



Meeting Agenda

The Provincetown Board of Selectmen will hold a public meeting on Monday, February 29, 2016, at 5:00 p.m. in Judge Welsh Room, Town Hall, 260 Commercial Street, Provincetown, MA 02657.

1. Public Hearing – Condo Conversion Bylaw Amendments and Inclusionary Zoning Bylaw Amendments – Discussion and Approval of Language for Town Meeting, and Refer the Articles to the Planning Board for a Public Hearing.
2. Public Statements on the Warrant Articles – Three (3) minutes maximum. Selectmen do not respond to Public Statements.
3. Selectmen Statements – Initial comments from the Selectmen. Discussion dependent- votes may be taken.
4. Approve Articles and Vote to Insert in the April 4, 2016, Annual & Special Town Meeting Warrant.
5. Joint Meeting with the Provincetown Public Pier Corp. to Review the Memorandum of Understanding.
6. Other - Other matters that may legally come before the Board not reasonably anticipated by the Chair 48 hours before the meeting. Votes may be taken.
7. Executive Session.

Motion by the Board of Selectmen to vote to go into Executive Session pursuant to MGL c30A, Section 21(a), Clause 6 for the purpose of:

Clause 6 - To consider the purchase of, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Old Community Center (46 Bradford Street) & Winslow Farm (44-48 Winslow). Votes may be taken.



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, February 29, 2016

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PUBLIC HEARING

Condo Conversion Bylaw Amendments & Inclusionary Zoning Bylaw
Amendments for 2016 Spring Town Meeting and Refer the Articles to the Planning
Board for a Public Hearing.

Requested by: Town Manager David Panagore

Action Sought: Procedural

Proposed Motion(s)

Move that the Board of Selectmen vote, pursuant to Massachusetts General Law Chapter 40A Section 5, to submit the attached proposed Zoning Bylaw Amendments to the Planning Board for review and public hearing on Thursday March 24, 2016, in order to be placed on the April 4, 2016 Spring Town Meeting Warrant.

Additional Information

See attached drafted bylaw amendments.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



Board of Selectmen

Public Hearing

Proposed Condo Conversion Bylaw Amendments and Inclusionary Zoning Bylaw Amendments

The Provincetown Board of Selectmen will hold a Public Hearing on **Monday, February 29, 2016, at 5:00 p.m.** in the Judge Welsh Room, Town Hall, 260 Commercial Street, Provincetown, MA 02657, to receive comments from the public on the proposed Condominium Conversion Bylaw Amendments and Inclusionary Zoning Bylaw Amendments for the spring Annual Town Meeting to be held on April 4, 2016. The draft Warrant language will be available for review in the Town Clerk's office or the Board of Selectmen's office.

Comments may be submitted in writing to the Office of the Board of Selectmen, 260 Commercial Street, Provincetown, MA 02657, by email to selectmen@provincetown-ma.gov by Tuesday, February 23, 2016, or in person at the hearing.

*Thomas Donegan, Chairman
Board of Selectmen*

Posted: Town Hall, <http://www.provincetown-ma.gov>

Published: Banner: February 11, 2016 & February 18, 2016

DRAFT CONDO CONVERSION BY-LAW

Article 11. General Bylaw Amendment – Chapter 16 - Condominium Conversion Bylaw. (Deletions shown in strike through and new text shown as underlined)

To see if the Town, under St. 1983, c.527, §2, and all of the authority provided under Amended Article 89 of the Massachusetts Constitution, will vote to adopt the following General Bylaw to control and regulate the conversion of residential rental property to the condominium or cooperative form of ownership, through a conversion permitting process:

Chapter 16. CONDOMINIUM AND COOPERATIVE CONVERSION BYLAW SECTION 1. PURPOSE.

The Town declares, as provided for under St. 1983, c.527, §2, that local conditions constitute an acute rental housing emergency that requires local action, on account of the aggravating impact of the facts set forth in section one of c.527 (including lack of sufficient new rental housing production, prolonged increases in housing costs at a rate substantially exceeding increases in personal income, housing abandonment, increased costs of new housing and construction and finance and the effect of conversion of rental housing into condominiums or cooperatives) and unless the available rental housing stock and the tenants who reside in them receive further protection from the consequences of conversion, the rental housing shortage will generate serious threats to the public health, safety, and general welfare of the citizens of the Town, including, particularly, the elderly, the handicapped, and persons of low and moderate income and employees in the tourism and other service industries, and for municipal employees. The Board of Selectmen annually shall review the status of the year round rental housing emergency to determine whether additional action should be proposed to Town Meeting.

As of the effective date of this Bylaw, the Town has approximately 4,383 housing units and approximately 50% of the housing units are condominium units, 20% are single-family dwellings, and 30% are multi-family units.

The Town estimates that the vacancy rate for year-round rental units in the Town is less than 1%, creating a severe housing crisis that threatens the Town's economy.

Market conditions encourage conversion of existing residential rental units to condominiums in the Town, to serve the second home ownership demand and this has caused a shortage of year-round rental units. The desirability of the Town as a second home market, combined with the high density that is allowed by the Town's zoning regulations and the limited amount of land available to develop new housing, has driven up the value of housing accommodations and resulted in the conversion of existing rental units and single-family and guest units into condominium units, thereby eliminating year-round rental housing. The rapid conversion to the condominium form of ownership and the increase in the value of those condominiums on the second home ownership market is making it difficult to the point of impossibility for low, moderate and median income families, which includes service industry and municipal employees, as well as elderly

residents, who have limited and fixed incomes, to obtain or maintain year-round rental housing in the Town.

The severe shortage of year-round rental housing in the Town is a serious public emergency that threatens the Town's tourism-based economy and is a serious threat to the public health, safety, and general welfare of the citizens of the Town as substandard housing is becoming a resort as persons desiring to locate in Provincetown cannot locate year-round rental accommodations and existing residents are being displaced and are unable to find new year-round rental accommodations.

The effects of condominium and cooperative conversions on the availability of year-round rental units cannot be dealt with solely by the operation of the private housing market and, unless the removal of year-round rental units from the market is regulated and controlled, the housing emergency which presently exists in the Town and the inflationary pressures on and displacement of residents, the service industry work force, elderly, handicapped and those living on limited and fixed incomes resulting therefrom will continue to produce serious threats to the public health, safety, and general welfare of the citizens of the Town.

In order to protect the public health, safety, and general welfare of the citizens of the Town, and to prevent the worsening of the current severe shortage of year-round rental housing that is available to service industry and municipal employees and the elderly and the public emergency resulting therefrom, it is necessary to regulate and control the conversion of housing units to the condominium or cooperative form of property ownership and the removal of housing from the rental market while the Town studies, plans and then develops and implements programs to regulate and manage the housing crisis.

SECTION 2. DEFINITIONS.

As used in this Bylaw the following terms shall have the following meanings:

- a) "Board": The Board of Selectmen for the Town of Provincetown.
- b) "Condominium Unit": a unit of a condominium, as defined in G.L. c. 183A.
- c) "Cooperative Unit": a residential dwelling space in a building owned by a corporation, the shareholders of which have organized on a cooperative basis for the purpose of leasing such dwelling space to themselves.
- d) "Condominium Conversion": the conversion of a rental housing unit to a condominium form of ownership.
- e) "Cooperative Conversion": the execution of a lease, of a cooperative unit in a building, with an owner of shares of stock in the corporation which owns the building which would convert a rental housing unit to a cooperative unit.
- f) "Housing Unit": a rental housing unit that is a "housing accommodation" as defined under St. 1983, c.527, §3.
- f) "Removal from market" as applied to a Housing Unit, shall include, but not be limited to:

- (1) The filing of a condominium master deed, pursuant to G.L. c.183A, for any housing accommodation any part of which was most recently occupied as a rental unit;
 - (2) The demolition of a rental unit;
 - (3) The rehabilitation, repair, or improvement of a rental unit, other than as required by the laws of the Commonwealth or by the Town, in such a way as to prevent residential occupancy during the course of the rehabilitation, repair, or improvement, and
 - (4) The conversion of all or part of any building to a condominium or cooperative form of ownership.
- g) "Town": the Town of Provincetown.

SECTION 3. APPLICABILITY.

This Bylaw shall apply to all Housing Units (which under St. 1983, c.527, excludes buildings containing fewer than four units and excludes units in hotels, motels, inns, tourist homes, and rooming and boarding houses which are occupied by transient guests staying for a period of fewer than fourteen consecutive calendar days and excludes units in hospitals, and public and educational institutions, and nursing homes and excludes units lawfully constructed after November 30, 1983, or lawfully converted from a non-housing to a housing use after November 30, 1983, and excludes housing accommodations constructed or substantially rehabilitated under a federal mortgage insurance program and housing accommodations financed through the Massachusetts Housing Finance Agency, with an interest subsidy attached thereto).

SECTION 4. REGULATIONS.

A) No condominium or cooperative conversion and no removal from market of a Housing Unit that is subject to this Bylaw shall be permitted in the Town, except pursuant to a conversion permit granted under this section.

B) The Board may grant a conversion permit, provided that the Board shall consider and apply the following factors in determining whether to grant or deny the conversion permit:

- 1) the impact of the proposed conversion upon the tenants sought to be protected by this Bylaw and upon the availability of year-round market rate rental housing of comparable type, quality and cost in the town and upon the overall availability of year-round rental housing in the town;
- 2) the ease or difficulty with which the affected tenants could find alternative year-round market rate rental housing in the town of comparable type, quality and cost;
- 3) any efforts to mitigate the impact of the proposed conversion upon the affected tenants, including but not limited to, guaranteed rights to remain as tenants for a fixed period, full or partial reimbursement of moving expenses and other costs of finding alternative year-round rental housing, and the procurement by the building owner for the tenants of alternative year-round rental housing in the town of comparable type, quality and cost and any agreement made to allow the tenant or tenants to purchase a unit on favorable terms than those offered to the general public;:

- 4) the physical condition of the housing involved, and the financial viability to maintain the building as year-round market rate rental housing;
 - 5) whether and for how long and why a unit or units in the building have been vacant;
 - 6) the age, financial status, and health of the affected tenants, and the length of their tenancies;
 - 7) whether the conversion permit can be conditioned in such a manner so as to fulfill the purposes and intent of this bylaw, through, for example, the recording of a restrictive covenant by the owner in favor of the Town that allows the conversion to take place but restricts the use of one or more of the converted units as a year round rental unit for a reasonable period of time, including especially if the unit is restricted as an affordable year round rental unit;
 - 8) whether the denial of the conversion permit, taking into account all of the factors listed in this section, would be manifestly unjust; and
 - 9) the Board shall grant a conversion permit if the Board finds that the financial or other circumstances for the owner are such that prohibition of a conversion would constitute unconstitutional confiscation of the owner's property. When such an application is made, the Board, before granting a permit, shall be required to make an explicit finding that denial of a conversion permit would constitute such confiscation.
- D) The Board shall have the power to issue such orders and enact such regulations as it may deem necessary to effectuate the purposes of this Bylaw, and to prescribe the procedure for filing applications for conversion permits, giving notice of applications, holding public hearings upon applications, and rendering decisions upon applications. The Board may impose a reasonable filing fee for applications.
- E) The Board shall determine the Vacancy Rate for year-round rental units in the Town, using what source or sources of statistical data the Board determines to be appropriate and shall declare a state of public emergency if the Vacancy Rate is equal to or lower than 5% of the overall housing stock. Once a declaration is made, an applicant may ask the Board to reconsider the determination by providing the Board with data that demonstrates, to the Board's satisfaction, that the Vacancy Rate exceeds 5%.
- F) Tenants shall have all of the rights provided for under St. 1983, c.527; and, in addition, those rights shall not begin to run until the date of the granting of a conversion permit.
- G) It shall be unlawful to commit any acts of harassment against tenants, to fail to make necessary repairs or provide required services, or to seek unreasonable increases in rents, for or during said period for the purpose of seeking to induce tenants to vacate units.

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H) An application for a conversion permit shall be accompanied by a written plan setting forth an orderly process for the conversion, and a description of the governing process by which the owners' association or cooperative corporation shall exercise its responsibilities during and after the conversion.

I) An application for a conversion permit shall cover all units in a building; however, the Board may in the exercise of its discretion hereunder condition the grant of the conversion permit upon the building owner making special provisions for certain units and tenants thereof.

J) No conversion permit shall be granted unless the building has been certified by an independent licensed engineer or architect to meet all applicable building and health codes of the Town and Commonwealth.

SECTION 6. SEVERABILITY.

Should any provision of this Bylaw or its application to any person or circumstance, be determined to be invalid, that invalidity shall not affect the validity of any other provision or application hereof.

SECTION 7. PENALTIES AND ENFORCEMENT.

Any person who violates this Bylaw shall be punished by a fine of three hundred dollars (\$300) per offense under G.L. c.40, §21D. Each day during which a unit is illegally converted or occupied and each day after which an illegal conversion takes place, shall constitute a separate offense, and the conversion of multiple units in a building shall constitute multiple offenses. The Board or its designee may enforce this Bylaw in a court of competent jurisdiction, and may seek and obtain appropriate injunctive relief to enforce the Bylaw in a civil action.

SECTION 8. EFFECTIVE DATE.

This Bylaw shall take effect as provided for under G.L.c.40, §32.

Public Hearing

March 24, 2016

The Provincetown Planning Board will hold a Public Hearing on Thursday, March 24, 2016 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 4, 2016 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.

Use Regulations Articles:

Article _____, Zoning Bylaw Amendment – Article 2 Section 2440 Use Regulations 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:

B.	Business	Res 1	Res 2	Res 3	TCC	GC	S	M
B3	Hotel, motel or inn	NO ⁵ BA	NO ⁵ BA	YES ³	YES ²	YES ²	NO	NO

Footnotes:

5. ~~Except "YES" if existing as of January 1, 1981. 1981 ATM amended.~~

Or to take any other action relative thereto.

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

Article _____, Zoning Bylaw Amendment – Article 2 Section 2440 Use Regulations 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:

C.	Industrial	Res 1	Res 2	Res 3	TCC	GC	S	M
C9	Transportation Terminal	NO	NO	NO	YES	YES	NOBA	NOBA

Or to take any other action relative thereto.

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

Article _____, Zoning Bylaw Amendment – Article 2 Section 2440 Use Regulations 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:

E.	Recreational	Res 1	Res 2	Res 3	TCC	GC	S	M
E3c.	Campground	NO BA	NO BA	NO BA	NO	BA	NO BA	NO

Or to take any other action relative thereto.

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

Growth Management Article:

Article _____, Zoning Bylaw Amendment – Article 6, Growth Management

To see if the Town will vote to amend the Provincetown Zoning Bylaws, by inserting as a new Section 4810 as follows:

Section 6500 Table of Use Categories and Priorities
GENERAL USE CATEGORY 2

The non-affordable housing components of project consisting of:

- 2a1 Multi-family dwellings projects that consist of 50%-99% affordable housing and/or community housing
- 2a2 Two-family dwellings projects that consist of 50%-99% affordable housing and/or community housing
- 2a3 Single-family dwelling projects that consist of 50%-99% affordable housing and/or community housing
- 2b1 Multi-family dwelling projects that consist of 33%-49.9% affordable housing and/or community housing
- 2b2 Two-family dwelling projects that consist of 33%-49.9% affordable housing and/or community housing
- 2b3 Single-family dwelling projects that consist of 33%-49.9% affordable housing and/or community housing

2c. The creation of any deed restricted year-round rental unit or units, including accessory units;

Or to take any other action relative thereto.

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

Inclusionary Zoning Article:

Article _____, Zoning Bylaw Amendment – Article 4 Section 4810 Inclusionary Housing Bylaw

To see if the Town will vote to amend the Provincetown Zoning Bylaws, by inserting as a new Section 4810 as follows:

Section 4180 Inclusionary Housing Bylaw

1. Purpose and Intent

The primary purpose of this bylaw is to:

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- (a) Encourage the creation of a range of housing opportunities for households of all incomes, ages and sizes in order to support a strong, stable and diverse year round community and a viable and healthy local workforce and to prevent the displacement of Provincetown residents;
- (b) Mitigate the impact of residential development on the availability and cost of housing;
- (c) Protect the long-term affordability of such housing through appropriate, enforceable restrictions that run with the land;
- (d) Provide a mechanism by which residential development can contribute in a direct way to increasing the supply of Affordable and Community Housing in exchange for a greater density or intensity of development than is otherwise permitted as a matter of right;
- (e) Support the goals of Provincetown’s December 2006 Affordable and Community Housing Action Plan and its January 2014 Update.

A secondary purpose is to create dwelling units eligible for inclusion in the Town’s Chapter 40B Subsidized Housing Inventory.

2. Definitions

The term “Housing Fund” as used in this section of the Zoning Bylaw shall refer to any affordable or community housing fund that has been duly established by the Town to promote Affordable or Community Housing at the time that a payment in lieu of creating Affordable or Community Housing units as described hereunder is made.

3. Applicability

This inclusionary bylaw shall apply in all zoning districts to the following uses:

- (a) Except as identified under Section 3(c) below, any development that results in an increase in the number of dwelling units, whether by new construction or alteration, expansion, reconstruction, or change of existing residential or non-residential space or use;
- (b) Any health care-related development that includes 6 or more independent living units.
- (c) This inclusionary bylaw shall not apply to the following:
 - (1) Accessory Dwelling Units
 - (2) A subdivision of land under G.L. c. 41, section 81K-81GG;

4. Mandatory Provision of Affordable Units for all Development

In any development identified in Section 3(a)-(b) above, the applicant shall contribute to the local stock of Affordable and Community Housing in accordance with the following requirements:

- (a) For development consisting of between 1 and 5 dwelling units, a Housing Contribution shall be made to the Housing Fund in the form of a payment in-lieu of creating a fractional unit.
 - (1) Payment shall be made accordance with the following:

1 unit	5% of the average value of a dwelling unit
2 units	10% of the average value of a dwelling unit
3 units	15% of the average value of a dwelling unit
4 units	20% of the average value of a dwelling unit
5 units	25% of the average value of a dwelling unit

(2) The average value of a dwelling unit shall be determined based on the average assessed value for the market rate units in the subject development and shall be payable to the Housing Fund at and upon the sale or certificate of occupancy of the final unit, whichever occurs sooner.

- i. When the development consists of rental units, the payment-in-lieu may be paid in 5 equal annual installments, the first installment payable upon the occupancy of the final rental unit.
- ii. When the develop consists of one single-family home on its own lot, the payment-in-lieu may be paid in 5 equal annual installments, the first payable upon the receipt of a certificate of occupancy, the total balance due in full upon the sale of the dwelling.

(3) The developer shall enter into a binding written agreement with the Town of Provincetown, before the issuance of the first Building Permit and with appropriate payment surety arrangements, to provide such payment to the Housing Fund.

(4) The in-lieu payment shall be made into the Housing Fund, as defined hereunder, and the Board of Selectmen shall determine which fund shall receive the deposit.

(b) Development consisting of a total of 6 dwelling units or more shall require the granting of a Special Permit by the Planning Board and at least 15% of the units created shall be established as Affordable or Community Housing units in any one or combination of methods provided for below.

When the 15% calculation results in a fractional unit of .7 or greater, the developer shall provide a whole unit.

When the 15% calculation results in a fractional unit of less than .7, the developer shall provide a whole unit or make a housing contribution payment in lieu of the fractional unit in accordance with Section 3(a) above.

(1) The Affordable or Community Housing units shall be constructed or rehabilitated on the locus subject to the Special Permit, in accordance with Section 7; or

(2) The Affordable or Community Housing units shall be constructed or rehabilitated on a locus other than the one subject to the Special Permit, in accordance with Section 7, provided justification is provided that on-site development of units is not feasible and off-site development of units is beneficial to the Town, and Special Permits are granted contemporaneously for both developments; or

(3) In lieu of providing such units either on- or off-site, an applicant may provide a payment of equivalent value to the Housing Fund. The payment-in-lieu shall be in accordance with subsections 4(a)(2)-(4) above and shall be calculated as follows, without rounding up or down:

(number of new dwelling units developed) x (.15) x (average value of a dwelling unit)

A payment-in-lieu of providing affordable units shall not allow an applicant to increase the number of market rate units on site; or

- (4) Under special circumstances, the Planning Board may consider donation of land to the Provincetown Affordable Housing Trust or a non-profit housing development organization approved by the Planning Board, provided that the receiving organization agrees in writing to accept the land and the applicant demonstrates to the Planning Board's satisfaction that the land serves the development of Affordable and Community Housing. The value of donated land shall be equal to or greater than the value of an in-lieu payment of affordable or community housing units. The Planning Board may require, prior to accepting land as satisfaction of the requirements of this bylaw, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value. Closing on the land donation shall occur before the issuance of the first building permit. Land donation shall not allow an applicant to increase the number of market rate units on site.

5. Density Bonus

- (a) For developments consisting of 6 dwelling units or more, the Planning Board may provide a density bonus, which shall be made part of the Special Permit, to increase the number of dwelling units allowed on the parcel beyond the maximum number allowed under the Dimensional Schedule, the Density Schedule and Section 2550 of this Zoning Bylaw, as follows:
- (1) For every deed restricted unit of Affordable Housing constructed or rehabilitated either on or off the site subject to the Special Permit, two market rate dwelling units may be added as a density bonus.
 - (2) For every deed restricted unit of Community Housing constructed or rehabilitated either on or off the site subject to the Special Permit, one market rate dwelling unit may be added as a density bonus.
- (b) To facilitate the objectives of the density bonus, the Planning Board shall have the authority to modify or waive any lot or dimensional regulations appropriate and necessary to accommodate the additional unit(s) on the site.
- (c) Developments of 1-5 units that exceed the requirements of Section 4 above may receive the same density bonus as specified above, provided the development is approved by the Planning Board through the Special Permit process.
- (d) Any net increase in housing units through a density bonus shall not exceed 50% of the base number of units allowed under this Zoning Bylaw.

6. Submission Requirements and Procedures

- (a) Special Permit application, review and decision procedures shall be in accordance with this Zoning Bylaw and the Planning Board's rules and regulations. Additionally, the project must comply with the provisions of Article 4, Section 4000 and 4100.
- (b) Affordable and Community Housing units created in accordance with this bylaw shall use deed restrictions that require the units to remain income restricted in perpetuity or the longest period

allowed by law. Such restriction shall also grant the Town's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.

(c) No building permit shall be issued for any units in the development until the Planning Department receives evidence that the Affordable Housing restriction has been approved by DHCD, or the Community Housing restriction has been approved by Town Counsel.

(d) No certificate of occupancy shall be issued for any units in the development until the Planning Department receives evidence that the housing restriction has been executed and recorded at the Barnstable County Registry of Deeds.

7. Provisions Applicable to Affordable and Community Housing Units Located both On-Site and Off-Site

(a) Affordable and Community Housing units constructed under this by-law shall be situated within the development or off-site as approved by the Planning Board, so as not to be in less desirable locations than market rate units and shall, on average, be no less accessible to public amenities as market-rate units.

(b) Affordable and Community Housing units shall be integrated with the rest of the development or with the off-site location, and shall be comparable to and indistinguishable from market rate units in exterior design and interior features, appearance, construction and quality of materials, and energy efficiency.

(c) The number of bedrooms in each Affordable or Community Housing unit shall be made a part of the Special Permit and shall be based on local need as determined in consultation with the Community Housing Counsel for each project.

(d) Owners and tenants of Affordable and Community Housing units and market rate units shall have the same rights and privileges to access and use any of the development's amenities and facilities.

(e) The development of Affordable and Community Housing units shall take place at the same rate and timeframe as the development of market rate units.

(1) Building permits for any phase shall be issued at a ratio of 5 (five) market rate units to 1 (one) Affordable/Community Housing unit. Building permits for subsequent phases shall not be issued unless all the required Affordable/Community Housing units in the preceding phase are constructed and the deed restrictions recorded. The last unit permitted, constructed and occupied shall be a market rate unit.

(2) The project may also be constructed in its entirety with all permits issued at once, provided that the occupancy permits are issued at a ratio of 5 (five) market rate units to 1 (one) Affordable/Community Housing unit. The last certificate of occupancy to be issued shall be for a market rate unit and shall not be issued unless all Affordable/Community Housing units are occupied.

8. Distribution of Affordability

Distribution of affordability for rental or ownership units as Very Low, Low or Moderate Income Affordable Housing or Median or Middle Income Community Housing shall be determined by the Planning Board in consultation with the Community Housing Council and set as follows, being made a condition of the Special Permit under this Bylaw:

(a) When the number of the Town's SHI eligible affordable housing units is below 10%, the units created shall be Affordable Housing units, unless otherwise approved by the Planning Board if adequate justification is provided that the development of Affordable Housing units is not feasible

and it is beneficial to the Town that Community Housing units are provided instead, and the exception is made a part of the Special Permit.

- (b) When the number of the Town's SHI eligible affordable housing units is at or above 10%, it is encouraged that units created be Community Housing units.

9. Maximum Incomes and Selling Price; Affordable and Community Housing Inventory

Maximum incomes and sales prices and rents shall be as set forth in Article 1, Definitions, of this Zoning Bylaw.

10. Segmentation

Developments shall not be phased or segmented to avoid compliance with conditions or provisions of this bylaw. "Segmentation" shall mean development that cumulatively results in a net increase of dwelling units above the number existing 36 months earlier on any parcel or set of contiguous parcels held in common ownership or under common control on or after the effective date of this Section 4180.

11. Conflict with Other Bylaws

The provisions of this bylaw shall be considered supplemental of existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.

12. Severability

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of Provincetown's zoning bylaw.

And amending Article 6, Growth Management, Section 6500 as follows:

Section 6500 Table of Use Categories and Priorities

GENERAL USE CATEGORY 2

2. The non-affordable/~~community~~ housing components of project consisting of:

2a1 Multi-family dwellings projects that consist of 50%-99% affordable housing and/or community housing

2a2 Two-family dwellings projects that consist of 50%-99% affordable housing and/or community housing

2a3 Single-family dwelling projects that consist of 50%-99% affordable housing and/or community housing

2b1 Multi-family dwelling projects that consist of 33%-49.9% affordable housing and/or community housing

2b2 Two-family dwelling projects that consist of 33%-49.9% affordable housing and/or community housing

2b3 Single-family dwelling projects that consist of 33%-49.9% affordable housing and/or community housing

2d. Development that provides a deed restricted unit under the inclusionary housing requirement.

And deleting Article 4, Special Regulations, Section 4170 in its entirety:

4170 Change of Use/Non-Residential to Residential Use Conversions

1. Purpose and Intent

~~The purpose of this by-law is to establish special permit requirements for changes of use from commercial to residential use and to minimize adverse impacts on the community from such~~

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development. In addition, this by-law is intended to create additional affordable housing opportunities for Provincetown residents and to assist the Town in creating units eligible for inclusion in its Subsidized Housing Inventory.

2. Applicability

The following types of change of use shall require Special Permit authorization from the Zoning Board of Appeals as provided for in Article 5, Section 5300:

- (a) Any change of use from a non-residential use to a residential use of more than four dwelling units;
- (b) Any change of use from a boarding, lodging or tourist homes use, to a residential use of more than four dwelling units; and
- (c) Any change of use involving mixed use development that alters the existing mix of uses such that a predominantly non-residential development becomes a predominantly residential use of more than four dwelling units.

3. Requirements

The Zoning Board of Appeals, as a condition of any development referred to in Section 2(a)-(c) shall require that the applicant for special permit approval comply with the following requirements regardless whether other Special Permits or Variances are required:

- (a) Such change of use shall be authorized with a Special Permit from the Zoning Board of Appeals as provided for in Section 5300, which may require a Development Impact Statement as specified in Article 5, Section 5331.
- (b) The applicant shall obtain a finding of compliance with Title V of the State Sanitary Code, as determined by the Board of Health, with such compliance to be certified by a Registered Engineer.
- (c) Any such change of use resulting in the creation of five (5) or more dwelling units shall be required to provide Affordable Housing as defined in Article 1 of these By-laws and more fully described below in Section 4 Provision of Affordable Units.
- (d) The project must comply with the provisions of Article 4, Section 4100.
- (e) None of the above shall relieve the applicant of complying with other provisions of these By-Laws.

4. Provision of Affordable Units

Any special permit application for a change of use requiring an affordable housing provision pursuant to Section 3(c) above shall comply with the following requirements for affordable units. For the purpose of calculating the 20% affordable housing contribution, all numbers shall be rounded to the nearest whole number. At least 20% of the units created shall be established as affordable housing units and shall be constructed or rehabilitated on the locus subject to the special permit (see Section 5).

5. Provisions Applicable to Affordable Housing Units

- (a) Siting of affordable units. All affordable units constructed under this by-law shall be situated within the development so as not to be in less desirable locations than market rate units in the development and shall, on average, be no less accessible to public amenities as the market rate units.
- (b) Minimum design and construction for affordable units. Affordable housing units within market rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction and quality of materials with other units. Where feasible, interior features of affordable units shall comply in all respects to the minimum design and construction standards set forth in the Local Initiative Guidelines by the Department of Housing and Community Development (DHCD) November 2006, or as amended. There shall be a similar proportion of affordable and market rate units in developments with a mix of unit/bedroom sizes.
- (c) Timing of construction or provision of affordable units or lots. The development of affordable housing units shall take place at the same rate and timeframe as the development of market rate units.

~~1. Building permits for any phase shall be issued at a ratio of 4 (four) market rate units to 1 (one) affordable unit. Building permits for subsequent phases will not be issued unless all the required affordable units in the preceding phase are constructed. The last unit permitted and constructed shall be a market rate unit.~~

~~2. The project may also be constructed in its entirety with all permits issued at once provided that the occupancy permits are issued at a ratio of 4 (four) market rate units to 1 (one) affordable unit. The last occupancy permit to be issued shall be for a market rate unit.~~

~~**6. Distribution**~~

~~Distribution of affordability for rental or ownership units as Low Income Community Housing or Moderate Income Community Housing shall be set as determined by the ZBA in consultation with the Provincetown Community Housing Council.~~

~~**7. Maximum Incomes and Selling Price; Affordable Housing Inventory**~~

~~Maximum incomes and sales prices are set forth in Article 1 Definitions. It is intended that the affordable housing units created under this by-law be considered as Local Initiative Units or Local Action Units in compliance with DHCD requirements.~~

~~**8. Preservation of Affordability; Use Restrictions:**~~

~~(a) Affordable housing units created in accordance with this by-law shall use affordable housing restrictions that are recorded at the Barnstable County Registry of Deeds and that require the units to remain affordable in perpetuity. Such affordable housing restriction shall grant, among other things, the Town's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.~~

~~(b) The ZBA shall require, as a condition for special permit under this bylaw, that the applicant comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of the affordable housing restriction noted in Section 10(a) above. The Building Commissioner shall not issue an occupancy permit for any affordable unit until the affordable housing restriction is recorded.~~

~~**9. Segmentation** -- Developments may not be phased or segmented to avoid compliance with conditions or provisions of this by-law.~~

~~**10. Conflict with Other Bylaws**~~

~~The provisions of this bylaw shall be considered supplemental of existing zoning bylaws/ordinances. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.~~

~~**11. Severability**~~

~~If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of Provincetown's zoning bylaw.~~

And amending Article 4, Special Regulations, Section 4015 as follows:

4015. Site plan Review by Special Permit

a. The following developments shall require Site Plan Review by Special Permit by the Planning Board:

- (1) developments consisting of the aggregate of residential units that will result in sixfour or more residential units on any parcel;
- (2) developments consisting of more than 2,000 square feet of new commercial area;
- (3) development of properties consisting of an existing or proposed drive-through facility or raised loading dock;
- (4) development of commercial properties that have curb cuts greater than 25% of their existing or proposed street frontage;

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- (5). All new construction or additions or any excavation, land removal or earth moving of more than 750 cubic yards that will alter the topography from natural grade, whether or not subject to a building permit;
- b. The Planning Board may, at its discretion, require a surety to guarantee completion of the elements and conditions of plan approved by Site Plan Special Permit.

Or to take any other action relative thereto.

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

Definitions Article:

Article _____. Zoning Bylaw Amendment – Article 1 Definitions

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

Affordable and Community Housing: Dwelling units subject to Affordable and Community Housing deed restrictions for a term of perpetuity or the longest period allowed by law, that limits rental rates, limits eligibility for occupancy and purchase, and provides a right of first refusal to the Town of Provincetown, based on the Barnstable County median income as is periodically defined by United States Department of Housing and Urban Development adjusted for household size, as further defined below.

(a) **Extremely Low Income Affordable Community Housing**. Dwelling units, subject to an affordable housing restriction, for a term of perpetuity or the longest period allowed by law, that limits rental rates, limits eligibility for occupancy and purchase, and provides a right of first refusal to the Town of Provincetown. ~~Extremely Low Income Affordable Community Housing~~ units shall be available for rental at a cost (including utility allowances) not exceeding 30% of annual income for a household at or below 50% of the Barnstable County median income; or, available for ownership at a cost (including mortgage interest, principal, taxes, insurance and common charges if any, but excluding utilities) not exceeding 30% of annual income for a household at or below 50% of the Barnstable County median income. Occupancy shall be limited to households whose income is at or below 65% of Barnstable County median income.

(b) **LowModerate Income Affordable Community Housing**. Dwelling units, subject to an affordable housing restriction, for a term of perpetuity or the longest period allowed by law, that limits rental rates and resale prices, limits eligibility for occupancy and purchase, and provides a right of first refusal to the Town of Provincetown. ~~LowModerate Income Affordable Community Housing~~ units shall be

available for rental at a cost (including utility allowances) not exceeding 30% of annual income for a household at or below 65% of the Barnstable County median income; or, available for ownership at a cost (including mortgage interest, principal, taxes, insurance and common charges if any, but excluding utilities) not exceeding 30% of annual income for a household at or below 65% of the Barnstable County median income. Eligibility for occupancy shall be limited to households whose income is at or below 80% of Barnstable County median income.

(c) Moderate Income Affordable Housing. Moderate Income Affordable Housing units shall be available for rental at a cost (including utility allowances) not exceeding 30% of annual income for a household at or below 80% of the Barnstable County median income; or, available for ownership at a cost (including mortgage interest, principal, taxes, insurance and common charges if any, but excluding utilities) not exceeding 30% of annual income for a household at or below 80% of the Barnstable County median income. Eligibility for occupancy shall be limited to households whose income is at or below 100% of Barnstable County median income.

(d) Median Income Community Housing. Median Income Community Housing dwelling units shall be available for rental at a cost (including utility allowances) not exceeding 30% of annual income for a household at or below 120% of the Barnstable County median income; or, available for ownership at a cost (including mortgage interest, principal, taxes, insurance and common charges if any, but excluding utilities) not exceeding 30% of annual income for a household at or below 100% of the Barnstable County median income. Eligibility for occupancy shall be limited to households whose income is at or below 150% of Barnstable County median income.

(e) Middle Income Community Housing. Middle Income Community Housing dwelling units shall be available for rental at a cost (including utility allowances) not exceeding 30% of annual income for a household at or below 160% of the Barnstable County median income; or, available for ownership at a cost (including mortgage interest, principal, taxes, insurance and common charges if any, but excluding utilities) not exceeding 30% of annual income for a household at or below 160% of the Barnstable County median income. Eligibility for occupancy shall be limited to households whose income is at or below 180% of Barnstable County median income.

Affordable and Community Housing Permits: A permit granted by the Provincetown Community Housing Council ("PCHC") established by the vote under Article 12 of the April 7, 1997 Annual Town Meeting, or successor entity, for units of Affordable Housing and/or Community Housing in a project that requires a Growth Management Allocation Permit pursuant to Article 6, the Growth Management Bylaw. Criteria for approval of an Aaffordable Hhousing Ppermit and/or a Community Housing Permit

shall include an executed and acknowledged affordable housing restriction or, in the case of ownership unit(s) an executed and acknowledged covenant whereby the property owner agrees to convey the unit(s) subject to a certain affordable housing restriction attached as an exhibit to the covenant, in either case approved as to form by town counsel.

And to delete the definition of Community Housing in its entirety, as follows:

~~**Community Housing:** Dwelling units subject to community housing restrictions based on the Barnstable County median income as is periodically defined by United States Department of Housing and Urban Development adjusted for household size, as further defined below.~~

~~a) Median Income Community Housing. Dwelling units, subject to a housing restriction, for a term of perpetuity or the longest period allowed by law, that limits rental rates and resale prices, limits eligibility for occupancy or purchase, and provides a right of first refusal to the Town of Provincetown. Median Income Community Housing dwelling units shall be available for rental at a cost (including utility allowances) not exceeding 30% of annual income for a household at or below 80% of the Barnstable County median income; or, available for ownership at a cost (including mortgage interest, principal, taxes, insurance and common charges if any, but excluding utilities) not exceeding 30% of annual income for a household at or below 80% of the Barnstable County median income. Eligibility for occupancy shall be limited to households whose income is at or below 100% of Barnstable County median income."~~

~~b) Middle Income Community Housing. Dwelling units, subject to a housing restriction, for a term of perpetuity or the longest period allowed by law, that limits rental rates and resale prices, limits eligibility for occupancy or purchase, and provides a right of first refusal to the Town of Provincetown. Middle income community housing dwelling units shall be available for rental at a cost (including utility allowances) not exceeding 30% of annual income for a household at or below 120% of the Barnstable County median income; or, available for ownership at a cost (including mortgage interest, principal, taxes, insurance and common charges if any, but excluding utilities) not exceeding 30% of annual income for a household at or below 120% of the Barnstable County median income. Eligibility for occupancy shall be limited to households whose income is at or below 150% of Barnstable County median income.~~

And to delete the definition of Community Housing Permit in its entirety, as follows:

~~**Community Housing Permit:** A permit granted by the PCHC for units of Community Housing in a project that requires a Growth Management Allocation Permit pursuant to Article 6, the Growth~~

~~Management By law. Criteria for approval of a community housing permit shall include an executed and acknowledged housing restriction or, in the case of ownership unit(s) an executed and acknowledged covenant whereby the property owner agrees to convey the unit(s) subject to a certain housing restriction attached as an exhibit to the covenant, in either case approved as to form by town counsel.~~

Or to take any other action relative thereto.

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

John Golden, Chair
Posted: www.provincetown-ma.gov
The Banner: March 10, 2015 & March 17, 2015

16 February 2016

Mr. David Panagore, Town Manager
Town Hall, 260 Commercial Street
Provincetown, MA 02657
dpanagore@provincetown-ma.gov

Mr. Panagore:

I am writing to express my opposition to the proposed inclusionary zoning by-law, which I feel will not create the amount of quality affordable housing we need for our community, nor will it do so equitably.

I am an architect who is familiar with the many challenges of building in Provincetown, and I support the construction of new affordable housing (especially housing of the type that is most appropriate for those that are most in need). However, the town has already made several attempts to force the creation of affordable housing, and the efforts have only resulted in failed measures at Town Meetings and missed building opportunities. Consequently, very few affordable units have even been produced by these efforts. The Town must unify the entire community around a realistic comprehensive housing masterplan that delineates a viable plan for expanding affordable housing.

Zoning by-laws were created to regulate land, not create subsidies. Inclusionary Zoning has been attempted in many cities across the country, but it has only worked in limited areas, typically large cities. Many small towns are simply unable to adequately handle the complexities associated with organizing, investing, dispersing and managing the funds collected from Inclusionary Zoning. By-laws were not intended as a mechanism for monetizing affordable housing.

Provincetown's building fabric is composed of unusually small lots with buildings in close proximity to one another. Many houses in town already encroach into the required yard set-backs and exceed the maximum zoning standards for building mass, height, and open/green space. The result is that there is simply not sufficient land or space for expanding houses to include an even greater number of new units. The proposed zoning incentives for allowing more building square footage will only intensify the current problem of density and further overcrowd our neighborhoods.

I also feel, quite realistically, that in saddling developers and property owners with this added financial burden, the extra costs will most likely be passed down to future buyers, putting Provincetown even further out of reach for many. This would exacerbate, not relieve, the current situation in which the town is finding itself.

Lastly, I believe the proposed zoning by-law incorrectly imposes the greatest financial burden for affordable housing solely on a small group of property owners who want to create new housing units.

Instead, the effort should be a community-wide effort, where all of the expenses for affordable housing are equitably shared by the entire community – homeowners, businesses, and tourists alike.

Sincerely,

Peter Portney

39 Pearl Street, Provincetown

cc: Assistant Town Manager, David Gardner, dgardner@provincetown-ma.gov
Town Planner, Gloria McPherson, gmcpherson@provincetown-ma.gov
Housing Administer, Michelle Jarusiewicz, mjarusiewicz@provincetown-ma.gov

David Panagore, Town Manager
Town Hall Provincetown
260 Commercial Street
Provincetown, MA 02657

February 16, 2016

Dear Mr. Panagore,

We welcome you in your new role and look forward to meeting you sometime soon. We are long-time lovers of Provincetown and own a home in PTown. We would also like to thank you all for your service to our town.

We are writing in **opposition to the draft guidelines** for Inclusionary Zoning.

We are strong supporters of affordable housing, and know the town has considered many proposals to create more affordable units in the past. In our opinion, the proposed by-law will not succeed in creating new housing. Instead, the ordinance will penalize property owners for expanding the housing market thereby severely limit the growth of all new housing types, both market-rate and affordable. This will result in fewer units and even higher real estate prices, deepening the affordable housing problem we have in our community.

We also fear that this by-law will have a negative effect on the construction and trade industry, one of the few year-round job families that actually still exists in PTown. The town needs to economically encourage year-round jobs, not put in zoning guidelines that will likely restrict them.

Please reconsider this zoning ordinance and unite the entire community around a new plan that will equitably share the costs of affordable housing among the everyone who benefits from people who need affordable housing: businesses, tourists, homeowners and developers.

Thank you,

Michael Palmer & Scott Dolny
8 Pleasant Street
Provincetown

cc:

Mr. David Gardner, Assistant Town Manager, dgardner@provincetown-ma.gov

Ms. Gloria McPherson, Town Planner, gmcpherson@provincetown-ma.gov

Ms. Michelle Jarusiewicz, Housing Specialist mjarusiewicz@provincetown-ma.gov

Daniel A. Mullin
11 Commercial Street
Provincetown, Massachusetts

To: The Board of Zoning of Provincetown
Re: By-law for Inclusionary Zoning

Dear Board Members,

I am owner of 11 Commercial Street, Provincetown for 28 years and of homes earlier on Tremont Street and Commercial Street for a total of almost 40 years. As you can see I love Provincetown and have witness the changes that have occurred.

I am for creating affordable housing in our town. We need it. This plan however is WRONG. It discourages any building whether new construction or badly needed renovation of existing units in our town.

We need to create an atmosphere that is encouraging to investment of our infrastructure, and housing stock. There are many ways to create the much need affordable housing, this is not one.

If we look at successful examples in other communities I am sure you will be able to create an equally appropriate plan that will have the results we all want.

In closing I want to be on record that I am against this new proposed by law.

Sincerely,

Dan Mullin
2/14/2016



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, February 29, 2016

2

PUBLIC STATEMENTS ON THE WARRANT ARTICLES

Requested by: Board of Selectmen

Action Sought: Open

Proposed Motion(s)

Three (3) minutes maximum. Selectmen do not respond during Public Statements.

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



Provincetown Board of Selectmen
AGENDA ACTION REQUEST

Monday, February 29, 2016

3

SELECTMEN'S STATEMENTS

Requested by: Town Manager David Panagore

Action Sought: Discussion

Proposed Motion(s)

Motions may be made and votes may be taken.

Robert Anthony

Raphael Richter

Erik Yingling

Cheryl Andrews

Tom Donegan

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, February 29, 2016

4

ANNUAL AND SPECIAL TOWN MEETING WARRANT ARTICLES

Approve and Insert Articles into the Warrant

Requested by: Town Manager David Panagore

Action Sought: Discussion/Approval

Proposed Motion(s)

MOVE that the Board of Selectmen vote to approve Articles #___, #___, and #___ for the April 4, 2016, Annual and Special Town Meeting as presented by the Town Manager and to Insert said Articles into the April 4, 2016, Annual & Special Town Meeting Warrant forthwith.

Additional Information

The Warrant closes on Friday, March 4, 2016, at 11 A.M. See attached draft Warrant.

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

Town Warrant

Special Town Meeting – Monday, April 4, 2016

Commonwealth of Massachusetts Barnstable, ss.

To either of the Constables of the Town of Provincetown, Greetings:

In the Name of the Commonwealth of Massachusetts and in the manner prescribed in the Charter and Bylaws of said Town, you are hereby directed to notify the inhabitants of the Town qualified by law to vote in Town affairs to meet and assemble at **Provincetown Town Hall, 260 Commercial Street, on Monday the Fourth day of April, A.D. 2016 at 6 o'clock in the evening**, then and there to act on the following articles, to wit:

Article 1. FY 2016 Budget Adjustments.

To see what amendments the Town will vote to make to the Fiscal Year 2016 operating budgets established under Article 13 of the April 2015 Annual Town Meeting and what sums the Town will vote to raise and appropriate or transfer from available funds therefor; or to take any other action relative thereto.

[Requested by the Town Manager]

Article 2. FY 2016 Budget Adjustments to Fund 27th Pay Period.

To see what amendments the Town will vote to make to the Fiscal Year 2016 operating budgets established under Article 13 of the April 2015 Annual Town Meeting to fund the 27th payroll in FY 2016 and what sums the Town will vote to raise and appropriate or transfer from available funds therefor; or to take any other action relative thereto.

[Requested by the Town Manager]

Article 3. Transfer of Funds to Provincetown Television.

To see if the Town will vote to transfer \$86,095.94 from the Cable Reserve Fund to Provincetown Community Television to fund upgrades needed to the Town Hall video system and to fund the PTV Capital Reserve Fund for regular equipment maintenance and updates.

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

Article 4. National Marine Sanctuary Visitor Center in Provincetown

To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$17,000 to be expended under the direction of the Town Manager, for costs associated with the study to determine the feasibility of locating the National Marine Sanctuary Visitor Center in Provincetown; or to take any other action relative thereto.

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

Article 5. Parking Kiosk Upgrade. To see if the Town will vote to transfer \$85,000 from the Parking Fund to be expended under the direction of the Town Manager for the purchase and installation of eight replacement parking kiosks, and costs related thereto;
[Requested by the Town Manager]

Article 6. Provincetown 400 Executive Director. To see if the Town will vote to transfer \$49,150 from available funds to the Pilgrim's Landing First Park for the purpose of employing a part-time executive director for Provincetown 400, or to take any other action relative thereto.
[Requested by the Town Manager]

Article 7. Winslow Property To see what sum the Town will vote to ...
; or to take any other action relative thereto.
[Requested by the Town Manager]

Article 8. Rescind Unused Borrowing Authority. To see if the Town will vote to rescind the unused borrowing authority on the April 5, 2010 Special Town Meeting Article 5, North Union Field Land Acquisition.
[Requested by the Town Manager]

Article 9. Water Enterprise Capital Improvement Project. To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of \$800,000, to be expended under the direction of the Town Manager and the Board of Selectmen for water system capital improvements and associated studies and investigations including, but not limited to, Phase III Commercial Street reconstruction and including without limitation all costs incidental and related thereto; and for rehabilitation or reconstruction of the former Knowles Crossing pumping station and including without limitation all costs related thereto; and further, to authorize the Town Manager and the Board of Selectmen to take all actions necessary to carry out such projects and apply for, accept, and expend grant funds for such projects; or to take any other action relative thereto.
[Requested by the Town Manager]

**BOARD OF SELECTMEN
TOWN OF PROVINCETOWN**
Thomas Donegan, Chairman
Erik Yingling, Vice-Chairman
Cheryl Andrews
Robert Anthony
Raphael Richter

A TRUE COPY, ATTEST:
Douglas Johnstone
Town Clerk

Date of publishing: March 17, 2016

Town Warrant

Annual Town Meeting – Monday, April 4, 2016

Commonwealth of Massachusetts Barnstable, ss.

To either of the Constables of the Town of Provincetown, Greetings:

In the Name of the Commonwealth of Massachusetts and in the manner prescribed in the Charter and Bylaws of said Town, you are hereby directed to notify the inhabitants of the Town qualified bylaw to vote in Town affairs to meet and assemble at **Provincetown Town Hall, 260 Commercial Street, on Monday the Sixth day of April, A.D. 2016 at 6 o'clock in the evening**, then and there to act on the following articles, to wit:

Article 1. To Hear Town Reports. To see if the Town will vote to hear the reports of the Town Officials and Committees and to act thereon.

[Requested by the Board of Selectmen]

CONSENT AGENDA - The consent agenda is a meeting practice which groups routine and other non-controversial articles not necessarily requiring discussion or independent vote as separate articles. Using a consent agenda can save precious time by allowing Town Meeting to approve this 'package' of articles together in one motion. Articles under the consent agenda can only be grouped together if the Town Meeting body agrees. If a voter selects a specific article for discussion, it must be removed and placed on the regular agenda for discussion and separate vote by the Town Meeting body.

The Consent Agenda for the Annual Town Meeting includes Articles 2 through 8.

Article 2. Cape Cod Greenhead Fly Control District Assessment. To see if the Town will vote to raise and appropriate \$1,438.75 for Greenhead Fly Control as authorized by Section 24, Chapter 252 of the General Laws; and authorize the Town Treasurer to pay said appropriation into the State Treasury, or to take any other action relative thereto.

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

Article 3. Amendments to Personnel Bylaw/Classification and Compensation Plan.

To see if the Town will vote to amend Schedules A, B and C of the Town's Classification and Compensation Plan as follows:

Schedule A: To amend Schedule A, "Permanent Full and Part-time Non-Union Positions," of the Classification and Compensation Plan of the Town, effective July 1, 2016, by replacing the existing compensation plan with the following new compensation plan as adopted by the Personnel Board:

<u>Grade</u>	<u>Compensation Range</u>		<u>Position</u>
<u>Level</u>	<u>FY 2016</u>	<u>FY 2017</u>	
			Town Manager [exempt MGL C.41,§108N]
			Chief of Police [exempt MGL C.41,§108O]

13	\$87,185-\$108,403	\$88,057-\$109,487	DPW Director
12	\$81,096-\$100,828	\$81,906-\$101,837	Assistant Town Manager Finance Director
11	\$75,430 - \$93,805	\$76,185-\$94,743	Building Commissioner MIS Director Water Superintendent
10	\$70,168 - \$87,228	\$70,870-\$88,100	DPW Deputy Director Principal Assessor Staff Lieutenant
9	\$65,267 - \$81,180	\$65,919-\$81,992	DPW Operations Director Health & Environment Manager Library Director Town Clerk Town Planner
8	\$60,705 - \$75,494	\$61,312-\$76,249	Tourism Director MIS Analyst COA Director Town Collector Town Treasurer
7	\$56,461 - \$70,189	\$57,026-\$70,891	Recreation Director
6	\$52,515 - \$65,352	\$53,040-\$66,965	Exec. Assistant to Town Manager Local Building Inspector Conservation Agent Health Agent
5	\$48,844 - \$60,747	\$49,832-\$61,355	Payroll and Employee Benefits Manager Secretary to the Board of Selectmen Exec. Assistant to Police Chief Parking Administrator MIS Technician
4	\$45,428 - \$56,461	\$45,882-\$57,026	Licensing Agent Library Marketing & Program Director Library Member Services Coordinator Permit Coordinator
3	\$42,266 - \$52,578	\$42,689-\$53,104	COA Outreach Coordinator Principal Accounting Clerk
2	\$39,317 - \$48,886	\$39,710-\$49,375	Assistant Tourism Director
1	\$36,580 - \$45,470	\$36,949-\$45,925	no positions assigned

Schedule B: To amend Schedule B, "Fire Department Positions," effective July 1, 2016, as requested by the Board of Fire Engineers, as follows:

Annual Stipends for Reimbursement of Expenses

Position:	Current:	Proposed:
1 st Deputy Fire Chief	\$10,000	\$12,500
2 nd Deputy Fire Chief	\$8,000	\$9,000
District Fire Chief/Engineer	\$2,200	\$3,000
Firefighter	\$800	\$800

Fire Auxiliary	\$400	\$400
Fire Captain	\$750	\$1,000
Fire Lieutenant	\$500	\$500
Engine Steward	\$880	\$880
Station Steward	\$1,100	\$1,100
Ladder Steward	\$1,300	\$1,300
LaFrance Steward	\$500	\$500
Oil Inspector	\$1,747	\$1,747
Rescue Steward	\$3,000	\$3,600
Rescue Captain	\$2,200	\$3,000
Rescue Lieutenant	\$1,450	\$1,500
Rescue Training Officer	\$1,650	\$3,000
Radio Officer	\$550	\$550
Air Officer	\$1,000	\$1,000
Summer Standby Coordinator	\$2,500	\$3,500
Infection Control Officer	\$800	\$800
<i>Annual Salary:</i>		
Fire Chief	\$45,000	\$45,000
<i>Non-Firefighter Positions</i>		
First Responders	\$25.00/hr	\$25.00/hr
EMT-Basic	\$23.99/hr	\$24.71/hr
EMT-Intermediate	\$25.82/hr	\$26.60/hr
EMT-Paramedic	\$28.27/hr	\$29.12/hr
Standby	\$25.00/hr	\$25.00/hr
Safety Inspections	\$20.00/hr	\$20.00/hr
Rescue Squad Participation (per quarter)	\$250	\$250

Schedule C To amend Schedule C, "Seasonal and Part-time Non-Union Positions," effective July 1, 2016, as follows:

<u>Grade</u>	<u>Actual FY 2016</u>	<u>Proposed FY 2017</u>	<u>Proposed Position Classifications</u>
N	\$19.53	\$19.92	Police Summer/On-call Dispatcher
M	\$18.96	\$19.33	No Positions Assigned
L	\$18.43	\$18.79	Parking Lot Technical Manager Property Inspector (Assessors)
K	17.91	18.26	Assistant Harbormaster with police powers Police Officer, Summer/Auxiliary
J	17.39	17.73	No Positions Assigned
I	17.06	17.40	Parking Meter Collection/Repair On-call van Driver
H	16.56	16.89	Police Matron
G	16.25	16.57	No Positions Assigned
F	15.78	16.09	Assistant Harbormaster w/o police powers COA Program Coordinator Parking and Traffic Officers

			Parking Lot Assistant Technical Manager
			Parking Meter Enforcement
			Part-time Clerical
			Secretary, On-call Relief
			Transfer Station Laborer
E	15.49	15.79	Part-time Library Circulation Aide
D	15.04	15.34	On-call Library Circulation Aide
			Parking Lot Attendant/Out-booth/Floater
C	14.60	14.89	Barrels & Grounds Laborer
			Restroom/Building Custodian
			Seasonal Recreation Supervisor
B	14.33	14.61	<i>No Positions Assigned</i>
A	14.10	14.38	Parking Lot Attendant/In-booth
			Seasonal Recreation Aides

or to take any other action relative thereto.

[Requested by the Personnel Board and the Town Manager]

Article 4. Expenditures from the Tourism Fund. To see if the Town will vote to transfer from the Tourism Fund the sum of \$665,000 to be expended under the direction of the Board of Selectmen and the Visitor Services Board to fund the following expenditures which market, beautify or enhance tourism in Provincetown pursuant to Chapter 178 of the Acts of 1996:

1. \$130,000 for coordination/support of the Visitor Service Board and the Tourism Department, and costs related thereto;
2. \$335,000 for marketing, and costs related thereto;
3. \$40,000 for municipal projects, and costs related thereto;
4. \$150,000 for tourism grants, and costs related thereto;
5. \$10,000 for Beautification Committee, and costs related thereto;

or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Visitor Services Board]

Article 5. FY 2017 Human Services Grant Program. To see if the Town will vote to raise and appropriate the sum of \$79,775 to be expended under the direction of the Board of Selectmen, to fund grants to assist nonprofit agencies and organizations to maximize available resources to meet needs identified by the community by providing services to local residents, particularly those of low and moderate income and those who are uninsured or underinsured, as follows:

AIDS Support Group of Cape Cod	\$9,000
Alzheimer's Family Caregiver Support	6,000
Cape Cod Children's Place	5,500
Consumer Assistance Council	550
Gosnold on Cape Cod	14,500
Helping Our Women	8,000
Homeless Prevention Council	6,000
Independence House	5,500
Lower Cape Outreach Council, Inc.	6,500

Mass-A-Peal	625
Outer Cape Health Services	10,000
Sight Loss Services, Inc.	600
Soup Kitchen in Provincetown	7,000
Total	\$79,775

or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Human Services Committee]

Article 6. Fireworks Celebration. To see if the Town will vote to raise and appropriate the sum of \$32,000 to be expended under the direction of the Town Manager for costs associated with the July 4th and New Year's fireworks display, or to take any other action relative thereto.

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

Article 7. Room Occupancy Tax: A Home Rule Petition. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation applying the local room occupancy tax to seasonal rentals as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to 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.

AN ACT APPROVING THE APPLICATION BY
THE TOWN OF PROVINCETOWN
OF THE LOCAL OPTION ROOM OCCUPANCY EXCISE TO
SEASONAL RENTAL PROPERTIES IN THE TOWN OF PROVINCETOWN

Section 1. Notwithstanding the provisions of any general or special law to the contrary, in addition to the authority to impose a local excise tax upon any transfer of occupancy of any room or rooms as may be set forth in and authorized by Chapter 64G Section 3A of the Massachusetts General Laws or other law, as the same may be amended from time to time, the Town of Provincetown shall, commencing on the first day of the fiscal year that begins after the effective date of this Act, be authorized to impose a local excise tax upon the transfer of occupancy of any room in a seasonal rental property or other transient accommodations located within said Town by any operator at the rate of up to but not exceeding six (6) percent of the total amount of rent of each such occupancy.

Section 2. For the purposes of this chapter, all terms used herein shall, unless the context requires otherwise, have the same meanings as set forth in Chapter 64G Section 1 of the Massachusetts General Laws and as follows:

"Occupancy", the use or possession, or the right to the use or possession, of any room or rooms in a bed and breakfast establishment, bed and breakfast home, hotel, lodging house, motel, seasonal rental property or other transient accommodation designed and normally used for sleeping and living purposes, or the right to the use or possession of the furnishings or the services and accommodations, including breakfast in a bed and breakfast establishment or bed and breakfast home, accompanying the use and possession of such room or rooms, for a period of ninety

consecutive calendar days or less, regardless of whether such use and possession is as a lessee, tenant, guest or licensee.

“Seasonal rental property or other transient accommodations” shall mean any bed and breakfast home, as defined by Chapter 64G Section 1 of the Massachusetts General Laws and any residential or commercial dwelling, dwelling unit or part thereof, unit of a condominium as defined by Chapter 183A of the Massachusetts General Laws or time-share as defined by Chapter 183B of the Massachusetts General Laws, used for the lodging of guests or invitees in exchange for rent.

Section 3. No excise shall be imposed upon for the transfer of occupancy of any room in a seasonal rental property or other transient accommodations if the total amount of rent is less than fifteen dollars per day or its equivalent or if the accommodation, other than a bed and breakfast home, is exempt under the provisions of Chapter 64G Section 2 of the Massachusetts General Laws.

Section 4. All operators of seasonal rental property or other transient accommodations shall be responsible for assessing, collecting, reporting and paying such local excise tax as set forth in Chapter 64G Sections 3, 4, 5, 6 and 7A of the Massachusetts General Laws and shall be liable in the same manner as operators in Chapter 64G Section 7B of the Massachusetts General Laws.

Section 5. 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]

Article 8. 0.5% Real Estate Transfer Fee: A Home Rule Petition. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Town to impose a 0.5% Real Estate Transfer Fee as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to 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.

AN ACT AUTHORIZING
THE TOWN OF PROVINCETOWN
TO IMPOSE A 0.5% REAL ESTATE TRANSFER FEE.

Section 1. There is hereby imposed a Real Estate Transfer Fee equal to 0.5% (half percent, ½%) of the purchase price upon the transfer of any real property interest in any real property situated in the Town of Provincetown. Said fee shall be the liability of the purchaser of such property interest, and any agreement between the purchaser and the seller or any other person with reference to the allocation of the responsibility for bearing said fee shall not affect such liability of the purchaser. The fee shall be paid to the Town of Provincetown. The first \$250,000 collected in each fiscal year shall be deposited in the Town's Capital Improvement Stabilization Fund. The remaining funds collected each fiscal year shall be deposited into the Town's General Fund.

Section 2. The following transfers of real property interests shall be exempt from the Real Estate Transfer Fee:

- A. First time homebuyers who live in the home for at least 5 years. A lien shall accompany the deed stating that "There is running with the land a lien equal to the amount of fee exempted, plus accumulated interest and penalties until such time as all conditions of this sub-section are met."
- B. Transfers to the Government of the U.S., The Commonwealth, the Town of Provincetown and any of their instrumentalities, agencies or sub-divisions, such as the Provincetown Housing Authority.
- C. Transfers made without additional consideration to confirm, correct, modify or supplement a transfer previously made.
- D. Transfers of convenience with consideration under \$100 which include: name change, into trusts, out of trust, etc.
- E. Transfers to any charitable organization as defined in Clause Third of Section Five of Chapter 59 of the General Laws or any religious organization providing that the real property interests so transferred will be held solely for public charitable or religious purposes.
- F. Transfers between family members, marriage partners, parents and children, grandchildren, stepparents and stepchildren, brothers and sisters.

Section 3.

- A. The fee imposed shall be due at the time of the transfer of the real property interest.
- B. The buyer shall pay interest on any unpaid amount of the fee at the rate the Town collects on unpaid Real Estate Taxes.
- C. The Town shall notify a buyer by Registered or Certified Mail of any failure to discharge the amount in full of fee due.
- D. All fees and interest required to be paid under this Act shall constitute a personal debt of the buyer and may be recovered in an action of contract.

Section 4. This Act shall take effect on passage; or to take any other action relative thereto.

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

REGULAR AGENDA

Article 9. FY 2017 Operating Budget. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$23,954,057 to fund operating budgets for the several Town departments for Fiscal Year 2017 in accordance with Chapter 9, Section 1 of the Provincetown Charter, as follows:

Budget Divisions	FY 2016	FY 2017	16-17%
I. General Government	\$1,026,913	\$1,130,653	+10.1%
II. Finance	9,731,389	10,068,853	+3.5%
III. Public Safety	5,293,164	5,655,805	+6.8%
IV. Public Works	3,314,835	3,403,781	+2.7%
V. Public Services	841,932	855,056	+1.6%

Sub-total, I-V	\$20,208,233	\$21,114,148	+4.5%
VI. Public Schools	3,709,002	3,718,791	+0.3%
Total, I-VI	\$23,917,235	\$24,832,939	+3.8%

or to take any other action relative thereto.

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

Article 10. FY 2017 Cape Cod Regional Technical High School Assessment.

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the Town of Provincetown's assessment for the CCRTHS FY2017 operating budget; or to take any other action relative thereto.

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

Article 11. FY 2017 Enterprise Funds. To see if the Town will vote to raise and appropriate or transfer from available funds the following amounts for enterprise funds of the Town of Provincetown for Fiscal Year 2016:

6001 Water Enterprise Fund	FY 2016	FY 2017	16-17%
Enterprise Fund Costs	\$2,127,196	\$2,194,720	
General Fund Costs	<u>327,717</u>	<u>327,717</u>	
TOTAL COSTS	\$2,454,913	\$2,522,437	2.8%
<hr/>			
6002 Wastewater Enterprise Fund	FY 2016	FY 2016	16-17%
Enterprise Fund Costs	\$3,822,773	\$4,335,406	
General Fund Costs	<u>139,345</u>	<u>139,345</u>	
TOTAL COSTS	\$3,962,118	\$4,474,751	12.9%

or to take any other action relative thereto.

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

Article 12. General Bylaw Amendment: Stipend for Selectmen.

5-1-4. Stipend for Selectmen. Each member of the Board of Selectmen shall receive an annual stipend of ~~one thousand dollars.~~ \$2000, except the Chair who shall receive \$2500.

[Requested by the Board of Selectmen]

Article 13. General Bylaw Amendment: Non-Criminal Disposition of Pier Corporation Regulations. (*Deletions shown in strike through and new text shown as underlined*)

To see if the Town will vote to amend the Provincetown General Bylaws by amending §2-3-1-1 to read as follows:

2-3-1-1. Any rule or regulation of the Provincetown Public Pier Corporation duly enacted as of ~~April 2, 2015~~ April 1, 2016 shall be deemed a regulation of the Board of Selectmen. Violation of such rules or regulations may be enforced by any available means in law or equity, including but not limited to non-criminal disposition pursuant to G.L. c.40, §21D, and Sections 2-3-1 through 2-3-3 of the General Bylaws. For the purposes of this bylaw, the following officials shall be enforcing persons: the Harbormaster and his designees and any police officer of the Town of Provincetown.

2-3-2-1. Violations of the Provincetown Public Pier Corporation Regulations in Effect on ~~April 2, 2015~~ April 1, 2016 (attached as Appendix 1 to Schedule A): 1st offense, \$100.00; 2nd offense, \$200.00; 3rd and subsequent offenses, \$300.00; or to take any other action relative thereto.

[Requested by the Provincetown Public Pier Corporation]

Alternate article ?? (to avoid the annual vote)

To see if the Town will vote to amend the Provincetown General Bylaws by amending §2-3-1-1 to read as follows:

2-3-1-1. Any rule or regulation of the Provincetown Public Pier Corporation duly enacted as of ~~April 2, 2015~~ shall be deemed a regulation of the Board of Selectmen. Violation of such rules or regulations may be enforced by any available means in law or equity, including but not limited to non-criminal disposition pursuant to G.L. c.40, §21D, and Sections 2-3-1 through 2-3-3 of the General Bylaws. For the purposes of this bylaw, the following officials shall be enforcing persons: the Harbormaster and his designees and any police officer of the Town of Provincetown.

2-3-2-1. Violations of the Provincetown Public Pier Corporation Regulations in Effect on ~~April 2, 2015~~ (attached as Appendix 1 to Schedule A): 1st offense, \$100.00; 2nd offense, \$200.00; 3rd and subsequent offenses, \$300.00; or to take any other action relative thereto.

[Requested by Provincetown Public Pier Corporation]

Article 14. *FY 2017 Revolving Accounts.* To see if the Town will vote to continue for FY 2017 the following revolving accounts established pursuant to MGL C.44, §53E½:

1. Preservation of Town Hall Auditorium: To allow receipts from the rental and custodial fees charged for the public use of Town Hall Auditorium to be segregated into a special account; and with funds therefrom, up to a limit of \$50,000 annually, to be expended for the repair, updating, refurbishing, operations and maintenance of the Town Hall Auditorium under the direction of the Town Manager and the Board of Selectmen;
2. Shellfish Grants: To allow receipts from Shellfish Grants to be segregated into a special account; and with funds therefrom, up to a limit of \$2,500 annually, to be expended under the direction of the Shellfish Warden and the Board of Selectmen for the purpose of shellfish seeding and cultivation on public shellfish areas;
3. B-Street Garden: To allow receipts from the annual community garden membership fees charged for the public use of the community garden to be segregated into a special account; and with funds therefrom, up to a limit of \$2,500 annually, to be expended for the repair, updating and maintenance of the B-Street Garden under the direction of the Town Manager and the Conservation Commission;
4. Fuel Reimbursement: To allow receipts from the sale of fuel to be segregated into a special account; and with funds therefrom, up to a limit of \$125,000 annually, to be

expended for the purchase of fuel under the direction of the Town Manager and the Director of Public Works;

5. Council on Aging Transportation: To allow receipts from donations to be segregated into a special account; and with funds therefrom, up to a limit of \$10,000 annually, to be expended for the transportation cost under the direction of the Town Manager and the Director of the Council on Aging;
 6. Affordable Housing: To allow fees received by the Town from the sale and resale of affordable housing dwellings, fees paid for monitoring services provided by the Town, fees paid to ensure compliance with affordable housing restrictions and agreements and donations earmarked for affordable housing purposes to be segregated into a special account; and with funds therefrom, up to a limit of \$10,000 annually to be expended for costs associated with the administration, management and support of affordable housing in the Town, including, without limitation, cost of marketing and conducting lotteries under the direction of the Town Manager and the Housing Specialist;
 7. Facilities and Grounds Rental Revolving Account: To allow receipts from the rental and custodial fees charged for the public use of Town-owned facilities and grounds to be segregated into a special account; and with funds therefrom, up to a limit of \$10,000 annually, for janitorial hired staffing and other costs related to rental costs under the direction of the Town Manager;
- or to take any other action relative thereto.

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

Article 15. Community Preservation Budget for FY 2017. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2016 Community Preservation Budget, to appropriate or reserve for future spending the following amounts as recommended by the Community Preservation Committee, with each item considered a separate appropriation:

1. Reserves: Part 1
 - A. \$74,796 for Open Space
 - B. \$349,796 for Community Housing;
 - C. \$74,796 for Historic Resources
2. Debt Service Appropriations: Part 2
 - A. \$224,550 for Community Housing debt service;
 - B. \$53,312 for Open Space debt service;
 - C. \$166,192 for Historic Preservation debt service;
3. Grant Requests Appropriations: Part 3
 - A. Recreation Department: Veterans Memorial Community Center Playground Shade Project \$32,000 for the installation of shade structures at the VMCC playground to cover portions of playground equipment and picnic area;
 - B. Cemetery Commission: \$40,000 for the implementation of the Preservation Plan stone conservation of priority stones at the Alden Street Cemetery;
 - C. School Department: Phase 2 - \$40,000 for the historic painting and refinishing of walls, ceiling, and woodwork in the school auditorium;
 - D. Housing Authority: \$60,000 for expansion planning & design at Maushope property;

- E. Community Housing Office: \$117,982 for the Housing Office including full-time Housing Specialist for 35 hours as housing specialist and 5 hours per week for CPA administration along with pro-rated benefits and some expenses;

or to take any other action relative thereto.

[Requested by the Community Preservation Committee]

Article 16. FY 2017 Capital Improvements Program. To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds the following sums to defray the costs of the Fiscal Year 2017 Capital Improvements Program submitted in accordance with Chapter 9, Section 2 of the Provincetown Charter as follows, provided that one or more of the appropriations listed below shall be contingent on a Proposition 2½ Capital Outlay or Debt Exclusion ballot question:

1. MIS Relocation and Server Replacement - \$75,000 to be expended under the direction of the Town Manager and the Management Information Systems (MIS) Director for the relocation of the MIS department from Town Hall to the Veterans Memorial Community Center and the purchase of hardware and/or software upgrades for the purpose of replacing several town servers, and costs related thereto;
2. Police Fleet Upgrade Plan - \$42,300 to be expended under the direction of the Town Manager and the Chief of Police for the purchase of one police vehicle, and costs related thereto;
3. Police Radio System Replacement - \$293,528 to be expended under the direction of the Town Manager and the Chief of Police for the replacement and upgrade of the Police radio system from analog to digital, and costs related thereto;
4. Fire and Rescue Radio System Replacement - \$122,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement and upgrade of the Fire and Rescue radios, and costs related thereto;
5. Fire and Rescue Radio/Paging System Replacement - \$50,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement and upgrade of the Fire and Rescue radio/paging system, and costs related thereto;
6. Fire and Rescue Purchase Thermal Imagers - \$25,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the purchase of two replacement thermal imagers, and costs related thereto;
7. Fire and Rescue Purchase Power Stretchers - \$45,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the purchase of two new power stretchers, and costs related thereto;
8. DPW Street and Sidewalk Maintenance and Repair - \$50,000 to be expended under the direction of the Town Manager and the Director of Public Works for maintenance and repair of streets and sidewalks, and costs related thereto;
9. Storm Water Management - \$100,000 to be expended under the direction of the Town Manager and the Director of Public Works to be used for ongoing improvements to the Town's drainage system in conjunction with making application for various grants which may become available, and costs related thereto;
10. Roadway Paving Plan - \$200,000 to be expended under the direction of the Town Manager and the Director of Public Works to continue additional roadway maintenance as outlined in the Town-wide paving plan, and costs related thereto;

11. Shank Painter Road Concept Development and Preliminary Design Phase - \$131,700 to be expended under the direction of the Town Manager and the Director of Public Works to fund concept development and preliminary design for the rehabilitation of Shank Painter Road, and costs related thereto;
 12. Public Works Fleet Replacement - \$300,000 to be expended under the direction of the Town Manager and the Director of Public Works for the purchase of a replacement street sweeper, and costs related thereto;
 13. Public Works Building Maintenance - \$55,000 to be expended under the direction of the Town Manager and the Director of Public Works for the replacement of the Freeman Street Building roof and window repairs at the Provincetown Public Library, and costs related thereto;
 14. Use of Parking Funds to Upgrade AIMS Software - \$50,000 from the Parking Fund to be expended under the direction of the Town Manager for the upgrade of the AIMS parking system software, and costs related thereto;
 15. Commercial Street Paving - \$800,000 to be expended under the direction of the Town Manager and the Director of Public Works to continue the re-paving of Commercial Street and additional roadway maintenance as outlined in the Town wide paving plan, and costs related thereto;
 16. Ryder Street Outfall Improvement - \$525,000 to be expended under the direction of the Town Manager and the Director of Public Works as the Town's 25% match to the FEMA Hazard Mitigation Program grant for the improvement to the Ryder Street outfall, and costs related thereto;
- or to take any other action relative thereto.

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

Article 17. Alter Layout of Harry Kemp Way and Authorize Conveyance of the Discontinued Portion- 34A Pearl St

To see if the Town will vote to accept the altered layout of Harry Kemp Way as a public way to exclude from the layout of said way the parcel of land shown as "Excluded Portion Parcel 1 Area = 690± Sq.Ft." on a plan entitled "Plan of Land in Provincetown As Surveyed for Jeffrey D. Mulliken and Elbert Ruff, dated December, 2015, prepared by William N. Rogers, Professional Civil Engineers & Land Surveyors, on file with the Town Clerk, and to transfer the care, custody, management and control of the aforesaid discontinued parcel from the Board of Selectmen for public way purposes to the Board of Selectmen for general municipal purposes and for the purpose of conveyance, and further to authorize the Board of Selectmen to convey said discontinued parcel of land on such terms and conditions and for such consideration, which may be nominal consideration, as the Selectmen deem appropriate; or take any other action relative thereto.

[Requested by the Board of Selectmen]

Article 18. Home Rule Petition: Expanding Residential Property Exemption. To see if the Town will vote to petition the General Court to enact a special act of the Town of Provincetown the text of which is set forth below, and that the General Court be authorized with the approval of the Board of Selectmen, to make constructive changes in the text

thereof as may be necessary or advisable in order to accomplish the intent of this legislation in order to secure its passage, as follows:

**AN ACT INCREASING THE EXEMPTION FOR RESIDENTIAL PROPERTY
IN THE TOWN OF PROVINCETOWN**

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. Notwithstanding Section 5C of Chapter 59 of the General Laws or any other general or special law to the contrary, with respect to each parcel of real property classified as Class One, residential, in the Town of Provincetown as certified by the commissioner of revenue to be assessing all local property at its full and fair cash valuation, and with the approval of the Board of Selectmen, there shall be an exemption equal to not more than 20 percent of the average assessed value of all Class One residential parcels within the Town; provided, however, that the exemption shall be applied only to (1) the principal residence of the taxpayer as used by the taxpayer for income tax purposes, and (2) a residential parcel occupied by a registered voter of the Town of Provincetown, other than the taxpayer, occupied on a year-round basis and used as his or her principal residence for income tax purposes. This exemption shall be in addition to any exemptions allowable under Section 5 of said Chapter 59; provided, however, that the taxable valuation of the property, after all applicable exemptions, shall not be reduced to below 10 per cent of its full and fair cash valuation, except through the applicability of Section 8A of Chapter 58 of the General Laws and clause Eighteenth of said Section 5 of said Chapter 59. Where, pursuant to said Section 5 of said Chapter 59, the exemption is based upon an amount of tax rather than on valuation, the reduction of taxable valuation for the purposes of the preceding sentence shall be computed by dividing the amount of tax by the residential class tax rate of the Town and multiplying the result by \$1,000. For the purposes of this paragraph, "parcel" shall mean a unit of real property as defined by the Board of Assessors of the Town in accordance with the deed for the property and shall include a condominium unit.

SECTION 2. A taxpayer aggrieved by the failure to receive the residential exemption authorized under this act may apply for the residential exemption to the Board of assessors of the Town of Provincetown in writing on a form approved by the Board within three months after the date on which the bill or notice of assessment was sent. For the purposes of this act, a timely application filed under this section shall be treated as a timely filed application pursuant to Section 59 of Chapter 59 of the General Laws.

SECTION 3. This act shall take effect as of July 1, 2017, and shall apply to taxes levied for fiscal years beginning on or after July 1, 2017; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Article 19. General Bylaw Amendment: Chapter 15. Local Historic District Regulations 15-11- 12. SIDING.

To see if the Town will vote to amend the Provincetown General Bylaws by amending section 15-11-12 as follows:

12. SIDING. Clapboards, cedar shingles, board and batten, and flush board siding are the predominant exterior siding materials for Provincetown commercial and residential buildings. Fiber cement board clapboards siding is considered an appropriate siding material and should be encouraged to improve fire rating on walls where structures are closer than 9 feet apart. Fiber cement board shingles and other synthetic siding will be approved on a case-by-case basis when its use will not detract from the architectural features of the building. or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Article 20. General Bylaw Amendment: Chapter 15 Local Historic District Regulations - 15-9. Solar Exclusions.

To see if the Town will vote to amend the Provincetown General Bylaws by amending Section 15-9 as following:

15-9. Exclusions.

15-9-1 Categorical Exclusions: The Commission shall exclude from its purview the following:

15-9-1-1 Maintenance and repairs that do not alter or replace material as defined in Section 9.2.

15-9-1-2 The color of paint.

15-9-1-3 Exterior lighting.

15-9-1-4 Gutters and downspouts.

15-9-1-5 Signage.

15-9-1-6 Storm windows and window air conditioners.

15-9-1-7 Satellite antennae or similar equipment, provided they are located to minimize visibility from a Public Way.

15-9-1-8 Temporary Buildings or Structures subject, however, to conditions pertaining to the duration of existence and use, as the Commission may reasonably specify.

15-9-1-9 Terraces, walks, sidewalks and similar structures, provided that any such Structure is substantially at grade level.

15-9-1-10 Flagpoles, sculpture, mailboxes (freestanding or attached), window boxes, house numbers, and garden furniture.

15-9-1-11 Buildings that are less than 50 years old are exempt from review, with the following conditions: Alterations which affect more than 25% of a façade must comply with the Guidelines. Additions which increase such Building by more than 25% must conform with Guideline 15 New Construction and Additions.

15-9-1-12 Piers/Wharves: Additions and alterations to piers and wharves, including all mechanical and maritime-related Structures and equipment, are exempt from review.

15-9-1-13 Cemeteries: All cemetery Structures are exempt except Buildings and fences. Plant material and trees.

15-9-1-14 Solar Panels, provided that (1) panels are low profile and mounted no higher than 3 inches above the roof surface, (2) panels are set back from the edge of the roof, (3) the array is parallel to the edges of the roof, without sawtooth edges, and (4) the panel frames and cells, pipes, and wires are dark or match the surrounding roof in color; otherwise, an administrative review shall be required.

or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Article 21. General Bylaw Amendment: Chapter 11. Building Regulations – Demolition Delay Bylaw

To see if the Town will vote to amend the Provincetown General Bylaws by amending Section 11-1-5 as follows:

General Bylaw Section 11-1-5-3. Procedure.

3.1 No permit for the demolition of a building shall be issued other than in conformity with the provisions of this bylaw as well as in conformity with provisions of other laws applicable to the demolition of buildings.

3.2 When an application is made for a demolition permit from the Town, the Department of Regulatory Management shall deliver a copy of said application to the Commission.

3.3 The Commission, within ~~seven (7) business~~ thirty (30) days of the receipt of the application, ~~shall hold a public hearing to determine the significance of the building, and whether the demotion of the building would be detrimental to the historical, cultural or architectural heritage of the Town. The Commission shall notify the applicant, the Building Official and the Town Clerk within ten(10) days from the close of the public hearing of their determination.~~ shall determine the significance of said building. When said building is determined to be a significant building, in accordance with the criteria set forth in Section 2.6, the Commission shall notify, in writing, the Building Official, the Town Clerk, and by certified mail to the owner of record as indicated on the application.

3.4 ~~The Commission shall hold a public hearing on said significant building application within thirty (30) days after the date it is filed with the Town Clerk and shall give notice thereof in the manner set forth for applications to the Commission.~~

3.5 ~~The Commission shall notify the applicant, the Building Official and the Town Clerk within ten(10) days from the close of the public hearing.~~

3.4 If the Commission determines that the demolition of the significant building would not be detrimental to the historical, cultural or architectural heritage of the Town. The Building Official may, subject to requirements of the State Building Code and any other applicable laws, bylaws, rules and regulations, issue the demolition permit.

3.6 ~~The Commission shall notify the applicant, the Building Official and the Town Clerk within ten (10) days from the close of the public hearing~~

3.5. If the Commission determines that the demolition of the significant building would be detrimental to the historical, cultural or architectural heritage of the Town. No demolition permit may be issued until at least six (6) months after the date of such determination by the Commission.

(renumber accordingly)

or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Article 22. General Bylaw Amendment: Chapter 16 - Condo Conversion Bylaw
(Deletions shown in strike through and new text shown as underlined)

To see if the Town, under St. 1983, c.527, §2, and all of the authority provided under Amended Article 89 of the Massachusetts Constitution, will vote to adopt the following General Bylaw to control and regulate the conversion of residential rental property to the condominium or cooperative form of ownership, through a conversion permitting process:

Chapter 16. CONDOMINIUM AND COOPERATIVE CONVERSION BYLAW
SECTION 1. PURPOSE.

The Town declares, as provided for under St. 1983, c.527, §2, that local conditions constitute an acute rental housing emergency that requires local action, on account of the aggravating impact of the facts set forth in section one of c.527 (including lack of sufficient new rental housing production, prolonged increases in housing costs at a rate substantially exceeding increases in personal income, housing abandonment, increased costs of new housing and construction and finance and the effect of conversion of rental housing into condominiums or cooperatives) and unless the available rental housing stock and the tenants who reside in them receive further protection from the consequences of conversion, the rental housing shortage will generate serious threats to the public health, safety, and general welfare of the citizens of the Town, including, particularly, the elderly, the handicapped, and persons of low and moderate income and employees in the tourism and other service industries, and for municipal employees. The Board of Selectmen annually shall review the status of the year round rental housing emergency to determine whether additional action should be proposed to Town Meeting.

As of the effective date of this Bylaw, the Town has approximately 4,383 housing units and approximately 50% of the housing units are condominium units, 20% are single-family dwellings, and 30% are multi-family units.

The Town estimates that the vacancy rate for year-round rental units in the Town is less than 1%, creating a severe housing crisis that threatens the Town's economy.

Market conditions encourage conversion of existing residential rental units to condominiums in the Town, to serve the second home ownership demand and this has caused a shortage of year-round rental units. The desirability of the Town as a second home market, combined with the high density that is allowed by the Town's zoning regulations and the limited amount of land available to develop new housing, has driven up the value of housing accommodations and resulted in the conversion of existing rental units and single-family and guest units into condominium units, thereby eliminating year-round rental housing. The rapid conversion to the condominium form of ownership and the increase in the value of those condominiums on the second home ownership market is making it difficult to the point of impossibility for low, moderate and median income families, which includes service industry and municipal employees, as well as elderly residents, who have limited and fixed incomes, to obtain or maintain year-round rental housing in the Town.

The severe shortage of year-round rental housing in the Town is a serious public emergency that threatens the Town's tourism-based economy and is a serious threat to the public health, safety, and general welfare of the citizens of the Town as substandard housing is becoming a resort as persons desiring to locate in Provincetown cannot locate year-round rental accommodations and existing residents are being displaced and are unable to find new year-round rental accommodations.

The effects of condominium and cooperative conversions on the availability of year-round rental units cannot be dealt with solely by the operation of the private housing market and,

unless the removal of year-round rental units from the market is regulated and controlled, the housing emergency which presently exists in the Town and the inflationary pressures on and displacement of residents, the service industry work force, elderly, handicapped and those living on limited and fixed incomes resulting therefrom will continue to produce serious threats to the public health, safety, and general welfare of the citizens of the Town.

In order to protect the public health, safety, and general welfare of the citizens of the Town, and to prevent the worsening of the current severe shortage of year-round rental housing that is available to service industry and municipal employees and the elderly and the public emergency resulting therefrom, it is necessary to regulate and control the conversion of housing units to the condominium or cooperative form of property ownership and the removal of housing from the rental market while the Town studies, plans and then develops and implements programs to regulate and manage the housing crisis.

SECTION 2. DEFINITIONS.

As used in this Bylaw the following terms shall have the following meanings:

- a) "Board": The Board of Selectmen for the Town of Provincetown.
- b) "Condominium Unit": a unit of a condominium, as defined in G.L. c. 183A.
- c) "Cooperative Unit": a residential dwelling space in a building owned by a corporation, the shareholders of which have organized on a cooperative basis for the purpose of leasing such dwelling space to themselves.
- d) "Condominium Conversion": the conversion of a rental housing unit to a condominium form of ownership.
- e) "Cooperative Conversion": the execution of a lease, of a cooperative unit in a building, with an owner of shares of stock in the corporation which owns the building which would convert a rental housing unit to a cooperative unit.
- f) "Housing Unit:" a rental housing unit that is a "housing accommodation" as defined under St. 1983, c.527, §3.
- f) "Removal from market" as applied to a Housing Unit, shall include, but not be limited to:
 - (1) The filing of a condominium master deed, pursuant to G.L. c.183A, for any housing accommodation any part of which was most recently occupied as a rental unit;
 - (2) The demolition of a rental unit;
 - (3) The rehabilitation, repair, or improvement of a rental unit, other than as required by the laws of the Commonwealth or by the Town, in such a way as to prevent residential occupancy during the course of the rehabilitation, repair, or improvement, and
 - (4) The conversion of all or part of any building to a condominium or cooperative form of ownership.
- g) "Town": the Town of Provincetown.

SECTION 3. APPLICABILITY.

This Bylaw shall apply to all Housing Units (which under St. 1983, c.527, excludes buildings containing fewer than four units and excludes units in hotels, motels, inns, tourist homes, and rooming and boarding houses which are occupied by transient guests staying for a period of fewer than fourteen consecutive calendar days and excludes units in hospitals, and public and educational institutions, and nursing homes and excludes units lawfully constructed after November 30, 1983, or lawfully converted from a non-housing to a

housing use after November 30, 1983, and excludes housing accommodations constructed or substantially rehabilitated under a federal mortgage insurance program and housing accommodations financed through the Massachusetts Housing Finance Agency, with an interest subsidy attached thereto).

SECTION 4. REGULATIONS.

A) No condominium or cooperative conversion and no removal from market of a Housing Unit that is subject to this Bylaw shall be permitted in the Town, except pursuant to a conversion permit granted under this section.

B) The Board may grant a conversion permit, provided that the Board shall consider and apply the following factors in determining whether to grant or deny the conversion permit:

1) the impact of the proposed conversion upon the tenants sought to be protected by this Bylaw and upon the availability of year-round market rate rental housing of comparable type, quality and cost in the town and upon the overall availability of year-round rental housing in the town;

2) the ease or difficulty with which the affected tenants could find alternative year-round market rate rental housing in the town of comparable type, quality and cost;

3) any efforts to mitigate the impact of the proposed conversion upon the affected tenants, including but not limited to, guaranteed rights to remain as tenants for a fixed period, full or partial reimbursement of moving expenses and other costs of finding alternative year-round rental housing, and the procurement by the building owner for the tenants of alternative year-round rental housing in the town of comparable type, quality and cost and any agreement made to allow the tenant or tenants to purchase a unit on favorable terms than those offered to the general public;

4) the physical condition of the housing involved, and the financial viability to maintain the building as year-round market rate rental housing;

5) whether and for how long and why a unit or units in the building have been vacant;

6) the age, financial status, and health of the affected tenants, and the length of their tenancies;

7) whether the conversion permit can be conditioned in such a manner so as to fulfill the purposes and intent of this bylaw, through, for example, the recording of a restrictive covenant by the owner in favor of the Town that allows the conversion to take place but restricts the use of one or more of the converted units as a year round rental unit for a reasonable period of time, including especially if the unit is restricted as an affordable year round rental unit;

8) whether the denial of the conversion permit, taking into account all of the factors listed in this section, would be manifestly unjust; and

9) the Board shall grant a conversion permit if the Board finds that the financial or other circumstances for the owner are such that prohibition of a conversion would constitute unconstitutional confiscation of the owner's property. When such an application is made, the Board, before granting a permit, shall be required to make an explicit finding that denial of a conversion permit would constitute such confiscation

D) The Board shall have the power to issue such orders and enact such regulations as it may deem necessary to effectuate the purposes of this Bylaw, and to prescribe the procedure for filing applications for conversion permits, giving notice of applications, holding public hearings upon applications, and rendering decisions upon applications. The Board may impose a reasonable filing fee for applications.

E) The Board shall determine the Vacancy Rate for year-round rental units in the Town, using what source or sources of statistical data the Board determines to be appropriate and shall declare a state of public emergency if the Vacancy Rate is equal to or lower than 5% of the overall housing stock. Once a declaration is made, an applicant may ask the Board to reconsider the determination by providing the Board with data that demonstrates, to the Board's satisfaction, that the Vacancy Rate exceeds 5%.

F) Tenants shall have all of the rights provided for under St. 1983, c.527; and, in addition, those rights shall not begin to run until the date of the granting of a conversion permit.

G) It shall be unlawful to commit any acts of harassment against tenants, to fail to make necessary repairs or provide required services, or to seek unreasonable increases in rents, for or during said period for the purpose of seeking to induce tenants to vacate units.

H) An application for a conversion permit shall be accompanied by a written plan setting forth an orderly process for the conversion, and a description of the governing process by which the owners' association or cooperative corporation shall exercise its responsibilities during and after the conversion.

I) An application for a conversion permit shall cover all units in a building; however, the Board may in the exercise of its discretion hereunder condition the grant of the conversion permit upon the building owner making special provisions for certain units and tenants thereof.

J) No conversion permit shall be granted unless the building has been certified by an independent licensed engineer or architect to meet all applicable building and health codes of the Town and Commonwealth.

SECTION 6. SEVERABILITY.

Should any provision of this Bylaw or its application to any person or circumstance, be determined to be invalid, that invalidity shall not affect the validity of any other provision or application hereof.

SECTION 7. PENALTIES AND ENFORCEMENT.

Any person who violates this Bylaw shall be punished by a fine of three hundred dollars (\$300) per offense under G.L. c.40, §21D. Each day during which a unit is illegally converted or occupied and each day after which an illegal conversion takes place, shall constitute a separate offense, and the conversion of multiple units in a building shall constitute multiple offenses. The Board or its designee may enforce this Bylaw in a court of competent jurisdiction, and may seek and obtain appropriate injunctive relief to enforce the Bylaw in a civil action.

SECTION 8. EFFECTIVE DATE.

This Bylaw shall take effect as provided for under G.L.c.40, §32, or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Article 23. Zoning Bylaw Amendment: Section 4180 – Inclusionary Housing

To see if the Town will vote to amend the Provincetown Zoning Bylaws by adding Section 4180 as follows:

Section 4180 Inclusionary Housing Bylaw

1. Purpose and Intent

The primary purpose of this bylaw is to:

- (a) Encourage the creation of a range of housing opportunities for households of all incomes, ages and sizes in order to support a strong, stable and diverse year round community and a viable and healthy local workforce and to prevent the displacement of Provincetown residents;
- (b) Mitigate the impact of residential development on the availability and cost of housing;
- (c) Protect the long term affordability of such housing through appropriate, enforceable restrictions that run with the land;
- (d) Provide a mechanism by which residential development can contribute in a direct way to increasing the supply of Affordable and Community Housing in exchange for a greater density or intensity of development than is otherwise permitted as a matter of right;
- (e) Support the goals of Provincetown's December 2006 Affordable and Community Housing Action Plan and its January 2014 Update.

A secondary purpose is to create dwelling units eligible for inclusion in the Town's Chapter 40B Subsidized Housing Inventory.

2. Definitions

The term "Housing Fund" as used in this section of the Zoning Bylaw shall refer to any affordable or community housing fund that has been duly established by the Town to promote Affordable or Community Housing at the time that a payment in lieu of creating

Affordable or Community Housing units as described hereunder is made.

3. Applicability

This inclusionary bylaw shall apply in all zoning districts to the following uses:

- (a) Except as identified under Section 3(c) below, any development that results in an increase in the number of dwelling units, whether by new construction or alteration, expansion, reconstruction, or change of existing residential or non-residential space or use;
- (b) Any health care-related development that includes 6 or more independent living units.
- (c) This inclusionary bylaw shall not apply to the following.
 - (1) Accessory Dwelling Units
 - (2) A subdivision of land under G.L. c. 41, section 81K-81GG.

4. Mandatory Provision of Affordable Units for all Development

In any development identified in Section 3(a)-(b) above, the applicant shall contribute to the local stock of Affordable and Community Housing in accordance with the following requirements:

- (a) For development consisting of between 1 and 5 dwelling units, a Housing Contribution shall be made to the Housing Fund in the form of a payment in-lieu of creating a fractional unit.
 - (1) Payment shall be made accordance with the following:

<u>1 unit</u>	<u>5% of the average value of a dwelling unit</u>
<u>2 units</u>	<u>10% of the average value of a dwelling unit</u>
<u>3 units</u>	<u>15% of the average value of a dwelling unit</u>
<u>4 units</u>	<u>20% of the average value of a dwelling unit</u>
<u>5 units</u>	<u>25% of the average value of a dwelling unit</u>
 - (2) The average value of a dwelling unit shall be determined based on the average assessed value for the market rate units in the subject development and shall be payable to the Housing Fund at and upon the sale or certificate of occupancy of the final unit, whichever occurs sooner.
 - i. When the development consists of rental units, the payment-in-lieu may be paid in 5 equal annual installments, the first installment payable upon the occupancy of the final rental unit.
 - ii. When the develop consists of one single-family home on its own lot, the payment-in-lieu may be paid in 5 equal annual installments, the first payable upon the receipt of a certificate of occupancy, the total balance due in full upon the sale of the dwelling.

- (3) The developer shall enter into a binding written agreement with the Town of Provincetown, before the issuance of the first Building Permit and with appropriate payment surety arrangements, to provide such payment to the Housing Fund.
- (4) The in-lieu payment shall be made into the Housing Fund, as defined hereunder, and the Board of Selectmen shall determine which fund shall receive the deposit.
- (b) Development consisting of a total of 6 dwelling units or more shall require the granting of a Special Permit by the Planning Board and at least 15% of the units created shall be established as Affordable or Community Housing units in any one or combination of methods provided for below.

When the 15% calculation results in a fractional unit of .7 or greater, the developer shall provide a whole unit.

When the 15% calculation results in a fractional unit of less than .7, the developer shall provide a whole unit or make a housing contribution payment in lieu of the fractional unit in accordance with Section 3(a) above.

- (1) The Affordable or Community Housing units shall be constructed or rehabilitated on the locus subject to the Special Permit, in accordance with Section 7; or
- (2) The Affordable or Community Housing units shall be constructed or rehabilitated on a locus other than the one subject to the Special Permit, in accordance with Section 7, provided justification is provided that on-site development of units is not feasible and off-site development of units is beneficial to the Town, and Special Permits are granted contemporaneously for both developments; or
- (3) In lieu of providing such units either on- or off-site, an applicant may provide a payment of equivalent value to the Housing Fund. The payment-in-lieu shall be in accordance with subsections 4(a)(2)-(4) above and shall be calculated as follows, without rounding up or down:

(number of new dwelling units developed) x (.15) x (average value of a dwelling unit)

A payment-in-lieu of providing affordable units shall not allow an applicant to increase the number of market rate units on site; or

- (4) Under special circumstances, the Planning Board may consider donation of land to the Provincetown Affordable Housing Trust or a non-profit housing development organization approved by the Planning Board, provided that the receiving organization agrees in writing to accept the land and the applicant demonstrates to the Planning Board's satisfaction that the land serves the development of Affordable and Community Housing. The value of donated land shall be equal to or greater than the value of an in-lieu payment of affordable or

community housing units. The Planning Board may require, prior to accepting land as satisfaction of the requirements of this bylaw, that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value. Closing on the land donation shall occur before the issuance of the first building permit. Land donation shall not allow an applicant to increase the number of market rate units on site.

5. Density Bonus

- (a) For developments consisting of 6 dwelling units or more, the Planning Board may provide a density bonus, which shall be made part of the Special Permit, to increase the number of dwelling units allowed on the parcel beyond the maximum number allowed under the Dimensional Schedule, the Density Schedule and Section 2550 of this Zoning Bylaw, as follows:
- (1) For every deed restricted unit of Affordable Housing constructed or rehabilitated either on or off the site subject to the Special Permit, two market rate dwelling units may be added as a density bonus.
 - (2) For every deed restricted unit of Community Housing constructed or rehabilitated either on or off the site subject to the Special Permit, one market rate dwelling unit may be added as a density bonus.
- (b) To facilitate the objectives of the density bonus, the Planning Board shall have the authority to modify or waive any lot or dimensional regulations appropriate and necessary to accommodate the additional units on the site.
- (c) Developments of 1-5 units that exceed the requirements of Section 4 above may receive the same density bonus as specified above, provided the development is approved by the Planning Board through the Special Permit process.
- (d) Any net increase in housing units through a density bonus shall not exceed 50% of the base number of units allowed under this Zoning Bylaw.

6. Submission Requirements and Procedures

- (a) Special Permit application, review and decision procedures shall be in accordance with this Zoning Bylaw and the Planning Board's rules and regulations. Additionally, the project must comply with the provisions of Article 4, Section 4000 and 4100.
- (b) Affordable and Community Housing units created in accordance with this bylaw shall use deed restrictions that require the units to remain income restricted in perpetuity or the longest period allowed by law. Such restriction shall also grant the Town's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.
- (c) No building permit shall be issued for any units in the development until the Planning Department receives evidence that the Affordable Housing restriction has been approved by DHCD, or the Community Housing restriction has been

approved by Town Counsel.

- (d) No certificate of occupancy shall be issued for any units in the development until the Planning Department receives evidence that the housing restriction has been executed and recorded at the Barnstable County Registry of Deeds.

7. Provisions Applicable to Affordable and Community Housing Units Located both On-Site and Off-Site

- (a) Affordable and Community Housing units constructed under this by-law shall be situated within the development or off-site as approved by the Planning Board, so as not to be in less desirable locations than market rate units and shall, on average, be no less accessible to public amenities as market-rate units.
- (b) Affordable and Community Housing units shall be integrated with the rest of the development or with the off-site location, and shall be comparable to and indistinguishable from market rate units in exterior design and interior features, appearance, construction and quality of materials, and energy efficiency.
- (c) The number of bedrooms in each Affordable or Community Housing unit shall be made a part of the Special Permit and shall be based on local need as determined in consultation with the Community Housing Council for each project.
- (d) Owners and tenants of Affordable and Community Housing units and market rate units shall have the same rights and privileges to access and use any of the development's amenities and facilities.
- (e) The development of Affordable and Community Housing units shall take place at the same rate and timeframe as the development of market rate units.
- (1) Building permits for any phase shall be issued at a ratio of 5 (five) market rate units to 1 (one) Affordable/Community Housing unit. Building permits for subsequent phases shall not be issued unless all the required Affordable/Community Housing units in the preceding phase are constructed and the deed restrictions recorded. The last unit permitted, constructed and occupied shall be a market rate unit.
- (2) The project may also be constructed in its entirety with all permits issued at once, provided that the occupancy permits are issued at a ratio of 5 (five) market rate units to 1 (one) Affordable/Community Housing unit. The last certificate of occupancy to be issued shall be for a market rate unit and shall not be issued unless all Affordable/Community Housing units are occupied.

8. Distribution of Affordability

Distribution of affordability for rental or ownership units as Very Low, Low or Moderate Income Affordable Housing or Median or Middle Income Community Housing shall be determined by the Planning Board in consultation with the Community Housing Council and set as follows, being made a condition of the Special Permit under this Bylaw:

- (a) When the number of the Town's SHI eligible affordable housing units is below 10%, the units created shall be Affordable Housing units, unless otherwise approved by the Planning Board if adequate justification is provided that the development of Affordable Housing units is not feasible and it is beneficial to the Town that

Community Housing units are provided instead, and the exception is made a part of the Special Permit.

(b) When the number of the Town's SHI eligible affordable housing units is at or above 10%, it is encouraged that units created be Community Housing units.

9. Maximum Incomes and Selling Price; Affordable and Community Housing Inventory
Maximum incomes and sales prices and rents shall be as set forth in Article 1, Definitions, of this Zoning Bylaw.

10. Segmentation

Developments shall not be phased or segmented to avoid compliance with conditions or provisions of this bylaw. "Segmentation" shall mean development that cumulatively results in a net increase of dwelling units above the number existing 36 months earlier on any parcel or set of contiguous parcels held in common ownership or under common control on or after the effective date of this Section 4180.

11. Conflict with Other Bylaws

The provisions of this bylaw shall be considered supplemental of existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.

12. Severability

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of Provincetown's zoning bylaw.

And amending Article 6, Growth Management, Section 6500 as follows:

Section 6500 Table of Use Categories and Priorities
GENERAL USE CATEGORY 2

2. The non-affordable/community housing components of project consisting of:

2a1 Multi-family dwellings projects that consist of 50%-99% affordable housing and/or community housing

2a2 Two-family dwellings projects that consist of 50%-99% affordable housing and/or community housing

2a3 Single-family dwelling projects that consist of 50%-99% affordable housing and/or community housing

2b1 Multi-family dwelling projects that consist of 33%-49.9% affordable housing and/or community housing

2b2 Two-family dwelling projects that consist of 33%-49.9% affordable housing and/or community housing

2b3 Single-family dwelling projects that consist of 33%-49.9% affordable housing and/or community housing

2d. Development that provides a deed restricted unit under the inclusionary housing requirement.

And deleting Article 4, Special Regulations, Section 4170 in its entirety:

~~4170 Change of Use/Non-Residential to Residential Use Conversions~~

~~1. Purpose and Intent~~

~~The purpose of this by-law is to establish special permit requirements for changes of use from commercial to residential use and to minimize adverse impacts on the community from such development. In addition, this by-law is intended to create additional affordable housing opportunities for Provincetown residents and to assist the Town in creating units eligible for inclusion in its Subsidized Housing Inventory.~~

~~2. Applicability~~

~~The following types of change of use shall require Special Permit authorization from the Zoning Board of Appeals as provided for in Article 5, Section 5300:~~

~~(a) Any change of use from a non-residential use to a residential use of more than four dwelling units;~~

~~(b) Any change of use from a boarding, lodging or tourist homes use, to a residential use of more than four dwelling units; and~~

~~(c) Any change of use involving mixed use development that alters the existing mix of uses such that a predominantly non-residential development becomes a predominantly residential use of more than four dwelling units.~~

~~3. Requirements~~

~~The Zoning Board of Appeals, as a condition of any development referred to in Section 2(a)-~~

~~(c)~~

~~shall require that the applicant for special permit approval comply with the following requirements regardless whether other Special Permits or Variances are required:~~

~~(a) Such change of use shall be authorized with a Special Permit from the Zoning Board of Appeals as provided for in Section 5300, which may require a Development Impact Statement as specified in Article 5, Section 5331.~~

~~(b) The applicant shall obtain a finding of compliance with Title V of the State Sanitary Code, as determined by the Board of Health, with such compliance to be certified by a Registered Engineer.~~

~~(c) Any such change of use resulting in the creation of five (5) or more dwelling units shall be required to provide Affordable Housing as defined in Article 1 of these By-laws and more fully described below in Section 4 Provision of Affordable Units.~~

~~(d) The project must comply with the provisions of Article 4, Section 4100.~~

~~(e) None of the above shall relieve the applicant of complying with other provisions of these By-Laws.~~

~~4. Provision of Affordable Units~~

~~Any special permit application for a change of use requiring an affordable housing provision pursuant to Section 3(c) above shall comply with the following requirements for affordable units. For the purpose of calculating the 20% affordable housing contribution, all numbers shall be rounded to the nearest whole number. At least 20% of the units created shall be established as affordable housing units and shall be constructed or rehabilitated on the locus subject to the special permit (see Section 5).~~

~~5. Provisions Applicable to Affordable Housing Units~~

~~(a) Siting of affordable units. All affordable units constructed under this by-law shall be situated within the development so as not to be in less desirable locations than market rate~~

units in the development and shall, on average, be no less accessible to public amenities as the market rate units.

(b) Minimum design and construction for affordable units. Affordable housing units within market rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction and quality of materials with other units. Where feasible, interior features of affordable units shall comply in all respects to the minimum design and construction standards set forth in the Local Initiative Guidelines by the Department of Housing and Community Development (DHCD) November 2006, or as amended. There shall be a similar proportion of affordable and market rate units in developments with a mix of unit/bedroom sizes.

(c) Timing of construction or provision of affordable units or lots. The development of affordable housing units shall take place at the same rate and timeframe as the development of market rate units.

1. Building permits for any phase shall be issued at a ratio of 4 (four) market rate units to 1 (one) affordable unit. Building permits for subsequent phases will not be issued unless all the required affordable units in the preceding phase are constructed. The last unit permitted and constructed shall be a market rate unit.

2. The project may also be constructed in its entirety with all permits issued at once provided that the occupancy permits are issued at a ratio of 4 (four) market rate units to 1 (one) affordable unit. The last occupancy permit to be issued shall be for a market rate unit.

6. Distribution

Distribution of affordability for rental or ownership units as Low Income Community Housing or Moderate Income Community Housing shall be set as determined by the ZBA in consultation with the Provincetown Community Housing Council.

7. Maximum Incomes and Selling Price; Affordable Housing Inventory

Maximum incomes and sales prices are set forth in Article 1 Definitions. It is intended that the affordable housing units created under this by-law be considered as Local Initiative Units or Local Action Units in compliance with DHCD requirements.

8. Preservation of Affordability; Use Restrictions:

(a) Affordable housing units created in accordance with this by-law shall use affordable housing restrictions that are recorded at the Barnstable County Registry of Deeds and that require the units to remain affordable in perpetuity. Such affordable housing restriction shall grant, among other things, the Town's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.

(b) The ZBA shall require, as a condition for special permit under this bylaw, that the applicant comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of the affordable housing restriction noted in Section 10(a) above. The Building Commissioner shall not issue an occupancy permit for any affordable unit until the affordable housing restriction is recorded.

9. Segmentation—Developments may not be phased or segmented to avoid compliance with conditions or provisions of this by-law.

10. Conflict with Other Bylaws

The provisions of this bylaw shall be considered supplemental of existing zoning bylaws/ordinances. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw, or provisions therein, shall apply.

11. Severability

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of Provincetown's zoning bylaw.

And amending Article 4, Special Regulations, Section 4015 as follows:

4015. Site plan Review by Special Permit

a. The following developments shall require Site Plan Review by Special Permit by the Planning Board:

- (1) developments consisting of the aggregate of residential units that will result in ~~six~~four or more residential units on any parcel;
- (2) developments consisting of more than 2,000 square feet of new commercial area;
- (3) development of properties consisting of an existing or proposed drive-through facility or raised loading dock;
- (4) development of commercial properties that have curb cuts greater than 25% of their existing or proposed street frontage;
- (5) All new construction or additions or any excavation, land removal or earth moving of more than 750 cubic yards that will alter the topography from natural grade, whether or not subject to a building permit;

b. The Planning Board may, at its discretion, require a surety to guarantee completion of the elements and conditions of plan approved by Site Plan Special Permit. Or to take any other action relative thereto.

[Requested by the Planning Board and the Board of Selectmen]

Article 24. Zoning Bylaw Amendment – Article 2 Section 2440 Use Regulations

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:

B.	Business	Res 1	Res 2	Res 3	TCC	GC	S	M
B3	Hotel, motel or inn	NO ¹ BA	NO ¹ BA	YES ³	YES ²	YES ²	NO	NO

Footnotes:

5. ~~Except "YES" if existing as of January 1, 1981. 1981 ATM amended.~~

Or to take any other action relative thereto.

[Requested by the Planning Board]

Article 25. Zoning Bylaw Amendment – Article 2 Section 2440 Use Regulations

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:

C.	Industrial	Res 1	Res 2	Res 3	TCC	GC	S	M
C9	Transportation Terminal	NO	NO	NO	YES	YES	NOBA	NOBA

Or to take any other action relative thereto.

[Requested by the Planning Board]

Article 26. Zoning Bylaw Amendment – Article 2 Section 2440 Use Regulations

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:

E.	Recreational	Res 1	Res 2	Res 3	TCC	GC	S	M
E3c.	Campground	NOBA	NOBA	NOBA	NO	BA	NOBA	NO

Or to take any other action relative thereto.

[Requested by the Planning Board]

Article 27. Zoning Bylaw Amendment: Article 6 Growth Management Section 6400 Priorities

To see if the Town will vote to amend the Provincetown Zoning Bylaws, by inserting as a new Section 4810 as follows:

Section 6500 Table of Use Categories and Priorities

GENERAL USE CATEGORY 2

The non-affordable housing components of project consisting of:

2a1 Multi-family dwellings projects that consist of 50%-99% affordable housing and/or community housing

2a2 Two-family dwellings projects that consist of 50%-99% affordable housing and/or community housing

2a3 Single-family dwelling projects that consist of 50%-99% affordable housing and/or community housing

2b1 Multi-family dwelling projects that consist of 33%-49.9% affordable housing and/or community housing

2b2 Two-family dwelling projects that consist of 33%-49.9% affordable housing and/or community housing

2b3 Single-family dwelling projects that consist of 33%-49.9% affordable housing and/or community housing

2c. The creation of any deed restricted year-round rental unit or units, including accessory units;

Or to take any other action relative thereto.

[Requested by the Planning Board and the Board of Selectmen]

Article 28. Zoning Bylaw Amendment – Article 1 Definitions

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

Affordable and Community Housing: Dwelling units subject to Affordable and Community Housing deed restrictions for a term of perpetuity or the longest period allowed by law, that limits rental rates, limits eligibility for occupancy and purchase, and provides a right of first refusal to the Town of Provincetown, based on the Barnstable County median income as is periodically defined by United States Department of Housing and Urban Development adjusted for household size, as further defined below.

~~(a) Extremely Low Income Affordable Community Housing. Dwelling units, subject to an affordable housing restriction, for a term of perpetuity or the longest period allowed by law, that limits rental rates, limits eligibility for occupancy and purchase, and provides a right of first refusal to the Town of Provincetown. Extremely Low Income Affordable Community Housing units shall be available for rental at a cost (including utility allowances) not exceeding 30% of annual income for a household at or below 50% of the Barnstable County median income; or, available for ownership at a cost (including mortgage interest, principal, taxes, insurance and common charges if any, but excluding utilities) not exceeding 30% of annual income for a household at or below 50% of the Barnstable County median income. Occupancy shall be limited to households whose income is at or below 65% of Barnstable County median income.~~

~~(b) Low/Moderate Income Affordable Community Housing. Dwelling units, subject to an affordable housing restriction, for a term of perpetuity or the longest period allowed by law, that limits rental rates and resale prices, limits eligibility for occupancy and purchase, and provides a right of first refusal to the Town of Provincetown. Low/Moderate Income Affordable Community Housing units shall be available for rental at a cost (including utility allowances) not exceeding 30% of annual income for a household at or below 65% of the Barnstable County median income; or, available for ownership at a cost (including mortgage interest, principal, taxes, insurance and common charges if any, but excluding utilities) not exceeding 30% of annual income for a household at or below 65% of the Barnstable County median income. Eligibility for occupancy shall be limited to households whose income is at or below 80% of Barnstable County median income.~~

~~(c) Moderate Income Affordable Housing. Moderate Income Affordable Housing units shall be available for rental at a cost (including utility allowances) not exceeding 30% of annual income for a household at or below 80% of the Barnstable County median income; or, available for ownership at a cost (including mortgage interest, principal, taxes, insurance and common charges if any, but excluding utilities) not exceeding 30% of annual income for a household at or below 80% of the Barnstable County median income. Eligibility for occupancy shall be limited to households whose income is at or below 100% of Barnstable County median income.~~

(d) Median Income Community Housing. Median Income Community Housing dwelling units shall be available for rental at a cost (including utility allowances) not exceeding 30% of annual income for a household at or below 120% of the Barnstable County median income; or, available for ownership at a cost (including mortgage interest, principal, taxes, insurance and common charges if any, but excluding utilities) not exceeding 30% of annual income for a household at or below 100% of the Barnstable County median income. Eligibility for occupancy shall be limited to households whose income is at or below 150% of Barnstable County median income.

(e) Middle Income Community Housing. Middle Income Community Housing dwelling units shall be available for rental at a cost (including utility allowances) not exceeding 30% of annual income for a household at or below 160% of the Barnstable County median income; or, available for ownership at a cost (including mortgage interest, principal, taxes, insurance and common charges if any, but excluding utilities) not exceeding 30% of annual income for a household at or below 160% of the Barnstable County median income. Eligibility for occupancy shall be limited to households whose income is at or below 180% of Barnstable County median income.

Affordable and Community Housing Permits: A permit granted by the Provincetown Community Housing Council ("PCHC") established by the vote under Article 12 of the April 7, 1997 Annual Town Meeting, or successor entity, for units of Affordable Housing and/or Community Housing in a project that requires a Growth Management Allocation Permit pursuant to Article 6, the Growth Management Bylaw. Criteria for approval of an Affordable Housing Permit and/or a Community Housing Permit shall include an executed and acknowledged affordable housing restriction or, in the case of ownership unit(s) an executed and acknowledged covenant whereby the property owner agrees to convey the unit(s) subject to a certain affordable housing restriction attached as an exhibit to the covenant, in either case approved as to form by town counsel.

And to delete the definition of Community Housing in its entirety, as follows:

Community Housing: Dwelling units subject to community housing restrictions based on the Barnstable County median income as is periodically defined by United States Department of Housing and Urban Development adjusted for household size, as further defined below.

a) Median Income Community Housing. Dwelling units, subject to a housing restriction, for a term of perpetuity or the longest period allowed by law, that limits rental rates and resale prices, limits eligibility for occupancy or purchase, and provides a right of first refusal to the Town of Provincetown. Median Income Community Housing dwelling units shall be available for rental at a cost (including utility allowances) not exceeding 30% of annual income for a household at or below 80% of the Barnstable County median income; or, available for ownership at a cost (including mortgage interest, principal, taxes, insurance and common charges if any, but excluding utilities) not exceeding 30% of annual income for a household at or below 80% of the Barnstable County median income. Eligibility for occupancy shall be limited to households whose income is at or below 100% of Barnstable County median income."

b) Middle Income Community Housing. Dwelling units, subject to a housing restriction, for a term of perpetuity or the longest period allowed by law, that limits rental rates and resale prices, limits eligibility for occupancy or purchase, and provides a right of first refusal to the Town of Provincetown. Middle income community housing dwelling units shall be available for rental at a cost (including utility allowances) not exceeding 30% of annual income for a household at or below 120% of the Barnstable County median income; or, available for ownership at a cost (including mortgage interest, principal, taxes, insurance and common charges if any, but excluding utilities) not exceeding 30% of annual income for a household at or below 120% of the Barnstable County median income. Eligibility for occupancy shall be limited to households whose income is at or below 150% of Barnstable County median income.

And to delete the definition of Community Housing Permit in its entirety, as follows:

~~Community Housing Permit: A permit granted by the PCHC for units of Community Housing in a project that requires a Growth Management Allocation Permit pursuant to Article 6, the Growth Management By law. Criteria for approval of a community housing permit shall include an executed and acknowledged housing restriction or, in the case of ownership unit(s) an executed and acknowledged covenant whereby the property owner agrees to convey the unit(s) subject to a certain housing restriction attached as an exhibit to the covenant, in either case approved as to form by town counsel. Or to take any other action relative thereto.~~

~~[Requested by the Planning Board and the Board of Selectmen]~~

PETITIONED ARTICLES

Article 29. Hire a Lobbyist for the Town

To see if the Town will vote to spend up to \$10,000 to hire a lobbyist to work on behalf of Town voted articles such as the Room Tax, the Real Estate Transfer Fee, and the establishment of a Housing Trust Fund, which have been bottled up in committees at the State level, some for seven years now. The Town Manager, Chief Financial Officer and the Board of Selectmen shall choose the lobbyist.

(Requested by Barbara Rushmore and others)

**BOARD OF SELECTMEN
TOWN OF PROVINCETOWN**
Thomas Donegan, Chairman
Erik Yingling, Vice-Chairman
Cheryl Andrews
Robert Anthony
Raphael Richter

A TRUE COPY, ATTEST
Douglas Johnstone
Town Clerk

Date of publishing: March 17, 2016



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, February 29, 2015

5

JOINT MEETING WITH PIER CORP

Review the Memorandum of Understanding

Requested by: Board of Selectmen

Action Sought: Discussion

Proposed Motion(s)

Discussion dependent. Votes may be taken.

Additional Information

See attached Memorandum of Understanding.

Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

**Memorandum of Understanding v7
Regarding the Management, Operations and Maintenance
of MacMillan Pier**

1 **Purpose of the Memorandum.** This memorandum reflects understandings and agreements reached by
2 the Town of Provincetown (hereinafter referred to as the "Town"), acting by and through its Board of
3 Selectmen and Town Manager, and the Provincetown Public Pier Corporation (hereinafter referred to as
4 "Pier Corporation"), acting by and through its Board of Directors regarding the management, operation
5 and maintenance of MacMillan Pier.
6

7 In accordance with the requirements of Chapter 13 of the Acts of 2000 (as amended, hereinafter
8 referred to as the "Act") the Town and the Pier Corporation entered into a twenty year lease on March
9 29, 2005, (hereinafter referred to as the "Lease") that provides that the Pier Corporation manages,
10 operates and maintains MacMillan Pier on behalf of the Town. Both the Act and the Lease outline the
11 general responsibilities and authorities of the Town and Pier Corporation with regard to the Pier. Our
12 collective experience in the years since signing of the Lease indicates that amplification and clarification
13 of key elements of Pier Corporation's stewardship of the Pier and the Board of Selectmen's supervision
14 of Pier Corporation would be helpful to both parties.
15

16 The purpose of this memorandum is to provide needed clarification as well as to specify certain
17 processes by which the Town and Pier Corporation can pursue their responsibilities and mutual
18 interests. In addition, the memorandum spells out the Town's expectations of the Pier Corporation in
19 key areas of its management of an iconic and economically vital asset of the Town.
20

21 **Mission of Pier Corporation.** The Town expects the following of the Pier Corporation:

- 22 • The pier should be managed in a business-like fashion. The directors and management of the
23 Pier Corporation are expected to use good commercial judgement in their decisions regarding
24 the generation of revenue, the deployment of financial and human resources, and the
25 protection of assets. They are to exercise prudence in assuming and managing risk.
26
- 27 • To the fullest extent possible, the Pier Corporation should maintain and operate the pier from
28 the revenues of the pier. The directors should strive to ensure that the pier is economically self-
29 sufficient and that those entities that operate for-profit businesses on the pier pay their full and
30 fair share of the costs of operation and maintenance. Taxpayers of the town should be called
31 upon to fund routine operations and maintenance of the pier only as a last resort.
32
- 33 • In addition to providing for the routine maintenance of the pier, pier revenues should also fund
34 a maintenance reserve to be used for emergency repairs due to storm damage, accidents or
35 other unforeseeable events. The primary purpose of these retained earnings is to enable rapid
36 repair of key elements of the infrastructure so as to maintain, to the fullest extent possible, the
37 continuity of operations of tenants of the pier.
38
- 39 • The pier should be operated and maintained to a standard that ensures:
 - 40 ○ safe access to the pier by the general public and tenants of the pier,
 - 41 ○ the structural integrity and functionality of the pier and related structures, and
 - 42 ○ the optimization the useful life of core elements of the pier infrastructure.
- 43
- 44 • Pier Corporation should support the local fishing industry, with special emphasis on
45 Provincetown-based vessels. Any subsidies provided to the fishing industry should be quantified
46 and reported annually to the Selectmen.
47

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- 48 • The Corporation shall attempt to expand its customer base and shall assist in the economic
49 development of the town by supporting the development and growth of marine excursion
50 industries, maritime transportation, tourism, commercial fishing, mariculture, recreational
51 boating and other marine-related activities.
52
- 53 • The Corporation should conduct its operations in a fully transparent manner consistent with
54 federal and state law, the Town Charter and other local regulations.
55

56 **Governance Structure.** The authorities and responsibilities of Pier Corporation directors are outlined in
57 the Act and the Lease. We believe the authorities granted by these governing documents are adequate
58 for the Pier Corporation directors to effectively discharge their duties.
59

60 The Town also has responsibilities and authorities under the Act, which principally involve the oversight
61 of the activities of the Pier Corporation. Key elements of the governance structure enabling the Town to
62 supervise and control the actions of the Pier Corporation are the following:
63

- 64 • The Selectmen appoint the Directors of Pier Corporation and have power remove them for
65 cause.
66
- 67 • The Selectmen and Town Manager have power to initiate the process by which Pier Corporation
68 is dissolved.
69
- 70 • Prior approval by the Board of Selectmen and/or Town Meeting is required for large
71 expenditures and capital transactions by Pier Corporation.
72
- 73 • Town government holds Pier Corporation funds, bank accounts and reviews all financial
74 transactions with third parties.
75
- 76 • The Act requires annual independent audits of Pier Corporation financial statements.
77
- 78 • Selectmen have total control over terms of the Lease.
79
- 80 • Requirements for financial reporting and public disclosure ensure transparency of Pier
81 Corporation operations and finances.
82

83 We have agreed that no changes are required in the overall governance structure outlined in the Act
84 and Lease. Rather, we believe that certain changes in the governance processes and methods are
85 appropriate in light of past operating experience. These modifications to past practices are premised on
86 the belief that a partnership exists between the Town and Pier Corporation that is based on mutual
87 goals, objectives and interests. This partnership was implied in Section C of the Lease where it states:
88

89 *"...There exists a unique relationship between Landlord (the Town) and Tenant (Pier*
90 *Corporation), whose interests, by statute (and) by using simple common sense, are directly*
91 *aligned."*
92

93 Changes in governance practice have been agreed in five areas:

- 94 A. The need for improved communications and more frequent formal interactions between the
95 Town and Pier Corporation
96 B. Greater involvement of town government in maintenance planning and budgeting
97 C. Integration of Pier Corporation maintenance and asset management planning with the Town's
98 CIP processes

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- 99 D. Improvements in financial control and transaction processing
100 E. Improvements in operational and financial reporting

101
102 **A. Improved Communications and Regular Formal Interactions.**
103

104 1. We have agreed that the Board of Selectmen and the Directors of Pier Corporation should meet
105 in formal joint sessions at least twice times a year, in May and September, for review of Pier
106 Corporation performance and future plans relative to operations and maintenance of the pier.

107
108 • The agenda of the first joint meeting in May will focus on a review of Pier Corporation's
109 financial statements and the operating results of the prior financial year, and on the
110 maintenance plan and budgets for the current year. This meeting will also review the status
111 of the Maintenance Reserves and any other issues related to Pier Corporations operational
112 planning for the summer season just ahead.

113
114 • The agenda of the September joint meeting will focus on reporting of operations and events of
115 the prior summer season. At this meeting Pier Corporation will present its forecasts of the
116 financial results for the year ending in December, and present for review a preliminary forecast
117 of revenues and costs for the operating year beginning in January. Another key aspect of this
118 meeting will be an in-depth review of Pier Corporation's long range (3-5 year) Facilities
119 Maintenance Plan. The objective of this review is to align Pier Corporation's maintenance
120 activities and plans with the Town's CIP program for pier-related capital projects, and major
121 asset replacement or refurbishment programs.

122
123 (NOTE: the Third meeting in November is now required by the HM Agreement.)

124
125 2. In recent years the Board of Selectmen has appointed one of their members to act as the liaison
126 to Pier Corporation. We agree that this practice should continue and that it be viewed as a
127 relatively "long term" assignment so that the person acting as liaison can become familiar with
128 Pier Corporations operations, accounts, business practices, customer segments and the
129 challenges and issues that are coming before the Pier Corporation board.

130
131 3. We have agreed that from time-to-time informal "round table" discussions should be held to
132 discuss major issues and the strategy of Pier Corporation for dealing with them. These meetings
133 could focus on specific topics of concern and importance to either the Town or the Pier
134 Corporation and provide guidance to Pier Corporation in setting priorities and in developing
135 plans.

136
137 4. We have agreed that the Pier Corporation should meet annually with the Town's Finance
138 Committee in February (or at another mutually convenient time). This meeting is intended to
139 give the Finance Committee an opportunity to review the Harbormasters 295 Budget for the
140 coming fiscal year, the Pier Corporation's financial and operating performance for its prior
141 financial year, and its budgets for the current financial year.

142
143 **B. Town Involvement in Pier Corporation's Maintenance Planning and Budgeting.**
144

145 1. MacMillan Pier is of significant economic and cultural importance to the Town. It is vital to the
146 Town's economic wellbeing in that it supports key elements of the local economy, specifically
147 tourism and, to a lesser extent, the fishing industry. The pier serves as a major transportation

148 hub and is one of the gateways to the Town.

149

150 It is critically important to the Town, its citizens and to the businesses that operate from the pier
151 that it be kept in a fully operational and functional condition at all times. Effective maintenance
152 programs and capabilities, and in particular preventative maintenance, is vital in this regard.

153

154 Overall, the Pier Corporation has done an excellent job of maintaining this Town asset. But as
155 the pier ages, the costs of maintenance will escalate and we must be certain that our spending
156 has been appropriately directed and prioritized. To that end, we have agreed that it would be
157 appropriate for the Town to increase its involvement in the planning and budgeting of future
158 pier maintenance activities. We have agreed that the Pier Corporation staff will review the
159 annual engineer's reports on the facility with the Director or the Deputy Director of Public
160 Works Department and consult them on the long range planning and budgeting of maintenance
161 activities on the pier.

162

163 **C. *Integration of Maintenance and Asset Management with Town's CIP Processes.***

164

165 Pier Corporation employs a process for maintenance planning and asset refurbishment /
166 replacement that is based on the Town's CIP process. We have agreed to align Pier Corporation
167 and Town long range facilities planning processes. The agreed division of responsibilities and
168 processes to be employed are outlined in Appendix A in this memorandum.

169

170 **D. *Improved Financial Accounting, Control and Transaction Processing.***

171

172 The Pier Corporation is required by the Act to maintain records and accounts of its financial
173 activities. The nature of Pier Corporation's business is not conducive to reporting its financial
174 activities using the Town's fiscal year (01 Jul - 30 Jun) because the start and end of the town's
175 fiscal year falls in the middle of Pier Corporation's normal business cycle. Pier Corporation
176 revenues and costs are best understood and evaluated, and comparisons from year-to-year are
177 facilitated when Pier Corporation financial results are reported on a calendar year basis (Jan 01-
178 Dec 31).

179

180 We have agreed that henceforth, Pier Corporation will use a calendar year accounting for its
181 internal management controls and budgeting and for report financial results. In addition, Pier
182 Corporation will provide the Town with audited financial statements using the Town's fiscal year
183 for integration of Pier Corporation results with the Town's accounts.

184

185 Pier Corporation uses a small business accounting software package (QuickBooks) to record its
186 financial transactions and to prepare its accounts. The software is relatively simple, economical
187 to own and operate and entirely adequate for a business the size and complexity of the Pier
188 Corporation. The Town uses a municipal government accounting package (Munis) that is
189 appropriate for an entity of its size and complexity. Because the Town acts as Pier Corporation's
190 financial agent in controlling all of the Corporation's bank accounts and in making payments to
191 third parties, there is a periodic need to reconcile the two accounting systems. In the past
192 attempts to reconcile the two systems has been difficult and disputes between the parties have
193 arisen as to the size of cash balances held by the Town on Pier Corporation's behalf. The
194 inability of Pier Corporation's auditors to reconcile differing reports of cash balances has led
195 them to conclude that changes must be made before they can issue an opinion on Pier
196 Corporation's financial statements.

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197 We have agreed that Pier Corporation shall continue to keep its own financial records, as it is
198 required to do by the Act. Further, we have agreed recent revisions to the account
199 reconciliation processes seem to have eliminated discrepancies between the QuickBooks and
200 Munis accounting systems. We have agreed to submit the revised practices and the results of
201 recent accounts reconciliations to Pier Corporation's auditors for review and approval. We have
202 agreed to document these improved processes so that they may be correctly followed in the
203 future.
204

205
206 **E. Improved Operational and Financial Reporting.**
207

208 Pier Corporation agrees to develop and publish an annual report in April of each year covering
209 its activities and results from the prior calendar year. This report will be made in addition to the
210 reporting Pier Corporation now provides to the Town for inclusion in the Town's Annual Report.
211 The purpose of this annual report is to inform the public of Pier Corporation's activities and
212 plans for the future as well as report its financial results at a greater level of detail than is
213 possible in the Town's annual reporting.
214

215 **The Financial Relationship between the Town and Pier Corporation.** We have agreed to the following
216 changes in the financial relationship between the Town and Pier Corporation. We note that these
217 changes are consistent with terms of the Lease and require only changes in how we implement the
218 terms of the Lease.
219

- 220 1. Section 3 of the Lease permits the BoS, at their discretion, to abate all or part of the rent Pier
221 Corporation is required to pay the Town for the purpose of compensating Pier Corporation for
222 subsidies it grants to the fishing industry in the form of lower-than-market dockage fees.
223

224 Since the Lease was signed in 2005, Pier Corporation has kept dockage rates to the fishing
225 industry below the fair market value. The value of this subsidy is estimated to have been
226 between \$50,000 and \$100,000 per year over the last 10 years. It should be noted that in the
227 years since 2005 the Pier Corporation has never asked for, nor received any abatement in the
228 rent. Even in years when Pier Corporation sustained financial losses, it provided subsidies to the
229 fishing industry and it paid the rent required by the Lease -- in full, on time, every year.
230

231 The initial logic of a rent payment was that the pier revenues should be used to fund the
232 repayment of the debt the Town incurred to finance its share of the cost of rebuilding the Pier in
233 2002-2003. Because there are now very few debt payments remaining and because the Pier
234 Corporation has been subsidizing the fishing industry for many years without any compensation
235 from the Town, we have agreed that the rent should be abated in the future, but only at the
236 discretion of the Board of Selectmen as provided in Section 3 of the Lease.
237

238 As the FY 2016 Town budget was finalized at the Town Meeting prior to the signing of this
239 agreement, the abatement of rent will start in FY 2017, or sooner if funding allows.
240

- 241 2. In 2003, the Legislature passed the Passenger Ferry Embarkation Fee Law (Chapter 55 of the
242 Acts of 2003) which permitted towns in the Commonwealth to levy a fee on ferry passengers
243 boarding passenger ferry vessels in their harbors. Provincetown approved the fee and has been
244 collecting these fees from ferry companies embarking passengers in Provincetown for many

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245 years. In recent years the fees collected has been approximately \$30-35,000 per year.

246

247 Passenger ferries operating from Provincetown embark their passengers from the Ferry
248 Terminal on MacMillan Pier. The terminal was built with grant funding and is operated and
249 maintained by the Pier Corporation at its expense. In recent years the cost associated with the
250 Ferry Terminal has risen significantly.

251

252 We have agreed that in the future the fees collected by the Town from passenger ferry
253 operators should be passed through to Pier Corporation to offset the costs of operating and
254 maintaining the Ferry Terminal. Town By-laws require that the assignment of Ferry Passenger
255 Fee revenue to the Pier Corporation be approved annually by Town Meeting.

256

257 3. The Act charges Pier Corporation with maintaining the pier in "a fully operational state". While
258 it leaves this term undefined, the Act does indicate the scope of Pier Corporation's maintenance
259 activities should include both "routine and non-routine maintenance and the maintenance of
260 any and all improvements". It is clear from the language of the Act that the Legislature intended
261 Pier Corporation to be responsible for all routine maintenance, and that it should build reserves
262 to permit timely execution of unusual or emergency (or "non-routine") maintenance activities.

263

264 What is not entirely clear is whether Pier Corporation or the Town should be responsible for
265 refurbishment of capital assets should they be severely damaged by accident or storm, or who
266 should fund the replacement of assets at the end of their useful life.

267

268 In the past the Pier Corporation has assumed responsibility for all maintenance and asset
269 refurbishment on the MacMillan Pier. It wasn't until a winter storm in 2012 almost totally
270 destroyed the floating docks that the issue of who should fund capital asset replacement arose.

271

272 We have agreed that the Town, as owner of the pier, should be financially responsible for all
273 major capital projects undertaken to either refurbish pier infrastructure or to replace pier assets
274 at the end of their useful life. Likewise, we agree that any major capital expansions or the
275 purchase of additional infrastructure in the harbor should be financed by the Town.

276

277 We agree that it will be Pier Corporation's responsibility to maintain the assets of the Pier in a
278 "fully operational state". A working definition of this term can be found in lines 30-42 on page 1
279 (Mission of Pier Corporation).

280

281 We have agreed that the implication of this division of responsibilities is that the Pier
282 Corporation should set aside maintenance reserve funds that will be adequate to fund both
283 "routine" maintenance activities, including preventative maintenance, and "non-routine" or
284 emergency repairs to elements of the pier infrastructure pursuant to the Act and the Lease.
285 It is agreed that the Town will seek appropriations from Town Meeting for major foreseeable
286 pier infrastructure refurbishment projects, asset replacement and new capital additions to the
287 pier.

288

289 4. We have agreed that the Pier Corporation should seek to build Maintenance Reserve of at least
290 \$500,000. That annual contribution to the reserve should be at least \$50,000 once the
291 maintenance lines in the operating budget are fully funded and then only until the reserve is
292 fully funded.). Expenditures from the Maintenance Reserve will be in accordance with January
293 2008 Policy whereby the Directors are presented with all the pertinent information regarding

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294 the proposed expenditure and iff approved a separate G/L code will be created for each
295 instance of expenditure and named accordingly (i.e. Storm of April 07):
296
297

- 298 5. We have agreed the first \$50,000 of any operating surpluses earned by Pier Corporation be set
299 aside in a restricted use account for the Maintenance Reserve as noted in 4 above. (We define
300 "operating surplus" as pier revenues minus operating costs and cost accruals
301

302 Further, we have agreed that the use of any annual operating surplus (retained earnings)
303 remaining after funding of Pier Corporation's Maintenance Reserve shall be for the acquisition
304 of new assets Pier Corporation may require to fulfill its mission. Any amounts remaining after
305 fully funding the Maintenance Reserve and the acquisition of new assets will accrue to the Pier
306 Corporation Maintenance Reserve. When the reserve has been fully funded, any excess
307 operating surplus will accrue to the Town.
308

309 **Conclusion.** Hopefully, the agreements outlined herein will clarify how the Town and Pier Corporation
310 will work together and how we can align the incentives of the parties to pursue our common goals with
311 a renewed sense of partnership.
312

313 Agreed this the 10th August day of June, 2015:
314
315

316 TOWN OF PROVINCETOWN
317

PROVINCETOWN PUBLIC PIER
CORPORATION

319
320 Chair Tom Donegan

321
322 Vice-chair Erik Yingling

323
324 Cheryl Andrews

325
326 Raphael Richter

327 Robert Anthony

328 Robert Anthony

329 Sam Gardner

330 Acting Town Manager David Gardner
331

Chair

Vice-chair

1 **APPENDIX A**

2 ***Integration of Town and Pier Corporation CIP and Maintenance Planning Processes***

3
4
5 **Purpose.** This appendix outlines the processes we will use in the planning and budgeting of Pier
6 Corp's maintenance activities and processes for the integration of these activities with the town's
7 CIP.

8
9
10 **Overview of Pier Corp Maintenance Planning Process.**

11
12 The starting point of Pier Corp's maintenance planning and budgeting process is the survey of pier
13 infrastructure conducted annually by independent consulting engineers. Since 2011 we have
14 contracted with Bourne Engineering to perform surveys of pier infrastructure above the waterline
15 each year and below the waterline every fifth year.

16
17 The output of these engineering surveys is a document that evaluates and grades (A – F) individual
18 elements of the pier infrastructure noting the current condition, rate of deterioration, priorities for
19 repair/replacement. Working with the consulting engineers, Pier Corp staff estimate the costs of
20 each repair/replacement activity identified in the engineering survey. The engineering survey and
21 cost elements are key inputs into the development of Pier Corp's long range pier maintenance
22 program.

23
24 ***Facilities Maintenance Plan (FMP)***

25
26 Developed annually, the FMP is the long-range maintenance plan of Pier Corp. The FMP is
27 developed using a five-year planning horizon (rolling forward each year) and identifies the specific
28 maintenance projects required to correct issues identified in the engineering survey. The plan
29 defines specific maintenance projects, categorizes and prioritizes them and provides an estimate of
30 the timing and resources required for completion. Examples of projects: fender pile replacement,
31 upkeep of floating docks and minor repairs to pier structures, replacement of the board walk,
32 replacement of electrical outlets on docks, painting trap sheds and the HM office. Details of the
33 FMP planning process are provided below.

34
35 The FMP also identifies the major capital asset refurbishment and replacement projects Pier Corp
36 believes will be required over the five-year planning horizon. These capital projects will normally be
37 much larger in scope and will entail higher levels of expenditures than planned routine and
38 preventive maintenance of the existing infrastructure. Pier Corp will identify and recommend
39 capital projects for inclusion in the Town's CIP planning process. Normally, the implementation of
40 these major capital asset refurbishment/replacement projects and/or acquisition of new pier
41 infrastructure are to be funded by the town and may involve expenditures of more than \$XX,000.

42
43 ***Grading of the condition and classification of pier infrastructure.*** As mentioned above, the report of
44 our consulting engineers grades individual elements of pier infrastructure on a scale A to F. A grade
45 of "A" indicates the element of infrastructure is in "good" condition and no action is needed at this
46 time; "B" indicates a "satisfactory condition", again requiring no immediate remedial actions; "C"
47 indicates "fair" condition and implies that remedial action may be warranted at this time; "D"
48 signifies "poor" condition and implies immediate action should be taken; and, "E" signifies "serious
49 deterioration" that requires immediate attention.

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Working with the engineers Pier Corp staff then assign a classification to the maintenance of each component of the pier infrastructure. The classifications are as follows:

- Maintenance of Structural Integrity of Core Assets seeks either to maintain the structural integrity of major components of the pier (e.g., pier piles, decking) or maintenance action to protect the structural integrity of core assets (e.g., fender piles that protect concrete pilings).
- Maintenance of Functionality of Core Assets -- these are things that effect the functionality of pier infrastructure, (e.g., power pedestals on the floating docks, or water and sewage lines)
- Public Safety -- maintenance issues that have an impact on public safety (e.g., buckling of wooden decks, life rings, railings, gangways)
- Operational Asset Maintenance -- things that impact Pier Corp's ability to operate and serve our customers and/or to generate incremental revenues (e.g., marine one, pump-out boat, office computers, ice machine, davits, cranes, barge, etc.)
- Cosmetic Maintenance (e.g., trap shed painting, office interior maintenance)

Developing Priorities among Individual Maintenance Projects. We use the letter grades and the classification scheme outlined above to develop a matrix that can then be used to prioritize individual maintenance projects as either "Essential", "Deferrable", or "Optional". See Figure 1 below.

Figure 1 - Maintenance Priorities Matrix

	Essential	Deferrable	Optional
Maintenance of Structural Integrity of Core Assets	C D E	B	A
Maintenance of Functionality of Core Assets	C D E	B	A
Public Safety	C D E	B	A
Operational Asset Maintenance	D E	B	A
Cosmetic Maintenance	E	C D	A B

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82 Project priorities can be developed from the above classifications. Obviously, "E" grade projects and
83 most "D" grade projects in the "Essential" column would receive first priority in the coming year's
84 maintenance plan. Other projects could be scheduled depending on resource availability.
85

86 Pier Corp's Annual Maintenance Plan and Budget. Using the gradings, costs, classification and
87 priorities of individual projects, Pier Corp staff will each year outline a maintenance plan using a five
88 year rolling planning horizon. The plan will spell out the maintenance projects to be undertaken in
89 each year and the total estimated cost of each project to include materials, outside contractors, and
90 labor. For those projects to be undertaken in the next operating year, the month-by-month
91 schedule of the projects will be estimated so that staffing can be matched to total maintenance
92 requirements for that year.
93

94 The consolidation of maintenance project costs for materials and outside contractors will become
95 the annual maintenance budget line item in Pier Corp's financial plan. Itemized labor cost estimates
96 for each project will be included in the annual personnel budgets of Pier Corp.
97

98 Timing of the FMP Planning Process and Integration with the Town's CIP. 99

100 The process used to develop the long range FMP and annual Maintenance Plans and Budget will also
101 yield future requirements for major capital asset replacement and/or refurbishment programs.
102 Funding of these programs will normally be the responsibility of the town, although in some
103 instances grant monies may be available from the state or federal government. Pier Corp's role will
104 be to identify project priorities and resource requirements and advise the town on options available
105 for implementation. If grant funding is available, Pier Corp will assist the town in grant proposal
106 development and submission.
107

108 Because the town begins development of its CIP budgets in late September each year, the Pier Corp
109 staff must complete its annual FMP revisions prior to consideration of the CIP by the Board of
110 Selectmen. This means the annual engineering surveys must be completed each year sometime
111 during August.
112

113 Once the Selectmen have defined pier projects to be included in the CIP, Pier Corp staff will begin
114 development of the budget for preventive maintenance for the next operating year. Pier Corp's
115 annual maintenance plans and budgets will be finalized during December each year.
116

117 Pier Corp Capital Budget. 118

119 Pier Corp's capital budget will be prepared annually to plan, justify and fund the acquisition of new
120 assets required to conduct of its business. Normally, items included in the capital budget will be
121 physical assets having a useful life of more than one year (e.g. a new hydraulic pack for the barge,
122 new ice machine compressor). Also included will be small asset or facilities additions to the Pier
123 (e.g. building new Trap Sheds, radar speed display). Assets that are expected to be acquired via
124 grant funding should also be included in the capital budget (e.g., security camera system).
125



Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, February 29, 2016

6

OTHER

Requested by: Town Manager David Panagore

Action Sought: Discussion

Proposed Motion(s)

Discussion Dependent – votes may be taken.

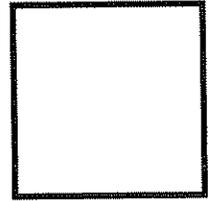
Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



**Provincetown Board of Selectmen
AGENDA ACTION REQUEST
Monday, February 29, 2016**



EXECUTIVE SESSION MOTION

MGL c30A, Sec. 21(a), Clause 6

Requested by: Town Manager David Panagore

Action Sought: Discussion

Proposed Motion(s)

MOVE that the Board of Selectmen vote to go into Executive Session pursuant to MGL c30A, Section 21(a), Clause 6 for the purpose of:

Clause 6 - To consider the purchase of, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Old Community Center (46 Bradford Street) & Winslow Farm (44-48 Winslow). Votes may be taken.

and not to convene in open session thereafter.

Roll Call Vote:
Tom Donegan:
Erik Yingling:
Cheryl Andrews:
Raphael Richter:
Robert Anthony:

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>