Town of Barnstable.

(7:45) Councilor Bogan has lost his internet connection

- The Nor'easter resulted in extensive power outages. We are proceeding to search for funding assistance to cleanup.
- North Bay is closed to shell fishing until further notice
- Proceeding with the Budget Action Calendar of FY2023
- The Bureau of Local Assessment has approved the Town's assessed valuations that will be used to set the FY2022 tax rate
- Conversations continuing with Vineyard Wind
- Environmental Protection Agency (EPA's) Commitments to Action 2021-2024
- Town of Barnstable's Department of Public Works continues sewer construction for the Strawberry Hill Road Sewer Expansion Project
- Cape Cod Gateway Airport has been busy completing many tasks associated with the Airport Business Plan
- The Veterans Day parade will take place in Hyannis on Thursday, November 11th

Councilor questions and comments:

(Clark) has concerns for the resident's ability to bring storm debris to the transfer station; (Per a conversation with Director of Public Works, Dan Santos, our town is permitted by Department of Environmental Protection (DEP) to accept leaves and grass clippings only) given that many other towns are accepting debris, Yarmouth, Brewster, Chatham, Dennis and Sandwich can we modify our application to the DEP going forward. (Ells) we do not recommend people bringing large tree limbs and storm debris to our Transfer Station, we would have to have large scale grinder equipment, given the size of the Town of Barnstable the other towns you referenced are much smaller, if we do need to go to that it would not be at the Transfer Station, many residents are putting their brush out on the side of the road. We may have to look to an alternative site. (Clark) appreciate your overview, but in your report you mentioned that residents may move brush to the roadside, if there was depot or a place for folks to bring the debris, it would be good to have an alternative location rather than the roadside. (Ells) it isn't that easy for the residents to load up this type of debris, so they end up using a contractor to help, and this brings other

problems. Many of us will wait until January 15th to do the burning of the debris. If we need to we will go before the DEP for excessive amounts of brush. (Levesque) we have seen many comments regarding the storm debris, we would have to find another site for this large amount of debris, we just do not have the space for this type of debris. (Rapp Grassetti) This effort is going to take place. Are you going to put out a Public Service Announcement (PSA) of how the residents should put the debris out for pick up? We need to make provisions for our town to pick up storm debris. I can foresee some people (contractors) putting debris on the side of the road. We should have something in place for this kind of storm debris in the future (Ells) we need further discussion, we don't want to see materials dumped in other areas. We are concerned for our residents not having the ability to bring the debris, we are starting with main roads then to secondary roads, it will take months to pick up and grind this debris. We should in advance articulate how we are going to take care of this in the future. This is going to require large scaled commercial grinders in neighborhoods running twenty-four seven to grind this debris up. (Rapp Grassetti) Maybe this is a time for the Town to keep the wood chips for the alternative septic systems. (Shaughnessy) the Town of Yarmouth is more than happy to take your money to dispose of your large yard debris. (Schnepp) Children from ages 5-11 will be able to have vaccines; will the Town of Barnstable have any role in offering this? (Clyburn) We have been in contact with our vaccination partners, we believe that the County and Physicians offices have enough vaccine to take care of the children; we have not heard of concerns from the community that this is a concern. (Schnepp) we have a zoning ordinance that has been referred to the Planning Board that will be heard by the Town Council, I could not find the solar array ordinance on the website (Jenkins) will make sure that is on the Planning and Development portion of the website.

David Anthony, Director of Property and Risk Management provided an update on our preparation of our application to receive Green Community Certification.

Five Criteria need to be met:

1. Adopt as-of-right zoning for Renewable Energy generation, Research and Development (R&D) or manufacturing
2. Adopt expedited permitting process
3. Create an Energy Reduction Plan (ERP) to reduce energy use by 20% in 5 years
4. Adopt Fuel Efficient Vehicle Purchase Policy
5. Minimize life cycle cost in new construction

Of the five criteria, the first two have been met. We have completed our Energy Reduction Plan (ERP) for the Town, School, and Airport facilities; preparing to appear before the School Committee and Airport Commission over the next 30 days to get the required endorsements.

Councilor questions and comments:

(Starr) impressed with the amount of work that has been done.

ACT ON MINUTES:

Upon a motion duly made and seconded it was to accept the minutes of October 21, 2021 as presented.

VOTE: PASSES 13 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grassetti, Hebert, Levesque, Neary, Schnepp, Shaughnessy, Starr, Steinhilber.

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

(Clark) Recognized the retirement of I.T. Department Director, Dan Wood, enjoy your well-deserved retirement. (Hebert) The on-going work for the sewer, the DPW workers are considerate, a smooth operation and there is a lot more work to be done. (Neary) Hope all the residents have their power back on. This year's Halloween was great, the trick or treat kids came from many towns, we had at least 150 to 160 kids (Cullum) Youth Commission 8th Annual Substance Abuse forum.

Short Break to 8:35 PM

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 INTRO: 10/21/2021, 11/04/2021

Councilor Starr recused

Lindsey Counsell Community Preservation Committee (CPC) Director gave the rationale for this project. Librarian, Lucy Loomis gave an overview showing pictures of the damage to the building.

Close public hearing

Councilor questions and comments:

(Rapp Grassetti) When this application came before the committee, was anything excluded or not approved or in the newer portion of the building (Counsell) No, all part of the historic building.

Upon a motion duly made and seconded it was

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.

VOTE: PASSES 12 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grassetti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Steinhilber.

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 INTRO: 10/21/2021, 11/04/2021

Director of Planning and Development, Elizabeth Jenkins, gave the rationale and introduced Attorney Schultz and Mark Hansen owner of the property

Open public hearing seeing no one close public hearing

Councilor questions and comments:

(Schnepf) In the zoning waivers the required is 10 feet of green space, what is being provided at the site. (Schultz) Showed a copy of the plan, the sideline that is adjacent to the parking lot, with the asphalt sidewalk (Jenkins) on the east side of the lot to share parking next door on 27 Crocker, to meet parking demands, we are allowed to use the sidewalk for the perimeter (Starr) looking at the rendering of the building itself, it is not conducive to solar panels, because the

roofline runs north to south. (Shaughnessy) on behalf of Precinct 9, happy that Mr. Hansen has chosen to invest in this part of Hyannis, an area that has been rundown for quite some time, it is bringing some much needed neighborhood improvement. I will be supporting this item. (Hebert) Congratulations for the three bedroom units to support our families. (Cullum) In support, thank you for choosing Barnstable and that area (Atsalis) In support, extremely confident this will be a quality build and hope it will impact that whole street, fully support this.

Upon a motion duly made and seconded it was

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: _____
Mark S. Ells, Town Manager

By: _____
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

VOTE: Passes 13 Yes

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grassetti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

**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.

<p>CODE 240-24.1.11A(4)(d)[4] Site Development Standards Parking lot landscaping</p>	<p>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.</p>	<p>Required: Provided:</p>	<p>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.</p>
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**2022-037 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION INTRO:
10/21/2021, 11/04/2021**

Upon a motion duly made and seconded it was
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

VOTE: PASSES 13 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grassetti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

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 INTRO: 11/04/2021

Elizabeth Jenkins Director of Planning and Development gave the rationale, and thanked Kate Maldonado, Assistant Director and Town Engineer Griffin Beaudoin for their work on this project.

Upon a motion duly made and seconded it was

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.

VOTE: PASSES 13 YES

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grassetti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber.

**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 INTRO:
11/04/2021**

Upon a motion duly made and seconded it was

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.

VOTE: TO A PUBLIC HEARING ON December 2nd – Passes 13 Yes

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grassetti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

VOTE: ADJOURNMENT:

Upon a motion duly made and seconded it was

VOTED TO ADJOURN:

VOTE: Passes 13 yes

Roll Call: Atsalis, Bogan, Clark, Cullum, Dagwan, Rapp Grassetti, Hebert, Levesque, Neary, Schnepf, Shaughnessy, Starr, Steinhilber

Adjourned at 9:12 PM

Respectfully submitted,

Ann M Quirk
Town Clerk/Town of Barnstable

NEXT MEETING: November 18, 2021

Exhibits:

A Town Manager update