

Town of Barnstable Town Council

James H. Crocker Jr Hearing Room
367 Main Street, 2nd floor,
Hyannis, MA 02601
Office 508.862.4738 • Fax 508.862.4770
E-mail: council@town.barnstable.ma.us

TOWN COUNCIL MEETING AGENDA Including Joint Meeting with the School Committee October 21, 2021 7:00 PM

Councilors:

Matthew Levesque
President
Precinct 10

Paula Schnepf
Vice President
Precinct 12

Gordon Starr
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Nikolas Atsalis
Precinct 4

David W. Bogan
Precinct 5

Paul C. Neary
Precinct 6

Jessica Rapp Grasseti
Precinct 7

Debra S. Dagwan
Precinct 8

Tracy Shaughnessy
Precinct 9

Kristine Clark
Precinct 11

Jennifer L. Cullum
Precinct 13

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

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

The October 21, 2021 Town Council Meeting of the Barnstable Town Council shall be conducted remotely and shall be physically closed to the public. Alternative public access shall be provided as set forth below.

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

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

Join Zoom Meeting <https://zoom.us/j/94486743585> Meeting ID: 944 8674 3585
US Toll-free 1-888 475 4499

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

PUBLIC SESSION

1. ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. MOMENT OF SILENCE

4. PUBLIC COMMENT

5. COUNCIL RESPONSE TO PUBLIC COMMENT

6. TOWN MANAGER COMMUNICATIONS

- Update by Elizabeth Jenkins, Director, Planning and Development
Local Comprehensive Planning Committee

- Joint Meeting With School Committee

7. ACT ON MINUTES (Including Executive Session)

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

9. ORDERS OF THE DAY

- A. Old Business
- B. New Business

10. ADJOURNMENT

Councilors:

Matthew Levesque
President
Precinct 10

Paula Schnepf
Vice President
Precinct 12

Gordon Starr
Precinct 1

Eric R. Steinhilber
Precinct 2

Paul Hebert
Precinct 3

Nikolas Atsalis
Precinct 4

David W. Bogan
Precinct 5

Paul C. Neary
Precinct 6

Jessica Rapp Grassetti
Precinct 7

Debra S. Dagwan
Precinct 8

Tracy Shaughnessy
Precinct 9

Kristine Clark
Precinct 11

Jennifer L. Cullum
Precinct 13

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

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

NEXT REGULAR MEETING: November 4, 2021

ITEM NO.	INDEX TITLE	PAGE
A. OLD BUSINESS		
2022-007	Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning by adding a Mixed-Use Sub Zone of the Medical Services Overlay District (Public Hearing) (Roll Call 2/3 Full Council)	4-12
2022-023	Appointments to a Board/Committee/Commission: Council on Aging: Lucinda Loring, as a regular member to a term expiring 06/2024; Disability Commission: Brian Freeman, as a regular member to a term expiring 06/2024; John Lundborn, as a regular member to a term expiring 06/2023; Hyannis Main Street Waterfront Historic District Commission: Mark Despotopulos, as a regular member to a term expiring 06/2023; Planning Board: Tim O’Neill, as a regular member to a term expiring 06/2022 (May be acted upon) (Roll Call Majority)	13
2022-024	Reappointments to a Board/Committee/Commission: Disability Commission: Paula Breagy as a regular member to a term expiring 06/2022 (May be acted upon) (Roll Call Majority)	14
2022-025	Amending the Administrative Code, Chapter 241, Article III, Multiple-Member Appointive Organization, § 241-21 Board of Health (May be acted upon) (Roll Call Majority)	15-16
2022-032	Resolve authorizing the Town Manager to execute a First Amendment to the Host Community Agreement between the Town of Barnstable and Vineyard Wind, LLC, Dated October 3, 2018, and to execute a Second Host Community Agreement with Vineyard Wind, LLC for the project currently pending before the Commonwealth of Massachusetts, Department of Public Utilities in D.P.U. 20-56 and 20-57 and with the Energy Facilities Siting Board in EFSB-20-01 (May be acted upon) (Roll Call Majority)	17-18
B. NEW BUSINESS		
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 (Refer to Public Hearing 11/04/2021)	19-20
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 (Refer to Public Hearing 11/04/2021)	21-29

Approve Minutes: October 7, 2021

Please Note: The lists of matters are those reasonably anticipated by the Council President which may be discussed at the meeting. Not all items listed may be discussed and other items not listed may be discussed to the extent permitted by law. It is possible that if it so votes, the Council may go into execute session. The Council may also act on items in an order other than as they appear on this agenda. Persons interested are advised that in the event any matter taken up at the meeting remains unfinished at the close of the meeting, it may be continued to a future meeting, and with proper notice.

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-007

INTRO: 07/15/2021, 09/02/2021, 09/16/2021, 10/21/2021

**2022-007 AMENDING THE CODE OF THE TOWN OF BARNSTABLE, PART I
GENERAL ORDINANCES, CHAPTER 240 ZONING BY ADDING A MIXED-
USE SUB ZONE OF THE MEDICAL SERVICES OVERLAY DISTRICT**

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

SECTION 1

By amending the Zoning Map of Barnstable, Mass. Dated September 1, 1998, as previously amended, as referenced in Article II, Section 240-6, to add a Mixed-Use Sub Zone of the Medical Services Overlay District, as shown on maps dated July 7, 2021, prepared by the Town of Barnstable Geographical Information System Unit, and entitled:

- Proposed Amendment to the Town Zoning Map Creating the Mixed-Use Sub Zone of the Medical Services Overlay District
- Proposed Amendment to the Hyannis Zoning Map Creating the Mixed-Use Sub Zone of the Medical Services Overlay District
- Proposed Amendment to the Barnstable Zoning Map Creating the Mixed-Use Sub Zone of the Medical Services Overlay District

SECTION 2

By amending Article II, Section 240-5, Establishment of districts, by inserting the term “Mixed-Use Sub Zone of the Medical Services Overlay District” immediately below the term “Medical Services Overlay District” as it appears under the heading “Overlay Districts”.

SECTION 3

By inserting in Article III, the following new Section 240-38.1:

“§ 240-38.1 Mixed-Use Sub Zone of the Medical Services Overlay District

A. Purpose.

- (1) The purpose of this section is to permit the development and relocation of medical and healthcare services, together with commercial, retail and residential uses, on a site with convenient regional access. The Mixed-Use Sub Zone is established as a special district of the Medical Services Overlay District which overlays in majority part the Industrial Zoning District, and, in part, the Groundwater Protection and Wellhead Protection Overlay Districts.
- (2) Provisions of this section are designed to ensure that all development activities associated with the Mixed-Use Sub Zone will be carried out so as to provide for and maintain protection of neighboring properties, convenient and safe access for vehicular and pedestrian movement, fire-fighting and emergency rescue vehicles, satisfactory methods of stormwater management,

groundwater recharge and handling and disposal of sewage and waste and adequate off-street parking. To the extent anything contained in this Section 240-38.1 conflicts with any other provisions of this zoning ordinance, this Section 240-38.1 shall govern.

- B. District established.** A "Mixed-Use Sub Zone of the Medical Services Overlay District" is hereby established and shall be considered superimposed over any other districts established by this chapter and is shown as an overlay on the Official Zoning Map established pursuant to §240-6, Zoning Map, herein.
- C. Principal permitted uses.** The principal permitted uses allowed in the Mixed-Use Sub Zone shall include all uses permitted in the Medical Services Overlay District, which include all uses permitted in the underlying IND District (including, without limitation, any use permitted in the B and S&D Districts). Additionally, multifamily dwellings (apartments) on a lot within 1,000 feet of Kidd's Hill Road within the Mixed-Use Sub Zone shall be permitted subject to the following provisions in lieu of the requirements set forth in Sections 240-21.A(9)(a)-(i) or 240.38(F), or any other provisions as may be set forth in this Zoning Ordinance:
- (1) The minimum lot area ratio shall be 1,500 square feet of lot area per each apartment unit for new multifamily structures.
 - (2) The maximum lot coverage shall be 25%.
 - (3) The maximum height shall not exceed 35 feet¹.
 - (4) The minimum front yard setback shall be 60 feet.
 - (5) The minimum side and rear yard setbacks shall be 30 feet.
 - (6) The maximum floor area ratio shall be 0.75.
 - (7) A perimeter green space of not less than 20 feet 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.
 - (8) No living units shall be constructed or used below the ground level.
- D. Accessory uses.** Within the Mixed-Use Sub Zone, accessory uses or accessory buildings are permitted, including, without limitation, parking garages, pools, parking areas and offices, provided that any such use or building is customarily incidental to, subordinate to and on the same lot as the principal use it serves.
- E. Conditional uses.** The conditional uses allowed in the Mixed-Use Sub Zone shall include all conditional uses permitted in the Medical Services Overlay District, the IND District, the S&D District, and the B District.
- F. Special Permit uses.** The special permit uses allowed in the Mixed-Use Sub Zone shall include all special permit uses permitted in the Medical Services Overlay District, the IND District and the B District, 'Senior Living, Assisted Living'², 'Senior Living, Nursing Homes'², independent living facilities, memory care facilities, and long-term care facilities. Additionally, multifamily dwellings (apartments) on a lot, any portion of which is set back greater than 1,000 feet from Kidd's Hill Road within the Mixed-Use Sub Zone, shall be allowed by special permit, subject to the provisions of Section 240-38.1(C) above in lieu of the requirements set forth in Sections 240-

¹ Except that for multifamily structures on a lot not less than 10 acres, the maximum building height shall be not more than 4 stories which shall not be more than 55 feet in height measured to the highest point on the roof (not including antennas or similar roof structures).

² As such term is defined in Section 240-25(F).

21(A) (9) (a)-(i) or 240.38(F), or any other provisions as may be set forth in this Zoning Ordinance.

G. Bulk regulations (dimensional requirements) for all uses other than multifamily dwellings (apartments):

- (1) Minimum lot area: 90,000 square feet.
- (2) Minimum lot frontage: 200 feet.
- (3) Minimum setback, front: 60 feet.
- (4) Side/rear yard: 30 feet minimum.
- (5) Building height:³ 35 feet⁴.
- (6) Front yard landscape buffer: 45 feet.
- (7) Landscape buffer, rear and side yard: 30 feet.
- (8) Maximum lot coverage: 25%.
- (9) Maximum floor area ratio: 0.40.

H. Parking Regulations.

- (1) For multifamily dwellings, off-street parking shall be provided at a ratio of 1.3 spaces per dwelling unit, and 1 guest space per 10 dwelling unit spaces
- (2) For retail uses, off-street parking shall be provided at a ratio of 1 space per 250 retail sf.
- (3) For medical uses, off-street parking shall be provided at a ratio of 1 space per 250 sf.

I. Design and Screening Standards. Notwithstanding anything contained in Section 240-52, or any other provisions as may be set forth in this Zoning Ordinance, each off-street parking space in the Mixed-Use Sub Zone shall have minimum dimensions of 9 feet by 18 feet excluding the driveway to such space.

J. Incidental Storage of Hazardous Materials and Impervious Coverage. Hazardous Materials may be stored and offered for sale in connection with retail use or incidental to multifamily use in the Mixed-Use Sub Zone, except as prohibited by the WP Wellhead Protection Overlay District.

In the Mixed-Use Sub Zone, compliance with the lot coverage requirements set forth in Sections 240-35(F)(3) and 240-35(G)(3) may be determined across multiple lots located within the district if the owners of such lots agree to do so in a written agreement provided to the building department. Additionally, for purposes of Sections 240-35(F) (3) and 240-35(G) (3), porous pavement shall not be considered paved surface.

K. Signage. Notwithstanding the provisions of Sections 240-64, 65 and 66 herein, (i) on lots with not less than 10 acres in the Mixed-Use Sub Zone, an aggregate sign area of up to 400 square feet shall be allowed, provided that the sign area of any single sign does not exceed 200 square feet, and (ii) one free-standing sign of up to 200 square feet shall be allowed in the Mixed-Use Sub Zone, provided that such free-standing sign identifies at least two commercial, retail and/or medical uses within the Mixed-Use Sub Zone.”

³ Skylights, mechanical penthouses and architectural features not designed for human occupancy shall be excluded in determining the height of any building in the Mixed-Use Sub Zone.

⁴ Except that for structures containing ‘Senior Living, Assisted Living’, ‘Senior Living, Nursing Homes’, independent living facilities, memory care facilities and/or long-term care facilities, on a lot not less than 10 acres, the maximum building height shall not be more than 4 stories which shall not be more than 55 feet measured to the highest point on the roof (not including antennas or similar roof structures).

L. Exemption. The uses described in this Section 240-38.1 shall be exempt from the residential building permitting limitations established by Article XI, Sections 240-110 through 240-122.”

SPONSOR: Matthew Levesque, President, Councilor, Precinct 10

DATE	ACTION TAKEN
<u>07/15/2021</u>	<u>Refer to Planning Board</u>
<u>09/02/2021</u>	<u>Continue Public Hearing to 09/16/2021</u>
<u>09/16/2021</u>	<u>Continue Public Hearing to 10/21/2021</u>

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-007

INTRO: 07/15/2021, 09/02/2021, 09/16/2021, 10/21/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Elizabeth Jenkins, Director, Planning & Development Department
DATE: July 15, 2021
SUBJECT: Amending Article III to add Chapter 240 Section 38.1 Mixed-Use Sub Zone of the Medical Services Overlay District

BACKGROUND: Cape Cod Hospital is the current owner of approximately 40 acres of land located at 35 & 0 Wilkens Lane in Hyannis, Massachusetts (the “Property”). The Property is primarily zoned IND Industrial District, MSOD Medical Services Overlay District, and is within the GP Groundwater Protection and WP Wellhead Protection Overlay Districts. The Property is subject to the terms of a Development Agreement between Cape Cod Healthcare, Inc., (the “Hospital”) and the Cape Cod Commission, dated March 20, 2003. Under the terms of the Development Agreement, the Commission approved the development of an approximately 263,000 SF outpatient medical complex at the Property, to be constructed in phases.

The Hospital has constructed a portion of the approved development, which the Hospital operates as the Wilkens Outpatient Medical Complex. While the Hospital remains committed to expanding its medical facilities and services in Hyannis, such expansion will largely be focused on the Hospital’s main Park Street campus in Hyannis, in light of regulatory and other considerations. Notwithstanding its focus on the main campus, the Hospital plans to construct an additional phase of the approved development, similar in size to the portion that has been constructed, on the Property. In that this additional phase of the approved development will only occupy a portion of the Property, the Hospital decided that the best course was to divide the Property into multiple parcels to allow for additional complementary uses on the Property and provide critical funding for the Hospital. Accordingly, the Hospital has entered into an agreement with New England Development (“NED”), whereby NED would acquire and develop, in phases, the remaining approximately 32-acre area of land located at the Property with residential and commercial uses. The Hospital will retain ownership and operation of the contiguous portion of land which contains the existing Wilkens Outpatient Medical Complex as well as sufficient acreage to accommodate future expansion. This arrangement will allow the Hospital to expand its existing facility at the Property and provide capital necessary to support its other expansion plans and ongoing operations. NED intends to develop the 32 acres in phases with the first phase being multi-family residential rental housing (including affordable housing), with two outparcels reserved for future development.

RATIONALE: The proposed zoning amendment would add a new zoning overlay district, Chapter 240, Section 38.1 Mixed-Use Sub Zone of the Medical Services Overlay District. The proposed overlay district provides flexibility within the Sub-Zone to permit development and relocation of medical and healthcare services together with complementary commercial, retail and residential uses, on the previously developed and/or disturbed site with convenient regional access.

Multifamily residential development is a use permitted in the IND Industrial District. The proposed zoning overlay modifies the bulk and dimensional standards applicable to this use to allow housing development at a greater density than currently permitted. Maximum allowable building height is increased to four stories, not to exceed 55 feet. Parking requirements are reduced for multifamily, retail and medical uses. Uses not already permitted in the IND or MSOD, or additional multifamily development not currently contemplated (beyond 1000' of Kidd's Hill Road) will require a Special Permit.

Development within the Mixed-Use Sub Zone will also require Cape Cod Commission approval by way of an amendment to the existing Development Agreement between the Hospital and the Cape Cod Commission. Further, the adoption of the amendment will permit the Hospital to proceed with its agreement with NED which will result in 32 acres of the Mixed-Use Sub Zone to be returned to the property tax rolls while providing the opportunity to create much needed multifamily housing including affordable housing.

FISCAL IMPACT: A fiscal impact analysis was prepared by Fougere Planning & Development, Inc. for New England Development & Cape Cod Healthcare which concluded the following:

Immediately following the transfer of the property from a tax-exempt not-for-profit entity to a non-exempt for-profit entity, the Project Site will become subject to property taxation. According to the project proponent, the estimated value of the property will be \$121,000 per acre and the proposed development project will result in a net annual positive fiscal impact of \$469,316. The initial phase of the proposed project would create the 4th largest taxpayer in the community with an additional twenty one acres of land available for future development. One time building permit fees will generate approximately \$630,000 in revenue. Twenty-seven affordable housing units will be created, addressing a critical need in the community, and there will be intangible positive economic benefits of creating market rate housing.

TOWN MANAGER RECOMMENDATION: Mark S. Ells, Town Manager, recommends the proposed zoning amendment.

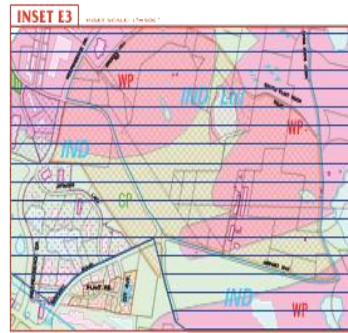
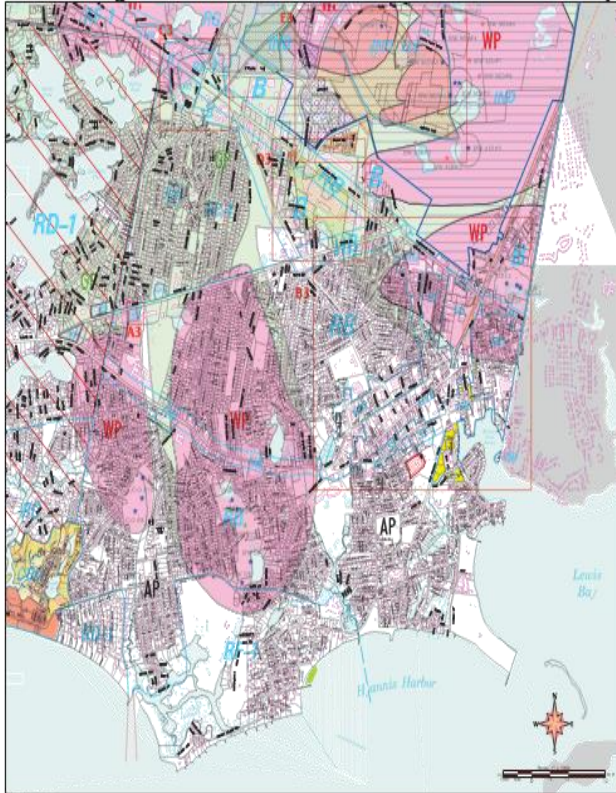
STAFF SUPPORT: Elizabeth Jenkins, Director of Planning & Development; Kate Maldonado, Assistant Director of Planning & Development



PROPOSED AMENDMENT to the HYANNIS ZONING MAP
Creating the Mixed-Use Sub Zone of the Medical Services Overlay District

JULY 7, 2021

HYANNIS - SHEET 3 OF 7



Map Legend

	Feeling Precinct		Capelet Beach Neighbor Hood Overlay
	Westport Protection Overlay District		Connetquot Beach Neighbor Hood Overlay
	Granville Protection Overlay District		Hyannis Fishing Overlay District
	Agutter Protection Overlay District		Feeling Public Well Site
	Adult Use Overlay District		Proposed Public Public Well Site
	Dick and Pier Overlay District		Proposed Public Public Well Site
	Former Cook's School Planned Unit Development Overlay District		Buildings
	Medical Services Overlay District		Railroad Track
	Mixed-Use Sub-Zone of the Medical Services Overlay District		Power Transmission Lines
	Recreation Protection Overlay District		Water Main
	Other Through-Roadway Sub-Zone of the Shopping Center Redevelopment Overlay District		Waterfront / Edge of Waterfront
	Other Through-Roadway Sub-Zone of the Shopping Center Redevelopment Overlay District		
	Special Circulating Lane Restrictions Community - 2010/2020 2008/1		
	Recreational Facilities Area and Junction		
	Railway Area Dock & Pier Overlay District		
	Central Business District Overlay District		
	Medical Marijuana Overlay District		
	Capelet Village Neighbor Hood Overlay		
	Long / Short Reach Neighbor Hood Overlay		



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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-023

INTRO: 10/07/2021, 10/21/2021

2022-023 APPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council appoints the following individuals to a multiple-member Board/Committee/Commission: **Council on Aging:** Lucinda Loring, as a regular member to a term expiring 06/2024; **Disability Commission:** Brian Freeman, as a regular member to a term expiring 06/2024; John Lundborn, as a regular member to a term expiring 06/2023; **Hyannis Main Street Waterfront Historic District Commission:** Mark Despotopulos, as a regular member to a term expiring 06/2023; **Planning Board:** Tim O’Neill, as a regular member to a term expiring 06/2022

SPONSOR: Appointments Committee

DATE ACTION TAKEN

10/07/2021 Referred to Second Reading 10/21/2021

-
- Read Item
 - Rationale
 - Council Discussion
 - Vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-024

INTRO: 10/07/2021, 10/21/2021

2022-024 REAPPOINTMENTS TO A BOARD/COMMITTEE/COMMISSION

RESOLVED: That the Town Council reappoints the following individual to a multiple-member Board/Committee/Commission: **Disability Commission:** Paula Breagy as a regular member to a term expiring 06/2022

SPONSOR: Appointments Committee

DATE ACTION TAKEN

10/07/2021 Refer to Second Reading 10/21/2021

-
- Read Item
 - Rationale
 - Council Discussion
 - Vote

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-025

INTRO: 10/07/2021, 10/21/2021

2022-025 AMENDING THE ADMINISTRATIVE CODE, CHAPTER 241, ARTICLE III, MULTIPLE-MEMBER APPOINTIVE ORGANIZATION, § 241-21 BOARD OF HEALTH

ORDERED: That pursuant to Section 5-1 of the Town of Barnstable Home Rule Charter, the Administrative Code, Chapter 241, Article III, Multiple-Member Appointive Organization, § 241-21 Board of Health, Section A, is hereby amended by striking out “three” in the first sentence and inserting “five” in its place.

So that § 241-21 A., as amended, shall read as follows:

“A. Term of office. There shall be a Board of Health consisting of five regular members, one of whom shall be a physician, plus one alternate member. The alternate member shall have voting rights at meetings if there is an absence of a regular member.”

SPONSOR: Appointments Committee Members

DATE	ACTION TAKEN
<u>10/07/2021</u>	<u>Refer to Second Reading 10/21/2021</u>

-
- Read item
 - Rationale
 - Council Discussion
 - Vote

BARNSTABLE TOWN COUNCIL

SUMMARY

ITEM# 2022-025

INTRO: 10/07/2021, 10/21/2021

TO: Town Council
FROM: Appointment Committee Members
THROUGH: John Norman, Chair, Board of Health
DATE: October 7, 2021
SUBJECT: Amending the Administrative Code, Chapter 241, Article III, Multiple-Member Appointive Organization, § 241-21, Board of Health

This proposed amendment to the Administrative Code increases the number of members of the Board of Health from three to five.

FISCAL IMPACT: None

STAFF SUPPORT: Appointments Committee members

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

BARNSTABLE TOWN COUNCIL

**ITEM#2022-032
INTRO: 10/07/21, 10/21/2021**

2022-032 RESOLVE AUTHORIZING THE TOWN MANAGER TO EXECUTE A FIRST AMENDMENT TO THE HOST COMMUNITY AGREEMENT BETWEEN THE TOWN OF BARNSTABLE AND VINEYARD WIND, LLC, DATED OCTOBER 3, 2018, AND TO EXECUTE A SECOND HOST COMMUNITY AGREEMENT WITH VINEYARD WIND, LLC FOR THE PROJECT CURRENTLY PENDING BEFORE THE COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF PUBLIC UTILITIES IN D.P.U 20-56 AND 20-57 AND WITH THE ENERGY FACILITIES SITING BOARD IN EFSB-20-01

RESOLVED: That the Town Council approves the execution and delivery by the Town Manager of a First Amended Host Community Agreement between the Town of Barnstable and Vineyard Wind, LLC, amending the Host Community Agreement between the Town and Vineyard Wind, LLC, dated October 3, 2018, substantially in the form of the draft agreement on file with the Office of the Town Council; and further approves the execution and delivery by the Town Manager of a second Host Community Agreement between the Town of Barnstable and Vineyard Wind, LLC, substantially in the form of the draft agreement on file with the Office of the Town Council, for the Vineyard Wind Project which is currently pending before the Commonwealth’s Department of Public Utilities in D.P.U. 20-56 and 20-57 and with the Energy Facilities Siting Board in EFSB 20-01.

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
<u>10/07/2021</u>	<u>Refer to Second Reading 10/21/2021</u>
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM#2022-032
INTRO: 10/07/21 10/21/2021

SUMMARY

TO: Town Council
FROM: Mark S. Ells, Town Manager
THROUGH: Charles S. McLaughlin, Jr., Senior Town Attorney
DATE: October 7, 2021
SUBJECT: Resolve authorizing the Town Manager to execute a First Amendment to the Host Community Agreement between the Town of Barnstable and Vineyard Wind, LLC, Dated October 3, 2018, and to execute a Second Host Community Agreement with Vineyard Wind, LLC for the project currently pending before the Commonwealth of Massachusetts, Department of Public Utilities in D.P.U. 20-56 and 20-57 and with the Energy Facilities Siting Board in EFSB-20-01

BACKGROUND: The Town and Vineyard Wind LLC (“VW”) executed a Host Community Agreement (“HCA”) in October 2018. HCA contemplated two phases of projects, both of which involved landings at Covell’s Beach. Since 2018, a number of matters have developed and need to be documented. For example, Vineyard Wind agreed to join with the Town in a joint construction project whereby installation of VW’s duct bank and the Town’s new sewer installation would proceed simultaneously side by side. VW and the Town also agreed subsequently on safety protocols to contain any spillage of hazardous materials at its proposed electrical substation. And, although the initial HCA contemplated 2 phases, VW current proposal is to bring the Phase 2 cables ashore at Craigville Beach via a route that had not been discussed during the development of the initial HCA. Because VW is now in the process of assigning its rights under the HCA to a new, wholly-owned LLC, and for the purpose of clarifying the rights and obligations of what will be three parties for two separate projects, a separate HCA has been created for the Phase II, Craigville project (“HCA II”). As authorized by the Town Council, the Town Manager has negotiated amendments to the HCA and has negotiated the terms of the new HCA II to fully reflect the understandings, undertakings, and obligations of the parties. This resolution will authorize the Town Manager to execute the amended HCA and the new HCA II. The latest draft of the amended HCA and HCA II is on file with the Town Council Office in hard copy and electronically and a final copy will be posted in advance of a second reading.

FISCAL IMPACT: The fiscal impact is a combination of a host fee, personal property tax, construction improvements of parking lots, roadways and utilities where impacted by the proposed landing and utility installation, and other mitigation as defined in the agreements.

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

STAFF SUPPORT: Legal Department

B. NEW BUSINESS (Refer to Public Hearing 11/04/2021)

BARNSTABLE TOWN COUNCIL

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

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

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

SPONSOR: Mark S. Ells, Town Manager

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-035
INTRO: 10/21/2021

SUMMARY

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

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

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

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

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

VOLUNTEER ASSISTANCE: Lindsey Counsell, Chair, Community Preservation Committee

B. NEW BUSINESS (Refer to Public Hearing 11/04/2021)

BARNSTABLE TOWN COUNCIL

**ITEM# 2022-036
INTRO: 10/21/2021**

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

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

REGULATORY AGREEMENT

Dunrovin Too, LLC
68 Yarmouth Road, Hyannis

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

WITNESS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dated this _____ day of _____, 2021.

Town of Barnstable

Dunrovin Too, LLC

By: _____
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

**EXHIBIT A
ZONING WAIVERS**

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

EXHIBIT A: REDEVELOPMENT PLANS

SPONSOR: Tracy Shaughnessy, Town Councilor, Precinct 9

DATE	ACTION TAKEN
_____	_____
_____	_____

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

BARNSTABLE TOWN COUNCIL

ITEM# 2022-036
INTRO: 10/21/2021

SUMMARY

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

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

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

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

The Redevelopment will provide the following community benefits:

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

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

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

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