

Special Town Meeting
Monday, October 27, 2014
6:00 p.m.
Town Hall Auditorium

Town Moderator Mary-Jo Avellar reconvened the October 27, 2014 Special Town Meeting at 6:00 p.m. in the Town Hall Auditorium.

Preliminary Motions:

Tom Donegan moved that the Town vote to waive the reading of the warrant.

Motion Passed.

Tom Donegan moved that the Town vote to grant permission to speak at the October 27, 2014 Special Town Meeting to the following persons who are not registered voters of the Town of Provincetown: John W. Giorgio, Esq., and other attorneys of the firm of Kopelman & Paige, P.C., *Town Counsel*; Mark Robinson, *Representative from The Compact of Cape Cod Conservation Trusts*; Steven Fossella, *Representative from the Provincetown Part-Time Resident Taxpayer Association*; Constance Boulos, *Treasurer*; Austin Brandt, *Energy Manager*; Matthew Clark, *Library Marketing and Program Director*; Morgan Clark, *Public Health and Safety Officer*; Scott Fahle, *Principal Assessor*; James Golden, *Acting Chief of Police*; Beau Jackett, *Director of Management Information Systems*; Michelle Jarusiewicz, *Housing Specialist/Grant Administrator*; Eric Larsen, *Deputy Director of the Public Works*; Geoffrey Larsen, *Building Commissioner*; Rex McKinsey, *Pier Manager/Harbor Master*; Brandon Motta, *Recreation Director*; Domenic Rosati, *Parking Administrator*; Cody Salisbury, *Water Superintendent*; Richard Waldo, *Director of Public Works*.

Motion Passed.

Tom Donegan moved that on all matters to come before the October 27, 2014 Special Town Meeting, requiring a two-thirds vote by statute, that a count need not be taken unless the vote so declared is immediately questioned by seven or more registered voters.

Motion Passed.

Article 1. FY 2015 Budget Adjustments.

To see if the Town will vote to amend the FY 2015 Municipal Operating Budget for Division II, Finance, reducing the debt service from \$2,256,114 to \$2,106,114 as voted under Article 2 of the April 7, 2014 Annual Town Meeting by raising and appropriating or transferring from available funds the following amounts:

	Approved <u>04-07-14</u>	Amended <u>Amount</u>
Finance Department	\$9,573,830	\$9,423,830

or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Erik Yingling moved that the Town vote to amend the Fiscal Year 2015 Operating Budget, Division II Finance Department as follows to decrease the debt service budget from 2,256,114 to \$2,106,114: and to raise and appropriate the sum of \$9,393,175, transfer \$30,655 from Title V Septic Revolving Fund for a total of \$9,423,830 to fund the operating budgets for the several Town departments for Fiscal Year 2015 under budget Division II.

Motion Passed.

Article 2. Prior Year Bills.

To see what sum the Town will vote to raise and appropriate or transfer from available funds for the purpose of paying prior year unpaid bills; or to take any other action relative thereto.

[Requested by the Town Manager]

9/10th's Vote Required

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Cheryl Andrews moved that the Town vote to transfer the sum of \$3,496.60 from 2013 Annual Town Meeting article 15 for the purpose of paying the following prior year bill: \$3,496.60 Dell Computers.

Motion Passed Unanimously.

Article 3. Demolition of the Building at 3 Jerome Smith Road (Formerly the Veterans of Foreign Wars Lewis A. Young Post 3152)

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$71,500 for the purpose of demolishing the building at 3 Jerome Smith Road, (formerly the Veterans of Foreign Wars Lewis A. Young Post 3152); or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

Board of Selectmen Recommends: 4-1-0

Finance Committee Does Not Recommend: 6-0-0

Cheryl Andrews moved that the Town vote to transfer the sum of \$71,500 from free cash to be expended under the direction of the Town Manager and the Department of Public Works Director for the demolition of the building at 3 Jerome Smith Road, formerly the Veterans of Foreign Wars Lewis A. Young Post 3152 and costs related thereto.

Motion Does Not Pass.

Article 4. Special Act/Affordable Housing Tax Bill Donation Check-off Box.

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a special act in the form below, providing that the Town may designate on its municipal tax and/or motor vehicle excise tax bills a space to voluntarily donate to the Town's Affordable Housing Trust Fund; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition;

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The Town of Provincetown may, subject to the approval of the Commissioner of Revenue, designate a place on its municipal tax bills, motor vehicle excise tax bills or mail with such tax bills a separate form whereby taxpayers of the Town may voluntarily check off, donate or pledge an amount of money, which shall increase the amount already due and which shall be paid over to the Provincetown Affordable Housing Trust Fund, established pursuant to Chapter 230 of the Acts of 2002 for the support of the Town's affordable housing efforts.

SECTION 2. This act shall take effect upon its passage; or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

Board of Selectmen Recommends: 5-0-0

Finance Committee Does Not Recommend: 6-0-0

Community Housing Council Recommends: 4-0-0

Tom Donegan moved that the Town vote to approve Article 4 as printed in the warrant.
Motion Passed.

Article 5. Purchase of the Hall Beach Property.

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, a certain parcel of land shown on Assessors Map 12-2 as Parcel 15, consisting of approximately 13,127 s.f. of land and known by its street address as 387-395A Commercial Street, for recreation purposes, said parcel to be placed under the care, custody, control and management of the Provincetown Recreation Commission; and, further, to appropriate a sum of money not to exceed \$1,700,000 for said acquisition, including costs incidental and related thereto; and to determine how the same shall be raised, including appropriation from the so-called Land Bank Fund, under the Cape Cod Land Bank Act, and/or Community Preservation Fund, under the Community Preservation Act, transfer from any other available fund, and/or borrowing said sum or any part thereof pursuant to Chapter 44, Section 7(3) and/or Chapter 44B, Section 11 of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefor; and, further, that the Board of Selectmen and the Town Manager, at the Board of Selectmen's direction, be authorized to submit, on behalf of the Town, any and all applications deemed

necessary under the PARC (formerly Urban Self-Help) Act, as amended, Chapter 933 Acts of 1977, (301 CMR 5.00), and/or any other sources, including those in aid of recreation land acquisition, to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect the foregoing, and to receive and accept such grants or reimbursements for this purpose for the acquisition within the scope of this Article; and, further, to authorize the Board of Selectmen to convey a perpetual restriction in accordance with Chapter 184, Sections 31-33 of the Massachusetts General Laws to the Provincetown Conservation Trust, or similar qualified organization, in accordance with said Land Bank and Community Preservation acts, limiting the use of the property to the aforesaid recreation purposes and uses; or to take any other action relative thereto.

[Requested by the Open Space Committee]

Board of Selectmen Does Not Recommend: 3-2-0

Finance Committee Does Not Recommend: 5-1-0

Conservation Commission Recommends: 3-0-0

Open Space Committee Recommends: 3-0-0

Recreation Commission Recommends: 4-0-1

Harbor Committee Recommends: 3-0-1

2/3rd's Vote Required

Tom Donegan moved to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, a certain parcel of land shown on Assessors Map 12-2 as Parcel 15, consisting of approximately 13,127 s.f. of land and known by its street address as 387-395A Commercial Street, for recreation purposes, said parcel to be placed under the care, custody, control and management of the Provincetown Recreation Commission; and, further, to appropriate the sum of \$1,700,000 for said acquisition, including costs incidental and related thereto; that to meet said appropriation to authorize the Treasurer with the approval of the Board of Selectmen to borrow the sum of \$1,700,000 pursuant to General Laws Chapter 44, Section 7(3) or any other enabling authority and to issue bonds or notes of the Town therefor; and, further, that the Board of Selectmen and the Town Manager, at the Board of Selectmen's direction, be authorized to submit, on behalf of the Town, any and all applications deemed necessary under the PARC (formerly Urban Self-Help) Act, as amended, Chapter 933 Acts of 1977, (301 CMR 5.00), and/or any other sources, including those in aid of recreation land acquisition, to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect the foregoing, and to receive and accept such grants or reimbursements for this purpose for the acquisition within the scope of this authorization; and, further, to authorize the Board of Selectmen to convey a perpetual restriction in accordance with Chapter 184, Sections 31-33 of the Massachusetts General Laws to the Provincetown Conservation Trust, or similar qualified organization, in accordance with said Land Bank and Community Preservation acts, limiting the use of the property to the aforesaid recreation purposes and uses.

Raphael Richter moved to indefinitely postpone Article 5.
Move to Indefinitely Postpone Does Not Pass.

Barbara Rushmore moved to amend the Article 5 by removing “for recreational purposes, said parcel to be placed under the care, custody control and management of the Provincetown Recreation Commission” and replace with the following:”80% commercial parking and 20% for a Preston Hall Park along the waterfront walkway to Commercial Street.”

Motion to Amend Does Not Pass.

Motion Does Not Pass. (For 145 Against 98) 2/3rd's Vote Needed

Article 6. Home Rule Petition/Charter Amendment/Residency Requirement.

To see if the Town will vote to instruct its senator and representative in the General Court to file a home rule petition for a special act to read as follows; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

Section 1. The Charter of the Town of Provincetown, which is on file in the office of the Archivist of the Commonwealth as provided in Section 12 of Chapter 43B of the General Laws, is hereby amended by deleting Chapter 7, Article 1, Section 7-1-2: *The Town Manager shall be a resident of Provincetown or shall become a resident within six months following his or her appointment.*

Section 2. The Charter of the Town of Provincetown, which is on file in the office of the Archivist of the Commonwealth as provided in Section 12 of Chapter 43B of the General Laws, is hereby amended by deleting Chapter 8, Article 1, Section 8-1-1: *The Director of the Department of Public Works, the Police Chief and the Fire Chief shall be residents of Provincetown or shall become residents within three months of assuming office; or to take any other action relative thereto.*

[Requested by the Board of Selectmen and the Town Manager]

Board of Selectmen Recommends: 4-1-0

Finance Committee Does Not Recommend: 5-1-0

Charter Enforcement Commission Does Not Recommend: 3-1-0

Personnel Board Recommends: 3-0-0

Erik Yingling moved that the Town vote to approve Article 6 as printed in the warrant.

Erik Yingling moved to divide the question on Article 6 into two sections.

Motion to Divide the Question Does Not Pass.

Julia Perry moved to amend Article 6, by keeping section 7-1-2 and deleting the words “following his or her appointment” and replacing those words with “after the initial trial

period of his or her contract”, so section 7-1-2 shall read: The Town Manager shall be a resident of Provincetown, or shall become a resident within six months after the initial trial period of his or her contract, and further moved to amend Article 6, Section 2 by keeping section 8-1-1 and making the following changes: Delete the fire chief from this section; replace “shall be residents of Provincetown” with the words “shall be residents of the Outer Cape (defined as Provincetown, Truro, Wellfleet or Eastham)”; replace “shall become residents within three months of assuming office” with the words “shall become residents of the Outer Cape within six months of assuming office”, so that section 8-1-1 shall read: The Director of the Department of Public Works and the Police Chief shall be residents of the Outer Cape (defined as Provincetown, Truro, Wellfleet or Eastham), or shall become residents of the Outer Cape within six months of assuming office.

Motion to Amend Does Not Pass.

Motion Does Not Pass.

A petition of 10 registered voters was received moving to reconsider Article 5.

Motion to Reconsider Article 5 Passed.

Article 5 as Reconsidered Does not Pass. (For 107 Against 80) 2/3rd's Vote Needed

Article 7. General Bylaw Amendment/Delivery Hours.

To see if the Town will vote to amend the General Bylaw as follows:

13-3-8. Delivery vehicle restrictions.

13-3-8-1. Deliveries during spring, summer and fall. From April first through October thirty-first, all deliveries on Commercial Street, between Pearl and Central streets, will be allowed only until 44:00am 12:00 p.m. Said deliveries may be made in this area anywhere along Commercial Street that is not designated as otherwise illegal parking. Any person making deliveries on Commercial Street shall first make deliveries to businesses located between Ryder Street (260 Commercial Street) and Winthrop Street (171 Commercial Street) before any other section of Commercial Street. Exceptions thereto may only be made by the Chief of Police or his or her designee.

13-3-8-2. Alternate unloading zones. For the period of April first through October thirty-first, the Board of Selectmen shall establish off-Commercial Street alternative unloading zones within the area of Pearl and Central streets for deliveries to establishments on Commercial Street made after 44:00am 12:00 p.m. No other off-Commercial Street unloading zones between Pearl and Central Streets shall be used after 44:00am 12:00 p.m.; or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

Board of Selectmen Recommends: 5-0-0

Raphael Richter moved that the Town vote to approve Article 7 as printed in the warrant.

Motion Passed.

Article 8. General Bylaw Amendment/Plastic Bag Reduction.

To see if the Town will vote to amend the General Bylaw by adding a new Section 13-6 to the General Bylaws as follows:

13-6 Provincetown Single-Use Plastic Bag Reduction Bylaw

13-6-1. Purpose and Intent

The use and disposition of single-use plastic bags, including bags made of high-density polyethylene, low-density polyethylene, “biodegradable,” “compostable” or “oxo-biodegradable” materials, have significant impacts on the marine and terrestrial environment of all coastal communities, including but not limited to:

- 1) Contributing to the injury and potential death of marine and terrestrial animals through ingestion and entanglement;
- 2) Contributing to pollution and degradation of the terrestrial and coastal environment;
- 3) Clogging storm drainage systems; and
- 4) Creating mechanical and disposal burdens for solid waste collection and recycling facilities.

Studies have shown that even those plastic bags made from “biodegradable,” “compostable” or “oxo-biodegradable” materials, which all require very specific and controlled environments to fulfill their claims, are for all intents and purposes identical to single-use high or low-density polyethylene plastic bags in their potential impacts to the environment as set forth above. Bags of these types are therefore also subject to the requirements herein.

The goal of this Bylaw is to protect, conserve and enhance the Town’s unique natural beauty and irreplaceable natural resources through the elimination, within the retail sector, of certain single-use plastic bags and by encouraging the use of reusable bags within the retail and municipal sectors. Therefore the Town of Provincetown seeks to phase out the use of single-use plastic bags by April 15, 2015.

13-6-2. Definitions

An “Establishment” means any business in Provincetown selling goods, articles, food or personal services to the public, including but not limited to markets, restaurants, bars, take-out food purveyors, merchandise retailers, florists and galleries.

A “single-use plastic bag” for the purposes of this Bylaw is defined as a bag made of plastic, including but not limited to bags made of high-density polyethylene, low-density polyethylene, “biodegradable,” “compostable” or “oxo-biodegradable” materials, with a thickness of less than 1.5 mils provided at the checkout stand, cash register, point of sale or other point of departure and that are intended for the purpose of transporting food or merchandise out of the Establishment.

Single-use plastic bags **do not include** plastic bags which are a maximum of 11 inches by 17 inches and are without handles provided to the customer:

- (1) To transport produce, bulk food, candy or meat from a department within a store to the point of sale;
- (2) To hold prescription medication dispensed from a pharmacy;
- (3) To segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a point-of-sale bag;

- (4) To distribute newspapers; or
- (5) To protect clothing in dry-cleaning establishments.

A "reusable bag" is defined as a bag with handles that is specifically designed and manufactured for multiple reuse and is either:

- (1) Made of cloth or other machine washable fabric;
- (2) Made of durable plastic that is at least 1.5 mils thick; or
- (3) Other durable material suitable for reuse.

13-6-3. Use Regulations

Single-use plastic bags shall not be distributed or sold at any Establishment beginning April 15, 2015, by which date existing stock of single-use plastic bags shall be phased out; any stock remaining after that date shall be disposed of properly (e.g., recycled or returned to manufacturer) by the Establishment.

Customers are encouraged to bring their own reusable shopping bags to Establishments. Establishments may provide paper or reusable bags at no charge, or charge a fee which would be kept by the Establishment, as they so desire.

13-6-4. Administration and Enforcement

This Bylaw may be enforced by any Town police officer, enforcement officer or agent of the Board of Health or Licensing Department.

This Bylaw may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D and Chapter 2 of the Town's General Bylaws. If non-criminal disposition is elected, then any Establishment which violates any provision of this Bylaw shall be subject to the following penalties:

First Offense: \$50 fine

Second Offense: \$100 fine

Third and Subsequent Offenses: \$200 for each fine

Subsequent offenses shall be determined as offenses occurring within two years of the date of the first reported offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense; or to take any other action relative thereto.

[Requested by the Recycling and Renewable Energy Committee]

Board of Selectmen Recommends: 5-0-0

Finance Committee recommends: 5-0-0

Board of Health Recommends: 5-0-0

Conservation Commission Recommends: 5-0-0

Recycling & Renewable Energy Committee Recommends: 4-0-0

Raphael Richter moved that the Town vote to approve Article 8 as printed in the warrant.

Motion Passed.

Article 9. General Bylaw Amendment/Schedule A- Fines.

To see if the Town will vote to amend Schedule A of the General Bylaw as follows:

Licensing regulations: \$50.00

1st Offense:	\$100.00
2nd Offense:	\$200.00
3rd and Subsequent Offenses:	\$300.00

or take any other action relative thereto.

[Requested by the Licensing Board]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Licensing Board Recommends: 3-0-0

Frank Thompson moved that the Town vote to approve Article 9 as printed in the warrant.

Motion Passed.

Article 10. General Bylaw Amendment/Outdoor Lighting.

To see if the Town will vote to amend the Provincetown General Bylaws, as follows:
 Add a new Chapter 16, Outdoor Lighting Bylaw, as follows:

16. OUTDOOR LIGHTING BYLAW

16-1 Purpose and applicability.

A. There is a need for lighting controls that recognize the benefits of outdoor lighting for night-time safety, utility, security, productivity, enjoyment and commerce, while providing clear guidelines for the design and installation so as to:

- (1) Conserve energy and resources and reduce the financial costs of outdoor lighting;
- (2) Reduce light pollution and skyglow and improve the nighttime enjoyment of property and the environment;
- (3) Protect property values by minimizing adverse offsite impacts of lighting such as light trespass, glare and obtrusive light;
- (4) Preserve the community character of a traditional New England village;
- (5) Help protect the natural environment and wildlife from the adverse effects of night lighting.

B. Lighting standards in this chapter shall be applicable to all outdoor lighting within the Town of Provincetown, except as exempted in Section 16-6, and no outdoor lighting shall be installed or expanded in a manner that violates the standards of this bylaw.

16-2 Definitions.

As used in this section, the following terms shall have the meanings indicated:

BULB - The component of a light source that produces the actual light.

FIXTURE -The assembly that houses a Bulb(s), including but not limited to the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror and/or a refractor or lens.

FLOOD or SPOTLIGHT - Any outdoor Fixture or Bulb that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

FULL CUTOFF FIXTURES – A Fixture that is designed or shielded in such a manner that all light rays emitted by the Fixture, either directly from the Bulbs or indirectly from the Fixture, are projected below a horizontal plane running through the lowest point on the Fixture where light is emitted.

GLARE - Light emitting from a light source with intensity great enough to reduce a viewer's ability to see.

HEIGHT OF LIGHT SOURCE - The height of a light source shall be the vertical distance from the ground directly below the centerline of the light source to the lowest direct-light-emitting part of the light source.

LUMEN – A unit of standard measurement of the amount of visible light emitted by a source; this measurement is often used along with wattage to determine the luminous efficiency of a light source:

170 Lumens = 25 Watt, 495 Lumens = 40 Watt, 830 Lumens = 60 Watt, 1100 Lumens = 75 Watt, 1600 Lumens = 100 Watt

OUTDOOR LIGHTING - The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

UPLIGHTING - Lighting that is directed in such a manner as to shine light rays above the horizontal plane.

16-3 General regulations and prohibitions.

A. Any non-exempt residential and commercial Outdoor Lighting Fixture shall be contained in a Full Cutoff Fixture such that the Bulb is not directly visible from adjacent and neighboring properties or public and private rights-of-way.

- (1) Residential properties shall not have Outdoor Lighting Fixtures which exceed 1100 lumens per fixture.
- (2) Commercial property or properties containing mixed uses with a commercial component shall not have Outdoor Lighting Fixtures which exceed 1600 lumens per fixture.

B. Parking area lights in commercial areas shall be contained in a Full Cutoff Fixture and are encouraged to be greater in number, but lower in height and lower in lumens, as opposed to fewer in number, higher in height and higher in light level (lumens). Parking lot lighting shall not exceed the minimum lighting limits

recommended by the Illuminating Engineering Society of North America (IESNA) in the most recent ANSI/ASHRAE/IESNA Standards, which at the time of the writing of this bylaw is Standard 90.1-2007.

C. Pedestrian area lighting shall not exceed 12 feet in height and shall be contained in Full Cutoff Fixtures.

D. Notwithstanding any other provision contained in this chapter, no Outdoor Lighting Fixture shall be used in any manner that interferes with the safe movement of motor vehicles on roadways. Specifically, all roadway lights and area lights along roadways shall be shielded to prevent glare as seen from the road and only placed in areas deemed necessary for safety. Full Cutoff Fixtures are required.

16-4 Special lighting regulations.

A. Uplighting shall be allowed only when used as follows:

- (1) To light a primary entrance, as long as all uplight is captured under an architectural element (e.g. roofs over walkways/entries or overhanging, non-translucent eaves).
- (2) To light the national flag, a maximum of two Outdoor Lighting Fixtures per flagpole shall be used, with a maximum of 1100 lumens per Fixture. The fixtures shall be shielded such that the Bulb is not visible outside a fifteen-foot radius, although the preferred method of lighting the flag is pole-mounted downlighting.

B. Highlighting is only permitted when used as follows:

- (1) Illumination of building facades, landscape features, sculptures and other works of art located on public and non-profit properties, with a maximum of 1,100 lumens per Fixture. The Fixtures shall be shielded such that the Bulb is not visible outside a fifteen-foot radius.
- (2) Linear architectural highlighting of public, non-profit and commercial buildings, provided that the lighting must be turned off within 30 minutes after the close of public hours.

C. Floodlighting is permitted only when it is down-directed in Full Cutoff Fixtures, such that the Bulb is not visible from adjacent and/or neighboring properties.

D. When motion sensors are used for controlling nighttime illumination, the duration of illumination shall be no longer than ten minutes after the last detection of motion. Motion sensors shall be permitted only where the sensor is triggered by motion within the owner's property line.

E. Outdoor recreational lighting may exceed the maximum allowed lumens, provided that it shall be turned off not later than 10:00 p.m., or at the conclusion of a competition begun before 10:00 p.m. No lighting shall remain on after midnight.

F. Blinking, flashing, moving, revolving, scintillating, flickering, changing intensity and changing color lights within the front yard along a public or private right-of-way shall be prohibited except for temporary holiday displays, lighting for public safety or traffic control or lighting required by the FAA for air traffic control and warning purposes.

16-6 Exemptions.

A. The following types of Outdoor Lighting shall be exempt from the provisions, requirements and review standards of this chapter:

(1) All residential Outdoor Lighting Fixtures with 495 lumens or less per Fixture, provided that there is no light spillage across property lines.

(2) Underwater lighting in swimming pools and other water features.

(3) Municipal Street Outdoor Lighting Fixtures however, when a new fixture is needed, each new Fixture shall be a Full Cutoff Fixture.

(4) Winter seasonal outdoor lighting and lighting for holidays for residential and commercial properties is allowed before and during the holiday period.

(5) Historic Outdoor Lighting Fixtures which would otherwise be nonconforming, but which are consistent with the character of a historic structure, shall be exempted. Any such Outdoor Lighting Fixtures shall be consistent with the relevant architectural period and design style of the structure and the total lumens shall not exceed 510 lumens per Outdoor Lighting Fixture.

(6) All temporary emergency Outdoor Lighting Fixtures needed by the Police Department or Fire Department or other emergency services, including for emergency night repairs of public infrastructure.

(7) FAA and other federal Outdoor Lighting Fixtures.

(8) Vehicular and bicycle light sources.

16-7 Effective date.

A. Unless otherwise specified within this section, within three years of October 27, 2014, all Outdoor Lighting Fixtures that do not conform to requirements of this code must be replaced with conforming Fixtures or existing Fixtures must be retrofitted to comply. Existing Fixtures may not be expanded or increased in a manner that would result in greater nonconformity. Bulbs must conform to lumen guidelines within 6 months.

16-8 Violations and penalties.

A. If, after investigation, the Police Department finds that any provision of Chapter 16 is being violated, the Officer may give notice by hand delivery or by certified mail, return receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that the violation be abated within 30 days of the date of hand delivery or of the receipt of the notice.

B. If the violation is not abated within the thirty-day period, the Police Department may institute actions and proceedings, either legal or equitable, to enjoin, restrain

or abate any violations of this section and to collect the civil penalties for such violations. Any violation of Chapter 16 shall result in a penalty of \$50 for the first offense and \$300 for the second and subsequent offenses which may be enforced by means of noncriminal disposition tickets pursuant to Schedule A of the Provincetown General Bylaws. Each day the violation continues to exist shall be considered a separate violation, but each violation shall require notice;

or to take any other action relative thereto.

[Requested by the Planning Board]

Board of Selectmen Recommends: 4-1-0
Finance Committee Does Not Recommend: 6-0-0
Planning Board Recommends: 3-0-0
Historical Commission Recommends: 3-0-1

Mark Weinress moved that the Town vote to approve Article 10 as printed in the warrant.

Motion Does Not Pass.

Article 11. *Zoning Bylaw Amendment/Article 4, Special Regulations, Section 4053 Commercial Design Standards.*

To see if the Town will vote to amend the Provincetown Zoning Bylaws, as follows:

No changes to sub-sections 4053(1) through 4053(5).

Add a new sub-section 4053(6), Bicycle and Pedestrian Accommodation in Commercial Developments and Redevelopments, as follows:

6. Bicycle and Pedestrian Accommodation in Commercial and Industrial Developments and Redevelopments:

The proposed plan should encourage pedestrian and bicycle access to the site and promote the convenience and safety of vehicular, bicycle and pedestrian movement within the site and from adjacent public and private ways and public transit routes, including provisions for persons with disabilities.

Pedestrian, bicycle and vehicular traffic movement on site shall be separated, to the extent possible, and walkways shall be provided between businesses within a single parcel and from public ways, sidewalks and bike lanes/paths.

Plans shall show:

a. The location of parking and loading areas, public and private ways, driveways, walkways, bike lanes/paths, access and egress points, including proposed surfacing.

- b. Bicycle, pedestrian and vehicular circulation within the site, which shall be designed to minimize conflicts and safety problems.
- c. Adequate pedestrian access, which shall include provisions for sidewalks to provide access to adjacent properties and between individual businesses within a parcel.
- d. Provision of bike racks for public use:
 - 1) In the GC Zoning District, bicycle racks (the inverted "U," circular, or post and ring are the preferred types) or other provision for indoor or outdoor storage of bicycles shall be provided for all commercial uses. Storage must allow for the locking of bicycles to racks or inside storage lockers.
 - 2) In all other Zoning Districts, the Planning Board may require bicycle racks or other provisions for bicycle storage;

or to take any other action relative thereto.

[Requested by the Planning Board]

2/3rd's Vote Required

Board of Selectmen Recommends: 5-0-0

Finance Committee Does Not Recommend: 5-2-0

Planning Board Recommends: 3-0-0

Brandon Quesnell moved that the Town vote to approve Article 11 as printed in the warrant.

Motion Does Not Pass. (2/3rd's Vote Declared)

Article 12. Zoning Bylaw Amendment/Article 2, Districts and District Regulations, Section 2400 Use Regulations.

To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2400, Use Regulations, as follows:

Add a new Section 2480, Portable Storage Structures, as follows:

2480 PORTABLE STORAGE STRUCTURES Portable storage structures shall be prohibited in the Town of Provincetown, except as follows:

- A. The parking, loading or unloading of a portable storage structure which is properly registered under the laws of any State as a motor vehicle, provided the parking, loading and/or unloading of said motor vehicle complies with all other provisions of the Commonwealth of Massachusetts, and provided that said activity does not exceed a 48 hour period of time.
- B. The use of portable storage structures in industrial or commercial Zoning Districts for the disposal of waste materials by a contractor licensed for such disposal services.
- C. The use of portable storage structures at construction sites for storage and/or disposal of materials, provided that an active building permit exists for the property.

The use and placement shall be limited to a maximum period of 6 months, with one additional 6 month extension period allowed at the discretion of the Building Commissioner. Written notification must be provided to the Building Commissioner upon the initial placement of a portable storage structure at a construction site.

D. The use of portable storage structures by the Town, its agencies or subdivisions and the National Seashore.

E. In the GC Zoning District, the use of no more than one portable storage structure as an accessory use may be permitted on a lot only pursuant to a Special Permit from the Zoning Board of Appeals and subject to the following criteria:

(1) Portable storage structures shall only be located on private property and only in the rear yard of the property, as defined in the Zoning Bylaws, and located behind the principal structure;

(2) Portable storage structure shall not exceed 53 feet in length, shall not exceed 8 feet in height from the bed of the structure or 14 feet in height from the ground to the top of the structure, and shall not be greater than 8ft-6in in width. At no time shall the top of any mobile storage structure exceed the height of the building behind which it is located;

(3) Portable storage structures shall be subject to the requirements of the dimensional schedule as defined in the Zoning Bylaws and shall not be permitted if setback and lot coverage requirements are not met;

(4) Portable storage structures shall not be located in or impede the use of any required parking spaces, loading area or driveway;

(5) Portable storage structures shall be screened from view from any adjacent public or private way or residential use; and

(6) No materials classified as high hazard by 780 CMR Massachusetts State Building Code may be stored in any portable storage structure.

And to amend the Provincetown Zoning Bylaws, Article 1, Definitions, as follows:

Add a new definition of Portable Storage Structure, as follows:

PORTABLE STORAGE STRUCTURE A transportable storage structure that is designed and used primarily for the storage of tangible property and not for occupancy by persons or animals, designed to be used without a permanent foundation, and having at least one dimension exceeding 10 feet. Such structures are uniquely designed for their ease of loading to and from a transport vehicle. For the purposes of this bylaw, the trailer portion of a tractor trailer,

boxcars and shipping containers shall also be considered portable storage structures when expressly used for the purposes of on-site storage.

And to amend the Provincetown Zoning Bylaws Article 2, Districts and Regulations, Section 2450, Accessory Uses, as follows:

Add a new Accessory Use, G19, Portable Storage Structures, as follows:

<u>G19 Portable Storage Structures</u>						
<u>Res 1</u>	<u>Res 2</u>	<u>Res 3</u>	<u>TCC</u>	<u>GC</u>	<u>S</u>	<u>M</u>
<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>BA</u>	<u>Yes</u>	<u>Yes</u>

or to take any other action relative thereto.

[Requested by the Planning Board]

2/3rd's Vote Required

Board of Selectmen Recommends: 5-0-0

Finance Committee Does Not Recommend: 6-0-0

Planning Board Recommends: 3-0-0

Grace Ryder-O'Malley moved that the Town vote to approve Article 12 as printed in the warrant with the following amendment to Section 2480, Subsection A, Portable Storage Structures by deleting the words "48 hours" and by replacing with the words "10 days".

Motion Does Not Pass.

Article 13. Funding for Phase III of Commercial Street Paving Project.

To see if the Town will vote to transfer from free cash the sum of \$500,000 to be expended under the direction of the Town Manager and the Department of Public Works Director, for Phase III of the Commercial Street paving project, and costs related thereto; or to take any other action relative thereto.

[Requested by the Finance Committee]

Board of Selectmen Recommends Indefinite Postponement: 4-0-1

Finance Committee Recommends: 6-0-0

Board of Health Recommends: 5-0-0

Conservation Commission Recommends: 3-0-0

Doug Cliggott moved that the Town vote to approve Article 13 as printed in the warrant.

David Bedard moved to indefinitely postpone Article 13.

Motion to Indefinitely Postpone Passed.

Article 14. Funding for Police Station Repairs.

To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$200,000 to be expended under the direction of the Town Manager and the

Chief of Police, for repairs to the police station on Shank Painter Road, and costs related thereto; or to take any other action relative thereto.

[Requested by the Finance Committee]

Board of Selectmen Recommends: 4-1-0

Finance Committee Recommends: 6-0-0

Building Committee Does Not Recommend: 3-0-0

Michael Canizales moved that the Town vote to transfer the sum of \$200,000 from free cash to be expended under the direction of the Town Manager and the Police Chief for repairs to the Provincetown Police Station on Shank Painter Road and costs related thereto.

Jennifer Cabral moved to indefinitely postpone Article 14.

Motion to Indefinitely Postpone Article 14 Does Not Pass.

Motion Passed.

Article 15. Selection of Town Counsel.

To see if the Town will vote to recommend to the Board of Selectmen and Town Manager that a new policy be adopted to issue a Request for Proposals for legal services immediately, and that a new Request for Proposals for legal services be issued at least every five years; and it is further recommended that the Board of Selectmen establish an ad-hoc committee consisting of the Town Manager, Chair of Personnel Board (or designee), Chair of Planning Board (or designee), Chair of Historic District Commission (or designee), Chair of the Licensing Board (or designee) and Chair of the Zoning Board of Appeals (or designee) to prepare and issue the Request for Proposals and conduct an evaluation of any proposals for legal services that are received in response to the RFP. Said committee would make recommendations for review by the Board of Selectmen and the Finance Committee, but subject to appointment of Town Counsel by the Town Manager in accordance with the Town Charter; or to take any other action relative thereto.

[Requested by the Finance Committee]

Board of Selectmen Recommend to Indefinitely Postpone: 3-0-2

Finance Committee Recommends: 6-0-0

Mark Hatch moved that the Town vote to recommend to the Board of Selectmen and Town Manager that a new policy be adopted to issue a Request for Proposals for legal services immediately, and that a new Request for Proposals for legal services be issued at least every five years.

During discussion of Article 15 a point of order was called questioning whether there was a quorum. A count was taken and it was determined that the Special Town Meeting no longer had a quorum of 100 registered voters in attendance.

Town Moderator Mary-Jo Avellar dissolved the October 27, 2014 Special Town Meeting at 11:10 p.m. **Motion Passed.**

October 27, 2014 Special Town Meeting dissolved at 11:10 p.m.