

Public Hearing

March 26, 2015

The Provincetown Planning Board will hold a Public Hearing on **Thursday, March 26, 2015 at 6:30 p.m.** in the Judge Welsh Hearing Room, Town Hall, 260 Commercial Street, Provincetown, MA, to hear comments from the public on the following proposed amendments to the Provincetown Zoning Bylaws and General Bylaws for the April 6, 2015 Annual Town Meeting Warrant, as well as any proposed petitioned articles concerning land use or development. The proposed amendments are indicated below, with proposed deleted text stricken through and proposed added text underlined. A copy of these proposed zoning and bylaws is available for public inspection at the Office of the Town Clerk, Provincetown Town Hall, 260 Commercial Street, Provincetown, MA during regular business hours.

FEMA Requirements Article:

Article _____: To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 1, Definitions, as follows:

Building Height the vertical distance between the highest point of the roof and the natural mean grade as measured from the natural grade at the four (4) furthest corners of the structure to the height of the highest point of the roof, and dividing the aggregate number of these heights by four (4). For buildings which existed prior to April 6, 2015, and located in the FEMA established A and V zones, building height shall be measured from the higher of Average Natural Grade or Base Flood Elevation. Height limitations shall not apply to chimneys, TV antennae with poles of ten (10) feet or less, or spires, cupolas and widow walks that do not enclose more than thirty-five (35) square feet of floor space or exceed ten (10) feet in height or occupy more than five (5) percent of the roof area.

And to amend the Provincetown Zoning Bylaws, Article 3, General Requirements, Section 3110, Change, Extensions and Alterations, by adding a paragraph as follows:

3110 Change, Extensions or Alterations As provided in Sec. 6, Ch. 40A, G.L., Pre-existing nonconforming structures may be altered, reconstructed, extended or changed if in so doing the nonconformancy is not increased. The following types of alterations do not result in an increase in nonconformancy:

1. Alteration to a nonconforming structure where the alteration will comply with all applicable sections of the Zoning By-law in effect at the time of application.
2. Alteration to a nonconforming structure on a lot containing at least the minimum square footage required, prior to any lot dimensional increases within the zoning district in which the lot is located, where the alteration will comply with all applicable sections of the Zoning By-law, in effect at the time of application, including but not limited to yard setback, lot coverage and height requirements.

Otherwise, pre-existing nonconforming structures may be extended, altered or changed along the nonconforming dimension or dimensions without intruding further into existing setback area if the Board of Appeals after a Public Hearing finds that such extension, alteration, or

change will not be substantially more detrimental than the existing nonconformancy to the neighborhood.

Pre-existing nonconforming uses may be extended or altered if the Board of Appeals after a Public Hearing finds that such extension or alteration will not be substantially more detrimental than the existing nonconformancy to the neighborhood.

Pre-existing nonconforming uses may be changed upon the granting of a Special Permit by the Board of Zoning Appeals as specified in Section 5300.

Nonconforming structures may be extended, altered or changed so as to make a conforming dimension nonconforming only upon the granting of a dimensional variance by the Board of Appeals, except that for those buildings which existed prior to April 6, 2015 and are required by the Building Commissioner to be elevated in accordance with FEMA Regulations, new setback non-conformities and intrusions further into an existing non-conforming setback area created by exterior access/egress structures which are increased in size due to the building being elevated may be approved by Special Permit from the Zoning Board of Appeals.

Once changed to conformancy, no structure or use shall be permitted to revert to nonconformancy. Any extension of a nonconforming structure must have a continuous foundation and floor plan with said structure.

Two-Thirds Vote (G.L.c.40A, §5); Planning Board public hearing and report under G.L. c.40A, §5.

Use Regulations Article:

Article _____: To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2440, Permitted Principal Uses, as follows:

Add a footnote to Principal Use, A1a2, Single Family Dwelling, two per lot, as follows:

A1a	Single Family Dwelling	Res 1	Res 2	Res 3	TCC	GC	S	M
	2. two per lot (each separate structure) <u>NOPB</u> ²⁰	BA	YES	YES	YES	NO	NO	

20. One accessory dwelling unit may be allowed in the Res1 Zoning District only if the following criteria are met: it is for year-round rental only; it is limited in size to 600 square feet if it is a free-standing dwelling unit or 40% of the gross floor area if it is located within the principal residence.

And to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulations, Section 2430, Symbols, by adding a new symbol for Special Permit from the Planning Board (PB) as follows:

2430 Symbols In the following Use Regulation Schedule symbols shall mean the following: YES, a permitted use; NO, an excluded or prohibited use; BA, a use authorized under Special Permit from the Board of Appeals as provided for in Section 5300 Special Permits; PB, a use authorized by Special Permit from the Planning Board.

Two-Thirds Vote (G.L.c.40A, §5); Planning Board public hearing and report under G.L. c.40A, §5.

Growth Management Article:

Article _____: To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 6, Growth Management Bylaw, Section 6600, Growth Limitation Goal Allocations, in order to allow a one-time increase in the number of gallons allocated to General Use Category 3 that will correct an unintended consequence of a Zoning Bylaw amendment approved at the 2014 Annual Town Meeting, as follows:

2. (b) Annually, during the Growth Management Review, the Board of Selectmen may allocate up to 1,870 gpd to General Use Category 3, except that in 2015, the Board of Selectmen may allocate up to 2,530 gpd to General Use Category 3, provided that the Board of Selectmen shall have made a finding that the Town is in compliance with the water withdrawal permit issued by the Department of Environmental Protection (“DEP”) pursuant to 310 CMR 36.00 and all applicable rules and regulations promulgated by DEP with respect thereto. Within this allocation, 330 gpd shall be reserved for General Use Category 3a (expansions to existing residential structures).

All unassigned gallonage remaining at the end of each calendar year for General Use Category 3 shall remain available for assignment in the next calendar year for General Use Category 3.

Two-Thirds Vote (G.L.c.40A, §5); Planning Board public hearing and report under G.L. c.40A, §5.

Mark Weinress, Chair

Posted: www.provincetown-ma.gov 2/27/15 8:00 am dj

The Banner: March 12, 2015 & March 19, 2015