

Annual Town Meeting – Monday, April 4, 2016

Meeting Called to Order. On April 4, 2016, the Town Moderator had postponed the April 4, 2016 Annual and Special Town Meetings to Tuesday, April 5, 2016 in accordance with MGL c.39, §10A due to weather conditions. Town Moderator Mary-Jo Avellar convened the Annual Town Meeting at 6:00 p.m. on Tuesday, April 5, 2016 in the in the Town Hall Auditorium and hearing no objection decided to hold the Special Town Meeting first.

Town Moderator Mary-Jo Avellar convened the Annual Town Meeting at 8:15 p.m. on Tuesday, April 5, 2016.

Preliminary Motions:

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

Motion Passed.

Tom Donegan moved that the Town vote to grant permission to speak at the April 4, 2016 Annual and Special Town Meetings to the following persons who are not registered voters of the Town of Provincetown: John W. Giorgio, Esq., and other attorneys of the firm of Kopelman & Paige, P.C., *Town Counsel*; Amy Davies, *Provincetown Community Television*; Jeffrey Mulliken, *Owner, 34A Pearl Street*; Elbert Ruff, *Owner, 34A Pearl Street*; Carlos Verde, *Provincetown Public Pier Corporation*; Melissa Yeaw, *Provincetown Community Television*; Matthew Clark, *Library Director*; Morgan Clark, *Director of Health*; Scott Fahle, *Principal Assessor*; James Golden, *Chief of Police*; Beau Jackett, *Director of Management Information Systems*; Michelle Jarusiewicz, *Housing Specialist/Grant Administrator*; Eric Larsen, *Deputy Director of Public Works*; Laura Marin, *Health Agent*; Rex McKinsey, *Pier Manager/Harbormaster*; Brandon Motta, *Recreation Director*; Sherry Prada, *Operations Director of Public Works*; Domenic Rosati, *Parking Administrator*; Cody Salisbury, *Water Superintendent*; Beth Singer, *Superintendent of Schools*; Elisabeth Verde, *Executive Assistant to the Town Manager*; Steve Wisbauer, *Shellfish Constable*.

Motion Passed.

Tom Donegan moved that on all matters to come before the April 4, 2016 Annual Town Meeting, requiring a two-thirds vote by statute, that a count need not be taken unless the vote so declared is immediately questioned by seven or more registered voters.

Motion Passed.

Article 1. 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]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Tom Donegan moved that the Town vote to hear the reports of the Town Officials and Committees and to act thereon.

Motion Passed.

Town Moderator Mary-Jo Avellar grouped April 4, 2016 Annual Town Meeting articles 2 through 9 to be moved by consent agenda, (Note: 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), and requested that any voter wishing to remove an article from the consent agenda do so by stating "hold" after she announced the Article number.

Without objection, Tom Donegan moved to approve articles 2 through 9 as printed in the warrant by unanimous consent.

Motion Does Not Pass.

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]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Board of Health Recommends: 5-0-0

Tom Donegan moved that the Town vote to raise and appropriate the sum of \$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.

Motion Passed.

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>Level</u>	<u>Compensation Range</u>		<u>Position</u>
	<u>FY 2016</u>	<u>FY 2017</u>	
13	\$87,185-\$108,403	\$88,057-\$109,487	Town Manager [exempt MGL C.41,§108N] Chief of Police [exempt MGL C.41,§108O]
12	\$81,096-\$100,828	\$81,906-\$101,837	DPW Director Assistant Town Manager Finance Director
11	\$75,430 - \$93,805	\$76,185-\$94,743	Building Commissioner

10	\$70,168 - \$87,228	\$70,870-\$88,100	MIS Director Water Superintendent 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 Tourism Director
8	\$60,705 - \$75,494	\$61,312-\$76,249	MIS Analyst COA Director Town Collector Town Treasurer Recreation Director
7	\$56,461 - \$70,189	\$57,026-\$70,891	Exec. Assistant to Town Manager Local Building Inspector Conservation Agent Health Agent
6	\$52,515 - \$65,352	\$53,040-\$66,005	Payroll and Employee Benefits Manager Secretary to the Board of Selectmen Exec. Assistant to Police Chief Parking Administrator MIS Technician
5	\$48,844 - \$60,747	\$49,332-\$61,355	Licensing Agent Library Marketing & Program Director Library Member Services Coordinator Permit Coordinator
4	\$45,428 - \$56,461	\$45,882-\$57,026	COA Outreach Coordinator Principal Accounting Clerk Assistant Tourism Director
3	\$42,266 - \$52,578	\$42,689-\$53,104	no positions assigned
2	\$39,317 - \$48,886	\$39,710-\$49,375	
1	\$36,580 - \$45,470	\$36,949-\$45,925	

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	<i>No Positions Assigned</i>
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	<i>No Positions Assigned</i>
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	<i>No Positions Assigned</i>
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]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Tom Donegan moved that the Town vote to amend the Personnel Bylaw and Classification and Compensation Plan, as printed in the warrant under Article 3.

Motion Passed.

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]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Visitor services Board Recommends: 7-0-0

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

Motion Passed.

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	<u>7,000</u>
Total	\$79,775

or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 4-0-2

Board of Health Recommends: 5-0-0

Human Services Committee Recommends: 6-0-0

Tom Donegan moved that the Town 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 non-profit 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 printed in the warrant.

Motion Passed.

Article 6. Creation of Year-Round Market Rate Rental Housing Trust – 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 creating a Year-Round Market Rate Rental Housing Trust, 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 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 ESTABLISHING A YEAR-ROUND MARKET RATE RENTAL HOUSING TRUST IN THE TOWN OF PROVINCETOWN

SECTION 1. The general court finds that:

(a) There exists within the Town of Provincetown a severe shortage of year-round, market-rate rental units to serve the needs of the residents of the Town. The shortage in year-round, market-rate rental units has resulted in significant economic displacement and

financial hardship to the residents of the Town and has resulted in the relocation of many residents to other towns on and off of Cape Cod. The shortage of year-round, market-rate rental units constitutes an economic liability, substantially impairs or arrests the sound growth of the Town and retards its economic well-being.

(b) The establishment of a municipal trust with a board of trustees and trust fund is necessary to address this element of the severe housing crisis within the Town. The creation of such a trust will help to eliminate the shortage of year-round, market-rate rental units and is necessary to retain existing industries, businesses and residents and to attract new industries, businesses and residents, and to promote the sound economic growth of the Town.

(c) The shortage of year-round, market-rate rental housing is beyond remedy and control solely by the incentive and regulatory programs established by the Town and is not being dealt with effectively by operations of private enterprise.

(d) Establishment of a year-round, market-rate rental housing trust, a board of trustees and a trust fund is necessary to remedy the severe year-round, market-rate rental housing crisis in the Town. The exercise of powers by the board of trustees and any assistance which may be given by the Town, or any other public body in connection therewith, are public uses and purposes for which public money may be expended.

(e) It is the purpose of the trust created by this Act to aid the Town of Provincetown in the speedy and orderly development of year-round, market-rate rental housing for the residents of Provincetown and to thereby stimulate economic development.

SECTION 2. There is hereby created a municipal trust to be known as the Provincetown Year-Round, Market-Rate Rental Housing Trust, in this Act called the trust. The trust is established for the purpose of creating and preserving year-round rental units in the Town, including but not limited to, market-rate units for the benefit of residents of the Town.

For purposes of this Act, the phrase 'market rate' shall refer to rental housing which is not restricted to occupancy by low or moderate income households, as those terms are defined in section 38D of chapter 121B; provided, however, that 'market-rate housing' may be available for occupancy by households without regard to income and may also include housing subject to maximum income limits to be occupied by households with gross income greater than 80 per cent but not more than 200 per cent of the area median household income as most recently determined by the United States Department of Housing and Urban Development, adjusted for household size. The trust may enact regulations establishing alternative or additional definitions for 'market rate.'

SECTION 3.

(a) The trust shall be managed by a board of trustees consisting of five members, appointed by the Board of Selectmen as follows:

(1) The Board of Selectmen shall designate one of its members to serve, ex officio, on the board of trustees;

(2) The Board of Selectmen shall appoint at least one member of the public at large, preferably a resident who lives in year-round, market-rate rental housing in the Town, to serve on the Board of Trustees; and

(3) The Board of Selectmen shall consider a broad range of expertise including education and experience in real estate development and financing in appointing the remaining three members for the board of trustees.

(b) Each of the five members shall be sworn to the faithful performance of his or her official duties as a member of the board of trustees. A majority of the five members shall constitute a quorum for the transaction of any business. The board of trustees shall elect from among its members a chairman, vice-chairman, clerk and other officers as it finds necessary and determine their duties.

(c) The original members of the board of trustees shall be appointed within 60 days following the effective date of this Act. Of the members of the board of trustees first appointed, one shall be appointed to serve for a term of one year, two for a term of two years and two for a term of three years. The initial appointments may be adjusted to coincide with the regular appointment cycle of the Town. All terms thereafter shall be for three years. In the event of a vacancy on the board of trustees, a successor member shall be appointed to complete the unexpired term.

(d) Any member of the board of trustees may be removed by the Board of Selectmen for cause after reasonable notice and a public hearing by the Board of Selectmen, unless the notice and hearing are in writing expressly waived by the member subject to removal.

(e) The members of the board of trustees shall not receive compensation for the performance of their duties hereunder, but each member shall be reimbursed by the trust for expenses actually incurred in the performance of his or her duties. Every such reimbursement shall be open to public inspection from and after the requisition thereof.

SECTION 4.

(a) There shall be established a trust fund to be known as the Year-Round, Market-Rate Rental Housing Trust Fund. Said fund shall be separate and apart from the Town of Provincetown general fund.

(b) The Town Treasurer shall be the custodian of the trust fund.

(c) The trust fund shall receive and hold all gifts and grants made to the trust as well as any moneys appropriated by the Town to the trust. The trust fund shall also receive all revenues from the sale or lease of trust property and any rental income generated from properties under the custody of the trust.

(d) Any monies in the trust fund shall be available for expenditure by the trust for the purposes set forth in this Act without the need for further appropriation by town meeting.

(e) By a 2/3 vote, the Town is authorized to borrow money in aid of the trust, to be used by the trust for any purpose consistent with this Act and for which the Town is authorized to borrow.

(f) Any funds previously appropriated by the Town for the creation of year-round rental housing prior to the effective date of this Act shall, by operation of law, be automatically transferred into the trust fund.

SECTION 5. The trust, by and through its board of trustees, is hereby authorized:

(a) to accept and receive real property, personal property or money by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, or any other source;

(b) to purchase and retain real or personal property, including without restriction, investments that yield a high rate of income or no income;

(c) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable, notwithstanding the length of any such lease or contract;

- (d) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;
- (e) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;
- (f) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;
- (g) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- (h) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property by or between any corporation and any other corporation or person;
- (i) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;
- (j) to carry property for accounting purposes other than acquisition date values;
- (k) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral;
- (l) to make distributions or divisions of principal in kind;
- (m) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;
- (n) to manage or improve real property and to abandon any property which the board determines not to be worth retaining;
- (o) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and
- (p) to extend the time for payment of any obligation to the trust.
- (q) General revenues appropriated into the trust become trust property, and to be expended these funds need not be further appropriated. All monies remaining in the trust at the end of any fiscal year, whether or not expended by the board within 1 year of the date they were appropriated into the trust, remain trust property.
- (r) The trust is a public employer and the members of the board are public employees for purposes of chapter 258.
- (s) The trust shall be deemed a municipal agency and the trustees special municipal employees, for purposes of Chapter 268A.
- (t) The trust is exempt from Chapters 59 and 62 and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the commonwealth or any political subdivision thereof.
- (u) The books and records of the trust shall be audited annually by an independent auditor in accordance with accepted accounting practices.

(v) The trust is a governmental body for purposes of Sections 18 through 26 of Chapter 30A of the General Laws.

(w) The trust is a board of the Town for purposes of Chapter 30B and Section 15A of Chapter 40; but agreements and conveyances between the trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the Town shall be exempt from said Chapter 30B.

(x) to procure insurance against any loss in connection with its properties and other assets and operations in such amount and from such insurers as it deems desirable; and

(y) to do all acts and things necessary or convenient to carry out the powers expressly granted in this Act.

(z) The Board of Trustees shall be considered a Town board subject to the charter and bylaws of the Town except as may be otherwise expressly provided herein. The members of the Board of Trustees shall be considered municipal employees for all purposes of the General Laws.

SECTION 6. No year-round, market-rate rental housing project shall be undertaken until a public hearing relating to the project has been held by the board of trustees after due notice. Further, after due notice, the board of trustees shall hold at least one public hearing annually to receive comments about its management and operations. Due notice of public hearings shall be given by the trust to the general public through a legal notice in two newspapers having a general circulation in the Town published no later than two weeks prior to the hearing date.

SECTION 7. The financial records of the trust shall be subject to control and oversight by the Town's finance department and subject to yearly audits by the accounting firm employed by the Town for the purposes of the regular Town audit.

SECTION 8. Year-round, market-rate rental units shall be rented giving the maximum preference allowed by law to: (1) current residents of the Town of Provincetown; (2) municipal employees; (3) employees of local businesses; and (4) households with children attending Provincetown schools. If there are more eligible applicants than available year-round, market-rate rental units, the trust shall utilize a lottery system to select tenants. The trust may enact regulations establishing additional preference criteria based on income eligibility.

SECTION 9. This Act, being necessary for the welfare of the Commonwealth and the Town of Provincetown and its inhabitants, shall be liberally construed to effect the purpose thereof.

SECTION 10. This Act shall take effect upon passage; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Housing Authority Recommends: 3-0-0

[Tom Donegan moved that the Town vote to approve Article 6 as printed in the warrant.](#)

Motion Passed.

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 6% 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 90 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 timeshare 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 \$15 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 manners 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]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Board of Health Recommends: 5-0-0

Visitor services Board Recommends: 7-0-0

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

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 United States, the Commonwealth, the Town of Provincetown and any of their instrumentalities, agencies or subdivisions, 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 3 of Section 5 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]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

[Erik Yingling moved that the Town vote to approve Article 8 as printed in the warrant.](#)

Motion Passed.

Article 9. Expanding Residential Property Exemption – A Home Rule Petition. 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 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% 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% of its full and fair cash valuation, except through the applicability of Section 8A of Chapter 58 of the General Laws and Clause 18 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]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

[Erik Yingling moved that the Town vote to approve Article 9 as printed in the warrant.](#)
Motion Passed.

Article 10. FY 2017 Operating Budget. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$24,832,939 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 Municipal Operating Budget.

Division I. General Government

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Board of Health Recommends: 5-0-0

David Panagore moved that the Town vote to raise and appropriate the sum of \$998,255 and transfer \$1,000 from Wetlands Protection Fund, and transfer \$131,398 from the Land Bank Fund for a total of \$1,130,653 to fund operating budgets for the several Town departments for Fiscal Year 2017 under budget Division I, General Government, as recommended by the Board of Selectmen.

Gordon Siegel moved to amend the Division I General Government budget by \$38,423, the amount included in line 122 Selectmen's expenses.

Motion to Amend Does Not Pass.

Motion Passed.

Article 10. FY 2017 Municipal Operating Budget.

Division II. Finance

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Board of Health Recommends: 5-0-0

David Panagore moved that the Town vote to raise and appropriate the sum of \$10,038,853 and transfer \$30,000 from Title V Revolving fund for a total of \$10,068,853 to fund operating budgets for the several Town departments for Fiscal Year 2017 under budget Division II, Finance, as recommended by the Board of Selectmen.

Motion Passed.

Article 10. FY 2017 Municipal Operating Budget.

Division III. Public Safety

Board of Selectmen Recommends: 4-1-0

Finance Committee Recommends: 6-0-0

Board of Health Recommends: 5-0-0

David Panagore moved that the Town vote to raise and appropriate the sum of \$5,549,505, to transfer \$40,000 from the Ferry Embarkation fund, and transfer \$60,000 from Municipal Waterways fund for a total of \$5,649,505 to fund operating budgets for the several Town departments for Fiscal Year 2017 under budget Division III, Public Safety, as recommended by the Board of Selectmen.

Motion Passed.

Article 10. FY 2017 Municipal Operating Budget.

Division IV. Public Works

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 6-0-0
Board of Health Recommends: 5-0-0

David Panagore moved that the Town vote to raise and appropriate the sum \$3,403,781 to fund operating budgets for the several Town departments for Fiscal Year 2017 under budget Division IV, Public Works, as recommended by the Board of Selectmen.

Motion Passed.

Article 10. FY 2017 Municipal Operating Budget.
Division V. Public Services

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 6-0-0
Board of Health Recommends: 5-0-0

David Panagore moved the Town vote to raise and appropriate the sum \$855,056 to fund operating budgets for the several Town departments for Fiscal Year 2017 under budget Division V, Public Services, as recommended by the Board of Selectmen.

Motion Passed.

Article 10. FY 2017 Municipal Operating Budget.
Division VI. Public Schools

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 6-0-0
School Committee Recommends: 5-0-0
Board of Health Recommends: 5-0-0

David Panagore moved that the Town vote to raise and appropriate the sum of \$3,003,526 to fund the local Provincetown Public School System Budget for Fiscal Year 2017. And further, to raise and appropriate the sum of \$715,265 to fund the tuition assessment for students who attend the Nauset Regional High School for a total of \$3,718,791.

Motion Passed.

9:50 p.m. Mark Hatch moved to adjourn Annual Town Meeting until tomorrow, April 6, 2016 at 6:00 p.m.

Motion Passed.

Town Moderator Mary-Jo Avellar called the meeting to order at 6:00 p.m. on Wednesday, April 6, 2016.

Article 11. 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]

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 6-0-0
School Committee Recommends: 5-0-0

David Panagore moved that the Town vote to raise and appropriate the sum of **\$57,489** for its assessment for Cape Cod Technical Regional High School for FY 2017.

Motion Passed.

Article 12. 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 2017:

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%

6002 Wastewater Enterprise Fund	FY 2016	FY 2017	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. FY 2017 Enterprise Funds.

6001 Water Enterprise Fund.

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

David Panagore moved that the Town vote that \$2,522,437 be appropriated to operate the Water Enterprise Fund, \$1,833,533 to come from Water Enterprise Fund revenues and \$361,187 from Retained Earnings, and further, \$327,717 to be appropriated in the general fund and funded from Water Enterprise revenues.

Motion Passed.

Article 12. FY 2017 Enterprise Funds.

6002 Wastewater Enterprise Fund.

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Visitor Services Board Recommends: 7-0-0

David Panagore moved that the Town vote that \$4,474,751 be appropriated to operate the Wastewater Enterprise Fund, \$3,442,836 to come from Wastewater Enterprise Fund revenues and \$892,570 from reserved for debt service, and further, \$139,345 to be appropriated in the general fund and funded from Wastewater Enterprise revenues.

Motion Passed.

Article 13. Fireworks Celebration. To see if the Town will vote to raise and appropriate or transfer from available funds 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 displays; or to take any other action relative thereto.

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

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Visitor Services Board Recommends: 7-0-0

Cheryl Andrews moved that the Town raise and appropriate \$32,000, to be expended under the direction of the Town Manager, to be used to pay for town expenses associated with the costs for the July 4th and New Year's fireworks displays.

Motion Passed.

Article 14. General Bylaw Amendment: Stipend for Selectmen. (*Deletions shown in strikethrough and new text shown as underlined*) To see if the Town will vote to amend the Provincetown General Bylaws by amending Section 5-1-4 to read as follows:

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; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-1

Mark Hatch moved that the Town vote to amend the Provincetown General Bylaw as printed in the warrant in article 14.

Motion Passed.

Article 15. General Bylaw Amendment: Non-Criminal Disposition of Pier Corporation Regulations. (*Deletions shown in strikethrough and new text shown as underlined*) To see if the Town will vote to amend the Provincetown General Bylaws by amending Section 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 M.G.L. Chapter 40, Section 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 the Provincetown Public Pier Corporation]*

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 5-0-0

Cheryl Andrews moved that the Town vote to amend the Provincetown General Bylaw as printed in the warrant in article 15.

Motion Passed.

Article 16. FY 2017 Revolving Accounts. To see if the Town will vote to continue for FY 2017 the following revolving accounts established pursuant to MGL Chapter 44, Section 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]

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Community Housing Council Recommends Item 6: 3-0-0

David Panagore moved that the Town vote to continue for FY 2017 the revolving accounts established pursuant to MGL C.44, §53E½ as printed in the warrant.

Motion Passed.

Article 17. 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. \$64,711 for Open Space;
- B. \$339,711 for Community Housing;
- C. \$64,711 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 (VMCC) 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 and 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 17. Community Preservation Budget for FY 2017.

1 & 2. Reserves and Debt Service

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Housing Authority Recommends Item 1B: 3-0-0

Brandon Quesnell moved that the Town vote to set aside from Community Preservation Act estimated annual revenue the sum of \$64,711 for the Open Space reserve fund, the sum of \$339,711 for the Community Housing Reserve Fund and the sum of \$64,711 for the historic resources reserve fund.

And further to appropriate the sum of \$444,054 to fund debt service for Fiscal Year 2017 as follows: the sum of \$224,550 from Affordable Housing reserves, the sum of \$53,312 from Open Space reserves, and the sum of \$166,192 from Historic Preservation reserves.

Motion Passed.

Article 17 – 3A Community Preservation FY 2017 Budget

Veterans Memorial Community Center Playground Shade Project

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Community Preservation Committee Recommends: 6-0-0

Recreation Commission Recommends: 4-0-0

Brandon Quesnell moved that the Town vote to appropriate under the Community Preservation Act –Recreation the sum of \$32,000 from Community Preservation undesignated fund balance to be used for the installation of shade structures at the VMCC playground to cover portions of the playground equipment and picnic area, said funds to be expended under the direction of the Town Manager.

Motion Passed.

Article 17 – 3B Community Preservation FY 2017 Budget

\$40,000 Alden Street Cemetery Stone Conservation Plan

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Community Preservation Committee Recommends: 6-0-0

Brandon Quesnell moved that the Town vote to appropriate under the Community Preservation Act –Historic Preservation Program the sum of \$40,000 from Community Preservation Historic Preservation Reserves to be used for the implementation of the Preservation Plan stone conservation at the Alden Street Cemetery, said funds to be expended under the direction of the Town Manager.

Motion Passed.

Article 17 – 3C Community Preservation FY 2017 Budget

\$40,000 School Building Auditorium Restoration

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Community Preservation Committee Recommends: 5-0-0

School Committee Recommends: 4-0-0

Brandon Quesnell moved that the Town vote to appropriate under the Community Preservation Act –Historic Preservation Program the sum of \$40,000 from Community Preservation Historic Preservation Reserves to be used for the historic painting and refinishing of walls, ceiling and woodwork in the school auditorium, said funds to be expended under the direction of the Town Manager.

Motion Passed.

Article 17 – 3D Community Preservation FY 2017 Budget

\$60,000 Maushope Property Expansion Planning and Design

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Community Preservation Committee Recommends: 5-0-0

Community Housing Council Recommends: 3-0-0

Housing Authority Recommends: 3-0-0

Brandon Quesnell moved that the Town vote to appropriate under the Community Preservation Act –Community Housing Program the sum of \$60,000 from Community Preservation Community Housing Reserves for expansion planning and design at the Maushope property, said funds to be expended under the direction of the Town Manager.

Motion Passed.

Article 17 – 3E Community Preservation FY 2017 Budget

\$117,982 Community Housing Office

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Community Preservation Committee Recommends: 5-0-0

Community Housing Council Recommends: 3-0-0

Housing Authority Recommends: 3-0-0

Brandon Quesnell moved that the Town vote to appropriate under the Community Preservation Act – Community Housing Program the sum of \$117,982 from Community Preservation Community Housing Reserves to fund the Housing Office and CPA support.

Motion Passed.

Article 18. 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;

or to take any other action relative thereto.

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

Article 18. FY 2017 Capital Improvements Program.

18-1. MIS Relocation and Server Replacement

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Tom Donegan moved that the Town vote to transfer \$75,000 from free cash to fund the relocation of the MIS Department and server replacement.

Motion Passed.

Article 18. FY 2017 Capital Improvements Program.

18-2. Police Fleet Upgrade Plan

2/3rd's Vote Required

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Tom Donegan moved that the Town vote to transfer \$42,300 from the Capital Improvement Stabilization Fund to fund the Police Department Fleet Replacement Plan for the purchase of one police vehicle.

Motion Passed (2/3rd's Vote Declared).

Article 18. FY 2017 Capital Improvements Program.

18-3. Police Radio System Replacement

18-4. Fire and Rescue Radio System Replacement

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

Tom Donegan moved that the Town vote to indefinitely postpone Article 18-3 Police Radio System Replacement and 18-4 Fire and Rescue Radio System Replacement.

Motion Passed.

Article 18. FY 2017 Capital Improvements Program.

18-5. Fire and Rescue Radio/Paging system Replacement

18-6. Fire and Rescue Purchase Thermal Imagers

18-7. Fire and Rescue Purchase Power Stretchers

2/3rd's Vote Required

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 6-0-0

Eric Yingling moved that the Town vote to transfer \$120,000 from the Capital Improvement Stabilization Fund for the following:

- Item 18-5: \$50,000 to fund the purchase of a Fire and Rescue replacement radio and paging system and costs related thereto.
- Item 18-6: \$25,000 to fund the purchase of two thermal imagers and costs related thereto, to be expended under the direction of the Town Manager.
- Item 18-7: \$45,000 to fund the purchase of two Fire and Rescue power stretchers and costs related thereto.

Motion Passed (2/3rd's Vote Declared).

Article 18. FY 2017 Capital Improvements Program.

- 18-8. DPW Street and sidewalk Maintenance and Repair
- 18-9. Storm Water Management
- 18-10. Roadway Paving Plan
- 18-11. Shank Painter Road Concept Development and Preliminary Design Phase
- 18-12. Public Works Fleet Replacement
- 18-13. Public Works Building Maintenance

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 6-0-0

Cheryl Andrews moved that the Town vote to transfer \$836,700 from free cash for the following:

- Item 8: \$50,000 for maintenance and repair of streets and sidewalks, and costs related thereto;
- Item 9: \$100,000 to be used for ongoing improvements to the Town's Stormwater drainage system in conjunction with making application for various grants which may become available, and costs related thereto;
- Item 10: \$200,000 to fund additional roadway maintenance as outlined in the Town-wide Paving Plan, and costs related thereto;
- Item 11: \$131,700 to fund the concept development and preliminary design phase of Shank Painter Road and costs related thereto;
- Item 12: \$300,000 for the purchase of a replacement street sweeper; and
- Item 13: \$55,000 to fund the Building Maintenance Plan, and costs related thereto

Motion Passed.

Article 18. FY 2017 Capital Improvements Program.

- 18-14. Use of Parking Funds to Upgrade AIMS Software

Board of Selectmen Recommends: 5-0-0
Finance Committee Recommends: 6-0-0

Raphael Richter moved that the Town vote to transfer \$50,000 from the parking fund for the upgrade of the AIMS Software, and costs related thereto, to be expended under the direction of the Town Manager.

Motion Passed.

Article 19. Alter Layout of Harry Kemp Way and Authorize Conveyance of the Discontinued Portion- 34A Pearl Street. 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]

2/3rd's Vote Required

Board of Selectmen Recommends: 5-0-0

Finance Committee Recommends: 6-0-0

David Gardner moved to approve article 19 as printed in the warrant.

Motion Passed Unanimously.

Article 20. Hire a Lobbyist for the Town. I move 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; or to take any other action relative thereto.

[Requested by Barbara Rushmore and others]

Board of Selectmen Recommends: 3-1-1

Finance Committee Recommends: 4-2-0

Barbara Rushmore moved that the Town vote to approve a non-binding resolution as printed in the warrant under Article 20.

Motion Passed.

Article 21. Adoption of Property Known as Pilgrim's First Landing Park. To see if the Town will vote to take over the area at the rotary at 1 Commercial Street, known as Pilgrim's First Landing Park, for the purposes of maintenance and general control over the area from the State of Massachusetts; or to take any other action thereto.

[Requested by James Bakker and others]

Board of Selectmen Recommends: 5-0-0
Visitor Services Board Recommends: 7-0-0

James Bakker moved that the Town vote to approve a non-binding resolution as printed in the warrant under Article 21.

Motion Passed Unanimously.

David Nicolau moved to take Article 32 out of order.

Motion Does Not Pass.

Article 22. Adoption of Provincetown Noise Bylaw 2016. To see if the Town will vote to adopt the Provincetown Noise Bylaw 2016 as written:

Provincetown Noise Bylaw 2016

I. Unlawful noise prohibited North of Bradford Street.

A. It shall be unlawful for any person or persons occupying or having charge of, or being present in or about any building, dwelling, structure, premises, shelter, boat, vehicle or conveyance, or any part thereof, in the Town (other than that section of any establishment licensed under MGL c. 138), to create, assist in creating, continue or allow to continue any excessive, unnecessary, or unusually loud noise, including any such noise in the operation of any radio, phonograph or other sound-making device or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians or in the use of any device to amplify the aforesaid, or the making of loud outcries, exclamations or other loud or boisterous noise or loud and boisterous singing by any person or group of persons or in the use of any device to amplify the aforesaid noise or to attract attention, or loud or continuous animal noises, where such noise is plainly audible at a distance of 50 feet from the building, structure, premises, shelter, vehicle, boat or conveyance in which or from which it is produced.

B. The fact that the noise is plainly audible at a distance of fifty (50) feet from the building, dwelling, structure, premises, shelter, boat or vehicle from which it originates or when the noise occurs between 10:00 p.m. and 7:00 a.m., shall constitute prima facie evidence of a violation of this bylaw.

C. Any person shall be deemed in violation of this bylaw who shall make, or aid and abet, or cause, or suffer or countenance or assist in the making of any such noise.

II. Exemptions.

The following uses and activities shall be exempt from the provisions of this bylaw:

A. Emergency vehicles. Any police or fire vehicle or any ambulance while engaged in necessary emergency business.

B. Highway and utility maintenance and construction. Necessary excavation in or repairs of bridges, streets, or highways, or any public utility installation by or on behalf of the Town, or any public utility or any agency of the Commonwealth of Massachusetts.

C. Public address. The reasonable use of amplifiers or loudspeakers for public addresses which are noncommercial in nature.

D. Garbage and refuse collection vehicles, or vehicles providing an emergency service, including without limitation, fuel delivery vehicles.

E. Fireworks, little league, soccer and other sporting events, parades, church bells, and public events.

F. Normal operation of properly muffled motor vehicles, boats, equipment for lawn mowing, farm or agricultural equipment, equipment used in the normal course of home or commercial repair, renovation, construction, or demolition, or in septic system construction or maintenance.

III. Penalties.

A. The first violation of this bylaw shall be punished by a fine of not more than \$50.00.

B. The second violation of this bylaw within 12 months after the first violation shall be punished by a fine of not more than \$100.00.

C. Further violations within 12 months after the last violation shall be punished by a fine of two hundred fifty dollars \$250.00.

D. Each such act which either continues or is repeated more than once shall be prosecuted as a separate offense.

E. If the violation occurs on the premises of rental property, then the owner will be notified in writing that a violation(s) has occurred, and the owner may pass on to violating tenant(s) the full cost of the fine if specified in the rental agreement and such fine can be deducted from the security deposit.

IV. Enforcement.

A. Massachusetts General Law 310 CMR 7.52 Enforcement.

B. This bylaw shall be enforced by the Provincetown Police Department. Officers shall:

- i. issue a verbal warning.
- ii. issue a written warning on the appropriate departmental form.
- iii. utilize the noncriminal disposition procedure authorized by MGL c. 40, § 21D.

[Requested by Jacqueline D. Kelly and others]

Board of Selectmen Does Not Recommend: 4-1-0

Jacqueline Kelly moved that Town Meeting vote to approve article 22 as printed in the warrant.

Jennifer Cabral moved that Article 22 be referred for further study.
Motion to Move Article for Further Study Passed.

Article 23. General Bylaw Amendment: Chapter 15. Local Historic District Regulations 15-11-12. Siding. (*Deletions shown in strikethrough and new text shown as underlined*) 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]

2/3rd's Vote Required

Board of Selectmen Recommends: 4-1-0
Historic District Commission Does Not Recommend: 5-0-0

Tom Donegan moved that the Town vote to amend the Provincetown General Bylaw as printed in the warrant under Article 23.

Motion Does Not Pass.

Article 24. General Bylaw Amendment: Chapter 15. Local Historic District Regulations - 15-9. Solar Exclusions. (*Deletions shown in strikethrough and new text shown as underlined*) To see if the Town will vote to amend the Provincetown General Bylaws by amending Section 15-9 as follows:

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 antennas, 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]

2/3rd's Vote Required

Board of Selectmen Recommends: 4-1-0
Historic District Commission Does Not Recommend: 5-0-0

Tom Donegan moved that the Town vote to amend the Provincetown General Bylaw as printed in the warrant under Article 24.

Christopher Snow moved to indefinitely postpone article 24.
Motion to Indefinitely Postpone Passed.

Article 25. General Bylaw Amendment: Chapter 11. Building Regulations – Demolition Delay Bylaw. (*Deletions shown in strikethrough and new text shown as underlined*) 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 demolition 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.

And renumber the remaining sections accordingly; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

2/3rd's Vote Required

Board of Selectmen Recommends: 5-0-0

Historic District Commission Recommends: 5-0-0

Tom Donegan moved that the Town vote to amend the Provincetown General Bylaw as printed in the warrant under Article 25.

Motion Passed (2/3rd's Vote Declared).

Town Moderator Mary-Jo Avellar recused herself and relinquished the role of moderator to Town Clerk Doug Johnstone.

Article 26. General Bylaw Amendment: Chapter 16 - Condo Conversion Bylaw.

(Deletions shown in strikethrough and new text shown as underlined) To see if the Town, under St. 1983, Chapter 527, Section 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, Chapter 527, Section 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 1 of Chapter 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 M.G.L. Chapter 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, Chapter 527, Section 3.
- g) "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 M.G.L. Chapter 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.

h) "Town": the Town of Provincetown.

SECTION 3. APPLICABILITY.

This Bylaw shall apply to all Housing Units (which under St. 1983, Chapter 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 14 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 a manifestly unjust hardship; 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, Chapter 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 5. 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 6. PENALTIES AND ENFORCEMENT.

Any person who violates this bylaw shall be punished by a fine of three hundred dollars (\$300) per offense under M.G.L. Chapter 40, Section 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 7. EFFECTIVE DATE.

This bylaw shall take effect as provided for under M.G.L. Chapter 40, Section 32.
or to take any other action relative thereto.

[Requested by the Board of Selectmen]

2/3rd's Vote Required

Board of Selectmen Has No Recommendation: 2-2-1

Finance Committee Does Not Recommend: 5-0-0

Community Housing Council Recommends: 4-0-0

Erik Yingling moved that the Town vote to amend the Provincetown General Bylaw as printed in the warrant under Article 26.

Motion Does Not Pass.

Town Moderator Mary-Jo Avellar returned to the meeting.

Article 27. Zoning Bylaw Amendment – Article 2 Section 2440. (*Deletions shown in strikethrough and new text shown as underlined*) 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 <u>BA</u>	NO ⁵ <u>BA</u>	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]

2/3rd's Vote Required

Board of Selectmen Recommends: 5-0-0

Planning Board Recommends: 5-0-0

Grace Ryder-O'Malley moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in the warrant under Article 27.

Motion Passed (2/3rd's Vote Declared).

10:11 p.m. Lynda Trovato moved to adjourn Annual Town Meeting until tomorrow, April 7, 2016 at 6:00 p.m.

Motion Passed.

Town Moderator Mary-Jo Avellar called the meeting to order at 6:01 p.m. on Thursday, April 7, 2016.

Article 28. Zoning Bylaw Amendment – Article 2 Section 2440. (*Deletions shown in strikethrough and new text shown as underlined*) 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	NO <u>BA</u>	NO <u>BA</u>

or to take any other action relative thereto.

[Requested by the Planning Board]

2/3rd's Vote Required

Board of Selectmen Recommends: 5-0-0

Planning Board Recommends: 5-0-0

Grace Ryder-O'Malley moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in the warrant under Article 28.

Motion Passed Unanimously.

Article 29. Zoning Bylaw Amendment – Article 2 Section 2440. (*Deletions shown in strikethrough and new text shown as underlined*) 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 <u>BA</u>	NO <u>BA</u>	NO <u>BA</u>	NO	BA	NO <u>BA</u>	NO

or to take any other action relative thereto.

[Requested by the Planning Board]

2/3rd's Vote Required

Board of Selectmen Recommends: 5-0-0

Planning Board Recommends: 5-0-0

Grace Ryder-O'Malley moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in the warrant under Article 29.

Motion Passed Unanimously.

Article 30. Zoning Bylaw Amendment – Article 6, Growth Management. (*Deletions shown in strikethrough and new text shown as underlined*) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 6, Growth Management, Section 6500, Table of Use Categories and Priorities, by inserting a new use under General Use Category 2 as follows:

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]

2/3rd's Vote Required

Board of Selectmen Recommends: 5-0-0

Planning Board Recommends: 5-0-0

Community Housing Council Recommends: 4-0-0

Grace Ryder-O'Malley moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in the warrant under Article 30.

Motion Passed (2/3rd's Vote Declared).

Article 31. Zoning Bylaw Amendment – Article 1 Definitions. (*Deletions shown in strikethrough and new text shown as underlined*) 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]~~

2/3rd's Vote Required

Board of Selectmen Recommends: 5-0-0

Planning Board Recommends: 5-0-0

Community Housing Council Recommends: 4-0-0

[Grace Ryder-O'Malley moved that the Town vote to amend the Provincetown Zoning Bylaw as printed in the warrant under Article 31.](#)

Motion Passed (2/3rd's Vote Declared).

Article 32. Zoning Bylaw Amendment – Article 4 Section 4810 Inclusionary Housing Bylaw. (*Deletions shown in strikethrough and new text shown as underlined*) To see if the

Town will vote to amend the Provincetown Zoning Bylaws, by inserting a new Section 4810 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 (SHI).

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 M.G.L. Chapter 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 in accordance with the following:
- | | |
|----------------|--|
| <u>1 unit</u> | <u>3% of the average value of a dwelling unit</u> |
| <u>2 units</u> | <u>6% of the average value of a dwelling unit</u> |
| <u>3 units</u> | <u>9% of the average value of a dwelling unit</u> |
| <u>4 units</u> | <u>12% of the average value of a dwelling unit</u> |
| <u>5 units</u> | <u>15% 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 shall be payable upon the issuance of a certificate of occupancy of the final rental unit and then annually thereafter, until final payment has been made, and with a notice of payment due in this manner to be recorded against the property before the first certificate of occupancy issues.
 - ii. When the development consists of one single-family home on its own lot, the payment-in-lieu shall be paid in full before the issuance of the certificate of occupancy or it may be paid in 5 equal annual installments, the first installment payable before the issuance of the certificate of occupancy, and then annually thereafter until the final payment has been made, and with the full balance due upon the sale of the dwelling, and with a notice of payments due in this manner to be recorded against the property before the certificate of occupancy issues.
- (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 the required payment(s) to the Housing Fund, and with a notice of the required payments to be recorded against the property before any certificate of occupancy is issued if full payment has not been made when the certificate of occupancy is applied for.
- (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) In lieu of providing such units either on or off site, an applicant may provide a 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 equivalent to the value of an in-lieu payment. The Planning Board may require, prior to accepting land as satisfaction of the requirements of this bylaw, that the applicant submit an appraisal of the land in question that was prepared by a licensed appraiser using professionally accepted methods, as well as other data relevant to the determination of equivalent value, and the Planning Board may obtain expert peer review of the appraisal at the applicant's expense. 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 as part of the Special Permit relief.

- (c) Developments of 1 to 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, Sections 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 and for so long as any such unit does not conform to the underlying as-of-right zoning requirements. 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 the Massachusetts Department of Housing and Community Development (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 bylaw 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 Extremely 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 Extremely Low, Low or Moderate Income 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 Median or Middle Income 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 Bylaws.

And amending Article 6, Growth Management, Section 6500, Table of Use Categories and Priorities, as follows:

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, Change of Use/Non-Residential to Residential Use Conversions in its entirety.

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;
or to take any other action relative thereto.

[Requested by the Planning Board]

2/3rd's Vote Required

Board of Selectmen Recommends: 3-1-1

Planning Board Recommends: 4-0-1

Finance Committee Does Not Recommend: 4-2-0

Community Housing Council Recommends: 4-0-0

[Brandon Quesnell moved that Article 32 be withdrawn for further study.](#)

Motion Passed.

Article 33. Funding for Year-Round Rental Housing. To see if the Town will vote to raise and appropriate the sum of \$500,000 for the purpose of funding year-round rental housing in the Town, provided that such appropriation shall be contingent on the passage of a Proposition 2½ capital outlay exclusion ballot question;
or to take any other action relative thereto.

[Requested by the Finance Committee]

Board of Selectmen Recommends: 4-0-1

Finance Committee Recommends: 6-0-0

Housing Authority Recommends: 3-0-0

Tony Valentino moved that the Town vote to approve Article 33 as printed in the warrant.

Motion Passed.

Article 34. Resolution: Prohibit Poisoning of Wildlife in the Cape Cod National Seashore. Designate Cruelty Free Zone for all Animals in Provincetown. To see if the

Town will vote to approve the following resolution:

WHEREAS, the Town of Provincetown desires to join the hundreds of countries, communities, organizations, and businesses that respect quality of life for all living beings;

WHEREAS, Provincetown opposes any plan or action by the Cape Cod National Seashore that would lethally trap, remove, kill, poison or otherwise harm wildlife for the purpose of benefiting other wildlife;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Town of Provincetown is opposed to the killing, lethal trapping, or removal of wildlife or domesticated animals, birds, or reptiles, except in the case of immediate public danger so determined by the Town's animal control officer or other designated government authority, and except when and where lawfully allowed pursuant to hunting laws of the Commonwealth of Massachusetts.

2. The Town of Provincetown is opposed to the introduction and use of any poison into the environment to intentionally kill wildlife or that has the effect of harming wildlife, domesticated animals, birds, reptiles or humans.

3. Therefore, be it resolved, The Town of Provincetown is designated as a "Cruelty Free Zone" for all animals, birds, and reptiles, both domesticated and wild; or to take any other action relative thereto.

[Requested by the Animal Welfare Committee]

Board of Selectmen Recommends: 5-0-0

Animal Welfare Committee Recommends: 0-0-0

Board of Health Recommends: 5-0-0

Tom Donegan moved that the Town vote to approve a non-binding resolution as printed in the warrant under Article 34.

Motion Passed.

Town Moderator Mary-Jo Avellar motioned to dissolve the April 4, 2016 Annual Town Meeting at 7:10 p.m.

Motion Passed.

Annual Town Meeting dissolved at 7:10 p.m.