



# Meeting Agenda

**The Provincetown Select Board will hold a public meeting on Monday, March 11, 2019 at 6:00 p.m. in Judge Welsh Room, Town Hall, 260 Commercial Street, Provincetown, MA 02657.**

*Consent Agenda – Approval without objection required for the following items:*

- A. *Treasurer's Transfer - Beautification Gift Fund (#1605), to approve the use of gifted funds to pay \$526.00 to O'Brien & Sons for memorial bench project expenses.(page 3)*

1. Public Hearings - Votes may be taken on the following items:

- A. Continued Public Hearing from November 26, 2018 and January 14, 2019– Bas Relief Restoration – To hear public comment on the proposed plan for the Bas Relief restoration (page 7)
- B. Economic Development Permits: (Page 10)  
Staff report: EDP Status under state of Limited Capacity
  1. 18-04 – 212-214 Commercial Street – 1620 Brewhouse by Ben deRuyter of New Art Realty Corp. (applicant and owner), to increase the assigned Title 5 flow to the property by 4,671 gallons per day to add 89 seats and a brewery to the existing restaurant and 174 seat theater.(page 17)
  2. 19-01 – 141 Bradford Street – Provincetown Brewery by Chris Hartley (applicant), on behalf of 141 Bradford Real Estate LCC (owner) to increase the assigned Title 5 flow to the property by 3,140 gallons per day to add 95 seats to convert the former retail establishment to a brewery / restaurant / bar. (page 46)
  3. 19-02 – 170 Commercial Street – Joe's Coffee by Glenn Siegmund (applicant), on behalf of TGT Realty Trust (owner) to increase the assigned Title 5 flow to the property by 257 gallons per day to add 16 seats and the existing coffee house and restaurant. (page 75)
- C. April 1, 2019 Annual and Special Town Meeting Warrant Articles. To hear public comment on articles submitted by the Select Board per the Provincetown Charter 2-3-g. Board recommendations may be voted. (page 94)

2. Public Statements – Three (3) minutes maximum. Select Board Members do not respond to Public Statements. (page 131)

3. Select Board Members' Statements – Initial comments from the Select Board Members. Discussion dependent- votes may be taken. (page 132)

4. Joint meeting / Presentations – None (page 133)

5. Appointments/Interviews -

- A. Year Round Market Rate Rental Housing Trust: Michela Carew-Murphy (page 134)
  - B. Planning Board: Michela Carew-Murphy (page 138)
6. Request — Votes may be taken on the following items:
- A. Continued discussion from February 25<sup>th</sup> meeting regarding VSB Matching Marketing Grants requested by Chairman Andrews (page 142)
  - B. Select Board Liaison for Stellwagen Bank Advisory Committee requested by Louise Venden (page 145)
7. Town Manager / Assistant Town Manager - Votes may be taken on the following items:
- A. Police Station Supplemental Financing (page 146)
  - B. Opening and closing of the paid parking season (page 149)
  - C. Town Manager's Report (page 152)
  - D. Contract Report (page 160)
8. Minutes – Approve minutes of previous meetings. Votes may be taken. (page 161)
9. Closing Statements/Administrative Updates - Closing comments from the Select Board Members. Discussion dependent; motions may be made; votes may be taken. (page 173)



**Provincetown Select Board  
AGENDA ACTION REQUEST  
Monday, March 11, 2019**

**00A**

## **TREASURER'S TRANSFER**

Beautification Gift Fund

**Requested by:** Alexander N. Williams, Treasurer

**Action Sought:** Approval

### **Proposed Motion(s)**

**MOVE that the Select Board vote, as Commissioners of the Beautification Gift Fund (#1605), pursuant to MGL C44 § 53A, to approve the use of gifted funds to pay \$526.00 to O'Brien & Sons for memorial bench project expenses.**

**[As requested and approved by the Public Landscape Committee]**

### **Additional Information**

This Motion will allow the Town Treasurer to transfer money from the Beautification Gift Fund (#1605) to pay for memorial bench installation supplies. The Beautification Gift Fund will have a balance of \$7,890.70 after this invoice is paid. Donations have been made to the Beautification Gift Fund specifically for this purpose.

### **Board Action**

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

Dear Mr. Mackinnon GPP Fund. 1605



17 Trotter Drive  
P.O. Box 718  
Medway, MA 02053-0718  
Tel: (508) 359-4200 Fax: (508) 533-6342  
www.obrienandsons.com

2/5/2019

### STATEMENT OF ACCOUNT

PROVINCETOWN PUBLIC LANDSCAPE  
C/O TOWN HALL  
260 COMMERCIAL STREET  
PROVINCETOWN, MA 02657

Customer Number: PPL260M

ALLAN MACKINNON

DATE	REFERENCE #	DESCRIPTION	CHARGE	CREDIT	BALANCE
1/15/2019	I190030-IN		526.00		526.00

2-21-19  
Public Landscape  
Approves paying this  
invoice 4-0-0

*Bench Project.*

**WE HAVE MOVED**  
Our new address is  
**PO Box 718**  
**Medway MA 02053**

*[Signature]*  
*[Signature]*  
Anika M. Costa  
2/21/2019

CURRENT	30 DAYS	60 DAYS	90 DAYS	120 DAYS	BALANCE DUE
526.00	0.00	0.00	0.00	0.00	526.00

Listed above are invoices that have been previously mailed to you.  
If you are missing a copy, please call us.

# INVOICE



M.E. O'Brien & Sons, Inc.  
PO Box 718  
Medway MA 02053-0718  
(508) 359-4200

INVOICE NUMBER: I190030-IN  
INVOICE DATE: 1/15/2019

ORDER NUMBER: S181469  
MEO PO #: PO44877  
ORDER DATE: 11/26/2018

SALESPERSON: 15MA  
CUSTOMER NO: PPL260M

**Sold To:**

PROVINCETOWN PUBLIC LANDSCAPE  
COMMITTEE  
C/O TOWN HALL  
260 COMMERCIAL STREET  
PROVINCETOWN, MA 02657

**Ship To:**

PROVINCETOWN DPW  
M/F SCHNEIDER & TORBERT SLAT  
ANIKA COSTA / TONY LEMME  
24 CEMETERY ROAD  
PROVINCETOWN, MA 02657

ORDERED BY: ANIKA M. COSTA  
anikacosta@comcast.net

JOB: SCHNEIDER & TORBERT SLAT/TOWN OF PROVINCETOWN MA

<u>CUSTOMER P.O</u>	<u>SHIP VIA</u>	<u>SHIP DATE</u>	<u>F.O.B.</u>	<u>TERMS</u>	<u>TAX STATUS</u>
SIGNATURE	UPS	1/14/2019	DESTINATION	NET 30	046-001-274

<u>ITEM NO.</u>	<u>VENDOR</u>	<u>UNIT</u>	<u>ORDERED</u>	<u>SHIPPED</u>	<u>PRICE</u>	<u>AMOUNT</u>
<b>0-39-80D-02</b> 3" X 4" X 95" DOUG FIR EDGE SLAT WD1 DRIFTWOOD GRAY	DUMOR	EA	1.00	1.00	0.00	0.00
<b>PLAQUE-Q15ZE/WP</b> 2" X 12" ZINC ETCHED PLAQUE INSTALLED ON WOOD SLAT, #027872A-06 TO READ: To the wonderful memories shared by Lynne B. Schneider & Marianne Torbert 1986 ~ Infinity	DUMOR	EA	1.00	1.00	0.00	0.00
<b>LOT DEL'D / DUM</b> PRICE	DUMOR	EA	1.00	1.00	526.00	526.00

**WARNING!! PROTECT YOURSELF**

Examine shipment before accepting. If damaged or short, request agent to show name on freight bill and send it to us at once. Unless you do this, credit cannot be allowed for loss or damage in transit.

A FINANCE CHARGE OF 1.5% PER MONTH WILL BE CHARGED ON PAST DUE ACCOUNTS.  
ALL CLAIMS MUST BE MADE WITHIN 30 DAYS FOLLOWING SHIPMENT.

Net Invoice:	526.00
Freight:	0.00
Sales Tax:	0.00
<b>Invoice Total:</b>	<b>526.00</b>



# TOWN OF PROVINCETOWN

## REQUEST TO EXPEND GIFTED FUNDS

Date: March 11, 2019  
To: Provincetown Treasurer  
From: Provincetown Select Board

As Commissioners of the Beautification Gift Fund – (#1605), permission is hereby granted to you, the Treasurer of the Town of Provincetown, to approve the use of gifted funds for the payment of \$526.00 to O'Brien & Sons for memorial bench project expenses.

### The Honorable Select Board:

\_\_\_\_\_  
Cheryl Andrews, Chair

\_\_\_\_\_  
Lise King

\_\_\_\_\_  
Louise Venden

\_\_\_\_\_  
John Golden

\_\_\_\_\_  
Robert Anthony, Vice Chair



**Provincetown Select Board  
AGENDA ACTION REQUEST  
Monday, March 11, 2019**

**1A**

**PUBLIC HEARING – BAS RELIEF & PARK**

Continued – Final Schematic Design

**Requested by:** Community Housing Specialist & Grant Administrator Michelle Jarusiewicz

**Action Sought:** Discussion

**Proposed Motion(s)**

Discussion Dependent/Votes May Occur

**Additional Information**

- The Select Board continued the public hearing from their November 26, 2018 regular meeting for further discussion on the Native American Commemoration Art/Wampanoag memorial at Bas Relief
- At the November 26, 2018 meeting the Select Board voted:

Move that the Select Board vote to approve the final schematic design for the Bas Relief & Bas Relief Park, at 106 Bradford Street, as presented with a carve out with a second process be put into place that will specifically deal with the budget, the design process and anything else for the Wampanoag memorial and other than that you have the Board's approval to proceed with final design and bidding process.

Motion: Vice Chair Andrews      Seconded: Select Member Venden

**VOTED**

In Favor: 5

Opposed:

Abstain:

**Board Action**

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



**Housing Specialist & Grant Administrator**

**Memo**

To: Board of Selectmen, Town Manager David Panagore  
 From: Michelle Jarusiewicz, Community Housing Specialist/Grant Administrator  
 Date: March 6, 2019  
 Re: Bas Relief Restoration Status

The 2017 April Town Meeting approved a total of \$750,000 for the final design and construction of the restoration of the Bas Relief and Park. This is a cornerstone piece for the Provincetown 400 commemoration. The core of the project is the restoration of the Bas Relief bronze tablet by Cyrus Dallin which commemorates the signing of the Mayflower Compact and the stone structure surrounding it. The entire project includes the cleaning and repair of the smaller monuments, realignment of the pathways, landscaping, electrical upgrades, and site furnishings.

Timeline:

- February 6, 2019: Invitation for Bids [IFB] issued for the core project.
- February 25, 2019: Briefing session conducted for potential bidders
- March 7, 2019: Construction Bids for the restoration of the Bas Relief and Park due.
- Spring 2019: potential construction start
- Winter 2019: construction completion

**Calcite drips from mortar**

Hardened calcite encrustations have occurred due to deteriorating limestone mortar from the granite blocks. These have been present for a number of years, and therefore will be more difficult to remove.



Left: Calcite drips on the figure of William Bradford. Right: Detail of calcite encrustation.

**Perimeter fill and caulking**



Left to right: The perimeter left and right of the edges of the bas relief have 1 1/4" gaps, and a 3/8" gap on the top and bottom. The very wide gaps on the sides are unusual, and suggest that the stone monument was not made to exactly fit the plaque (or the bas relief was not cast to the correct dimension).

Previous milestones:

Since the Town Meeting approval there have been numerous public presentations and hearings including a presentation on 3/29/18, a BOS public hearing on 4/9/18. A second BOS public hearing on 11/26/18 which was continued to 1/14/19, where the BOS approved moving forward with bidding out the base project. The public hearing was then continued to 3/11/19.

Historical information Excerpt Town Meeting 2017:

Town Meeting is being asked for a total of \$750,000, including \$50,000 from the Community Preservation Act Fund, to restore the Bas Relief tablet, structure, and grounds. The Bas Relief is a center

focal point in town and commemorates the signing of the Mayflower Compact in 1620. The bronze tablet, *Signing of the Mayflower Compact*, was designed by Cyrus Dallin and cast at the Gorham Foundry in Rhode Island. It is the centerpiece of the park and was completed in 1921 and part of the tercentennial events. The goal is to have all the restoration work complete by 2019 well in advance of the 2020 Commemoration.

A Master Conservation Plan was funded through a CPA grant and had a team of consultants evaluate the bronze relief, the structure encasing it, the smaller monuments and the grounds surrounding it. The bronze tablet is in good structural condition with no cracks or deformations, but the surface suffers from past restorations and loss of metal from abrasive cleaning. In the 1970's the bas relief was painted brown and an abrasive substance was used to remove the paint. This resulted in a surface that appears to be blast cleaned with some loss of sculptural detail. Since then, the bare metal has oxidized and started to corrode green. There are numerous drip accretions of hardened calcite along with other accretions and stains. There is copper corrosion caused by weather and salt air. These corrosion products combined with water infiltration has caused damage to the granite by staining the blocks and mortar below and adjacent to the bas relief. The bronze will require careful cleaning and repatination to match the original color, a new protective coating, and filling of the gaps on the perimeter for stability. The granite structure surrounding the tablet has some cracks and spalls; atmospheric, calcite, and bronze staining; and mortar failure. The majority of the cracks are minor and do not appear to be causing movement of the structure but a few of them do appear to be moving and exhibiting associated displacement of stone. There is a large joint between the tablet and the stone which is currently filled with generations of different materials including pink house insulation. The material used to fill the gap should be able to accommodate the rates of expansion and contraction of the bronze and the masonry.

The proposed project addresses the recommendations in the Master Conservation Plan and includes cleaning the bronze relief, repatinate the bronze and apply protective coating; clean secondary monuments; reset and repair existing stone structure as needed; clean and repoint stone; clean secondary monuments; reset Bas Relief stairs; reset & replace brick and granite paving as needed; remove dead trees and invasive species; replace existing furnishings, lighting, electrical service, plantings, and other improvements.

Original Color of the Bas Relief



Photograph from the Gorham archives showing the recently completed Bas Relief (1921).



**Provincetown Select Board**  
**AGENDA ACTION REQUEST**  
**Monday, March 11, 2019**

**1B**

# **PUBLIC HEARING**

## **EDP Status Under State of Limited Capacity**

**Requested by:** Assistant Town Manager David Gardner

**Action Sought:** None

### **Proposed Motion(s)**

Discussion Dependent.

### **Additional Information**

Staff seeks to update the Select Board on the Economic Development Permit gallons under State of Limited Capacity. The demand for EDP gallons continues to outpace any other category. This information is critical to understand where we stand in our ability to approve the current round of permits and where we will stand moving forward over the course of the next two years (assuming the WW Plant Expansion occurs).

### **Board Action**

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



## PROVINCETOWN DEPARTMENT OF PUBLIC WORKS

# Memo

To: David Gardner, Assistant Town Manager

From: Cody J. Salisbury, Water Superintendent

CC: David Panagore, Town Manager; Richard J. Waldo, DPW Director

Date: March 6, 2019

Re: Projected Water Use for Proposed Breweries at 141 Bradford Street & 214 Commercial Street

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Provincetown Water Department, in recent years, has experienced an overall decline of annual average water withdrawals, with a three year annual average withdrawal of 638,852 gallons per day, with the DEP permit restricted to an annual average of 850,000 gallons per day. This is mostly attributed to aggressive leak detection programs resulting in water leak loss recovery and continued water conservation efforts. However, peak-season withdrawals, particularly the months of July and August, are staying consistent, between 35-40 million gallons per month (an average of 1.2 – 1.3 million per day), with maximum withdrawal days (namely July 4<sup>th</sup> and Carnival) exceeding 1.7 million gallons. Our current maximum aggregate pumping capacity is approximately 1.7 million gallons per day.

The Water Department has evaluated the proposed breweries regarding the impact on water use demands. One proposed brewery is to be located at 141 Bradford Street, and one is proposed at 214 Commercial Street (the existing location of 1620 Brewhouse). The details of each brewery as described to the Water Department and projected water demands are outlined below.

The brewery proposed to be located at 141 Bradford Street, Provincetown Brewing Company, is proposing a system capable of brewing 3-5 barrel batches, with a projected maximum output of 675 barrels per year after year three of operation. At this rate, assuming a 7:1 waste ratio (7 gallons of water for every 1 gallon of beer produced), this equates to 146,475 gallons of annual water usage for brewing purposes. In addition, a 93 seat restaurant is expected to add an additional water demand over and above the necessary usage for the brewing operation.

The current business located at 141 Bradford Street uses 92,333 gallons based on a three year annual average. Based upon the request for 93 full service seats, the Water Department analyzed a current establishment with a similar number of seats for comparison. The restaurant used for comparison was Enzo's, located at 186 Commercial Street, containing 92 seats according to licensing. Annual average usage based on a three year average of peak and off-peak season usage is 446,666 gallons. This establishment is served from one (1) water meter for the entire building; there are a few guest rooms within the building, which is assumed to account for approximately 25% of the annual total. Therefore, the restaurant would account for the remaining 75%, for a total of 335,000 gallons. This is a safe assumption, as the MEWS restaurant, for example, is a 120 seat year-round restaurant with a three year annual average of 456,666 gallons per year, which equates to approximately 10.5 gallons per day per seat, a similar amount for Enzo's assuming 335,000 for the restaurant. If Enzo's restaurant is a close comparison to the proposed, this

would result in a total estimated annual usage of 481,475 gallons (146,475 + 335,000), an increase of nearly 400,000 gallons annually from what the property currently uses.

The second proposal for a brewery is within the current 1620 Brewhouse location at 214 Commercial Street. A 7-barrel brewing system is proposed with a maximum annual production of 14 barrels per week, or 728 barrels per year. Additionally, the proposal includes adding several restaurant seats for a total of 167 seats. Based on brewing production of 728 barrel per year, and an estimated 4:1 waste ratio (information from the owner), this equates to an annual usage of 90,272 gallons for brewery operations. As previously mentioned, the restaurants analyzed above for comparison purposes reflect a usage rate of approximately 10 gallons per day per seat. Under this scenario, the 167 seats requested would account for an estimated annual use of 609,550 gallons, for a total of 699,822 gallons with brewing operations. Since the property is currently multi-use served from one (1) water meter the actual current water usage related to restaurant is not known. However, applying the same formula of water usage above (10 gallons per day per seat), approximate usage would be 284,700 gallons annually, resulting in a net increase of 415,122 gallons annually.

The proposed brewery/restaurants outlined above would require an additional 815,000 annual gallons combined, assuming maximum annual brewing production and similar usage rates based on other similarly sized establishments. Based on the MEWS restaurant for comparison (whose water usage for July and August is 50,000 gallons per month) this equates to an increase of approximately 1,600 gallons per day for the July and August peak period for each brewery/restaurant. In turn, this results in the average annual daily withdrawal (based on the three year average) to increase to from 638,852 gallons per day to 641,084 gallons per day for the water system (638,852 + 2,232), assuming all other factors remain static. With this in mind, **the following conditions are recommended for each brewery:**

- 1. Each brewery is to be separately metered in order to monitor overall usage associated with the brewing operation. This meter will capture overall usage trends throughout the year.***
- 2. Brewing operations would be restricted to a Monday through Wednesday schedule during the months of July and August.***
- 3. The Town has the right, when deemed necessary, to temporarily cease brewing operations.***



# Public Hearing

## Economic Development Permit:

The Provincetown Select Board will hold a Public Hearing on **Monday, March 11, 2019 at 6:00 p.m.** in the Judge Welsh Room, Town Hall, 260 Commercial Street, Provincetown, MA 02657 to receive comments from the public on the following Economic Development Permit request:

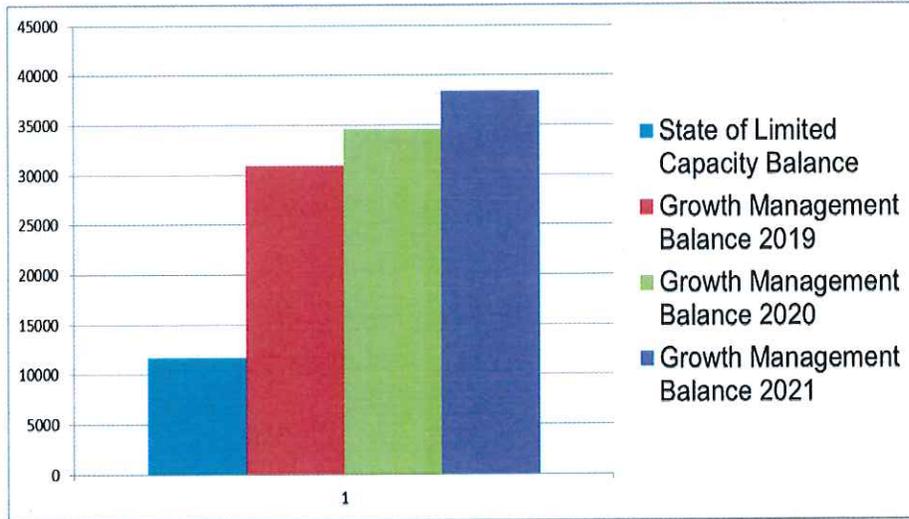
1. Economic Development Permit 18-04 – 212-214 Commercial Street – 1620 Brevhouse by Ben deRuyter of New Art Realty Corp. (applicant and owner), to increase the assigned Title 5 flow to the property by 4,671 gallons per day to add 89 seats and a brewery to the existing restaurant and 174 seat theater.
2. Economic Development Permit 19-01 – 141 Bradford Street – Provincetown Brewery by Chris Hartley (applicant), on behalf of 141 Bradford Real Estate LCC (owner) to increase the assigned Title 5 flow to the property by 3,140 gallons per day to add 95 seats to convert the former retail establishment to a brewery / restaurant / bar.
3. Economic Development Permit 19-02 – 170 Commercial Street – Joe's Coffee by Glenn Siegmund (applicant), on behalf of TGT Realty Trust (owner) to increase the assigned Title 5 flow to the property by 257 gallons per day to add 16 seats and the existing coffee house and restaurant.

Comments may be submitted in writing to the Office of the Select Board, 260 Commercial Street, Provincetown, MA 02657 or [selectmen@provincetown-ma.gov](mailto:selectmen@provincetown-ma.gov) by Tuesday, March 5, 12 p.m. or in person at the hearing.

*Cheryl Andrews, Chairman*

Posted: Town Hall, <http://www.provincetown-ma.gov> 02/13/2019, 8:50 am AR  
Published: Banner: February 21 and February 28

Comparison between gallons available under State of Limited Capacity and Growth Management



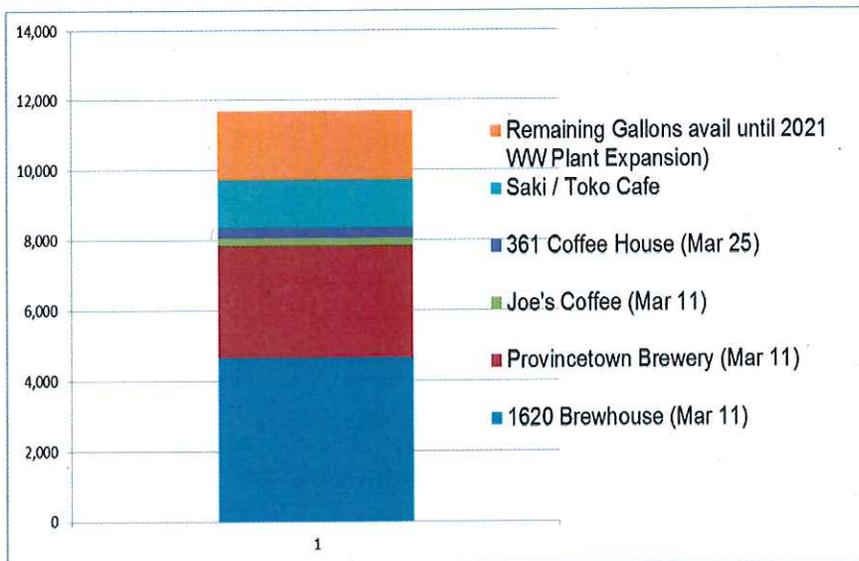
Economic Development Permits Pending

<u>Current Requests</u>	<u>Est. Gallons</u>	
Brewhouse	4,671	11-Mar
Provincetown Brewery	3,140	11-Mar
Joe's Coffee	257	11-Mar
<u>Pending Requests</u>		
361 Comm St coffee house	290	25-Mar
Saki / Toko Café	1,365	25-Mar
<u>Pending USDA Grant Funding</u>		
Surf Club	6,370	
Provincetown Marina	24,500	
<u>Other Requests currently on HOLD</u>		
A Lea Delaria Joint	770	
	<u>9,723</u>	<u>31,640</u>

### Economic Development Permit History

2007 -	875	
2008 -	9,784	
2009 -	357	
2010 -	815	
2011 -	3,435	
2012 -	3,102	
2013 -	840	
2014 -	3,210	
2015 -	1,753	
2016 -	2,601	
2017 -	5,807	
2018 -	2,495	Average = 2,923

### Economic Development Permit Category Balance under the State of Limited Capacity



## Policy Questions

- What priority should we place on Economic Development Permits in the future?
- Are we willing to increase the availability of gallons to meet the existing and future demands?
- Are we willing to approve large users who's betterments allow us to better serve the whole vacuum system opening up opportunities for others along Commercial Street?
- How do we address our resource constraints in order to achieve long term economic development and sustainability?



**Provincetown Select Board  
AGENDA ACTION REQUEST  
Monday, March 11, 2019**

**1B1**

**PUBLIC HEARING**

Economic Development Permit 18-04- 1620 Brewhouse – Ben deRuyter

**Requested by:** Applicant

**Action Sought:** Discussion/Approval

**Proposed Motion(s)**

Move that the Select Board vote to approve Economic Development Permit 18-04 for 212-214 Commercial Street dba 1620 Brewhouse, by Ben deRuyter applicant/owner on behalf of the New Art Realty Corp, based on findings that the proposed use is consistent with the criteria set forth in Selectmen’s Policy 2017-03-13, specifically:

- Projects that are consistent with the Local Comprehensive Plan and
- Support, create or enhance year-round employment opportunities/incomes and/or
- Support an extended employment season of at least 9 months and/or
- Help to diversify Provincetown’s year-round economic base and/or

**subject to the attached permit with conditions [as submitted] [as revised].**

**Additional Information**

See attached application along with plans for the proposed improvements and draft permit. Existing and Proposed flow chart included in the packet.

Existing flow = 3,428 gpd  
 Proposed flow = 8,099 gpd  
 Proposed flow: Restaurant: 5,845 gpd  
                   Brewery: 248 gpd  
                   Theater: 870 gpd  
 Total proposed additional flow: 4,671 gpd

**Board Action**

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



## Select Board

# Public Hearing

## Economic Development Permit:

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*Cheryl Andrews, Chairman*

Posted: Town Hall, <http://www.provincetown-ma.gov>  
Published: Banner: February 21 and February 28

18-04

# Economic Development Sewerage Gallons Permit



Town of Provincetown  
Department of  
Community Development

Town Hall, 260 Commercial Street  
Provincetown, MA 02657  
Facsimile (508) 487-0032

Telephone (508) 487-7020

Subject Property Address 214 Commercial St.	Assessors Data Map 11-1 Parcel 17
--	--------------------------------------

Owner of Record	Name and address	New Art Realty Corp. Benjamin deRuyter PO Box 242 Provincetown, MA 02657
	Date	1/14/2019
Signature	Date	

Business Contact Information		office	(508) 413-9644
company	Pilgrim Lake Group, Inc.	fax	
contact	Benjamin deRuyter	mobile	(508) 280-1225
address	PO Box 242 Provincetown, MA 02657	pager	
		email	ben@pilgrimlake.com

Sewerage Information	
Property on sewer?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If yes, assigned flow	3,428 gpd
Proposed sewer flow	8,099 gpd
Additional flow requested	4,671 gpd
Property on septic?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Current flow	<del>_____ gpd</del>
Proposed additional flow	<del>_____ gpd</del>

Brief and Accurate Description of Proposed Project

We propose to renovate and expand the businesses known as 1620 Brewhouse and Art House by developing a state of the art performing arts and cinematic venue, expanding year-round restaurant seating, and creating Provincetown's first brewery.

Economic Development Checklist	
Is project consistent with Local Comprehensive Plan?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does it help support year-round employment?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does it help support an extended employment season?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Help diversify local economic base?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Feature solutions to barriers to year-round economic success? -e.g. transportation, energy, water use, affordable housing	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Provide measurable public benefit?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Brief narrative about potential economic benefits to Town -

Please see attached narrative.

To: Ellen Battaglini, Permit Coordinator  
From: Ben deRuyter, (508) 280-1225, [ben@pilgrimlake.com](mailto:ben@pilgrimlake.com)  
Date: January 15, 2019  
Cc: David Gardner, Assistant Town Manager

**RE: 212-214 Commercial St., Economic Development Sewerage Gallons Permit**

Attachments

- Economic Development Sewerage Gallons Permit application
- Proposed elevations and floor plans (dated 12/27/2018)
- Certified site plan (dated 07/17/2017)
- Gallons Per Day spreadsheet (showing calculation for entire property, based upon this proposal)

**Narrative**

During the winter of 2014-2015 we conducted a significant renovation of the building located at 214 Commercial St., previously housing Frappo66 and Blondie's Burgers. In doing so, we established 1620 Brewhouse, a 12-month, year-round restaurant. While permitting this project, and subsequently licensing our business, I was clear that our goal was to operate year-round, and in so doing, provide an economic benefit to our business, our employees, and our town. Soon we will be celebrating our four-year anniversary (June 2019), and I'm proud to say that we've thus far succeeded in fulfilling that goal.

Our vision for our business and for this property is to continue to improve and expand our offerings, grow our business, create new jobs, and provide something new and exciting to Provincetown and our visitors. The enclosed Economic Development Sewerage Gallons Permit application proposes the redevelopment and expansion of 1620 Brewhouse and Art House. We seek to develop a state of the art performing arts and cinematic venue, expand year-round restaurant seating, and create Provincetown's first brewery.

Designed in partnership with Mark Cortale, principal of MC2 Productions, LLC, our new year-round performing arts and cinematic venue will house 167 seats, including new balcony-level seating, a dedicated theater entrance and lobby, and modern sound, lighting, and projection capabilities. Our new *Provincetown Performing Arts Center* will become a premier live performance destination on Cape Cod. Working with Mr. Cortale, we will continue to exhibit the incredible talent he's welcomed to town for many years, and our new venue will enable us to attract new and exciting productions. Mr. Cortale intends to make the new *Provincetown Performing Arts Center* a breeding ground for new plays and musicals for the American Theatre. The *Provincetown Performing Arts Center* will develop and present these new works as world premiers in Provincetown during the off-season. We are also proud to continue our role as a Preferred Partner of the Provincetown International Film Festival, screening many exceptional

and unique films during the annual festival. We will establish Provincetown's first center for the performing arts!

Furthermore, our proposal seeks to expand upon the year-round success of 1620 Brewhouse by adding additional seating and creating Provincetown's first brewery! Our 7 BBL (barrel) brewing system will be completely contained within the existing building envelope and operations will be visible from nearly the entire restaurant. Since opening 1620 Brewhouse in June 2015, the most popular question we get from our patrons is, "do you brew your own beer?" We will complement our existing craft beer program (representing dozens of talented brewmasters from across the country) by brewing our own beer with local talent on premises. We're very excited to bring this new industry to our patrons, our business, and our community. The addition of the brewery and the expansion of our restaurant will create 4-6 new year-round jobs, and 6-10 new seasonal jobs. 1620 Brewhouse presently employs 16 individuals year-round and approximately 16 additional individuals seasonally.

Attached to this narrative is a spreadsheet showing the breakdown of gallons used throughout the property. Please note that the property includes the building housing 1620 Brewhouse / Art House, the adjacent retail / office building where we're in the process of adding a two-bedroom employee housing unit (EDP 17-09), and the seven existing apartments located at the rear of the property. The existing 3,428 gallons per day, and our proposed 8,099 gallons per day, are spread throughout these four structures. This proposal seeks to add 4,671 gallons per day to the property. These new gallons are directly attributable to the addition of 89 full-service restaurant seats (167 total), the reclassification of the existing 78 seats from fast food to full-service restaurant, the installation of our 7 BBL brewing system, and the reconfiguration and reclassification of the 174 theater seats (includes 7 seats in theater lobby).

I submit that our proposal is consistent with the Local Comprehensive Plan ("LCP") and with the Select Board's policy statement pertaining to Economic Development Permit Criteria (Policy #2017-03-13). Specifically,

- Goals 1, 3, 4, 5, 6, and 8 of Chapter Five of the LCP (Economic Development)
  - Goal 1 - Our proposal promotes businesses that are compatible with the economic strengths of Provincetown (arts and entertainment, food & beverage).
  - Goals 3 and 4 - Our proposal will result in the creation of new year-round and seasonal jobs and job training opportunities.
  - Goal 5 - Our proposal will utilize an existing structure in an existing commercially zoned space.
  - Goal 6 - Our proposal seeks to enhance year-round economic activity in Provincetown and to expand upon a business that has already demonstrated a commitment to our year-round community.
  - Goal 8 - Our proposal seeks to establish a state of the art performing arts and cinematic venue, thereby contributing to the arts heritage of Provincetown.

- Economic Development Permit Criteria (Select Board Policy #2017-03-13)
  - Our proposal will create and enhance year-round employment opportunities.
  - Our proposal will support an extended employment season of greater than 9 month. 1620 Brewhouse has operated for 12 months per year since June 2015.
  - Our proposal will help to diversify Provincetown's year-round economic base by establishing a new industry (brewery) in town and new year-round opportunities in the performing arts.
  - Our proposal provides a measurable public benefit in the form of enhanced year-round employment, year-round and enhanced meals tax revenues, and a year-round business presence on Commercial St.

Thank you for the opportunity to present this application to the Select Board. If you have any questions, please do not hesitate to contact me at (508) 280-1225 or via email to [ben@pilgrimlake.com](mailto:ben@pilgrimlake.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'B deRuyter', with a long horizontal flourish extending to the right.

Ben deRuyter

## Memorandum

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Date: March 5, 2019

To: David Gardner, Assistant Town Manager

From: Rob Adams, Project Director

Cc: Richard Waldo, DPW Director

Subject: **Economic Development Permit No. 18-04**  
212-214 Commercial Street (New Art Realty)  
Current Flow: 3,428 gpd (Title 5)  
Requested Additional Flow: 4,671 gpd (Title 5)  
Proposed New Total Flow: 8,099 gpd (Title 5)

---

Per your request, we have reviewed the subject Economic Development Permit (EDP) request and offer the following comments for your review and consideration.

The property at 212-214 Commercial Street is located on parcel #11-1-07. The parcel currently contains a retail building with three shops on the 1<sup>st</sup> floor with office, storage space and a two (2) bedroom housing unit on the 2<sup>nd</sup> and 3<sup>rd</sup> floors, as well as, the 1620 Brewhouse, a 78 seat fast food restaurant. The parcel also contains seven (7) one bedroom cottage units. The current Title 5 flow assigned to this property is 3,428 gpd.

The applicant, New Art Realty, is proposing to renovate and expand the 1620 Brewhouse restaurant into the existing Art House Theater space. They would like to convert their existing 78 fast food seats to full service seats and add an additional 89 full service seats for a total of 167 full service seats. In addition the Brewhouse would like to add an on premise brewery. In total, the applicant is requesting an increase of 4,671 gpd of Title 5 flow which would result in a new total Title 5 flow of 8,099 gpd for the property. A summary of these flows is presented in Attachment A.

It is our understanding that the proposed brewery will include the installation of a 7-barrel (217 gallons) beer brewing system which will produce up to 14 beer barrels (bbls) per week (434 gallons/week). The applicant has estimated that, for every gallon of beer produced the brewing process will generate approximately 4 gallons of wastewater. Brewery wastewater typically has a very high organic load making it more difficult to treat at the Wastewater Treatment Facility (WWTF). As a result, we recommend that following discharge limits and flow surcharge be imposed on the brewery wastewater discharge:

Parameter	Discharge Limit	Flow Surcharge
Flow	< 248 gpd (max week)	Not Applicable
BOD <sub>5</sub>	< 3,000 mg/l	\$0.30 per pound
TSS:	< 1,000 mg/l	\$0.38 per pound
pH	7.0 TO 9.0	Not Applicable

In addition, if approved, we recommend that this property be required to comply with the following conditions:

1. Brewery production shall be limited to no more than 14-barrels per week (728 bbsl/year).
2. The brewery discharge limits above apply to pure brewery process wastewater with no dilution by normal wastewater flows.
3. The brewery operations shall implement industry standard Best Management Practices (BMPs) to ensure the required discharge limits are not exceeded.
4. The brewery shall provide some mechanism for electronic recording of daily wastewater flow and pH monitoring. This data shall be provided to the Town on a monthly basis.
5. Sampling and laboratory analysis shall be performed by the brewery and submitted to the Town no less than once per month and must be collected during brewery processing/discharge.
6. The Wastewater Treatment Facility (WWTF) and/or Town staff reserve the right to conduct unannounced inspections at will, to include sampling of brewery wastewater.
7. Exceedances of the discharge limit may result in a revocation of the brewery discharge agreement.
8. Town reserves the right to alter discharge/flow requirements should unanticipated impacts to the collection/treatment system arise.

This property is served by the vacuum sewer system and is located on the West Vacuum Main No. 2. The property is served by a valve pit which does not have the capacity to accommodate the additional requested flow. If approved, in order to accommodate this request, a new larger vacuum structure will need to be installed in Commercial Street. Since this section of Commercial Street was recently re-paved with a porous pavement, this further complicates this request.

It should be noted that any further consideration of this request should be contingent upon review of the property's existing grease trap to confirm it is adequately sized to handle the additional flow and properly maintained. It is our understanding that the existing grease trap system is inadequate for the requested additional flow. As a result, modifications and/or upgrades to the property's grease trap system will be required. Approval of this request should be contingent upon the grease trap upgrades being in-place before the additional flow is made available.

The WWTF is currently permitted to treat up to 750,000 gpd (max day flow). Since February 9, 2015 the WWTF has been in a "state of limited capacity". At the February 9, 2015 Board of Selectmen's (BOS) meeting a remaining/available capacity limit of 50,000 gpd was established. Of this amount, the BOS allocated the following amounts for the uses specified below:

- EDP requests (12,500 gpd)
- Public health needs for failed septic systems (15,000 gpd)
- Community housing (17,500 gpd)
- Municipal needs (5,000 gpd)

In January 2018, the BOS increased the EDP allocation by 8,282 gpd from 12,500 gpd to 20,782 gpd. At the same time, the BOS decreased the Housing allocation by 1,639 gpd from 17,500 gpd to 15,861 gpd. A summary of sewer flow revisions made since February 9, 2015 is provided below. A detailed list of these flow revisions is provided in Attachment B.

	BOS Allocations (gpd T5)					Totals
	EDP	Public Health	Housing	Municipal	Correction	
Original Allocation (2/9/15)	12,500	15,000	17,500	5,000	0	50,000
BOS Adjustments (1/22/18)	8,282	0	(1,639)	0	0	6,643
<b>Current Allocation</b>	<b>20,782</b>	<b>15,000</b>	<b>15,861</b>	<b>5,000</b>	<b>0</b>	<b>56,643</b>
Amount Used To Date	8,920	7,144	1,100	0	262	17,426
<b>Remaining</b>	<b>11,862</b>	<b>7,856</b>	<b>14,761</b>	<b>5,000</b>	<b>(262)</b>	<b>39,217</b>

As shown above, at this time there is only 11,862 gpd remaining for EDP requests and there are a number of other EDP requests which are currently pending or under review. The total amount of these EDP requests far exceeds the remaining available gallons for EDPs. A summary of these EDP requests is shown in the table below.

EDP#	Address	Name	EDP Gallons Requested (gpd)
<b>Current Requests</b>			
18-03	16 Macmillan Wharf	Café Gogo/Whydah	774
18-04	212-214 Commercial Street	1620 Brewhouse	4,671
19-01	141 Bradford St	Provincetown Brewery	3,140
19-02	170 Commercial St	Joes Coffee	257
19-03	193A Commercial St #6	A Lea Delaria Joint	770
19-04	361 Commercial St.	Coffee House	290
19-05	258 Commercial St.	Saki/Toko Café	1,353
		<b>Subtotal</b>	<b>11,255</b>
<b>Pending USDA Grant Funding</b>			
18-02	315A Commercial Street	Surf Club	6,370
18-06	9 Ryder Street Extension	Fisherman's Wharf	24,500
		<b>Subtotal</b>	<b>30,870</b>
		<b>Total</b>	<b>42,125</b>

Although we are working on a project to increase the WWTF capacity by 155,000 gpd, this project is still in the preliminary planning/design phase because the Town has still not yet received notification on their USDA grant application. In addition, even if/when this project is approved, it will be several years before these gallons will be available.

If you have any questions or concerns, please do not hesitate to ask.

**Attachment A  
212-214 Commercial Street - Flow Summary**

Use	Unit of Measure	Quantity	Type of Gallons	Flow (GPD)
<b>CURRENT SEWER DATABASE</b>				
1620 BREW HOUSE (FAST FOOD)	Seats	78	20	1,560
ART HOUSE - THEATER 1	Seats	116	3	348
ART HOUSE - THEATER 2	Seats	121	3	363
D FLAX	Square Feet	441	0.05	22
HERRINGCOVE	Square Feet	408	0.05	20
GLOBAL GIFTS	Square Feet	474	0.05	24
GRAB N GO	Square Feet	470	0.05	24
NORMA GLAMPS	Square Feet	967	0.05	48
OFFICE	Square Feet	388	0.075	29
RESIDENCE	Bedrooms	2	110	220
COTTAGES A,B,C,D,E,F,G (1 Bedroom each)	Bedrooms	7	770	770
<b>TOTAL</b>				<b>3,428</b>
<b>REQUESTED FLOW</b>				
1620 BREW HOUSE (FULL SERVICE)	Seats	167	35	5,845
1620 BREW HOUSE - BREWERY FLOW				248
ART HOUSE THEATER	Seats	174	5	870
D FLAX	Square Feet	424	0.05	21
GLOBAL GIFTS	Square Feet	474	0.05	24
GRAB N GO	Square Feet	470	0.05	24
NORMA GLAMPS	Square Feet	967	0.05	48
OFFICE	Square Feet	388	0.075	29
COTTAGES A,B,C,D,E,F,G (1 Bedroom each)	Bedrooms	7	770	770
WORKFORCE HOUSING	Bedroom	2	110	220
<b>TOTAL</b>				<b>8,099</b>
<b>SUBTRACT EXISTING BETTERED FLOW</b>				<b>-3,428</b>
<b>TOTAL BETTERMENT CHANGE</b>				<b>4,671</b>

**ATTACHMENT B - SEWER FLOW REVISIONS SINCE FEBRUARY 9, 2015 - STATE OF LIMITED CAPACITY**

SUMMARY	GPD T5					
	EDP	Public Health	Housing	Municipal	Correction	Totals
Original Allocation (2/9/15)*	12,500	15,000	17,500	5,000	0	50,000
Board of Selectmen Adj (1/22/18)	8,282	0	(1,639)	0	0	6,643
<b>Current Allocations</b>	<b>20,782</b>	<b>15,000</b>	<b>15,861</b>	<b>5,000</b>	<b>0</b>	<b>56,643</b>
Amount Used To Date	8,920	7,144	1,100	0	262	17,426
<b>Remaining</b>	<b>11,862</b>	<b>7,856</b>	<b>14,761</b>	<b>5,000</b>	<b>(262)</b>	<b>39,217</b>

Date Issued	Parcel ID	Address	EDP	Public Health	Housing	Municipal	Correction	Totals
19-Mar-15	11-3-015-0-00A	293 Commercial St-Unit A	140					140
	11-3-015-0-00D	293 Commercial St-Unit D	240					240
	11-3-032-0-02	237 Commercial Street #25	945					945
	12-1-034	26 Alden Street					62	62
7-May-15	12-4-008	463 Commercial Street					(1,900)	(1,900)
	12-4-008	463 Commercial Street					(450)	(450)
	11-1-004	205-209 Commercial St					400	400
18-Jun-16	06-2-015-1-00	67 Commercial Street Unit 1					110	110
	06-2-015-2-00	67 Commercial Street Unit 4					110	110
13-Aug-15	15-3-074	341 Bradford Street		880			0	880
	19-2-003	951R Commercial Street		330			0	330
	15-1-015	509 Commercial Street		550				550
	07-2-178	16 Carver Street		440				440
	12-2-005-2-00	415 Commercial Street					(110)	(110)
	12-2-023-1-00	361A Commercial Street					(20)	(20)
	12-2-023-2-00	361A Commercial Street					(20)	(20)
	12-2-023-3-00	361C Commercial Street					40	40
	06-4-167	34 Bradford Street					220	220
	06-1-014-B	162 Bradford Street Ext					330	330
	06-1-014-C	164 Bradford Street Ext					110	110
	06-2-003-1-00	99 Commercial Street					(700)	(700)
17-Sep-16	06-4-109	120 Commercial Street					44	44
	07-2-167	188 Commercial Street					154	154
	06-2-078	5 Nickerson Street		330				330
	15-3-058-1	600 Commercial Street Unit 1		110				110
	15-3-058-1	600 Commercial Street Unit 2		220				220
	15-3-058-1	600 Commercial Street Unit 3		110				110
	15-3-058-2	600 Commercial Street Unit 4		110				110
	15-3-058-2	600 Commercial Street Unit 5		110				110
10-Dec-15	06-4-171	4 Conant Street					(330)	(330)
14-Jan-16	07-2-036	30 Montello Street					110	110
	07-2-138	1 Winthrop Street					(90)	(90)
	07-3-020	52 Ships Way Road	330					330
	11-3-015-0-00C	293 Commercial Street	98					98
5-May-16	07-4-008	80 Bradford Street					(440)	(440)
	07-4-009	82 Bradford Street					(110)	(110)
	11-3-019-A	9 Ryder Street Ext					1,062	1,062
	12-1-134	141 Bradford Street					287	287
	12-2-027-0-001	374 Commercial Street					(67)	(67)
	12-2-027-0-002	374 Commercial Street					(40)	(40)
	12-2-042	384 Commercial Street					(659)	(659)
	12-2-043	386 Commercial Street					14	14
	12-2-044	394 Commercial Street					111	111
23-Jun-16	11-1-006-3-009	199 Commercial Street	1,096					1,096
	11-1-006-3-010	199 Commercial Street	(140)					(140)
	11-3-069-0-00	96-98 Bradford Street					587	587
	12-1-015	328 Commercial Street					330	330
	12-1-142-2-00	336 Commercial Street					95	95
8-Sep-16	11-3-020	227 Commercial Street					1,082	1,082
	11-3-019-A	9 Ryder St. Ext	1,175					1,175
	11-3-019-A	9 Ryder St. Ext	440				30	470
3-Nov-16	07-4-021	14 Prince Street					(110)	(110)
	15-3-077	307 Bradford Street					550	550

**ATTACHMENT B - SEWER FLOW REVISIONS SINCE FEBRUARY 9, 2015 - STATE OF LIMITED CAPACITY**

SUMMARY	GPD T5					
	EDP	Public Health	Housing	Municipal	Correction	Totals
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<b>Current Allocations</b>	<b>20,782</b>	<b>15,000</b>	<b>15,861</b>	<b>5,000</b>	<b>0</b>	<b>56,643</b>
Amount Used To Date	8,920	7,144	1,100	0	262	17,426
<b>Remaining</b>	<b>11,862</b>	<b>7,856</b>	<b>14,761</b>	<b>5,000</b>	<b>(262)</b>	<b>39,217</b>

Date Issued	Parcel ID	Address	EDP	Public Health	Housing	Municipal	Correction	Totals
	11-3-086-0-001	116 Bradford Street					(660)	(660)
	11-3-043	226-228 Commercial St					(350)	(350)
	06-2-017-A	65 Commercial Street					220	220
7-Dec-16	11-3-053	101 Bradford Street					(110)	(110)
	12-1-025-0-001	129 Bradford Street					(90)	(90)
	17-1-011	641 Commercial Street					(110)	(110)
19-Jan-17	12-4-147	202 Bradford Street					110	110
	15-3-061	295 Bradford Street					110	110
9-Mar-17	11-3-080	258 Commercial Street					300	300
11-May-17	15-1-039	212 Bradford Street	514					514
	06-3-050	31 Creek Road					(110)	(110)
	11-1-006-3-001	199 Commercial Street	58					58
	06-2-029-1-002	52A Commercial St					(110)	(110)
	11-3-035	225 Commercial Street	3,035					3,035
	11-3-001-A	335 Commercial Street	490					490
	11-3-002-2-OR6	333R Commercial Street					(110)	(110)
	12-2-042-0-00C	384 Commercial Street	98					98
	12-2-042-0-002	384 Commercial Street					(220)	(220)
	12-2-042-0-003	384 Commercial Street					220	220
	06-2-085	88 Commercial Street					(110)	(110)
	12-1-048	130 Bradford Street					150	150
	12-1-048	130 Bradford Street	220					220
8-Jun-17	12-4-064	199 Bradford Street		330				330
18-Sep-17	11-3-098-U1-6	284B Commercial Street		880				880
22-Jan-18	07-2-062	46 Bradford Street	83					83
22-Jan-18	12-2-024-2-00H	359 Commercial St Unit H					(753)	(753)
15-Mar-18	06-2-047	8 West Vine St		440				440
	12-2-037	9 Pearl Street					220	220
	07-2-118	60 Bradford Street					110	110
	19-1-018	15 Hobson Avenue		220				220
	05-4-001	53 Commercial Street		660				660
	11-3-015-0-00C	293 Commercial Street	(98)					(98)
3-May-18	12-1-011	347 Commercial Street					353	353
	11-3-044	230 Commercial Street					214	214
	08-1-001	20 Province Road	606		1,100			1,706
14-Jun-18	07-2-069	30 Shank Painter Road		324				324
	11-3-094	115 Bradford Street					47	47
2-Aug-18	07-1-044	38 Pleasant Street					110	110
	11-3-048	242 Commercial Street					(180)	(180)
	12-1-114	358-360 Commercial Street					329	329
	08-2-001	55 Capt. Bertie Way		330				330
1-Jan-19	12-2-001	425 Commercial Street					(110)	(110)
	06-4-045	16 Cottage Street		770				770
	11-3-003	331 Commercial Street	(410)					(410)
								0
		<b>TOTAL FLOW REVISIONS</b>	<b>8,920</b>	<b>7,144</b>	<b>1,100</b>	<b>0</b>	<b>262</b>	<b>17,426</b>
		<b>REMAINING GALLONS</b>	<b>11,862</b>	<b>7,856</b>	<b>14,761</b>	<b>5,000</b>	<b>(262)</b>	<b>39,217</b>

**Key: 1867**

**Town of Provincetown - Fiscal Year 2019**

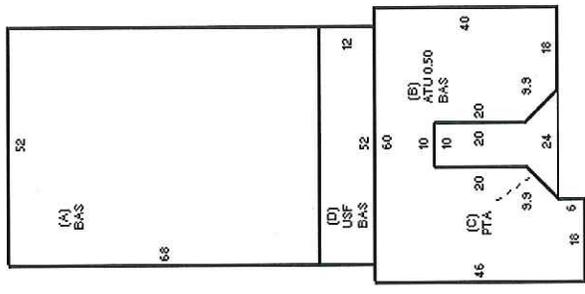
9/13/2018 1:29 pm SEQ #: 1,770

CURRENT OWNER		LOCATION	
NEW ART REALTY CORP PO BOX 242 PROVINCETOWN, MA 02657		212-214 COMMERCIAL ST	
PARCEL ID	11-1-17-0	CLASS	0310
TRANSFER HISTORY	DOS T	CLASS%	70
		PMT NO.	
		PMT DT	
		TY	
		DESC	
		AMOUNT	
		INSP	
		BY	
		1st	
		2nd	
		BN	
		BN ID	
		CARD	
			2 of 4

CD	T	AC/SE/UN	Nbhd	Inf1	Inf2	Use	Lpi	VC	CREDIT AMT	ADJ VALUE																								
<table border="1"> <tr> <td>TOTAL</td> <td>ZONING</td> <td>FRNT</td> <td>PREVIOUS</td> </tr> <tr> <td>Nbhd</td> <td>N</td> <td></td> <td>1,201,400</td> </tr> <tr> <td>Inf1</td> <td>O</td> <td></td> <td></td> </tr> <tr> <td>Inf2</td> <td>T</td> <td></td> <td></td> </tr> <tr> <td></td> <td>E</td> <td></td> <td></td> </tr> <tr> <td></td> <td>TOTAL</td> <td></td> <td></td> </tr> </table>											TOTAL	ZONING	FRNT	PREVIOUS	Nbhd	N		1,201,400	Inf1	O			Inf2	T				E				TOTAL		
TOTAL	ZONING	FRNT	PREVIOUS																															
Nbhd	N		1,201,400																															
Inf1	O																																	
Inf2	T																																	
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	TOTAL																																	

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD
<p>PHOTO 07/26/2017</p> 							
<p>BLDG COMMENTS D FLAX; BREWHOUSE; ART HOUSE CINEMA; HERRINGCOVE</p>							

BUILDING	CD	ADJ	CIM	DESC	MEASURE	7/26/2017	CB
MODEL	5	2.16	THEATER(ENCL)	{69%}	LIST	7/26/2017	INT
STYLE	41	1.00	AVERAGE	{100%}	REVIEW	12/19/2017	CAM
QUALITY	A	0.99	METAL	{69%}			
FRAME	4						
YEAR BLT	1940	SIZE ADJ	0.820				
NET AREA	6,973	DETAIL ADJ	2,260				
\$/NLA(RCN)	\$172	OVERALL	1,000				
CAPACITY				UNITS	ADJ		
STORIES(FAR)	1		1.00				
ROOMS	8		1.00				
BEDROOMS	0		1.00				
FULL BATHS	0		1.00				
HALF BATHS	3		1.00				
TOT FIXTURES	15		\$10,500				
# OF UNITS	0		1.00				
KITCHENS	1		1.00				
AFFORD.HSG UN	0		1.00				
ELEMENT				CD	DESCRIPTION	ADJ	
FOUNDATION	2	SLAB	1.00				
EXT. COVER	1	WOOD SHINGLES	1.00				
ROOF SHAPE	1	GABLE	1.00				
ROOF COVER	1	ASPH/COMP SHIN	1.00				
FLOOR COVER	3	WW/ CARPET	1.00				
INT. FINISH	2	DRYWALL	1.02				
HEATING/COOL	9	WN/CL AIR PKGE	1.04				
FUEL SOURCE	2	GAS	1.00				
SEPTIC FIELD	1	SEWER	1.00				
S I B A T				T	DESCRIPTION	RCN	ADJ PRICE
A	BAS	L	BASE AREA	L	BASE AREA	585,571	165.60
B	BAS	L	BASE AREA	L	BASE AREA	362,504	165.60
B	ATU	N	ATTIC UNFIN	N	ATTIC UNFIN	31,845	29.08
C	PTA	N	PATIO	N	PATIO	4,314	13.52
D	BAS	L	BASE AREA	L	BASE AREA	103,336	165.60
D	USF	L	UP-STRY FIN	L	UP-STRY FIN	103,336	165.60
TOTAL RCN						1,201,406	
CONDITION ELEM				CD			
EXTERIOR				E			
INTERIOR				U			
HEAT				U			
ELECT				U			
EFF. YR/AGE				2017 / 0			
COND				0	0 %		
FUNC				0			
ECON				0			
DEPR				0	% GD	100	
RCNLD						\$1,201,400	



D E T A C H E D



February 22, 2019

Provincetown Select Board  
c/o Cheryl L. Andrews, Chairperson  
Provincetown Town Hall  
260 Commercial St.  
Provincetown, MA 02657

RECEIVED  
BOS

MAR 06 2019

CC: BOS/TM/ATM

Dear Select Board Members:

I am writing in support of the application submitted by Benjamin deRuyter for development of a state-of-the-art performing arts center, titled Provincetown Performing Arts Center, to create an arts and cinema venue in Provincetown. The application is based on renovations to The Art House structure at 214 Commercial Street designed by Art House Producing Artistic Director Mark Cortale. The proposed work will upgrade current facilities and make them more accessible and dynamic for the performing arts organizations in Provincetown.

My understanding is that the renovations will include a 167-seat performing arts house with balcony-level seating, as well as a dedicated theatre entrance and lobby. The renovations will also modernize the technical elements including upgrades to sound, lighting, and projection capabilities. As Provincetown's reputation as a cultural tourism and arts-based destination increases worldwide, advancements in the venues we work with can serve to heighten our cultural tourism footprint and, equally important, provide a space for local artists and residents to enjoy.

The Provincetown Tennessee Williams Theater Festival, now in its fourteenth year, looks forward to many years of continued success with theatre, film, and other arts-based presentations to increase the creative economy and placemaking in Provincetown. I anticipate the Provincetown Performing Arts Center will benefit the Provincetown community and foster preservation of Provincetown's legacy as an art colony.

Sincerely,

Dr. Patrick Falco  
President of the Board of Directors  
Provincetown Tennessee Williams Theater Festival

## Elizabeth Paine

---

**From:** Terrence Meck <tmeck@thepalettefund.org>  
**Sent:** Tuesday, March 05, 2019 10:14 AM  
**To:** Elizabeth Paine  
**Subject:** Support for the new Provincetown Performing Arts Center

Dear Board of Select -

This letter is to express my very strong support of approving the plans for the new Provincetown Performing Arts Center and 1620 BrewHouse. I was so impressed and thrilled to hear that Ben deRuyter listened to the outpour of support for Mark Cortale and what he brings to our beloved town through The Art House, and love that he changed his original plan to include what will be a magnificent performing space in the heart of Provincetown.

If approved, the Provincetown Performing Arts Center will be the premier year-round performance destination on Cape Cod. The vision for it includes expanding on the incredible music and comedy performances that The Art House has become internationally known for during the summer seasons - and to make it the breeding ground for new plays and musicals for American theater, which we will develop and present as world premieres in Provincetown during the off-season.

I think the community spoke when it demanded that Mr. deRuyter and the 1620 Brewhouse reconsider their decision to close The Art House...and I think they should be applauded for taking the time to listen, re-evaluate their decision, and come back with this amazing proposal for their expanded restaurant, brewery and performance space. Thank you to Ben and his team for setting a beautiful example of what it means to be in community and collaborate with others. Thank you also to Mark Cortale for standing up for what he believes in and continuing to bring such added value and entertainment to Provincetown.

A vote in support of this plan will ensure that another year round business, catering to many demographics, will continue to help our great town not only survive, but thrive.

Thank you for your consideration.

Terrence Meck  
Co-Founder and President, The Palette Fund  
115 Bradford Street  
Provincetown, MA 02657

## Elizabeth Paine

---

**From:** Michelle Lohr <provincetownshelly@gmail.com>  
**Sent:** Tuesday, March 05, 2019 9:26 AM  
**To:** Mark Cortale; Elizabeth Paine; ben@pilgrimlake.com; David Gardner; Elizabeth Paine; provincetownshelly@gmail.com  
**Subject:** Letter in support of 1620 Brewhouse

March 5, 2019

Good Day,

I write to you today wearing my travel writing hat. For over four decades I have written about the next "shiny new thing" in travel. Advising travelers where to visit, stay, eat, and play is a moving target and, as competition for the visitor dollar continues to heat up, travel editors are always on the hunt for the answer to "What's New?"

The proposed Performing Arts Center and 1620 Brewhouse, all in one location, is a total win, providing a new and exciting resource for both locals and visitors and unquestionably will generate interest from travel writers.

From town hall, to transportation providers, to inns, restaurants, retailers and service businesses, tourism is the economic engine keeping us all afloat, but that engine needs constant stoking.

I urge the Board to endorse and support this project. Producer Mark Cortale and Brewhouse owner Ben deRuyter have proven they have the business acumen to make this a winning enterprise.

Mr. Cortale's summer concerts attract a world-wide audience and Mr. de Ruyter's has stayed the course by offering a quality year-round restaurant. They are community minded with singular dedication aimed at improving the visitor experience.

With approval of this this application, we all win.

Kind regards,

Michelle Haynes  
[provincetownshelly@gmail.com](mailto:provincetownshelly@gmail.com)  
508-498-3440  
18 Miller Hill Road  
Provincetown, MA  
02657

## Elizabeth Paine

---

**From:** Steve Desroches <skd\_us@yahoo.com>  
**Sent:** Thursday, March 07, 2019 10:41 AM  
**To:** Elizabeth Paine  
**Subject:** For Monday, March 11 Select Board Meeting - Letter of Support

7 March 2019

*Dear Provincetown Select Board,*

*We are writing in support of the proposed Provincetown Performing Arts Center, currently known as the Art House. When it comes to the arts in Provincetown a rising tide really does lift all boats. The more outlets for creativity and expression in Provincetown the more vibrant we are as America's oldest continuous art colony. But to maintain our dynamic arts community, especially in regards to live performance, the various venues continually need to evolve to maintain our spot as home to one of the most unique and therefore important live performance destinations in the country. As year round residents of Provincetown for 28 and 17 years respectively we have been involved in the arts since the day we arrived. Over that time we have seen how special Provincetown's performance scene is and this new performing arts center would be a major factor in continuing that part of our town's legacy and maintain its strength in the future. Specifically, as a team, Mark Cortale and Ben DeRuyter have brought a renewed spirit to the town's theater and cabaret offerings. As such, it's clearly had a positive effect on the town as a whole with other venues responding in kind creating that healthy level of competition any live performance community needs. In addition, it's become clear that live performance has become a tourist attraction on its own. There are a percentage of visitors who now come to town to see specific shows as their main reason for visiting. This is a fantastic change to Provincetown's economy and culture, and one that we should support. We do hope you'll support this proposal.*

*Thank you for your time and consideration,*

*Peter Donnelly and Stephen Desroches*



Town of Provincetown  
**ECONOMIC DEVELOPMENT PERMIT**  
(Town of Provincetown General By-laws Section 5-15-4)  
and  
**DECLARATION OF COVENANTS**

Property Owner: New Art Realty Corp  
Property Owner Address: PO Box 242 Provincetown, MA 02657  
Property Address: **212-214 Commercial Street, Provincetown, MA 02657**  
Assessor's Map Number: 11-1-17-0  
Title Reference: **Barnstable County Registry of Deeds Bk. 1518, Pg. 588**  
Applicant (if different): Ben deRuyter  
Business Entity: 1620 Brewhouse  
**Economic Development Permit No. 18-04**

Existing Use(s) of Property: Mixed use commercial/residential

Sewage Assigned Flow for Existing Use(s) of Property: The property consists of three buildings 212, 212 Rear and 214 Commercial Street, henceforth referred to as "Premises", has a total Title V flow of 3428 gpd. The 214 Commercial Street building houses DFlax, 1620 Brewhouse and the theater. Currently the restaurant has 78 fast food seats from when Blondies Burgers occupied the space.

Proposed Use(s) of Property or Proposed Expansion of Existing Use(s) of Property: The proposed use includes converting those seats to full service seats to bring the brewhouse into consistency with the level of service and to add 89 seats for a total of 167 full service seats. The existing two theater spaces will be combined to create a new performance space of 174 seats total.

Title V Design Flow for Proposed or Expanded Use(s) of Premises: 4671 gpd for a property total of 8,099 gpd (see attached flow determination).

The Town of Provincetown, acting by and through its Board of Selectmen, hereby grants an Economic Development Permit, pursuant to Town of Provincetown General By-laws Section 5-15-4, to the Property Owner for the use of the property located at **212-214 Commercial Street, (the "Premises")**, as an **brewery/restaurant and theater (the "Approved Use")**, subject to the Owner's covenants stated below.

The Owner hereby covenants with the Town of Provincetown, a Massachusetts municipal corporation with an address of 260 Commercial Street, Provincetown, Massachusetts 02657, acting by and through its Board of Selectmen pursuant to Provincetown General By-laws Section 5-15-6 (the "Town") as follows:

1. The Owner shall commence the Approved Use of the Premises described above on or before the date that is one year following the date of grant of this Permit and shall thereafter continuously maintain said Approved Use of the Premises. If the Approved Use of the Premises is discontinued for a period of thirty (30) days after commencement thereof, such discontinuance shall be deemed a failure to continuously maintain. The one-year and the thirty (30) day periods may be extended by the Town for good cause shown.
2. This Declaration of Covenants shall run with the Premises and be binding upon the executors, administrators, heirs, devisees, successors and assigns of the Owner.
3. Upon prior written notice to the Owner at the Property Address above or such new address as the Owner shall notify the Selectmen of in writing, the Town shall have the permanent right and easement to enter upon the Premises for the purpose of determining compliance with the terms of this Declaration of Covenants.
4. The Town shall have the option to enforce this Declaration of Covenants, but shall not have the obligation to do so.
5. The Owner hereby covenants and agrees, for the Owner and the Owner's successors and assigns, to reimburse the Town for all reasonable costs and expenses (including without limitation reasonable counsel fees) incurred in enforcing this Declaration of Covenants, provided the Owner has been determined by a court of law to be in violation of the terms of this Declaration of Covenants.
6. This Declaration of Covenants sets forth rights, liabilities, agreements and obligations upon and subject to which the Premises or any portion thereof, shall be improved, held, used, occupied, leased, sold, mortgaged, encumbered, or conveyed. The rights, liabilities, agreements and obligations herein set forth shall run with the Premises and any portion thereof and shall inure to the benefit of and be binding upon the Owner and all parties claiming by, through or under Owner. This Declaration of Covenants shall have a term of ninety-nine years or the longest period allowed by law. The Owner agrees that this Declaration of Covenants is an "other restriction held by a governmental body" as that term is used in G.L. c.184, §26 and thus not subject to the limitations on the enforceability of restrictions in G.L. c.184, §§26-30. Nevertheless, if recording of a notice is ever needed to extend the time period for enforceability of this Declaration of Covenants, the Owner(s) hereby appoints the Board of Selectmen of the Town of Provincetown as the Owner's agent to execute and record such notice and agrees that the Owner shall execute and record such notice upon request.
7. The Owner agrees to incorporate this Declaration of Covenants, in full or by reference, into all deeds, easements, mortgages, leases, licenses, occupancy

agreements or any other instrument of transfer by which an interest in and/or a right to use the Premises, or any portion thereof, is conveyed.

8. If any court or other tribunal determines that any provision of this Declaration of Covenants is invalid or unenforceable, such provision shall be deemed to have been modified automatically to conform to the requirements for validity and enforceability as determined by such court or tribunal. In the event the provision invalidated is of such a nature that it cannot be so modified, the provision shall be deemed deleted from this Declaration of Covenants as though it had never been included herein. In either case, the remaining provisions of this Declaration of Covenants shall remain in full force and effect.
9. The Owner is the sole owner in fee simple absolute of all the Premises and there are no mortgages of record or otherwise on the Premises or any portion thereof except for those described below, if any, and the present holders of said mortgages have assented and subordinated to this Declaration of Covenants prior to the execution by the undersigned. It is agreed that any subsequent mortgages shall be subordinate to this Declaration of Covenants.
10. It is agreed that this Declaration of Covenants shall take effect only upon the execution of this Economic Development Permit by the Town of Provincetown Board of Selectmen and the recordation with the Barnstable County Registry of Deeds or filing with the Barnstable County Registry District of the Land Court of this Economic Development Permit and Declaration of Covenants.
11. A true copy of the Owner's application for this Economic Development Permit including all documents and plans submitted therewith, is attached hereto as Exhibit A and is incorporated herein except as specified below:

N/A

---

12. The Town's remedies shall include, without limitation, revocation of this Economic Development Permit by order of the Board of Selectmen, which order may be made thirty (30) days after the date notice is given by mail to the Property Owner of the Selectmen's determination that the Owner has failed to continuously maintain the Approved Use, or that the Owner has commenced a use on the Premises other than, or in addition to, the Approved Use, whereupon all rights arising from this Economic Development Permit shall be forfeited, including without limitation any Growth Management Permit or increased sewage flow allocation that may have been granted with respect to the Premises, notwithstanding that the Premises may have been assessed a betterment or special assessment relating to the increased sewage flow allocation and the Allowed Use shall be deemed to be an expressly abandoned by the Property Owner, pursuant to Section 6200-3 of the Growth Management By-Law of the Town.
13. The Owner must apply for and obtain all other necessary permits and approvals in order to proceed with the Approved Use.

14. The Owner further covenants and agrees that the Owner shall comply with the following additional conditions:

- (a) The additional gallons shall be utilized for the Approved Use as proposed (brewery/restaurant/theater) only and shall not be subsequently converted to any other use without prior approval of the Board of Selectmen.
- (b) Upon any transfer of interest in and/or a right to use the Premises, Approved Use or any portion thereof, and as a condition of the lease, sale transfer of interest or right to use, the Town shall be provided with a certificate of compliance agreeing to the conditions stated herein and certifying that the Approved Use shall continue and not be altered with the prior approval of the Board of Selectmen or the permit shall be forfeited.
- (c) The business will be open a minimum of 9 months unless otherwise approved by the Board of Selectmen.
- (d) The following discharge limits and flow surcharge be imposed on the brewery wastewater discharge:

<b>Parameter</b>	<b>Discharge Limit</b>	<b>Flow Surcharge</b>
Flow	< 248 gpd (max week)	Not Applicable
BOD <sub>5</sub>	< 3,000 mg/l	\$0.30 per pound
TSS:	< 1,000 mg/l	\$0.38 per pound
pH	7.0 TO 9.0	Not Applicable

- (e) Brewery production shall be limited to no more than 14-barrels per week (728 bbsl/year).
- (f) The brewery discharge limits above apply to pure brewery process wastewater with no dilution by normal wastewater flows.
- (g) The brewery operations shall implement industry standard Best Management Practices (BMPs) to ensure the required discharge limits are not exceeded.
- (h) The brewery shall provide some mechanism for electronic recording of daily wastewater flow and pH monitoring. This data shall be provided to the Town on a monthly basis.
- (i) Sampling and laboratory analysis shall be performed by the brewery and submitted to the Town no less than once per month and must be collected during brewery processing/discharge.
- (j) The Wastewater Treatment Facility (WWTF) and/or Town staff reserve the right to conduct unannounced inspections at will, to include sampling of brewery wastewater.

(k) Exceedances of the discharge limit may result in a revocation of the brewery discharge agreement.

(l) Town reserves the right to alter discharge/flow requirements should unanticipated impacts to the collection/treatment system arise.

15. This Economic Development Permit and Declaration of Covenants may be amended only by written agreement of the Board of Selectmen and the Property Owner.

**WITNESS** our hands and seals this **11th day of March, 2019**.

OWNER

\_\_\_\_\_  
Name:

Title:

\_\_\_\_\_  
Name:

Title:

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2019 before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was a drivers license, to be the person whose name is signed on the preceding or attached document as \_\_\_\_\_, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public

My Commission Expires:

On this day, March 11, 2019, the Board of Selectmen of the Town of Provincetown, pursuant to Town of Provincetown General By-laws Section 5-15-4, hereby grants this Economic Development Permit authorizing the Proposed or Expanded Use(s) of Property described above, subject to the above Declaration of Covenants and all other necessary Town permits.

TOWN OF PROVINCETOWN,  
By its Board of Selectmen

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared \_\_\_\_\_ member, Town of Provincetown, Board of Selectmen, as aforesaid, and proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name he/she signed on the foregoing instrument, and further acknowledged to me that he/she signed it voluntarily for its stated purpose as said member.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

Mortgagee(s) Consent and Subordination

The \_\_\_\_\_ by \_\_\_\_\_,  
the holder of a mortgage dated \_\_\_\_\_, recorded with the Barnstable County  
Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_, does hereby assent to the recording  
of this Economic Development Permit and Declaration of Covenants and subordinates  
said mortgage to this Economic Development Permit and Declaration of Covenant as if  
this Economic Development Permit and Declaration of Covenants had been recorded  
prior to said mortgage.

\_\_\_\_\_  
By: \_\_\_\_\_  
Its, \_\_\_\_\_  
Duly authorized

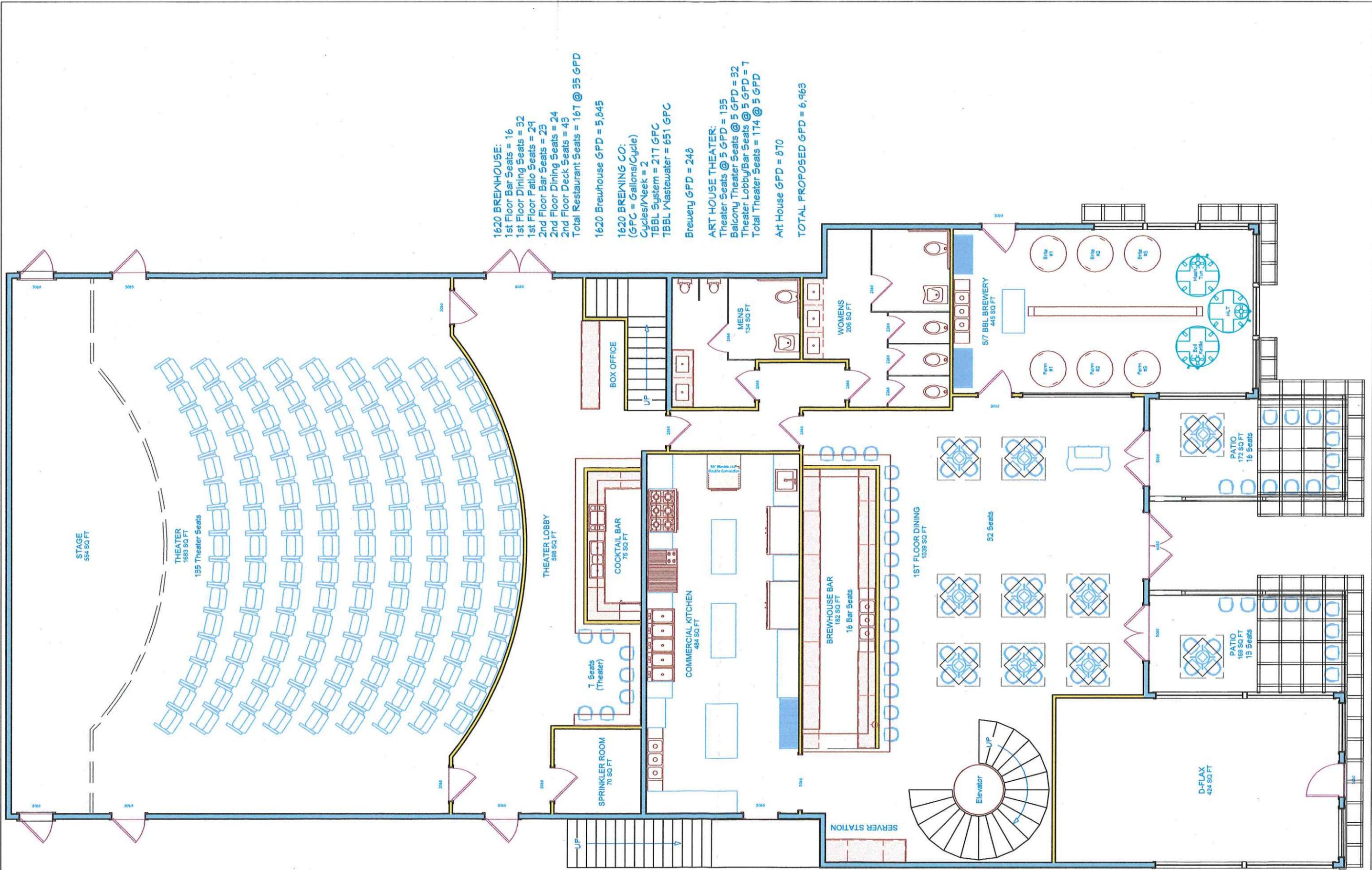
COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2019 before me, the  
undersigned notary public, personally appeared \_\_\_\_\_, proved to me  
through satisfactory evidence of identification, which was a drivers license, to be the  
person whose name is signed on the preceding or attached document as  
\_\_\_\_\_, and acknowledged to me that he/she signed it  
voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

367636/PROV/0307



**1620 BREWHOUSE:**  
 1st Floor Bar Seats = 16  
 1st Floor Dining Seats = 32  
 1st Floor Patio Seats = 29  
 2nd Floor Bar Seats = 23  
 2nd Floor Dining Seats = 24  
 2nd Floor Restaurant Seats = 43  
 Total Restaurant Seats = 167 @ 35 GPD

**1620 BREWING CO:**  
 (GPC = Gallons/Cycle)  
 Cycles/Week = 2  
 TBBL System = 21T GPC  
 TBBL Wastewater = 651 GPC  
 Brewery GPD = 246

**ART HOUSE THEATER:**  
 Theater Seats @ 5 GPD = 135  
 Balcony Theater Seats @ 5 GPD = 32  
 Theater Lobby/Bar Seats @ 5 GPD = 7  
 Total Theater Seats = 174 @ 5 GPD  
 Art House GPD = 870

**TOTAL PROPOSED GPD = 6,963**

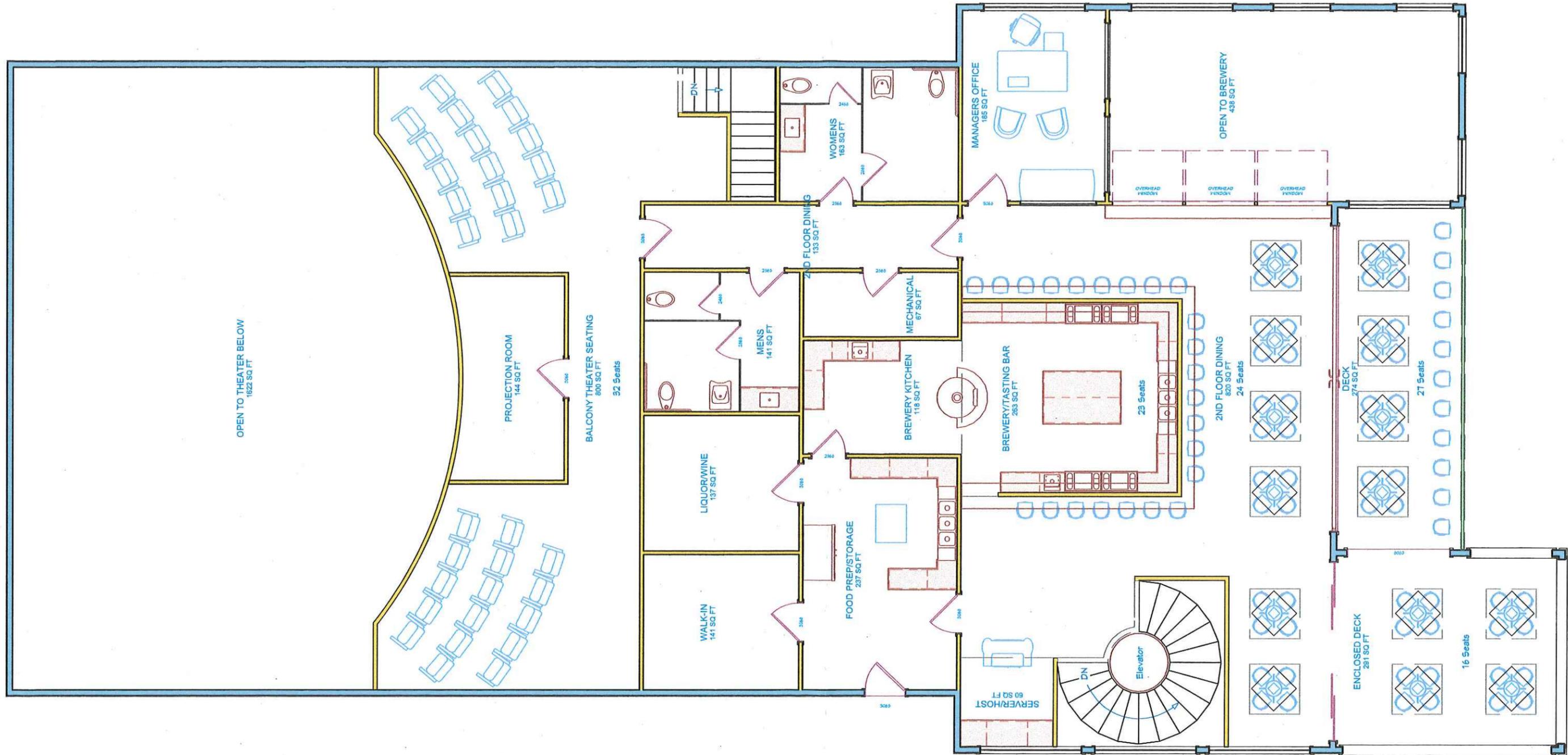
NUMBER	DATE	REVISION TABLE	DESCRIPTION

**Proposed Seating Plan**  
 1620 Brewhouse  
 Provincetown MA, 02657

**First Floor Plan**

**RYAN WEBER**  
 Incorporated

DATE: 12/27/2018  
 SCALE: 1/8" = 1'  
 SHEET: F-1



REVISION TABLE	NUMBER	DATE	REVISED BY	DESCRIPTION

Proposed Seating Plan  
 1620 Brewhouse  
 Provincetown MA, 02657

## Second Floor Plan



DATE:

12/27/2018

SCALE:

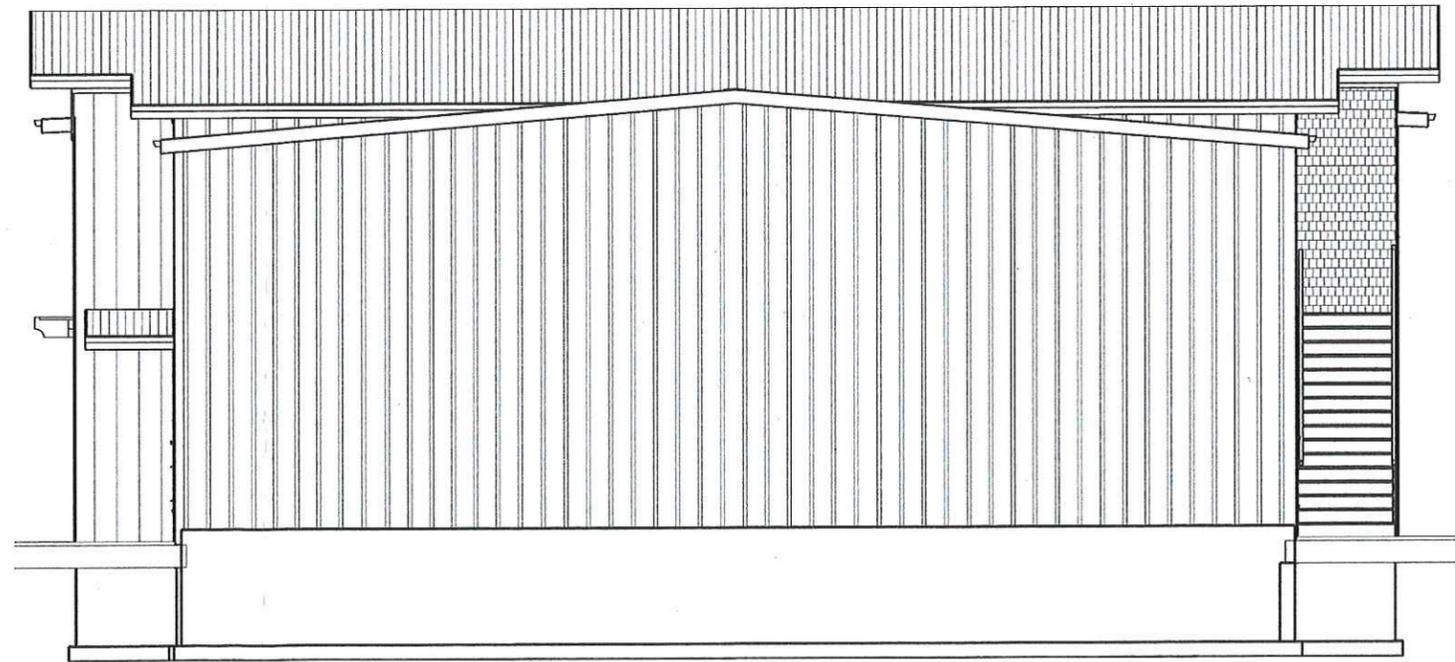
1/8" = 1'

SHEET:

F - 2



South



North

REVISION TABLE	NUMBER	DATE	REVISOR	DESCRIPTION

Proposed Seating Plan  
 1620 Brewhouse  
 Provincetown MA. 02657

North / South  
 Elevation



DATE:

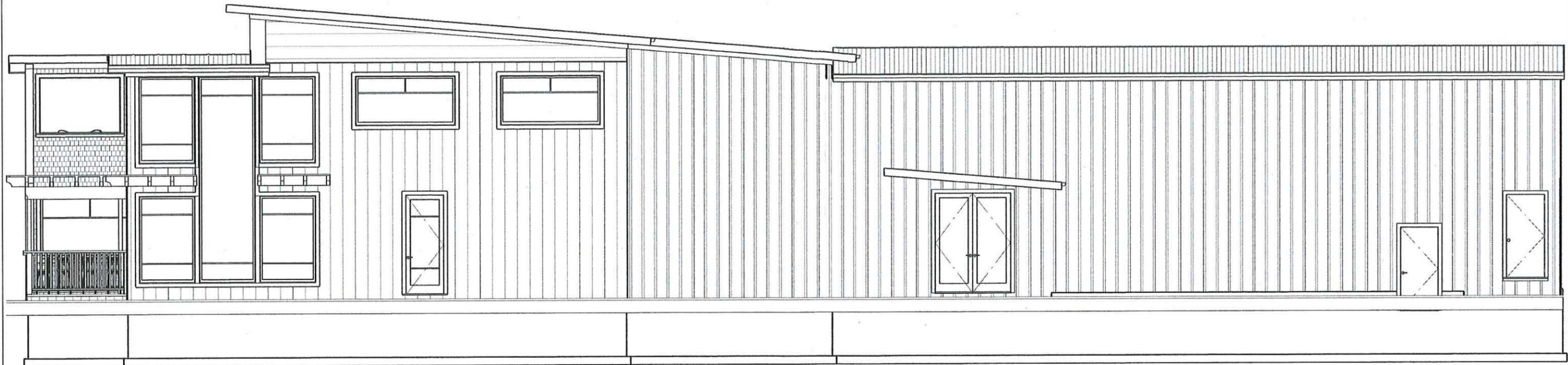
12/27/2018

SCALE:

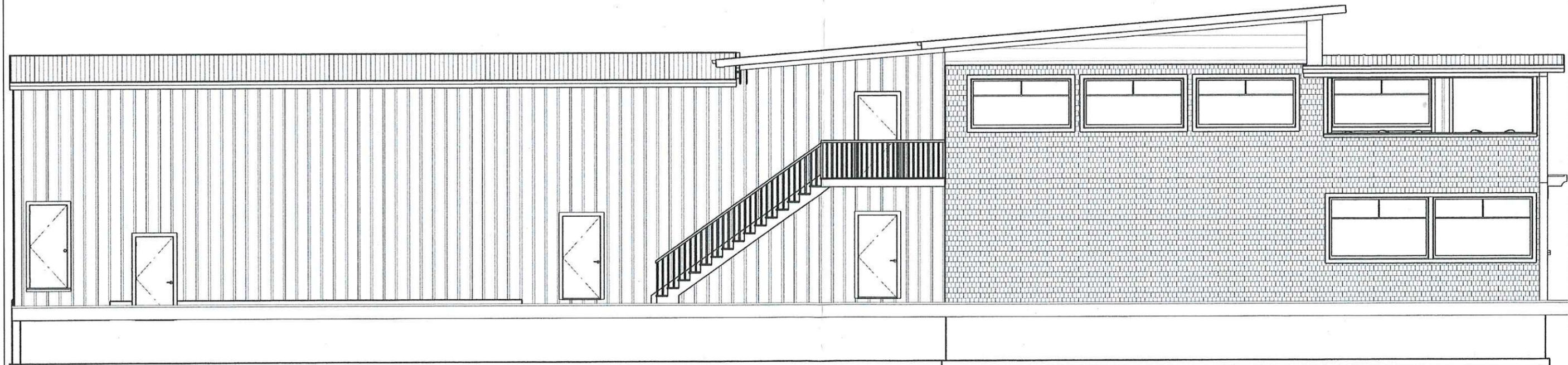
1/8" = 1'

SHEET:

E - 1



East



West

REVISION TABLE			
NUMBER	DATE	REVISION BY	DESCRIPTION

Proposed Seating Plan  
 1620 Brewhouse  
 Provincetown MA, 02657

East / West  
 Elevation



DATE:

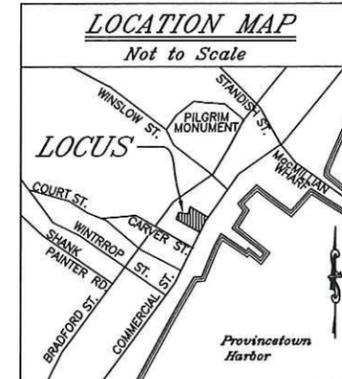
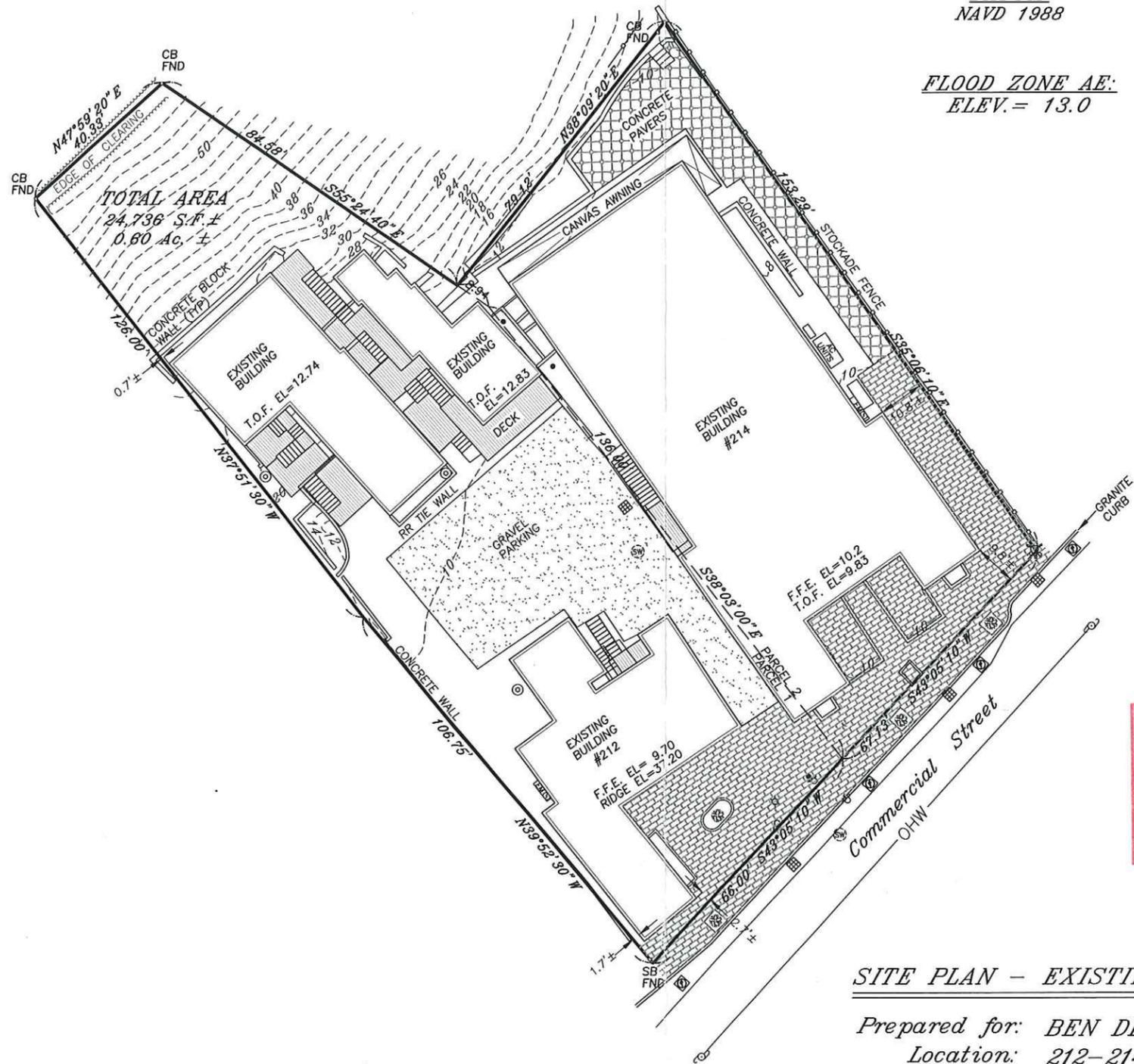
12/27/2018

SCALE:

1/8" = 1'

SHEET:

E - 2



**REFERENCE:**  
Assr's. Map 11-1, Parcel 17  
Plan Book 158, Page 588

**COVERAGE CALCULATIONS**  
Existing  
Dwellings = 10,404 S.F. ± (42.1%)

**REVIEWED FOR CODE COMPLIANCE**  
Shall not be construed to be a permit for, or an approval of, a violation or any provision of this code of any other ordinance of the jurisdiction.

- LEGEND**
- 22--- EXISTING CONTOUR
  - C.B. CONCRETE BOUND
  - S.B. STONE BOUND
  - ▣ CATCH BASIN
  - DRAINAGE BASIN
  - ⊙ PROPANE TANK
  - ⊙ SEWER MAN HOLE
  - CLEAN OUT
  - ⊘ NO PARKING AREA
  - ⊕ WATER SERVICE
  - ⊙ LIGHT POST
  - ⊙ UTILITY POLE
  - ⊙ HYDRANT
  - ⊙ ELECTRIC METER

**SITE PLAN - EXISTING CONDITIONS**

Prepared for: **BEN DERUYTER**  
Location: **212-214 COMMERCIAL STREET, PROVINCETOWN, MA.**

Ryder & Wilcox, Inc., P.E. & P.L.S.  
3 Giddiah Hill Rd.  
P.O. Box 439  
So. Orleans, MA, 02662  
Tel. (508) 255-8312  
Fax. (508) 240-2306

Scale: 1" = 20'  
Drawn by JAP  
Date - July 17, 2017

Job No. 11935

**COPY**



**Provincetown Select Board  
AGENDA ACTION REQUEST  
Monday, March 11, 2019**

**1B2**

**PUBLIC HEARING**

Economic Development Permit 19-01- Provincetown Brewery—Chris Hartley

**Requested by:** Applicant

**Action Sought:** Discussion/Approval

**Proposed Motion(s)**

Move that the Select Board vote to approve Economic Development Permit 19-01 for 141 Bradford Street dba Ptown Brewery, by Chris Hartley (applicant) on behalf of 141 Bradford Real Estate LLC (owner), based on findings that the proposed use is consistent with the criteria set forth in Selectmen’s Policy 2017-03-13, specifically:

- Projects that are consistent with the Local Comprehensive Plan and
- Support, create or enhance year-round employment opportunities/incomes and/or
- Support an extended employment season of at least 9 months and/or
- Help to diversify Provincetown’s year-round economic base and/or

**subject to the attached permit with conditions [as submitted] [as revised].**

**Additional Information**

See attached application along with plans for the proposed improvements and draft permit. Existing and Proposed flow chart included in the packet.

Existing flow: 451 gpd

Proposed Flow: 3,591 gpd

Proposed restaurant flow: 3,255 gpd

Proposed brewery flow: 336 gpd

**Board Action**

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



## Select Board

# Public Hearing

## Economic Development Permit:

The Provincetown Select Board will hold a Public Hearing on **Monday, March 11, 2019 at 6:00 p.m.** in the Judge Welsh Room, Town Hall, 260 Commercial Street, Provincetown, MA 02657 to receive comments from the public on the following Economic Development Permit request:

1. Economic Development Permit 18-04 – 212-214 Commercial Street – 1620 Brevhouse by Ben deRuyter of New Art Realty Corp. (applicant and owner), to increase the assigned Title 5 flow to the property by 4,671 gallons per day to add 89 seats and a brewery to the existing restaurant and 174 seat theater.
2. Economic Development Permit 19-01 – 141 Bradford Street – Provincetown Brewery by Chris Hartley (applicant), on behalf of 141 Bradford Real Estate LCC (owner) to increase the assigned Title 5 flow to the property by 3,140 gallons per day to add 95 seats to convert the former retail establishment to a brewery / restaurant / bar.
3. Economic Development Permit 19-02 – 170 Commercial Street – Joe's Coffee by Glenn Siegmund (applicant), on behalf of TGT Realty Trust (owner) to increase the assigned Title 5 flow to the property by 257 gallons per day to add 16 seats and the existing coffee house and restaurant.

Comments may be submitted in writing to the Office of the Select Board, 260 Commercial Street, Provincetown, MA 02657 or [selectmen@provincetown-ma.gov](mailto:selectmen@provincetown-ma.gov) by Tuesday, March 5, or in person at the hearing.

*Cheryl Andrews, Chairman*

Posted: Town Hall, <http://www.provincetown-ma.gov>  
Published: Banner: February 21 and February 28

EDP 19-01

# Economic Development Sewerage Gallons Permit



Town of Provincetown  
Department of  
Community Development

Town Hall, 260 Commercial Street  
Provincetown, MA 02657  
Telephone (508) 487-7020 Facsimile (508) 487-0032

Subject Property Address

141 BRADFORD STREET

Assessors Data

Map 12-1 Parcel 134

Owner of Record	Name and address	JOSEPH FREITAS ; CHRIS GETMAN
<i>Joseph</i>	2/13/19	141 BRADFORD STREET
Signature	Date	PROVINCETOWN, MA 02657

Business Contact Information		office	
company	PROVINCETOWN BREWERY CO.	fax	-
contact	CHRIS HARTLEY	mobile	508-418-4499
address	PO BOX 1946	pager	-
	PROVINCETOWN, MA 02657	email	CHRIS@PROVINCETOWNBREWERYCO.COM

Sewerage Information	
Property on sewer?	Yes___ No___
If yes, assigned flow	_____ gpd
Proposed sewer flow	_____ gpd
Additional flow requested	_____ gpd
Property on septic?	Yes___ No___
Current flow	_____ gpd
Proposed additional flow	_____ gpd

Brief and Accurate Description of Proposed Project
SEE ATTACHED

Economic Development Checklist	
Is project consistent with Local Comprehensive Plan?	Yes___ No___
Does it help support year-round employment?	Yes___ No___
Does it help support an extended employment season?	Yes___ No___
Help diversify local economic base?	Yes___ No___
Feature solutions to barriers to year-round economic success? -e.g. transportation, energy, water use, affordable housing	Yes___ No___
Provide measurable public benefit?	Yes___ No___

Brief narrative about potential economic benefits to Town -
SEE ATTACHED

## Memorandum

---

Date: March 5, 2019

To: David Gardner, Assistant Town Manager

From: Rob Adams, Project Director

Cc: Richard Waldo, DPW Director

Subject: **Economic Development Permit No. 19-01**  
141 Bradford Street (Provincetown Brewing Co.)  
Current Flow: 451 gpd (Title 5)  
Requested Additional Flow: 3,140 gpd (Title 5)  
Proposed New Total Flow: 3,591 gpd (Title 5)

---

Per your request, we have reviewed the subject Economic Development Permit (EDP) request and offer the following comments for your review and consideration.

The property at 141 Bradford Street is located on parcel #12-1-134. The parcel currently contains one building with 18 fast food seats, retail space and an office. The current Title 5 flow assigned to this property is 451 gpd.

The applicant, Provincetown Brewing Co., is proposing to renovate and convert the existing space into a brewery. They would like to convert their existing 18 fast food seats into 63 full service seats and add an additional 30 full service seats outside for a total of 93 full service seats. In addition they would like to add an on premise brewery. In total, the applicant is requesting an increase of 3,140 gpd of Title 5 flow which would result in a new total Title 5 flow of 3,591 gpd for the property. A summary of these flows is presented in Attachment A.

It is our understanding that they propose to phase and ramp up brewery production over the first four years as shown below.

Year	Maximum Beer Production <sup>1</sup>				Wastewater (gpd)	
	Bbls/wk	Gal/wk	Bbls/yr	Gal/yr	Annual Average	Max Week
1	2	62	100	3,100	71	74
2	15	465	234	7,254	151	503
3	20	620	468	14,508	272	604
4	30	930	675	20,925	366	846

<sup>1</sup> – 1 Beer Barrel (bbls) is equal to 31 U.S. gallons

At full build out, it is our understanding that brewery will produce a maximum of up to 30 beer barrels (bbls) per week (930 gallons) with a maximum of 675 bbls per year (20,925 gallons). Based on the information provided, it does not appear that they intend to brew beer year round.

The applicant has estimated that, for every gallon of beer produced the brewing process will generate approximately 6 to 8 gallons of wastewater. At full production, the average annual wastewater flow from the brewery process will be 366 gpd. However, the maximum weekly wastewater flow from the brewery process may as high as 846 gpd.

Brewery wastewater typically has a very high organic load making it more difficult to treat at the Wastewater Treatment Facility (WWTF). As a result, we recommend that following discharge limits and flow surcharge be imposed on the brewery wastewater discharge:

Parameter	Discharge Limit	Flow Surcharge
Flow	< 850 gpd (max week) < 366 gpd (annual avg)	Not Applicable
BOD <sub>5</sub>	< 3,000 mg/l	\$0.30 per pound
TSS:	< 1,000 mg/l	\$0.38 per pound
pH	7.0 TO 9.0	Not Applicable

In addition, if approved, we recommend that this property be required to comply with the following conditions:

1. Brewery production shall be limited to no more than 30-barrels per week (675 bbls/year).
2. The brewery discharge limits above apply to pure brewery process wastewater with no dilution by normal wastewater flows.
3. The brewery operations shall implement industry standard Best Management Practices (BMPs) to ensure the required discharge limits are not exceeded.
4. The brewery shall provide some mechanism for electronic recording of daily wastewater flow and pH monitoring. This data shall be provided to the Town on a monthly basis.
5. Sampling and laboratory analysis shall be performed by the brewery and submitted to the Town no less than once per month and must be collected during brewery processing/discharge.
6. The Wastewater Treatment Facility (WWTF) and/or Town staff reserve the right to conduct unannounced inspections at will, to include sampling of brewery wastewater.
7. Exceedances of the discharge limit may result in a revocation of the brewery discharge agreement.
8. Town reserves the right to alter discharge/flow requirements should unanticipated impacts to the collection/treatment system arise.

This property is served by the vacuum sewer system and is located on the Bradford Vacuum Main. The property is served by a valve pit which does **not** have the capacity to accommodate the additional requested flow. If approved, in order to accommodate this request, a new larger vacuum structure will need to be installed in Bradford Street.

It should be noted that any further consideration of this request should be contingent upon review of the property's existing grease trap to confirm it is adequately sized to handle the additional flow and properly maintained.

The WWTF is currently permitted to treat up to 750,000 gpd (max day flow). Since February 9, 2015 the WWTF has been in a "state of limited capacity". At the February 9, 2015 Board of Selectmen's (BOS) meeting a remaining/available capacity limit of 50,000 gpd was established. Of this amount, the BOS allocated the following amounts for the uses specified below:

- EDP requests (12,500 gpd)
- Public health needs for failed septic systems (15,000 gpd)
- Community housing (17,500 gpd)
- Municipal needs (5,000 gpd)

In January 2018, the BOS increased the EDP allocation by 8,282 gpd from 12,500 gpd to 20,782 gpd. At the same time, the BOS decreased the Housing allocation by 1,639 gpd from 17,500 gpd to 15,861 gpd. A summary of sewer flow revisions made since February 9, 2015 is provided below. A detailed list of these flow revisions is provided in Attachment B.

	BOS Allocations (gpd T5)					
	EDP	Public Health	Housing	Municipal	Correction	Totals
Original Allocation (2/9/15)	12,500	15,000	17,500	5,000	0	50,000
BOS Adjustments (1/22/18)	8,282	0	(1,639)	0	0	6,643
<b>Current Allocation</b>	<b>20,782</b>	<b>15,000</b>	<b>15,861</b>	<b>5,000</b>	<b>0</b>	<b>56,643</b>
Amount Used To Date	8,920	7,144	1,100	0	262	17,426
<b>Remaining</b>	<b>11,862</b>	<b>7,856</b>	<b>14,761</b>	<b>5,000</b>	<b>(262)</b>	<b>39,217</b>

As shown above, at this time there is only 11,862 gpd remaining for EDP requests and there are a number of other EDP requests which are currently pending or under review. The total amount of these EDP requests far exceeds the remaining available gallons for EDPs. A summary of these EDP requests is shown in the table below.

EDP#	Address	Name	EDP Gallons Requested (gpd)
<b>Current Requests</b>			
18-03	16 Macmillan Wharf	Café Gogo/Whydah	774
18-04	212-214 Commercial Street	1620 Brewhouse	4,671
19-01	141 Bradford St	Provincetown Brewery	3,140
19-02	170 Commercial St	Joes Coffee	257
19-03	193A Commercial St #6	A Lea Delaria Joint	770
19-04	361 Commercial St.	Coffee House	290
19-05	258 Commercial St.	Saki/Toko Café	1,353
		<b>Subtotal</b>	<b>11,255</b>
<b>Pending USDA Grant Funding</b>			
18-02	315A Commercial Street	Surf Club	6,370
18-06	9 Ryder Street Extension	Fisherman's Wharf	24,500
		<b>Subtotal</b>	<b>30,870</b>
		<b>Total</b>	<b>42,125</b>

Although we are working on a project to increase the WWTF capacity by 155,000 gpd, this project is still in the preliminary planning/design phase because the Town has still not yet received notification on their USDA grant application. In addition, even if/when this project is approved, it will be several years before these gallons will be available.

If you have any questions or concerns, please do not hesitate to ask.

**Attachment A  
141 Bradford Street - Flow Summary**

Use	Unit of Measure	Quantity	Type of Gallons	Flow (GPD)
<b>EXISTING</b>				
EXISTING RETAIL	Square Feet	1400	0.05	70
EXISTING/APPROVED FOOD SERVICE SEATS (FAST FOOD)	Seats	18	20	360
EXISTING OFFICE	Square Feet	270	0.075	21
<b>TOTAL EXISTING FLOW</b>				<b>451</b>
<b>REQUESTED FLOW</b>				
INDOOR SEATS (FULL SERVICE)	Seats	63	35	2205
OUTDOOR SEATS (FULL SERVICE)	Seats	30	35	1050
BREWERY WASTEWATER FLOW				336
<b>TOTAL NEW BREWERY FLOW</b>				<b>3,591</b>
<b>SUBTRACT EXISTING BETTERED FLOW</b>				<b>-451</b>
<b>TOTAL BETTERMENT INCREASE</b>				<b>3,140</b>

**ATTACHMENT B - SEWER FLOW REVISIONS SINCE FEBRUARY 9, 2015 - STATE OF LIMITED CAPACITY**

SUMMARY	GPD T5					Totals
	EDP	Public Health	Housing	Municipal	Correction	
Original Allocation (2/9/15)*	12,500	15,000	17,500	5,000	0	50,000
Board of Selectmen Adj (1/22/18)	8,282	0	(1,639)	0	0	6,643
<b>Current Allocations</b>	<b>20,782</b>	<b>15,000</b>	<b>15,861</b>	<b>5,000</b>	<b>0</b>	<b>56,643</b>
Amount Used To Date	8,920	7,144	1,100	0	262	17,426
<b>Remaining</b>	<b>11,862</b>	<b>7,856</b>	<b>14,761</b>	<b>5,000</b>	<b>(262)</b>	<b>39,217</b>

Date Issued	Parcel ID	Address	EDP	Public Health	Housing	Municipal	Correction	Totals
19-Mar-15	11-3-015-0-00A	293 Commercial St-Unit A	140					140
	11-3-015-0-00D	293 Commercial St-Unit D	240					240
	11-3-032-0-02	237 Commercial Street #25	945					945
	12-1-034	26 Alden Street					62	62
7-May-15	12-4-008	463 Commercial Street					(1,900)	(1,900)
	12-4-008	463 Commercial Street					(450)	(450)
	11-1-004	205-209 Commercial St					400	400
18-Jun-16	06-2-015-1-00	67 Commercial Street Unit 1					110	110
	06-2-015-2-00	67 Commercial Street Unit 4					110	110
13-Aug-15	15-3-074	341 Bradford Street		880			0	880
	19-2-003	951R Commercial Street		330			0	330
	15-1-015	509 Commercial Street		550				550
	07-2-178	16 Carver Street		440				440
	12-2-005-2-00	415 Commercial Street					(110)	(110)
	12-2-023-1-00	361A Commercial Street					(20)	(20)
	12-2-023-2-00	361A Commercial Street					(20)	(20)
	12-2-023-3-00	361C Commercial Street					40	40
	06-4-167	34 Bradford Street					220	220
	06-1-014-B	162 Bradford Street Ext					330	330
	06-1-014-C	164 Bradford Street Ext					110	110
	06-2-003-1-00	99 Commercial Street					(700)	(700)
17-Sep-16	06-4-109	120 Commercial Street					44	44
	07-2-167	188 Commercial Street					154	154
	06-2-078	5 Nickerson Street		330				330
	15-3-058-1	600 Commercial Street Unit 1		110				110
	15-3-058-1	600 Commercial Street Unit 2		220				220
	15-3-058-1	600 Commercial Street Unit 3		110				110
	15-3-058-2	600 Commercial Street Unit 4		110				110
	15-3-058-2	600 Commercial Street Unit 5		110				110
10-Dec-15	06-4-171	4 Conant Street					(330)	(330)
14-Jan-16	07-2-036	30 Montello Street					110	110
	07-2-138	1 Winthrop Street					(90)	(90)
	07-3-020	52 Ships Way Road	330					330
	11-3-015-0-00C	293 Commercial Street	98					98
5-May-16	07-4-008	80 Bradford Street					(440)	(440)
	07-4-009	82 Bradford Street					(110)	(110)
	11-3-019-A	9 Ryder Street Ext					1,062	1,062
	12-1-134	141 Bradford Street					287	287
	12-2-027-0-001	374 Commercial Street					(67)	(67)
	12-2-027-0-002	374 Commercial Street					(40)	(40)
	12-2-042	384 Commercial Street					(659)	(659)
	12-2-043	386 Commercial Street					14	14
	12-2-044	394 Commercial Street					111	111
23-Jun-16	11-1-006-3-009	199 Commercial Street	1,096					1,096
	11-1-006-3-010	199 Commercial Street	(140)					(140)
	11-3-069-0-00	96-98 Bradford Street					587	587
	12-1-015	328 Commercial Street					330	330
	12-1-142-2-00	336 Commercial Street					95	95
8-Sep-16	11-3-020	227 Commercial Street					1,082	1,082
	11-3-019-A	9 Ryder St. Ext	1,175					1,175
	11-3-019-A	9 Ryder St. Ext	440				30	470
3-Nov-16	07-4-021	14 Prince Street					(110)	(110)
	15-3-077	307 Bradford Street					550	550

**ATTACHMENT B - SEWER FLOW REVISIONS SINCE FEBRUARY 9, 2015 - STATE OF LIMITED CAPACITY**

SUMMARY	GPD T5					
	EDP	Public Health	Housing	Municipal	Correction	Totals
Original Allocation (2/9/15)*	12,500	15,000	17,500	5,000	0	50,000
Board of Selectmen Adj (1/22/18)	8,282	0	(1,639)	0	0	6,643
<b>Current Allocations</b>	<b>20,782</b>	<b>15,000</b>	<b>15,861</b>	<b>5,000</b>	<b>0</b>	<b>56,643</b>
Amount Used To Date	8,920	7,144	1,100	0	262	17,426
<b>Remaining</b>	<b>11,862</b>	<b>7,856</b>	<b>14,761</b>	<b>5,000</b>	<b>(262)</b>	<b>39,217</b>

Date Issued	Parcel ID	Address	EDP	Public Health	Housing	Municipal	Correction	Totals
	11-3-086-0-001	116 Bradford Street					(660)	(660)
	11-3-043	226-228 Commercial St					(350)	(350)
	06-2-017-A	65 Commercial Street					220	220
7-Dec-16	11-3-053	101 Bradford Street					(110)	(110)
	12-1-025-0-001	129 Bradford Street					(90)	(90)
	17-1-011	641 Commercial Street					(110)	(110)
19-Jan-17	12-4-147	202 Bradford Street					110	110
	15-3-061	295 Bradford Street					110	110
9-Mar-17	11-3-080	258 Commercial Street					300	300
11-May-17	15-1-039	212 Bradford Street	514					514
	06-3-050	31 Creek Road					(110)	(110)
	11-1-006-3-001	199 Commercial Street	58					58
	06-2-029-1-002	52A Commercial St					(110)	(110)
	11-3-035	225 Commercial Street	3,035					3,035
	11-3-001-A	335 Commercial Street	490					490
	11-3-002-2-OR6	333R Commercial Street					(110)	(110)
	12-2-042-0-00C	384 Commercial Street	98					98
	12-2-042-0-002	384 Commercial Street					(220)	(220)
	12-2-042-0-003	384 Commercial Street					220	220
	06-2-085	88 Commercial Street					(110)	(110)
	12-1-048	130 Bradford Street					150	150
	12-1-048	130 Bradford Street	220					220
8-Jun-17	12-4-064	199 Bradford Street		330				330
18-Sep-17	11-3-098-U1-6	284B Commercial Street		880				880
22-Jan-18	07-2-062	46 Bradford Street	83					83
22-Jan-18	12-2-024-2-00H	359 Commercial St Unit H					(753)	(753)
15-Mar-18	06-2-047	8 West Vine St		440				440
	12-2-037	9 Pearl Street					220	220
	07-2-118	60 Bradford Street					110	110
	19-1-018	15 Hobson Avenue		220				220
	05-4-001	53 Commercial Street		660				660
	11-3-015-0-00C	293 Commercial Street	(98)					(98)
3-May-18	12-1-011	347 Commercial Street					353	353
	11-3-044	230 Commercial Street					214	214
	08-1-001	20 Province Road	606		1,100			1,706
14-Jun-18	07-2-069	30 Shank Painter Road		324				324
	11-3-094	115 Bradford Street					47	47
2-Aug-18	07-1-044	38 Pleasant Street					110	110
	11-3-048	242 Commercial Street					(180)	(180)
	12-1-114	358-360 Commercial Street					329	329
	08-2-001	55 Capt. Bertie Way		330				330
1-Jan-19	12-2-001	425 Commercial Street					(110)	(110)
	06-4-045	16 Cottage Street		770				770
	11-3-003	331 Commercial Street	(410)					(410)
								0
		<b>TOTAL FLOW REVISIONS</b>	<b>8,920</b>	<b>7,144</b>	<b>1,100</b>	<b>0</b>	<b>262</b>	<b>17,426</b>
		<b>REMAINING GALLONS</b>	<b>11,862</b>	<b>7,856</b>	<b>14,761</b>	<b>5,000</b>	<b>(262)</b>	<b>39,217</b>



February 12, 2019

Select Board, Town of Provincetown  
Provincetown Town Hall  
260 Commercial Street  
Provincetown, MA 02657

Re: Reference EDP 19-01 141 Bradford

Dear Members of the Select Board:

The establishment of Provincetown Brewing Co. at 141 Bradford St. has been my singular focus and passion since conceiving the concept almost two years ago.

It has been a long and exciting road to get this point, and I am thrilled to share with the Select Board and the community my vision. Provincetown Brewing Company (PBC) was born out of a desire to create something unique. Not just Provincetown's first brewery, but a business that celebrates and supports the keystone values of the community.

I first fell in love with Provincetown eight years ago. Like many, my very first visit hooked me. Ever since, I have always wanted to become an integral part of the community and start a business that gives back to a community that has given so much to me.

I began formulating a business plan for PBC as the very first brewery rooted in activism back in Summer 2017. As an activist brewery, this means that the back of each can of PBC will feature progressive causes, charities or events that support the LGBT community, the Provincetown community, and/or the brewing community. Thirteen percent of profits from each unit sold will go back to the causes and organizations featured, and two percent of all profits will go directly to local Provincetown causes. It is my strong belief that in a place like Provincetown a company can be successful not despite, but because, it gives back to the community.

While still searching for the ideal location to make PBC a reality, we held a fundraiser event over Halloween weekend right here at Provincetown Town Hall to introduce the concept of Provincetown Brewing Co. to the local community. In the process, we are able to raise \$2,500 for the Provincetown Business Guild's LGBTQ+ welcome center "The Shack."

In December, we discovered the space at 141 Bradford Street and determined that it was the perfect location to bring Provincetown Brewing Co. to life. We want to transform the space into a bar/taproom with a small brewery on premise to develop the unique flavors of PBC. Additionally, we plan to engage with local organizations to use the space as a meeting place and to partner with local business throughout



the area to help promote their businesses and products. PBC will become a hub for community offerings and events.

We will operate as a year-round business, bringing new and good-paying jobs to Provincetown in a burgeoning industry. In addition to seasonal service industry jobs, PBC will soon employ 3-4 full-time jobs in operations, sales, marketing, and more. A commitment to Provincetown as a year-round community is central to our plans.

As mentioned above, I believe Provincetown Brewing Co. is consistent with the Local Comprehensive Plan for the following reasons:

- Creates and enhances year-round employment.
- Brings a new year-round industry that will help diversify the local economy.

Lastly, I just want to say how committed I am to Provincetown and PBC. It is my favorite place in the world and I have always wanted to become an integral part of the community. PBC is my attempt to make a dream come true and enrich a place that has truly had such a positive effect on my life.

Please do not hesitate to contact me should you have any further questions. I am best reached on my cell phone at 508.418.4499, or by email at [chris@provincetownbrewingco.com](mailto:chris@provincetownbrewingco.com)

Respectfully,

Christopher Hartley  
Owner, Provincetown Brewing Co.  
PO Box 1946  
Provincetown, MA 02657  
Tel: 508-418-4499  
Email: [Chris@ProvincetownBrewingCo.com](mailto:Chris@ProvincetownBrewingCo.com)

## David Gardner

---

**From:** joseph freitas <josephfreitas@yahoo.com>  
**Sent:** Monday, February 11, 2019 7:15 PM  
**To:** David Gardner  
**Cc:** Chris Getman; Mike Minore; Chris@provincetownbrewingco.com  
**Subject:** 141 Bradford Natural Market/Provincetown Brewing Co.

Hello David,

Chris Getman (copied here) and I are the current owners of the property at 141 Bradford Street, Provincetown, MA 02657 (DBA 141 Bradford Natural Market).

This email serves as our approval for Provincetown Brewing Co. to apply for the EDP at this address.

If you need any further information, please do not hesitate to contact me at this email or at: 203-451-5764.

Sincerely,  
Joe Freitas and Chris Getman

Key: 2310

Town of Provincetown - Fiscal Year 2019

9/13/2018 1:29 pm SEQ # 2,224

CURRENT OWNER		PARCEL ID		LOCATION	
141 BRADFORD REAL ESTATE LLC 141 BRADFORD ST PROVINCETOWN, MA 02657		12-1-134-0		141 BRADFORD ST	
TRANSFER HISTORY		DOS	T	SALE PRICE	BK-PG (Cert)
141 BRADFORD REAL ESTATE		05/17/2011	U	485,000	25454-2
RODNEY JAMES REALTY LLC		06/25/2007	OS	805,000	22137-193
141 BRADFORD STREET REALT		04/30/2001	OS	300,000	13779-22
CD	T	AC/SFUN	Nbhd	Intf1	Intf2
100	A	0.121 CIM	1.00 50	0.50 100	1.00
ADJ BASE		SAF	Use	Lpi	VC
2,530,873		1.42	100	1.00	C09
CREDIT AMT		ADJ VALUE		433,660	
0		0		0	

TOTAL		5,271 SF		ZONING		TCC		FRNT		64	
Nbhd	CIM	N	Intf-1=loc								
Intf1	50	O									
Intf2	100	E									
TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD				
PAV	A	1.00	A 0.70 60X20	1990	1,200	0.70	600				

ASSESSED		CURRENT		PREVIOUS	
LAND	433,700	428,200	428,200	335,800	335,800
BUILDING	368,900	600	600	0	0
DETACHED	0	0	0	0	0
OTHER	0	0	0	0	0
TOTAL	803,200	764,600	764,600	0	0

PHOTO 01/29/2015



BLDG COMMENTS

CLASS		CLASS%		DESCRIPTION	
3250	100	SMALL RETAIL			
PMT NO	PMT DT	TY	DESC	AMOUNT	
14-BP-172	05/13/2014	3	RENOVATIONS	4,900	
		42	INSP DATA OU		
		38	38D /IE RECE		
12-BP-231	01/07/2012	3	RENOVATIONS	6,000	
10-BP-263	03/16/2010	3	RENOVATIONS	4,300	

BN ID		BN		CARD	
1	1	1	1	1	1
BY	1st	BY	1st	BY	1st
FP	0	FP	0	FP	0
CAM	0	CAM	0	CAM	0
100	100	100	100	100	100
100	100	100	100	100	100

BUILDING		CD		ADJ		DESC	
MODEL	5	CIM					
STYLE	31	1.95	STORE(SM. RET)	100%			
QUALITY	A-	0.90	MINUS AVE	100%			
FRAME	2	1.00	MASONRY	100%			
YEAR BLT	1950	SIZE ADJ	0.900				
NET AREA	3,258	DETAIL ADJ	1.870				
\$NLA(RCN)	\$142	OVERALL	1.000				
CAPACITY		UNITS	ADJ				
STORIES(FAR)	1	1	1.00				
ROOMS	1	1	1.00				
BEDROOMS	0	0	1.00				
FULL BATHS	0	0	1.00				
HALF BATHS	1	1	1.00				
TOT FIXTURES	7	7	\$4,900				
# OF UNITS	0	0	1.00				
KITCHENS	0	0	1.00				
AFFORD.HSG UN	0	0	1.00				

ELEMENT		CD		DESCRIPTION		ADJ	
FOUNDATION	2	SLAB	1.00				
EXT COVER	10	VERT BOARD	1.00				
ROOF SHAPE	4	FLAT/SHED	0.98				
FLOOR COVER	7	ROLL	0.98				
FLOOR COVER	4	VINYL	0.98				
INT. FINISH	2	DRYWALL	1.02				
HEATING/COOL	1	FORCED AIR	1.00				
FUEL SOURCE	1	OIL	1.00				
SEPTIC FIELD	1	SEWER	1.00				

S		BAT		T		DESCRIPTION		UNITS		YB		ADJ PRICE		RCN		TOTAL RCN	
A	BAS	L	1,698	L	1950	L	BASE AREA	135.25	229,660	1950	135.25	229,660	461,130	CD			
B	OPA	N	18	N	1950	N	OPEN PORCH	37.22	670	1950	37.22	670	670	G			
+	BAS	L	1,560	L	1950	L	BASE AREA	135.25	210,995	1950	135.25	210,995	210,995	G			
	CLR	N	176	N	1950	N	COOLER	54.20	9,539	1950	54.20	9,539	9,539	U			
	CLR	N	99	N	1950	N	COOLER	54.20	5,366	1950	54.20	5,366	5,366	U			

EFF. YR/AGE		1990 / 27	
COND	20	20	%
FUNC	0	0	
ECON	0	0	
DEPR	20	20	% GD
RCNLD	\$386,900		

Feb. 11, 2019

Board of Selectmen  
Provincetown Townhall  
260 Commercial Street  
Provincetown, MA 02657

Dear Board of Selectman:

As a proud member of the Provincetown community, I am writing to officially give my support for the proposal of Provincetown Brewing Co. that has come before the Board of Selectmen.

I have watched closely as Chris Hartley and his colleagues have developed a vision and strategy for Provincetown Brewing Co. over the past year. I've seen their passion for Provincetown and their desire to create a business that is additive to the rich culture and community of the town.

I have been very impressed by their unique business plan for the brewery, which includes promoting local and LGBT causes on their products and donating 13 percent of their profits back to these organizations.

The idea of an "activist" brewery is new and novel and a perfect fit for Provincetown. I believe that it's something the town should absolutely get behind and support however we can.

Additionally, the brewery represents a potential year-round business right here in Provincetown that could support many new, good-paying year-round jobs as it expands into a full fledged operation with distribution beyond the town and immediate region. In addition to service jobs at the tap room, it will eventually employ people in operations, sales, marketing, and more.

The town and the Board of Selectmen would be wise to support such an initiative and give it the foothold it needs now in order to grow.

Sincerely,



Jason Moore  
105 Commercial St  
Upper Unit  
Provincetown, MA 02657  
[Jastontmoore@earthlink.net](mailto:Jastontmoore@earthlink.net)  
(917) 613-4355

12 February 2019

Select Board, Town of Provincetown  
Provincetown Town Hall  
260 Commercial Street  
Provincetown, MA 02657

Dear Members of the Select Board:

We are writing to you today to share our enthusiastic support for the proposed Provincetown Brewing Company and to ask that you weigh favorably on their application.

As local, resident business owners and owners of Roux Provincetown, we are highly supportive of this new venture. We believe that it will add tremendous value to the year-round Provincetown business landscape – both for the local community and for our Guests. Those who learned of the prospect of this new business, expressed a great deal of excitement. We also know that craft beer locations are a major draw for craft beer enthusiasts. We believe it will create a new tourism opportunity for the town.

We are also very supportive of this venture because of the character and caliber of the gentlemen who will be starting it up and running it. They have a deep, philosophical belief in giving back to the community, as well as to charitable organizations. We understand that 2% of all profits will go into a fund to directly benefit the Provincetown community and another 13% will be earmarked for charities and causes. This is Provincetown to us. It's how we have viewed our social responsibility as business owners and we are thrilled to see the addition of a new, like-minded, socially-focused business.

Sincerely,

**Allison Baldwin & Ilene Mitnick**  
Owners, **Roux Provincetown**  
210 Bradford Street  
Provincetown, MA 02567  
508-487-1717

Feb. 22, 2019

Select Board  
Provincetown Town Hall  
260 Commercial Street  
Provincetown, MA 02657

RECEIVED  
BOS

FEB 22 2019

CC: BOS/TM/ATM

Dear Members of the Select Board:

I would like to extend my support for the proposed Provincetown Brewing Co. plan that has come before the board.

I'm a year-round Provincetown resident who is also very involved in promoting the many virtues of the town through my website Towleroad.com and the travel guide 'Ptown Hacks', which informs visitors about local businesses and activities, and is now in its sixth year.

I have had the privilege of getting to know Chris Hartley and his colleagues as they embark on an ambitious plan to create the very first craft brewery in Provincetown. Having witnessed their passion for this project and their sincere desire to create a year-round operation that brings something new and different to Provincetown, I believe that the brewery will mature into an integral and beloved part of the community if given the support of the town.

Their desire to create an "activist" brewery that gives hard-earned profits back to local and other non-profits should be commended and supported by the town government. They understand the rich history of the town, want to be a part of it, support it, and build something new that will enrich the community.

Local craft breweries are also increasingly important tourism draws in communities all across the country. Provincetown would do well to add a craft brewery to the many social attractions it has for visitors. A craft brewery that reflects the values and essence of the community is all the better.

Simply put, in my view, this brewery is exactly the kind of project that the town's economic development permits are for. PBC represents a prospective year-round business, with a unique business model, a desire to do good, and the potential ability to promote Provincetown near and far. Let's support them while we can.

Sincerely,

Andy Towle  
19 Montello Street, Provincetown, MA 02657  
[andytowle@gmail.com](mailto:andytowle@gmail.com)

February 20, 2019

Board of Selectmen  
Provincetown Town Hall  
260 Commercial Street  
Provincetown, MA 02657

RECEIVED  
BOS

FEB 20 2019

CC: BOS/TM/ATM

Dear Board of Selectman:

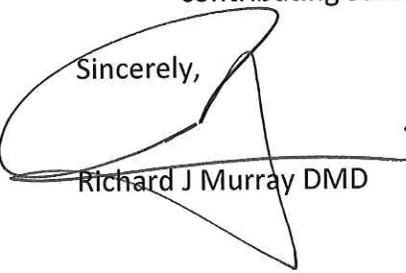
It is my pleasure to write a letter of support for the proposed Provincetown Brewing Co. being plan being submitted to the Board of Selectmen.

\*\* Something about relationship / knowledge of Provincetown Brewing Co. and Chris Hartley and Erik Borg.

\*\* For your consideration, we've listed below a few key attributes / selling points of Provincetown Brewing Co. that we believe will benefit the town.

- PBC is an "activist" brand that will promote the values of Provincetown.
  - 13% of profits will go back to the LGBT and progressive charities/causes featured on every can.
  - 2% of all profits will go into a fund set up to directly benefit the Provincetown community.
- PBC will be a year-round business, immediately bringing 3-4 year-round jobs and at least 5-6 seasonal jobs.
- Breweries are an proven tourism destination for the growing community of craft beer enthusiasts.
- The PBC business plan includes regional and eventually national distribution, which will promote Provincetown to target communities throughout the year.
- As distribution is expanded, PBC will add more year-round, good-paying jobs in located in Provincetown in the areas of operations, sales and marketing, distribution, and more.
- Chris and Erik young(ish) people who are passionate about making Provincetown their year-round home and place of work. They love Provincetown and it is their dream to build this business here.
- We will be good, considerate members of the business community with a focus on contributing something unique and additive to the town.

Sincerely,

  
Richard J Murray DMD

2.20.19  
63 Commercial St. Provincetown MA 02657Tel

March 5, 2019

To Whom It May Concern:

My husband, Chris Getman, and I are writing this letter in support of the Provincetown Brewing Company gaining approval to establish a year-round business at our current location, 141 Bradford Street, home of the 141 Market.

We had the pleasure of meeting with Chris Hartley who shared the business plan he and his partners have advanced along with the proposed re-design of the building. We believe it will be a successful business, a beautiful space, and an asset to the community.

Chris also shared with us his intention to stay open year-round and to provide jobs and opportunity to many in our community. We are delighted to see this commitment being made. In addition, Chris stated that while the initial focus is to create a Provincetown-oriented business, longer term goals include a wider distribution of their product. From our experience, we feel that this will lead to more visitors and yet another reason to visit beautiful Provincetown throughout the year.

We encourage the town and its elected officials to approve this business. The owners' enthusiasm in their product, their brand and belief in Provincetown will be a wonderful addition to the town.

Sincerely,  
Joe Freitas and Chris Getman  
141 Market

March 2, 2019

To Whom It May Concern:

I am writing this letter in support of the Provincetown Brewing Company being given approval to open its year-round business at 141 Bradford Street.

I believe this new business will add jobs to the community and give tourists yet another reason to visit our beautiful town.

Sincerely,



Marc Valois

Name: Marc Valois

Provincetown Address: 66 Franklin Street #2 Provincetown, MA 02657

Email: marcvalois@aol.com



Town of Provincetown  
**ECONOMIC DEVELOPMENT PERMIT**  
(Town of Provincetown General By-laws Section 5-15-4)  
and  
**DECLARATION OF COVENANTS**

Property Owner: 141 Bradford Real Estate LLC  
Property Owner Address: 141 Bradford Street, Provincetown, MA 02657  
Property Address: **141 Commercial Street, Provincetown, MA 02657**  
Assessor's Map Number: 12-1-134  
Title Reference: **Barnstable County Registry of Deeds Bk. 25454, Pg. 2**  
Applicant (if different): Christopher Hartley  
Business Entity: Provincetown Brewing Company  
**Economic Development Permit No. 19-01**

Existing Use(s) of Property: Commercial

Sewage Assigned Flow for Existing Use(s) of Property: The property at 141 Bradford Street, henceforth referred to as "Premises", currently is occupied by 141 Market, has a total existing Title V flow of 451 gpd.

Proposed Use(s) of Property or Proposed Expansion of Existing Use(s) of Property: The applicant seeks to install a brewery/restaurant and add 77 additional seats (35 gpd). Title V Design Flow for Proposed or Expanded Use(s) of Premises: 3,140 gpd for a total of 3,591 gpd.

The Town of Provincetown, acting by and through its Board of Selectmen, hereby grants an Economic Development Permit, pursuant to Town of Provincetown General By-laws Section 5-15-4, to the Property Owner for the use of the property located at **141 Bradford Street**, (the "Premises"), **as a 93 seat brewery / restaurant** (the "Approved Use"), subject to the Owner's covenants stated below.

The Owner hereby covenants with the Town of Provincetown, a Massachusetts municipal corporation with an address of 260 Commercial Street, Provincetown, Massachusetts 02657, acting by and through its Board of Selectmen pursuant to Provincetown General By-laws Section 5-15-6 (the "Town") as follows:

1. The Owner shall commence the Approved Use of the Premises described above on or before the date that is one year following the date of grant of this Permit and shall thereafter continuously maintain said Approved Use of the Premises. If the Approved Use of the Premises is discontinued for a period of thirty (30) consecutive days after commencement thereof, such discontinuance shall be deemed a failure to continuously maintain. The one-year and the thirty (30) day periods may be extended by the Town for good cause shown.
2. This Declaration of Covenants shall run with the Premises and be binding upon the executors, administrators, heirs, devisees, successors and assigns of the Owner.

3. Upon prior written notice to the Owner at the Property Address above or such new address as the Owner shall notify the Selectmen of in writing, the Town shall have the permanent right and easement to enter upon the Premises for the purpose of determining compliance with the terms of this Declaration of Covenants.
4. The Town shall have the option to enforce this Declaration of Covenants, but shall not have the obligation to do so shall not be deemed a waiver.
5. The Owner hereby covenants and agrees, for the Owner and the Owner's successors and assigns, to reimburse the Town for all reasonable costs and expenses (including without limitation reasonable counsel fees) incurred in enforcing this Declaration of Covenants, provided the Owner has been determined by a court of law to be in violation of the terms of this Declaration of Covenants.
6. This Declaration of Covenants sets forth rights, liabilities, agreements and obligations upon and subject to which the Premises or any portion thereof, shall be improved, held, used, occupied, leased, sold, mortgaged, encumbered, or conveyed. The rights, liabilities, agreements and obligations herein set forth shall run with the Premises and any portion thereof and shall inure to the benefit of and be binding upon the Owner and all parties claiming by, through or under Owner, including subsequent transferees and/or assigns of the Owner. This Declaration of Covenants shall have a term of ninety-nine years or the longest period allowed by law. The Owner agrees that this Declaration of Covenants is an "other restriction held by a governmental body" as that term is used in G.L. c.184, §26 and thus not subject to the limitations on the enforceability of restrictions in G.L. c.184, §§26-30. Nevertheless, if recording of a notice is ever needed to extend the time period for enforceability of this Declaration of Covenants, the Owner(s) hereby appoints the Board of Selectmen of the Town of Provincetown as the Owner's agent to execute and record such notice and agrees that the Owner shall execute and record such notice upon request.
7. The Owner agrees to incorporate this Declaration of Covenants, in full or by reference, into all deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer by which an interest in and/or a right to use the Premises, or any portion thereof, is conveyed.
8. If any court or other tribunal determines that any provision of this Declaration of Covenants is invalid or unenforceable, such provision shall be deemed to have been modified automatically to conform to the requirements for validity and enforceability as determined by such court or tribunal. In the event the provision invalidated is of such a nature that it cannot be so modified, the provision shall be deemed deleted from this Declaration of Covenants as though it had never been included herein. In either case, the remaining provisions of this Declaration of Covenants shall remain in full force and effect.
9. The Owner is the sole owner in fee simple absolute of all the Premises and there are no mortgages of record or otherwise on the Premises or any portion thereof except for those described below, if any, and the present holders of said mortgages have assented and subordinated to this Declaration of Covenants prior to the execution by the undersigned. It is agreed that any subsequent mortgages shall be subordinate to this Declaration of Covenants.
10. It is agreed that this Declaration of Covenants shall take effect only upon the execution of this Economic Development Permit by the Town of Provincetown Board of Selectmen and the recordation with the Barnstable County Registry of Deeds or filing with the Barnstable County Registry District of the Land Court of this Economic Development Permit and Declaration of Covenants.

11. A true copy of the Owner's application for this Economic Development Permit including all documents and plans submitted therewith, is attached hereto as Exhibit A and is incorporated herein except as specified below:

N/A

12. The Town's remedies shall include, without limitation, revocation of this Economic Development Permit by order of the Board of Selectmen, which order may be made thirty (30) days after the date notice is given by mail to the Property Owner of the Selectmen's determination that the Owner has failed to continuously maintain the Approved Use, or that the Owner has commenced a use on the Premises other than, or in addition to, the Approved Use, unless an additional use is otherwise permitted under the Town zoning laws and is merely de minimus in nature, whereupon all rights arising from this Economic Development Permit shall be forfeited, including without limitation any Growth Management Permit or increased sewage flow allocation that may have been granted with respect to the Premises, notwithstanding that the Premises may have been assessed a betterment or special assessment relating to the increased sewage flow allocation and the Allowed Use shall be deemed to be expressly abandoned by the Property Owner, pursuant to Section 6200-3 of the Growth Management By-Law of the Town.
13. The Owner must apply for and obtain all other necessary permits and approvals in order to proceed with the Approved Use.
14. The Owner further covenants and agrees that the Owner shall comply with the following additional conditions:
- (a) The additional gallons shall be utilized for the Approved Use as proposed only and shall not be subsequently converted to any other use without prior approval of the Board of Selectmen.
  - (b) Approved use shall require access to public restrooms consistent with Board of Health Regulations and Building and Plumbing Codes.
  - (c) The business will be open a minimum of 9 months unless otherwise approved by the Board of Selectmen.
  - (d) The following discharge limits and flow surcharge be imposed on the brewery wastewater discharge:

Parameter	Discharge Limit	Flow Surcharge
Flow	< 850 gpd (max week) < 366 gpd (annual avg)	Not Applicable
BOD <sub>5</sub>	< 3,000 mg/l	\$0.30 per pound
TSS:	< 1,000 mg/l	\$0.38 per pound
pH	7.0 TO 9.0	Not Applicable

- (e) Brewery production shall be limited to no more than 30-barrels per week (675 bbls/yr).
- (f) The brewery discharge limits above apply to pure brewery process wastewater with no dilution by normal wastewater flows.
- (g) The brewery operations shall implement industry standard Best Management Practices (BMPs) to ensure the required discharge limits are not exceeded.

- (h) The brewery shall provide some mechanism for electronic recording of daily wastewater flow and pH monitoring. This data shall be provided to the Town on a monthly basis.
  - (i) Sampling and laboratory analysis shall be performed by the brewery and submitted to the Town no less than once per month and must be collected during brewery processing/discharge.
  - (j) The Wastewater Treatment Facility (WWTF) and/or Town staff reserve the right to conduct unannounced inspections at will, to include sampling of brewery wastewater.
  - (k) Exceedances of the discharge limit may result in a revocation of the brewery discharge agreement.
  - (l) Town reserves the right to alter discharge/flow requirements should unanticipated impacts to the collection/treatment system arise.
15. This Economic Development Permit and Declaration of Covenants may be amended only by written agreement of the Board of Selectmen and the Property Owner.

**WITNESS** our hands and seals this **11<sup>th</sup> day of March, 2019.**

OWNER

By: \_\_\_\_\_  
 Name:  
 Title:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2019 before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed on the preceding or attached document as manager of Brass Key Hospitality Group, LLC, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
 Notary Public  
 My Commission Expires:

On this day, March 11, 2019, the Board of Selectmen of the Town of Provincetown, pursuant to Town of Provincetown General By-laws Section 5-15-4, hereby grants this Economic Development Permit authorizing the Proposed or Expanded Use(s) of Property described above, subject to the above Declaration of Covenants and all other necessary Town permits.

TOWN OF PROVINCETOWN,  
By its Board of Selectmen

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

County of Barnstable, ss.

On this 11th day of March, 2019, before me, the undersigned notary public, personally appeared \_\_\_\_\_ member, Town of Provincetown, Board of Selectmen, as aforesaid, and proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name he/she signed on the foregoing instrument, and further acknowledged to me that he/she signed it voluntarily for its stated purpose as said member.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

Mortgagee(s) Consent and Subordination

The \_\_\_\_\_, by \_\_\_\_\_, the holder of a mortgage dated \_\_\_\_\_, recorded with the Barnstable County Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_, does hereby assent to the recording of this Economic Development Permit and Declaration of Covenants and subordinates said mortgage to this Economic Development Permit and Declaration of Covenant as if this Economic Development Permit and Declaration of Covenants had been recorded prior to said mortgage.

By: \_\_\_\_\_

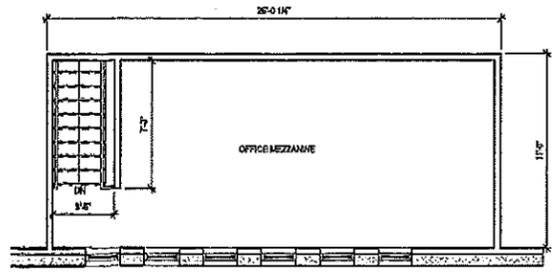
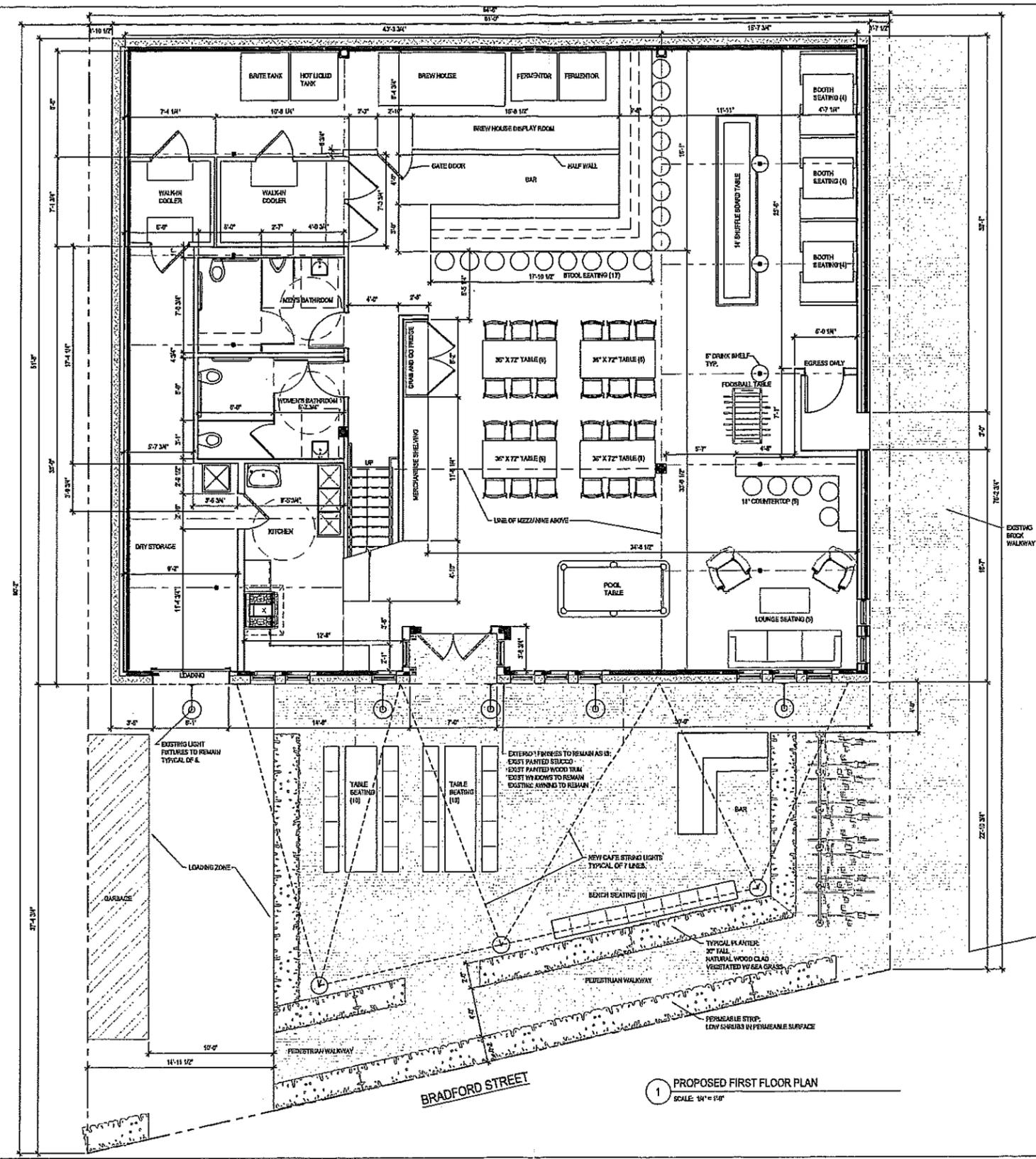
Its, \_\_\_\_\_  
Duly authorized

COMMONWEALTH OF MASSACHUSETTS

County of \_\_\_\_\_, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019 before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed on the preceding or attached document as \_\_\_\_\_, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:



2 EXISTING OFFICE MEZZANINE PARTIAL PLAN  
 SCALE: 1/4" = 1'-0"

1 PROPOSED FIRST FLOOR PLAN  
 SCALE: 1/4" = 1'-0"

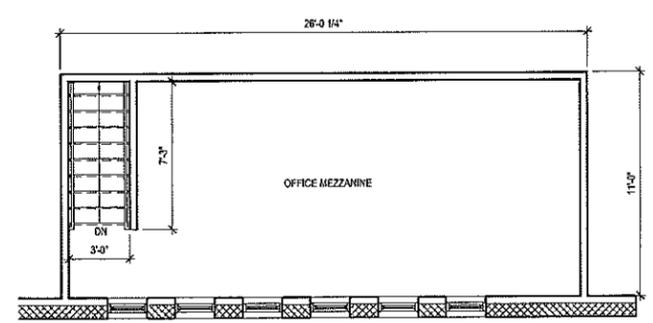
SCHEMATIC DESIGN

REVISIONS:

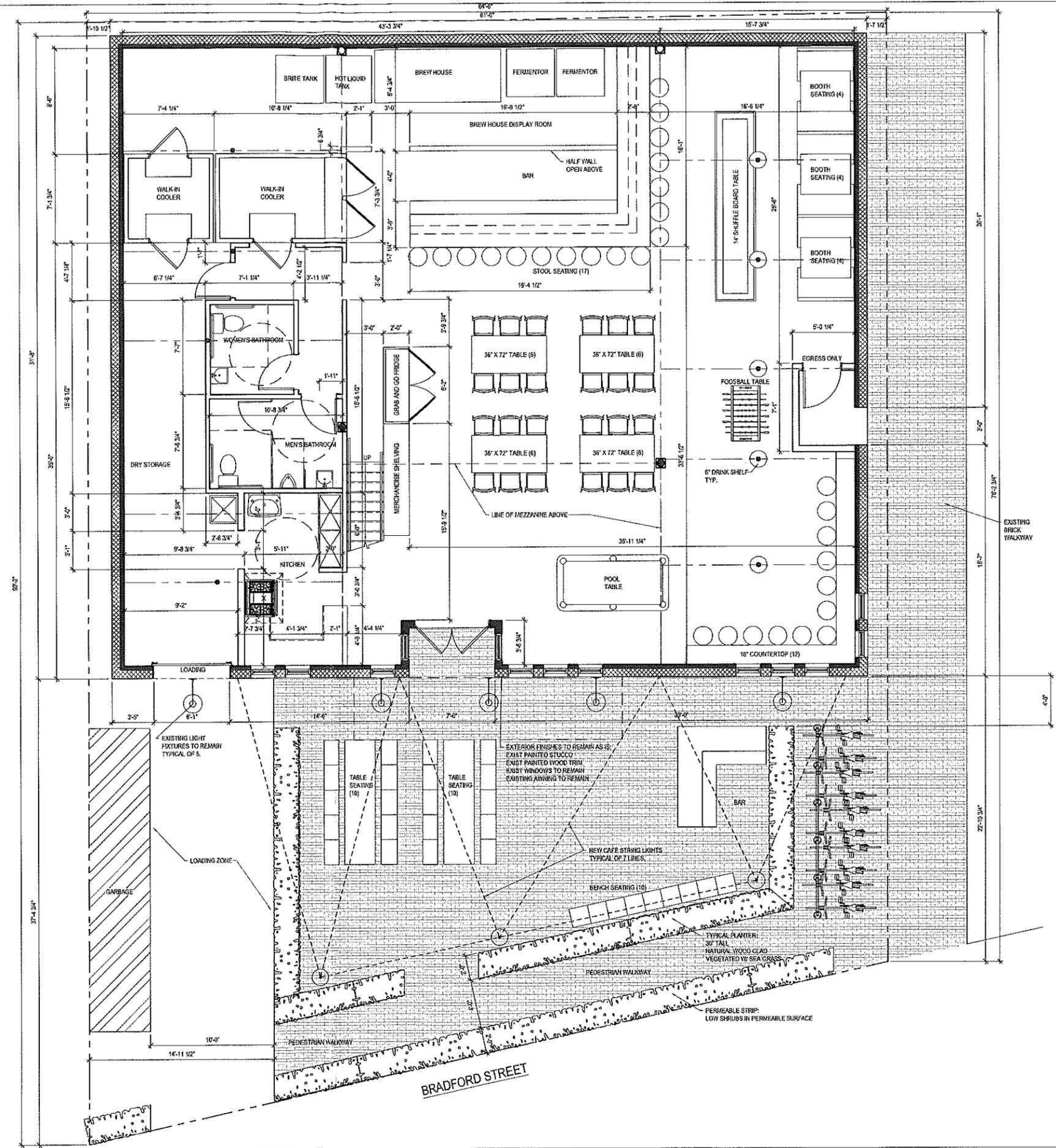

PROJECT NAME:  
**PROVINCETOWN  
 BREWING CO.**  
 141 BRADFORD STREET  
 PROVINCETOWN, MA 01917  
 DATE ISSUED: 02/18/2019  
 PROJECT # 10102

PROPOSED  
 FLOOR PLAN

A100



**2** EXISTING OFFICE MEZZANINE PARTIAL PLAN  
 SCALE: 1/4" = 1'-0"



SCHEMATIC DESIGN

REVISIONS:

PROJECT NAME:  
**PROVINCETOWN BREWING CO.**  
 141 BRADFORD STREET  
 PROVINCETOWN, MA 02657  
 DATE ISSUED: 01/28/2019  
 PROJECT # 19163

PROPOSED FLOOR PLAN

SCHEMATIC DESIGN

REVISIONS:

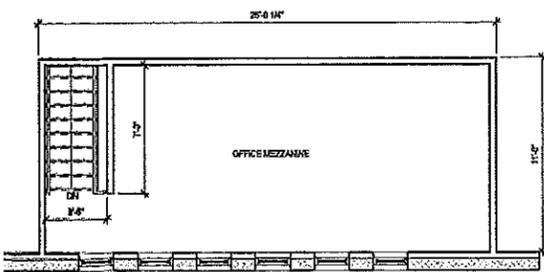
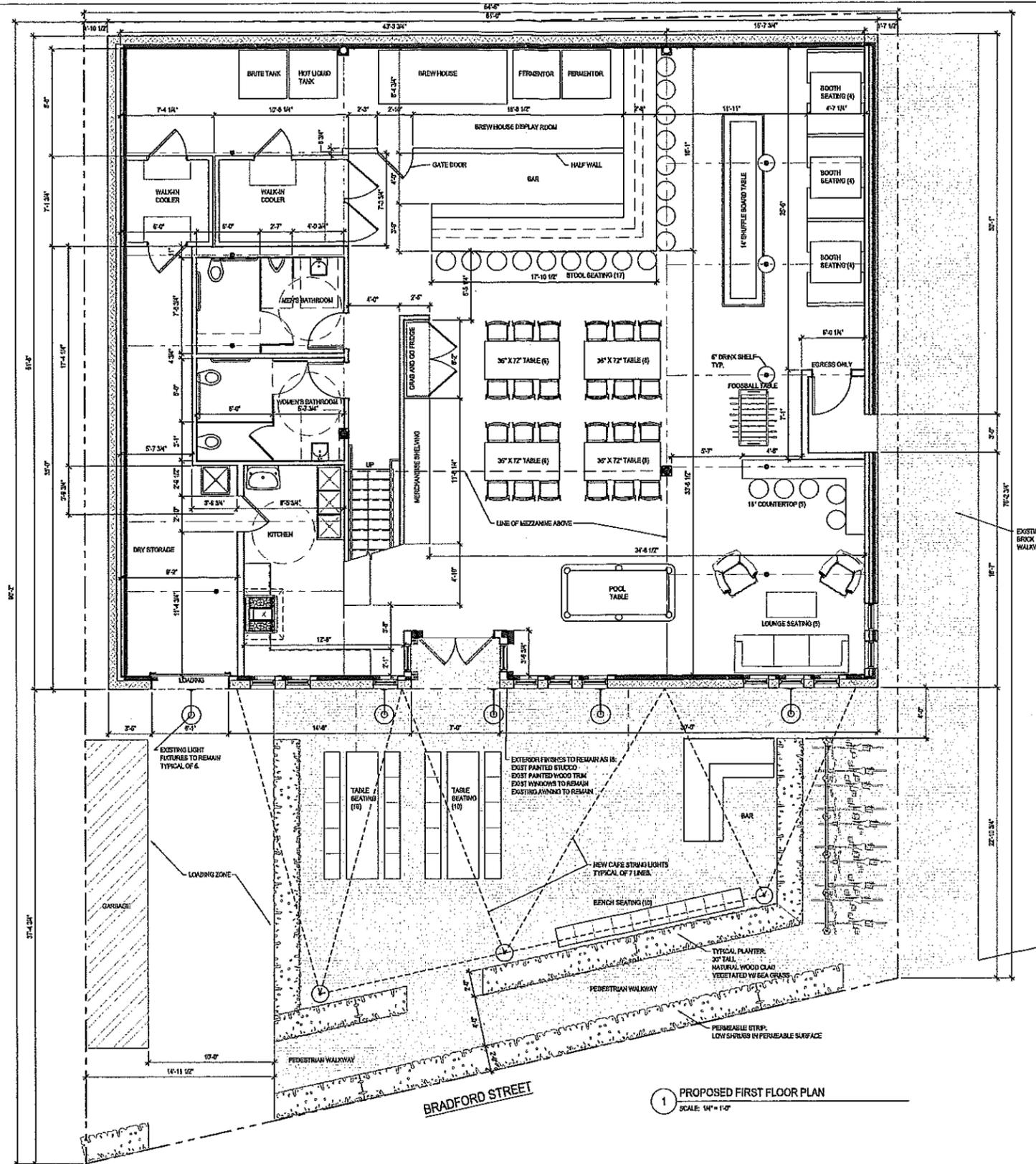
PROJECT NAME:  
PROVINCETOWN  
BREWING CO.

141 BRADFORD STREET  
PROVINCETOWN, MA 01887

DATE ISSUED: 02/12/2010  
PROJECT # 19163

PROPOSED  
FLOOR PLAN

A100



2 EXISTING OFFICE MEZZANINE PARTIAL PLAN  
SCALE: 1/4" = 1'-0"

1 PROPOSED FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"



**Provincetown Select Board**  
**AGENDA ACTION REQUEST**  
**Monday, March 11, 2019**

**1B3**

## **PUBLIC HEARING**

Economic Development Permit 19-02- Joe's Coffee – Glenn Siegmund

**Requested by:** Applicant

**Action Sought:** Discussion/Approval

### **Proposed Motion(s)**

Move that the Select Board vote to approve Economic Development Permit 19-02 for 170 Commercial Street Unit 2 dba Joe's Coffee, by Glenn Siegmund (applicant) on behalf of TGT Realty Trust (owner), based on findings that the proposed use is consistent with the criteria set forth in Selectmen's Policy 2017-03-13, specifically:

- Projects that are consistent with the Local Comprehensive Plan and
- Support, create or enhance year-round employment opportunities/incomes and/or
- Support an extended employment season of at least 9 months and/or
- Help to diversify Provincetown's year-round economic base and/or

**subject to the attached permit with conditions [as submitted] [as revised].**

### **Additional Information**

See attached application along with plans for the proposed improvements and draft permit.

Existing and Proposed flow chart included in the packet.

Existing flow: 1,202 gpd

Proposed flow: 1,459 gpd

Proposed new flow: 257 gpd

### **Board Action**

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



# Public Hearing

## Economic Development Permit:

The Provincetown Select Board will hold a Public Hearing on **Monday, March 11, 2019 at 6:00 p.m.** in the Judge Welsh Room, Town Hall, 260 Commercial Street, Provincetown, MA 02657 to receive comments from the public on the following Economic Development Permit request:

1. Economic Development Permit 18-04 – 212-214 Commercial Street – 1620 Brouhouse by Ben deRuyter of New Art Realty Corp. (applicant and owner), to increase the assigned Title 5 flow to the property by 4,671 gallons per day to add 89 seats and a brewery to the existing restaurant and 174 seat theater.
2. Economic Development Permit 19-01 – 141 Bradford Street – Provincetown Brewery by Chris Hartley (applicant), on behalf of 141 Bradford Real Estate LCC (owner) to increase the assigned Title 5 flow to the property by 3,140 gallons per day to add 95 seats to convert the former retail establishment to a brewery / restaurant / bar.
3. Economic Development Permit 19-02 – 170 Commercial Street – Joe's Coffee by Glenn Siegmund (applicant), on behalf of TGT Realty Trust (owner) to increase the assigned Title 5 flow to the property by 257 gallons per day to add 16 seats and the existing coffee house and restaurant.

Comments may be submitted in writing to the Office of the Select Board, 260 Commercial Street, Provincetown, MA 02657 or [selectmen@provincetown-ma.gov](mailto:selectmen@provincetown-ma.gov) by Tuesday, March 5, or in person at the hearing.

*Cheryl Andrews, Chairman*

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

Published: Banner: February 21 and February 28

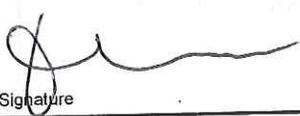
# Economic Development Sewerage Gallons Permit



Town of Provincetown  
Department of  
Community Development

Town Hall, 260 Commercial Street  
Provincetown, MA 02657  
Telephone (508) 487-7020 Facsimile (508) 487-0032

Subject Property Address <b>170 COMMERCIAL ST</b>	Assessors Data Map <b>7-2</b> Parcel <b>122</b>
--	--

Owner of Record	Name and address	<b>Thomas Tannariello</b> <b>600 Commercial St.</b> <b>Provincetown, MA 02657</b>
 Signature	<b>1/6/19</b> Date	

Business Contact Information		office	
company	<b>P Town Coffee Corp DBA Joe Coffee</b>	fax	
contact	<b>Glenn Siegmund</b>	mobile	<b>960-500-9102</b>
address	<b>10 Snows Lane</b> <b>Provincetown, MA 02657</b>	pager	
		email	<b>Glenn391@msn.com</b>

Sewerage Information	
Property on sewer?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If yes, assigned flow	_____ gpd
Proposed sewer flow	_____ gpd
Additional flow requested	_____ gpd
Property on septic?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Current flow	_____ gpd
Proposed additional flow	_____ gpd

Brief and Accurate Description of Proposed Project

**JOE coffee new owners with plans for 9-12 month season open, expansion of beverage and food products and expanded new seating plan. Increase seating to 66 from current approved 50. Increase of 16 seats to increase client visits and employment in town.**

Economic Development Checklist	
Is project consistent with Local Comprehensive Plan?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does it help support year-round employment?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does it help support an extended employment season?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Help diversify local economic base?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Feature solutions to barriers to year-round economic success? -e.g. transportation, energy, water use, affordable housing	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Provide measurable public benefit?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Brief narrative about potential economic benefits to Town -

**Current hours are May 15 - Oct 31; 7-5pm. New owners are expanding business hours and season April to Dec. April, May, Sept - Dec. 7am - 6pm. June 15 - Sept 15 = 7am - 7:30pm. Increased customers and expanded beverages + food bring economy into town. Longer season and expanded hours mean more employment opportunities. More seating keeps clients in downtown area longer to increase purchases.**

## Memorandum

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Date: March 5, 2019

To: David Gardner, Assistant Town Manager

From: Rob Adams, Project Director

Cc: Richard Waldo, DPW Director

Subject: **Economic Development Permit No. 19-02**  
170 Commercial Street (Joe's Coffee)  
Current Flow: 1,202 gpd (Title 5)  
Requested Additional Flow: 257 gpd (Title 5)  
Proposed New Total Flow: 1,459 gpd (Title 5)

---

Per your request, we have reviewed the subject Economic Development Permit (EDP) request and offer the following comments for your review and consideration.

The property at Commercial Street is located on parcel #7-2-122. The parcel currently contains one building with three (3) units. Joe's Coffee is located in Unit 2 and has 50 fast food seats; 10 indoor and 40 outdoor. The current Title 5 flow assigned to this property is 1,202 gpd.

The applicant, Joe's Coffee, is proposing to add an additional 16 fast food seats; 10 indoor and 6 outdoor. In total, the applicant is requesting an increase of 257 gpd of Title 5 flow which would result in a new total Title 5 flow of 1,459 gpd for the property. A summary of these flows is presented in Attachment A.

This property is served by the vacuum sewer system and is located on the West Vacuum Main No 2. The property is served by a double buffer tank which does have adequate capacity to accommodate the additional requested flow.

It should be noted that any further consideration of this request should be contingent upon review of the property's existing grease trap to confirm it is adequately sized to handle the additional flow and properly maintained.

The WWTF is currently permitted to treat up to 750,000 gpd (max day flow). Since February 9, 2015 the WWTF has been in a "state of limited capacity". At the February 9, 2015 Board of Selectmen's (BOS) meeting a remaining/available capacity limit of 50,000 gpd was established. Of this amount, the BOS allocated the following amounts for the uses specified below:

- EDP requests (12,500 gpd)
- Public health needs for failed septic systems (15,000 gpd)
- Community housing (17,500 gpd)
- Municipal needs (5,000 gpd)

In January 2018, the BOS increased the EDP allocation by 8,282 gpd from 12,500 gpd to 20,782 gpd. At the same time, the BOS decreased the Housing allocation by 1,639 gpd from 17,500 gpd to 15,861 gpd. A summary of sewer flow revisions made since February 9, 2015 is provided below. A detailed list of these revisions is provided in Attachment B.

	BOS Allocations (gpd T5)					
	EDP	Public Health	Housing	Municipal	Correction	Totals
Original Allocation (2/9/15)	12,500	15,000	17,500	5,000	0	50,000
BOS Adjustments (1/22/18)	8,282	0	(1,639)	0	0	6,643
<b>Current Allocation</b>	<b>20,782</b>	<b>15,000</b>	<b>15,861</b>	<b>5,000</b>	<b>0</b>	<b>56,643</b>
Amount Used To Date	8,920	7,144	1,100	0	262	17,426
<b>Remaining</b>	<b>11,862</b>	<b>7,856</b>	<b>14,761</b>	<b>5,000</b>	<b>(262)</b>	<b>39,217</b>

As shown above, at this time there is only 11,862 gpd remaining for EDP requests and there are a number of other EDP requests which are currently pending or under review. The total amount of these EDP requests far exceeds the remaining available gallons for EDPs. A summary of these EDP requests is shown in the table below.

EDP#	Address	Name	EDP Gallons Requested (gpd)
<b>Current Requests</b>			
18-03	16 Macmillan Wharf	Café Gogo/Whydah	774
18-04	212-214 Commercial Street	1620 Brewhouse	4,671
19-01	141 Bradford St	Provincetown Brewery	3,140
19-02	170 Commercial St	Joes Coffee	257
19-03	193A Commercial St #6	A Lea Delaria Joint	770
19-04	361 Commercial St.	Coffee House	290
19-05	258 Commercial St.	Saki/Toko Café	1,353
		<b>Subtotal</b>	<b>11,255</b>
<b>Pending USDA Grant Funding</b>			
18-02	315A Commercial Street	Surf Club	6,370
18-06	9 Ryder Street Extension	Fisherman's Wharf	24,500
		<b>Subtotal</b>	<b>30,870</b>
		<b>Total</b>	<b>42,125</b>

Although we are working on a project to increase the WWTF capacity by 155,000 gpd, this project is still in the preliminary planning/design phase because the Town has still not yet received notification on their USDA grant application. In addition, even if/when this project is approved, it will be several years before these gallons will be available.

If you have any questions or concerns, please do not hesitate to ask.

**Attachment A  
170 Commercial Street - Flow Summary**

Use	Unit of Measure	Quantity	Type of Gallons	Flow (GPD)
<b>EXISTING</b>				
UNIT 1: BRAVO (RETAIL)	Square Feet	951	0.05	48
UNIT 2: JOE COFFEE (FAST FOOD) (10 INDOOR, 40 OUTDOOR)	Seats	50	20	1,000
UNIT 3: CURALEAF (BASEMENT) (RETAIL)	Square Feet	1826	0.05	91
BASEMENT STORAGE	Square Feet	414	n/a	0
Flow on hold?				63
<b>TOTAL</b>				<b>1,202</b>
<b>REQUESTED FLOW</b>				
UNIT 1: BRAVO (RETAIL)	Square Feet	951	0.05	48
UNIT 2: JOE COFFEE (FAST FOOD) (20 INDOOR, 46 OUTDOOR)	Seats	66	20	1,320
UNIT 3: CURALEAF (BASEMENT) (RETAIL)	Square Feet	1826	0.05	91
BASEMENT STORAGE	Square Feet	414	n/a	0
<b>TOTAL</b>				<b>1,459</b>
<b>SUBTRACT EXISTING BETTERED FLOW</b>				<b>-1,202</b>
<b>TOTAL FLOW FOR EDP REQUEST</b>				<b>257</b>

**ATTACHMENT B - SEWER FLOW REVISIONS SINCE FEBRUARY 9, 2015 - STATE OF LIMITED CAPACITY**

SUMMARY	GPD T5					
	EDP	Public Health	Housing	Municipal	Correction	Totals
Original Allocation (2/9/15)*	12,500	15,000	17,500	5,000	0	50,000
Board of Selectmen Adj (1/22/18)	8,282	0	(1,639)	0	0	6,643
<b>Current Allocations</b>	<b>20,782</b>	<b>15,000</b>	<b>15,861</b>	<b>5,000</b>	<b>0</b>	<b>56,643</b>
Amount Used To Date	8,920	7,144	1,100	0	262	17,426
<b>Remaining</b>	<b>11,862</b>	<b>7,856</b>	<b>14,761</b>	<b>5,000</b>	<b>(262)</b>	<b>39,217</b>

Date Issued	Parcel ID	Address	EDP	Public Health	Housing	Municipal	Correction	Totals
19-Mar-15	11-3-015-0-00A	293 Commercial St-Unit A	140					140
	11-3-015-0-00D	293 Commercial St-Unit D	240					240
	11-3-032-0-02	237 Commercial Street #25	945					945
	12-1-034	26 Alden Street					62	62
7-May-15	12-4-008	463 Commercial Street					(1,900)	(1,900)
	12-4-008	463 Commercial Street					(450)	(450)
	11-1-004	205-209 Commercial St					400	400
18-Jun-16	06-2-015-1-00	67 Commercial Street Unit 1					110	110
	06-2-015-2-00	67 Commercial Street Unit 4					110	110
13-Aug-15	15-3-074	341 Bradford Street		880			0	880
	19-2-003	951R Commercial Street		330			0	330
	15-1-015	509 Commercial Street		550				550
	07-2-178	16 Carver Street		440				440
	12-2-005-2-00	415 Commercial Street					(110)	(110)
	12-2-023-1-00	361A Commercial Street					(20)	(20)
	12-2-023-2-00	361A Commercial Street					(20)	(20)
	12-2-023-3-00	361C Commercial Street					40	40
	06-4-167	34 Bradford Street					220	220
	06-1-014-B	162 Bradford Street Ext					330	330
	06-1-014-C	164 Bradford Street Ext					110	110
	06-2-003-1-00	99 Commercial Street					(700)	(700)
17-Sep-16	06-4-109	120 Commercial Street					44	44
	07-2-167	188 Commercial Street					154	154
	06-2-078	5 Nickerson Street		330				330
	15-3-058-1	600 Commercial Street Unit 1		110				110
	15-3-058-1	600 Commercial Street Unit 2		220				220
	15-3-058-1	600 Commercial Street Unit 3		110				110
	15-3-058-2	600 Commercial Street Unit 4		110				110
	15-3-058-2	600 Commercial Street Unit 5		110				110
10-Dec-15	06-4-171	4 Conant Street					(330)	(330)
14-Jan-16	07-2-036	30 Montello Street					110	110
	07-2-138	1 Winthrop Street					(90)	(90)
	07-3-020	52 Ships Way Road	330					330
	11-3-015-0-00C	293 Commercial Street	98					98
5-May-16	07-4-008	80 Bradford Street					(440)	(440)
	07-4-009	82 Bradford Street					(110)	(110)
	11-3-019-A	9 Ryder Street Ext					1,062	1,062
	12-1-134	141 Bradford Street					287	287
	12-2-027-0-001	374 Commercial Street					(67)	(67)
	12-2-027-0-002	374 Commercial Street					(40)	(40)
	12-2-042	384 Commercial Street					(659)	(659)
	12-2-043	386 Commercial Street					14	14
	12-2-044	394 Commercial Street					111	111
23-Jun-16	11-1-006-3-009	199 Commercial Street	1,096					1,096
	11-1-006-3-010	199 Commercial Street	(140)					(140)
	11-3-069-0-00	96-98 Bradford Street					587	587
	12-1-015	328 Commercial Street					330	330
	12-1-142-2-00	336 Commercial Street					95	95
8-Sep-16	11-3-020	227 Commercial Street					1,082	1,082
	11-3-019-A	9 Ryder St. Ext	1,175					1,175
	11-3-019-A	9 Ryder St. Ext	440				30	470
3-Nov-16	07-4-021	14 Prince Street					(110)	(110)
	15-3-077	307 Bradford Street					550	550

**ATTACHMENT B - SEWER FLOW REVISIONS SINCE FEBRUARY 9, 2015 - STATE OF LIMITED CAPACITY**

SUMMARY	GPD T5					
	EDP	Public Health	Housing	Municipal	Correction	Totals
Original Allocation (2/9/15)*	12,500	15,000	17,500	5,000	0	50,000
Board of Selectmen Adj (1/22/18)	8,282	0	(1,639)	0	0	6,643
<b>Current Allocations</b>	<b>20,782</b>	<b>15,000</b>	<b>15,861</b>	<b>5,000</b>	<b>0</b>	<b>56,643</b>
Amount Used To Date	8,920	7,144	1,100	0	262	17,426
<b>Remaining</b>	<b>11,862</b>	<b>7,856</b>	<b>14,761</b>	<b>5,000</b>	<b>(262)</b>	<b>39,217</b>

Date Issued	Parcel ID	Address	EDP	Public Health	Housing	Municipal	Correction	Totals
	11-3-086-0-001	116 Bradford Street					(660)	(660)
	11-3-043	226-228 Commercial St					(350)	(350)
	06-2-017-A	65 Commercial Street					220	220
7-Dec-16	11-3-053	101 Bradford Street					(110)	(110)
	12-1-025-0-001	129 Bradford Street					(90)	(90)
	17-1-011	641 Commercial Street					(110)	(110)
19-Jan-17	12-4-147	202 Bradford Street					110	110
	15-3-061	295 Bradford Street					110	110
9-Mar-17	11-3-080	258 Commercial Street					300	300
11-May-17	15-1-039	212 Bradford Street	514					514
	06-3-050	31 Creek Road					(110)	(110)
	11-1-006-3-001	199 Commercial Street	58					58
	06-2-029-1-002	52A Commercial St					(110)	(110)
	11-3-035	225 Commercial Street	3,035					3,035
	11-3-001-A	335 Commercial Street	490					490
	11-3-002-2-OR6	333R Commercial Street					(110)	(110)
	12-2-042-0-00C	384 Commercial Street	98					98
	12-2-042-0-002	384 Commercial Street					(220)	(220)
	12-2-042-0-003	384 Commercial Street					220	220
	06-2-085	88 Commercial Street					(110)	(110)
	12-1-048	130 Bradford Street					150	150
	12-1-048	130 Bradford Street	220					220
8-Jun-17	12-4-064	199 Bradford Street		330				330
18-Sep-17	11-3-098-U1-6	284B Commercial Street		880				880
22-Jan-18	07-2-062	46 Bradford Street	83					83
22-Jan-18	12-2-024-2-00H	359 Commercial St Unit H					(753)	(753)
15-Mar-18	06-2-047	8 West Vine St		440				440
	12-2-037	9 Pearl Street					220	220
	07-2-118	60 Bradford Street					110	110
	19-1-018	15 Hobson Avenue		220				220
	05-4-001	53 Commercial Street		660				660
	11-3-015-0-00C	293 Commercial Street	(98)					(98)
3-May-18	12-1-011	347 Commercial Street					353	353
	11-3-044	230 Commercial Street					214	214
	08-1-001	20 Province Road	606		1,100			1,706
14-Jun-18	07-2-069	30 Shank Painter Road		324				324
	11-3-094	115 Bradford Street					47	47
2-Aug-18	07-1-044	38 Pleasant Street					110	110
	11-3-048	242 Commercial Street					(180)	(180)
	12-1-114	358-360 Commercial Street					329	329
	08-2-001	55 Capt. Bertie Way		330				330
1-Jan-19	12-2-001	425 Commercial Street					(110)	(110)
	06-4-045	16 Cottage Street		770				770
	11-3-003	331 Commercial Street	(410)					(410)
								0
		<b>TOTAL FLOW REVISIONS</b>	<b>8,920</b>	<b>7,144</b>	<b>1,100</b>	<b>0</b>	<b>262</b>	<b>17,426</b>
		<b>REMAINING GALLONS</b>	<b>11,862</b>	<b>7,856</b>	<b>14,761</b>	<b>5,000</b>	<b>(262)</b>	<b>39,217</b>



## David Gardner

---

**From:** David Datz <david@datzlawoffices.com>  
**Sent:** Tuesday, February 26, 2019 2:55 PM  
**To:** David Gardner  
**Cc:** Allen Zach  
**Subject:** Joe Coffee

Hi David,

I hope all is good and you are enjoying a great year so far!

I wanted to give my support to the new Owners, Glen Sigmund, Peter McBrien and Mark Shaw for their new venture and support their request for an additional 16 seats. I look forward to them opening soon! As we are directly across the street, it is our 'go to' Coffee Shop. Please let me know if you have any questions. Thank you.

Warm regards,  
David

**David M. Datz, Esquire**  
**President**

David Marshall Datz, P.C.  
530 Tremont Street  
Boston, MA 02116-6339  
P: 617.357.9333

167 Commercial Street  
Provincetown, MA 02657  
P: 508-487-3900

Yes! We have parking available in Provincetown.  
Click [here](#) for PDF directions.

E: [david@datzlawoffices.com](mailto:david@datzlawoffices.com)  
W: [www.datzlawoffices.com](http://www.datzlawoffices.com)

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## Elizabeth Paine

---

**From:** David Gardner  
**Sent:** Tuesday, March 05, 2019 7:26 PM  
**To:** Elizabeth Paine  
**Subject:** Fwd: Support of Joe Coffee from The Queen Vic Guest House

Sent from my iPhone

Begin forwarded message:

**From:** queenvic reservations <[reservations@queenvicptown.com](mailto:reservations@queenvicptown.com)>  
**Date:** March 5, 2019 at 6:32:35 PM EST  
**To:** David Gardner <[dgardner@provincetown-ma.gov](mailto:dgardner@provincetown-ma.gov)>  
**Subject:** **Support of Joe Coffee from The Queen Vic Guest House**

Mr. David Gardner,

My partner and I purchased The Queen Vic Guest House located at 166 Commercial Street in December of 2014. We both believe that having Joe Coffee in such close proximity is a true asset to the guest house as well and all our guest.

We also believe the new owners willingness to expand with 16 additional seats on the outside area as well as the additional seating inside will be a wonderful addition.

We are in full support of their request.

Thank you for your time,

Stanley J. Cottner

Josh Scaturro

**Queen Vic Guest House**



Town of Provincetown  
**ECONOMIC DEVELOPMENT PERMIT**  
(Town of Provincetown General By-laws Section 5-15-4)  
and  
**DECLARATION OF COVENANTS**

Property Owner: TGT Realty Trust  
Property Owner Address: PO Box 412, Provincetown, MA 02657  
Property Address: **170 Commercial Street Unit 2, Provincetown, MA 02657**  
Assessor's Map Number: 7-2-112-002  
Title Reference: **Barnstable County Registry of Deeds Bk. 30842, Pg. 43**  
Applicant (if different): Glenn Siegumund  
Business Entity: Joe's Coffee  
**Economic Development Permit No. 19-02**

Existing Use(s) of Property: Commercial

Sewage Assigned Flow for Existing Use(s) of Property: The property at 170 Commercial Street, henceforth referred to as "Premises", currently is occupied by Bravo (retail) and Joe's Coffee (coffee house) has a total existing Title V flow of 1,202 gpd.

Proposed Use(s) of Property or Proposed Expansion of Existing Use(s) of Property: The applicant seeks to install 16 additional seats (20 gpd) into the existing coffee bar. Title V Design Flow for Proposed or Expanded Use(s) of Premises: 257 gpd for a total of 1,459 gpd.

The Town of Provincetown, acting by and through its Board of Selectmen, hereby grants an Economic Development Permit, pursuant to Town of Provincetown General By-laws Section 5-15-4, to the Property Owner for the use of the property located at **170 Commercial Street Unit 2**, (the "Premises"), as **50 seat coffee bar / restaurant** (the "Approved Use"), subject to the Owner's covenants stated below.

The Owner hereby covenants with the Town of Provincetown, a Massachusetts municipal corporation with an address of 260 Commercial Street, Provincetown, Massachusetts 02657, acting by and through its Board of Selectmen pursuant to Provincetown General By-laws Section 5-15-6 (the "Town") as follows:

1. The Owner shall commence the Approved Use of the Premises described above on or before the date that is one year following the date of grant of this Permit and shall thereafter continuously maintain said Approved Use of the Premises. If the Approved Use of the Premises is discontinued for a period of thirty (30) consecutive days after commencement thereof, such discontinuance shall be deemed a failure to

continuously maintain. The one-year and the thirty (30) day periods may be extended by the Town for good cause shown.

2. This Declaration of Covenants shall run with the Premises and be binding upon the executors, administrators, heirs, devisees, successors and assigns of the Owner.
3. Upon prior written notice to the Owner at the Property Address above or such new address as the Owner shall notify the Selectmen of in writing, the Town shall have the permanent right and easement to enter upon the Premises for the purpose of determining compliance with the terms of this Declaration of Covenants.
4. The Town shall have the option to enforce this Declaration of Covenants, but shall not have the obligation to do so shall not be deemed a waiver.
5. The Owner hereby covenants and agrees, for the Owner and the Owner's successors and assigns, to reimburse the Town for all reasonable costs and expenses (including without limitation reasonable counsel fees) incurred in enforcing this Declaration of Covenants, provided the Owner has been determined by a court of law to be in violation of the terms of this Declaration of Covenants.
6. This Declaration of Covenants sets forth rights, liabilities, agreements and obligations upon and subject to which the Premises or any portion thereof, shall be improved, held, used, occupied, leased, sold, mortgaged, encumbered, or conveyed. The rights, liabilities, agreements and obligations herein set forth shall run with the Premises and any portion thereof and shall inure to the benefit of and be binding upon the Owner and all parties claiming by, through or under Owner, including subsequent transferees and/or assigns of the Owner. This Declaration of Covenants shall have a term of ninety-nine years or the longest period allowed by law. The Owner agrees that this Declaration of Covenants is an "other restriction held by a governmental body" as that term is used in G.L. c.184, §26 and thus not subject to the limitations on the enforceability of restrictions in G.L. c.184, §§26-30. Nevertheless, if recording of a notice is ever needed to extend the time period for enforceability of this Declaration of Covenants, the Owner(s) hereby appoints the Board of Selectmen of the Town of Provincetown as the Owner's agent to execute and record such notice and agrees that the Owner shall execute and record such notice upon request.
7. The Owner agrees to incorporate this Declaration of Covenants, in full or by reference, into all deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer by which an interest in and/or a right to use the Premises, or any portion thereof, is conveyed.
8. If any court or other tribunal determines that any provision of this Declaration of Covenants is invalid or unenforceable, such provision shall be deemed to have been modified automatically to conform to the requirements for validity and enforceability as determined by such court or tribunal. In the event the provision invalidated is of such a nature that it cannot be so modified, the provision shall be deemed deleted from this Declaration of Covenants as though it had never been included herein. In

either case, the remaining provisions of this Declaration of Covenants shall remain in full force and effect.

9. The Owner is the sole owner in fee simple absolute of all the Premises and there are no mortgages of record or otherwise on the Premises or any portion thereof except for those described below, if any, and the present holders of said mortgages have assented and subordinated to this Declaration of Covenants prior to the execution by the undersigned. It is agreed that any subsequent mortgages shall be subordinate to this Declaration of Covenants.
10. It is agreed that this Declaration of Covenants shall take effect only upon the execution of this Economic Development Permit by the Town of Provincetown Board of Selectmen and the recordation with the Barnstable County Registry of Deeds or filing with the Barnstable County Registry District of the Land Court of this Economic Development Permit and Declaration of Covenants.
11. A true copy of the Owner's application for this Economic Development Permit including all documents and plans submitted therewith, is attached hereto as Exhibit A and is incorporated herein except as specified below:

N/A

---

12. The Town's remedies shall include, without limitation, revocation of this Economic Development Permit by order of the Board of Selectmen, which order may be made thirty (30) days after the date notice is given by mail to the Property Owner of the Selectmen's determination that the Owner has failed to continuously maintain the Approved Use, or that the Owner has commenced a use on the Premises other than, or in addition to, the Approved Use, unless an additional use is otherwise permitted under the Town zoning laws and is merely de minimus in nature, whereupon all rights arising from this Economic Development Permit shall be forfeited, including without limitation any Growth Management Permit or increased sewage flow allocation that may have been granted with respect to the Premises, notwithstanding that the Premises may have been assessed a betterment or special assessment relating to the increased sewage flow allocation and the Allowed Use shall be deemed to be expressly abandoned by the Property Owner, pursuant to Section 6200-3 of the Growth Management By-Law of the Town.
13. The Owner must apply for and obtain all other necessary permits and approvals in order to proceed with the Approved Use.
14. The Owner further covenants and agrees that the Owner shall comply with the following additional conditions:
  - (a) The additional gallons shall be utilized for the Approved Use as proposed only and shall not be subsequently converted to any other use without prior approval of the Board of Selectmen.
  - (b) Approved use shall require access to public restrooms consistent with Board of Health Regulations and Building and Plumbing Codes.

- (c) Upon any transfer of interest in and/or a right to use the Premises, Approved Use or any portion thereof, and as a condition of the lease, sale transfer of interest or right to use, the Town shall be provided with a certificate of compliance agreeing to the conditions stated herein and certifying that the Approved Use shall continue and not be altered with the prior approval of the Board of Selectmen or the permit shall be forfeited.
  - (d) The business will be open a minimum of 9 months unless otherwise approved by the Board of Selectmen.
15. This Economic Development Permit and Declaration of Covenants may be amended only by written agreement of the Board of Selectmen and the Property Owner.

**WITNESS** our hands and seals this **11<sup>th</sup> day of March, 2019**.

OWNER

By: \_\_\_\_\_  
 Name:  
 Title:

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019 before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed on the preceding or attached document as manager of Brass Key Hospitality Group, LLC, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
 Notary Public  
 My Commission Expires:

On this day, March 11, 2019, the Board of Selectmen of the Town of Provincetown, pursuant to Town of Provincetown General By-laws Section 5-15-4, hereby grants this Economic Development Permit authorizing the Proposed or Expanded Use(s) of Property described above, subject to the above Declaration of Covenants and all other necessary Town permits.

TOWN OF PROVINCETOWN,  
By its Board of Selectmen

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

County of Barnstable, ss.

On this 11th day of March, 2019, before me, the undersigned notary public, personally appeared \_\_\_\_\_ member, Town of Provincetown, Board of Selectmen, as aforesaid, and proved to me through satisfactory evidence of identification which was \_\_\_\_\_ to be the person whose name he/she signed on the foregoing instrument, and further acknowledged to me that he/she signed it voluntarily for its stated purpose as said member.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

Mortgagee(s) Consent and Subordination

The \_\_\_\_\_, by \_\_\_\_\_, the holder of a mortgage dated \_\_\_\_\_, recorded with the Barnstable County Registry of Deeds in Book \_\_\_\_\_, Page \_\_\_\_\_, does hereby assent to the recording of this Economic Development Permit and Declaration of Covenants and subordinates said mortgage to this Economic Development Permit and Declaration of Covenant as if this Economic Development Permit and Declaration of Covenants had been recorded prior to said mortgage.

By: \_\_\_\_\_

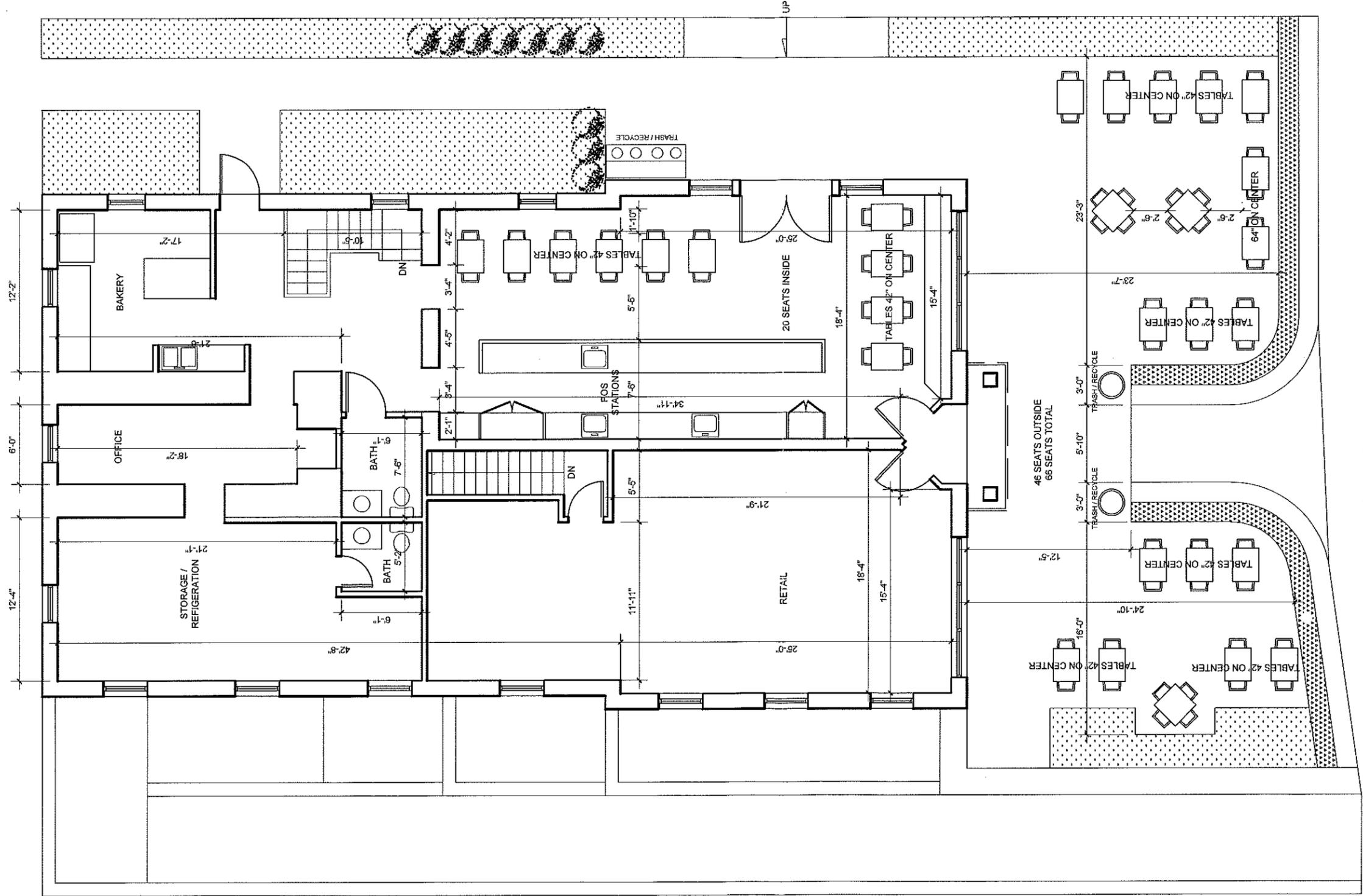
Its, \_\_\_\_\_  
Duly authorized

COMMONWEALTH OF MASSACHUSETTS

County of \_\_\_\_\_, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019 before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed on the preceding or attached document as \_\_\_\_\_, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

\_\_\_\_\_  
Notary Public  
My Commission Expires:



**SUMMARY**

-  (27) 24" X 27"  
2 TOP TABLES  
54 SEATS
-  (3) 27" X 27"  
4 TOP TABLES  
12 SEATS

46 SEATS OUTSIDE  
66 SEATS TOTAL

**TED SMITH**  
Architect, LLC  
TED9000@VERIZON.NET

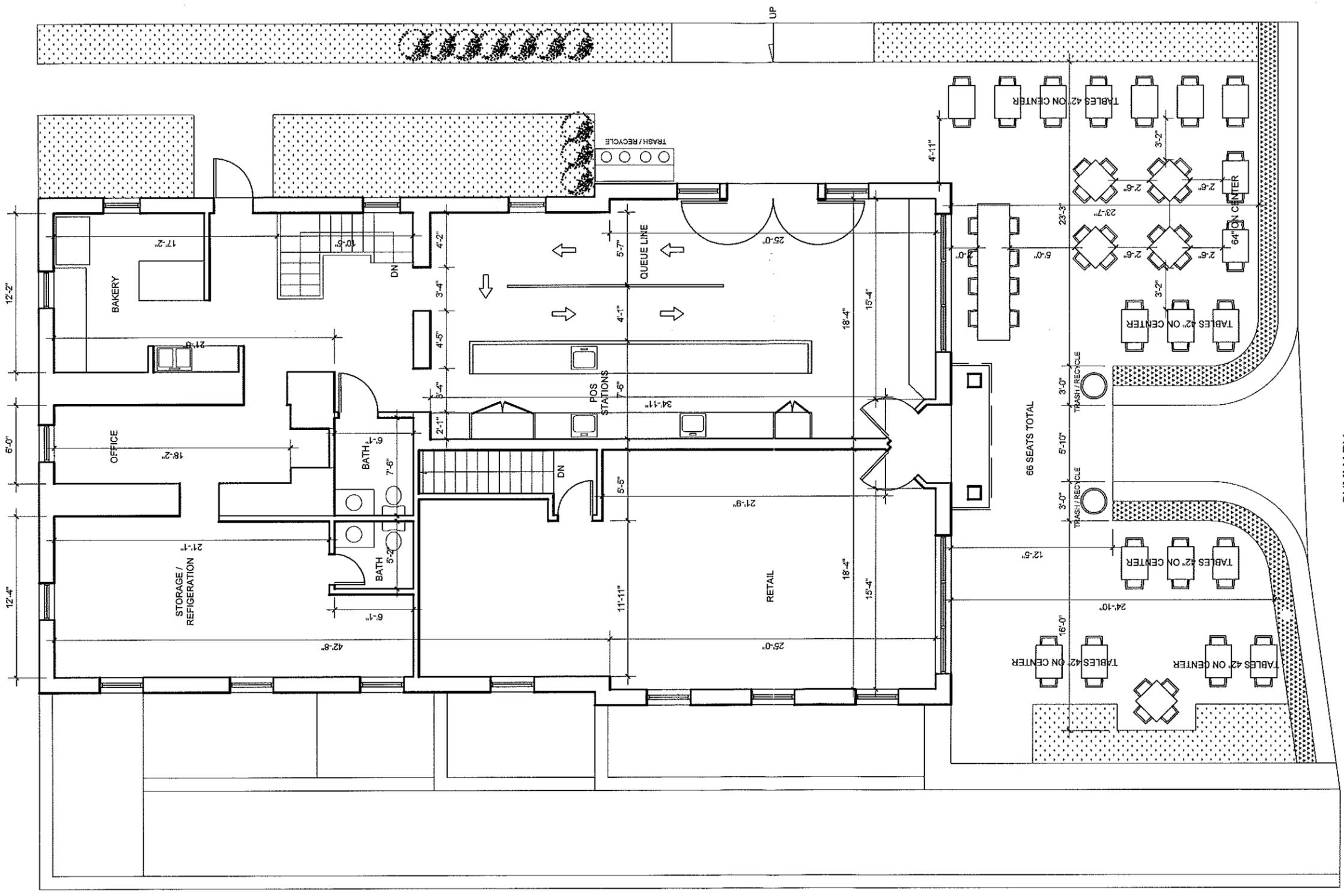
12 Dartmouth Place, Boston, Massachusetts, 02116  
422 Commercial Street, Provincetown, Massachusetts, 02657  
617.247.0023

170 COMMERCIAL STREET  
Provincetown, Massachusetts

FIRST FLOOR PLAN - OFF SEASON

DATE 31 JANUARY 2019 SCALE 1/8" = 1'-0"

SHEET NUMBER  
**A1.1A**



SUMMARY

- (19) 24" X 27"  
2 TOP TABLES  
38 SEATS
- (5) 27" X 27"  
4 TOP TABLES  
20 SEATS
- (1) 30" X 120"  
8 TOP COMMUNAL  
8 SEATS

**TED SMITH**  
Architect, LLC  
TED9900@VERIZON.NET

12 Dartmouth Place, Boston, Massachusetts 02116  
422 Commercial Street, Provincetown, Massachusetts 02657  
617.247.0023

**170 COMMERCIAL STREET**  
Provincetown, Massachusetts

**FIRST FLOOR PLAN - IN SEASON**

DATE 31 JANUARY 2019 SCALE 1/8" = 1'-0"

SHEET NUMBER  
**A1.1**



**Provincetown Select Board  
AGENDA ACTION REQUEST  
Monday, March 11, 2019**

**1C**

# PUBLIC HEARING

April 1, 2019 Special and Annual Town Meeting Select Board's submitted Articles

**Requested by:** Chair Cheryl Andrews

**Action Sought:** Conduct Hearing/Vote

## Proposed Motion(s)

**MOVE** that the Select Board vote [to recommend / not to recommend / to reserve recommendation on] Article \_\_.

**Move** that the Select Board vote to continue the public hearing to March 18, 2019 at 5 pm.

## Additional Information

- 2-3-g. When an article on the Town Meeting Warrant addresses the following topics, the Town Board identified below shall hold a Public Hearing, soliciting comments from the Public on the article and voting whether its members are in favor of or opposed to the article, and prior to the article coming to a vote at Town Meeting, the Town Board shall report the votes of its members and explain the view of the majority to the Town Meeting:
  - 1) the Conservation Commission for matters relating to the natural environment,
  - 2) the Board of Health for matters relating to public health,
  - 3) the Planning Board for matters relating to land use or development,
  - 4) the Charter Compliance Commission for matters concerning the Charter,
  - 5) the Finance Committee for matters concerning the expenditure of town funds, and
  - 6) any Town Board for an article submitted by that Town Board.

## Board Action

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



Select Board

# Public Hearing

## Annual and Special Town Meeting – Select Board Recommendations

Per the Provincetown Charter 2-3-g, the Provincetown Select Board will hold a Public Hearing on **Monday, March 11, 2019, 5pm.** in the Judge Welsh Room, Town Hall, 260 Commercial Street, Provincetown, MA 02657 to hear comment from the public on April 1, 2019 Annual and Special Town Meeting Warrant Articles sponsored by the Select Board and vote their recommendations.

Comments may be submitted in writing by Tuesday, March 5, 2019, 12 p.m. to the Office of the Board of Selectmen, 260 Commercial Street, Provincetown, MA 02657 or [selectmen@provincetown-ma.gov](mailto:selectmen@provincetown-ma.gov) or in person at the hearing.

*Cheryl Andrews, Chair  
Select Board*

Posted: Town Hall, <http://www.provincetown-ma.gov> 02/12/2019, 8:50 am AR  
Published: Banner: February 21, and February 28, 2019

**APRIL 1, 2019 ANNUAL TOWN MEETING**

Article	Motion (R, NR, RR, IP, etc.)	Motion	Motion by:	Select Board			Assign
				Second:	Y	N	
<b>REGULAR AGENDA</b>							
ATM-1	To Hear Town Reports						
ATM-2	FY 2020 Operating Budget						
DIV I	General Government						
DIV II	Finance						
DIV III	Public Safety						
DIV IV	Public Works						
DIV V	Public Services						
DIV VI	Public Schools						
ATM-3	FY 2020 Cape Cod Regional Technical High school Tuition Assessment						
ATM-4	FY 2020 Cape Cod Regional Technical High school Capital Assessment						
ATM-5	FY 2020 Enterprise Funds						
WEF	6001 Water Enterprise Fund						
WWEF	6002 Wastewater Enterprise Fund						
ATM-6	Police Station Supplemental Funding						
ATM-7	Alteration of Layout of Route 6						
ATM-8	OPEB Funding						
ATM-9	Community Preservation Budget for 2020						
§ CPA Part 1 & 2	Part 1 - CPA Reserves Part 2 - CPA Debt Service Appropriation						

**LEGEND:** R = RECOMMEND; NR = NOT RECOMMEND; RR = RESERVE RECOMMENDATION; IP = INDEFINITELY POSTPONE; X = NO RECOMMENDATION

Article	Motion (R, NR, RR, IP, etc.)	Motion	Motion by:	Select Board			Assign
				Second:	Y	N	
CPA Part 3	Part 3 - CPA Grant Requests/Appropriation						
CPA Part 3A	Community Housing \$7,500 Cape Housing Institute						
CPA Part 3B	Community Housing \$175,000 Buy Down Assistance Program						
CPA Part 3C	Community Housing \$25,000 Community Housing Office						
CPA Part 3D	Community Housing \$40,000 Foley House						
CPA Part 3E	Historic Preservation \$2,500 Restoration Project						
CPA Part 3F	Open Space/Recreation \$32,805 Garden Beds						
CPA Part 3G	Open Space/Recreation \$30,000 VCMM Playground						
CPA Part 3H	Administrative Expenses \$20,000 CPA Administrative Expenses						
ATM-10	Rescind Prior Community Preservation Act Authorization						
ATM-11	Funding for Economic Development Committee						
ATM-12	Transfer from Overlay Surplus						
ATM-13	FY 2020 Capital Improvements Program						
CIP 13A	Fire Department Fire Truck - \$550,000						
CIP 13B	Fire Department Main Station Generator - \$125,000						
CIP 13C	Pier Infrastructure Maintenance - \$200,000						
CIP 13D	Police Vehicle Fleet Replacement - \$169,431						
CIP 13E	Public Works Building Maintenance Plan, Library/Fire Station 4 Generator - \$145,000						
CIP 13F	Public Works Vehicle Fleet Replacement - \$110,000						
CIP 13G	Public Works Building Maintenance Plan - \$395,000						
CIP 13H	Shank Painter Road Reconstruction - \$320,000						

LEGEND: R = RECOMMEND; NR = NOT RECOMMEND; RR = RESERVE RECOMMENDATION; IP = INDEFINITELY POSTPONE; X = NO RECOMMENDATION

Article	Motion (R, NR, RR, IP, etc.)	Motion	Motion by:	Select Board			Assign
				Second:	Y	N	
CIP 13I	Court Street Drainage and Repair - \$150,000						
CIP 13J	Public Works Demolition of the Former VFW Building - \$90,000						
CIP 13K	Council on Aging Transport Van - \$35,000						
CIP 13L	Marine Department Shoreline Protection Projects - \$50,000						
CIP 13M	Storm Water Management - \$100,000						
CIP 13N	DPW Street, Sidewalk & Bike Path Maintenance and Repair - \$60,000						
CIP 13O	Public Works Fuel Dispensary System - \$50,000						
CIP 13P	Public Works Town Owned Properties Facility Plan - \$50,000						
CIP 13Q	Public Works Building Maintenance Plan, HVAC Expansion at Town Hall - \$250,000						
CIP 13R	Water Department-Fleet Replacement - \$40,000						
CIP 13S	Water Department Asbestos Cement Water Main Replacement - \$500,000						
CIP 13T	Water Department Knowles Crossing Building Renovation - \$1,400,000						
ATM-14	Ground Lease for Eversource Battery Project						
<b>PETITIONED ARTICLES</b>							
ATM-15	Petitioned Article – Non-Binding Resolution – Anti Idling Resolution						
ATM-16	Petitioned Article – Resolve Providing for the Creation of a Special Commission Relative to the Seal and Motto of the Commonwealth.						
ATM-17	Petitioned Article – Non-Binding Resolution –Increased Provincetown Tree Protection.						
ATM-18	Petitioned Article – General Bylaw Amendment: Chapter 13 Prohibited Activities – Public Health Smoking Ban on Town-Owned Properties						
ATM-19	Petitioned Article – General Bylaw Amendment: Chapter 13 Prohibited Activities – Public Health Smoking Ban on Properties managed by Housing Authority and Year Round Housing Trust						

88  
**LEGEND:** R = RECOMMEND; NR = NOT RECOMMEND; RR = RESERVE RECOMMENDATION; IP = INDEFINITELY POSTPONE; X = NO RECOMMENDATION

Article	Motion (R, NR, RR, IP, etc.)	Motion	Motion by:	Select Board				Assign
				Second:	Y	N	A	
	<b>TOWN BOARD ARTICLES</b>							
ATM-20	Land Bank Expenses							
	<b>GENERAL BYLAW AMENDMENT ARTICLES</b>							
ATM-21	General Bylaw Amendment: Chapter 12 Wetlands Protection Bylaw							
ATM-22	General Bylaw Amendment: Chapter 6 - Revolving Fund Bylaw (Small Scale Climate Change Resiliency Revolving Fund).							
ATM-23	General Bylaw Amendment: Chapter 8 Licensing and Regulations of Businesses – Licensing of Marijuana Establishments							
	<b>ZONING BYLAW AMENDMENT ARTICLES</b>							
ATM-24	Zoning Bylaw Amendment: Divided Lots.							
ATM-25	Zoning Bylaw Amendment: Formula Business Regulated District							
ATM-26	Zoning Bylaw Amendment: Definitions – Parking Lot.							
ATM-27	Zoning Bylaw Amendment: Special Permits.							
ATM-28	Zoning Bylaw Amendment: Special Permit Modifications.							
ATM-29	Zoning Bylaw Amendment: Site Plan Review.							
ATM-30	Zoning Bylaw Amendment: Dimensional Requirements							
ATM-31	Zoning Bylaw Amendment: Growth Management.							
ATM-32	Zoning Bylaw Amendment: Density Schedule							
ATM-33	Zoning Bylaw Amendment: Density Schedule, Commercial Accommodations.							
ATM-34	Zoning Bylaw Amendment: Dimensional Requirements							
ATM-35	Zoning Bylaw Amendment: Green Area.							
ATM-36	Zoning Bylaw Amendment: Definitions – Campground/Tiny Houses.							
	<b>CONSENT AGENDA</b>							

LEGEND: R = RECOMMEND; NR = NOT RECOMMEND; RR = RESERVE RECOMMENDATION; IP = INDEFINITELY POSTPONE; X = NO RECOMMENDATION

Article	Motion (R, NR, RR, IP, etc.)	Motion	Motion by:	Select Board			Assign
				Second:	Y	N	
ATM-37	0.5% Real Estate Transfer Fee - A Home Rule Petition.						
ATM-38	Cape Cod Greenhead Fly Control District Assessment.						
ATM-39	Amendments to Personnel Bylaw/Classification and Compensation Plan						
ATM-40	Expenditures from the Tourism Fund.						
ATM-41	FY 2020 Human Services Grant Program.						
ATM-42	FY 2020 Revolving Fund Spending Limits.						

# Town Warrant

## Annual Town Meeting – Monday, April 1, 2019

Commonwealth of Massachusetts Barnstable, ss.

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

In the Name of the Commonwealth of Massachusetts and in the manner prescribed in the Charter and Bylaws of said Town, you are hereby directed to notify the inhabitants of the Town qualified by law to vote in Town affairs to meet and assemble at **Provincetown Town Hall, 260 Commercial Street, on Monday, the first day of April, A.D. 2019 at 6 o'clock in the evening**, then and there to act on the following articles, to wit:

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

*[Requested by the Select Board]*

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### REGULAR AGENDA

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**Article 2. FY 2020 Operating Budget.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$28,064,546 to fund operating budgets for several Town departments for Fiscal Year 2020 in accordance with Chapter 6, Section 4 of the Provincetown Charter, as follows:

Budget Divisions	FY 2019	FY 2020	% change
I. General Government	\$984,238	\$1,016,144	3.2%
II. Finance	11,019,297	10,852,819	-1.5%
III. Public Safety	6,415,920	6,892,986	7.4%
IV. Public Works	3,674,739	3,762,250	2.4%
V. Public Services	918,582	957,479	4.2%
<b>Sub-total, I-V</b>	<b>\$23,012,776</b>	<b>\$23,481,678</b>	<b>2.0%</b>
VI. Public Schools	4,455,347	4,582,868	2.9%
<b>Total, I-VI</b>	<b>\$27,468,123</b>	<b>\$28,064,546</b>	<b>2.2%</b>

or to take any other action relative thereto.

*[Requested by the Select Board and the Town Manager]*

**Explanation of Article 2:** This article funds the operating budgets for several Town departments for FY 2020.

**Article 3. FY 2020 Cape Cod Regional Technical High School Tuition Assessment.**

To see if the Town will vote to raise and appropriate or transfer from available funds \$233,875 to fund the Town of Provincetown's assessment for the CCRTHS FY2020 operating budget; or to take any other action relative thereto.

*[Requested by the Select Board and the Town Manager]*

**Explanation of Article 3:** This article funds the cost of Provincetown's share for eleven students to attend Cape Cod Regional Technical High School in Harwich.

**Article 4, FY 2020 Cape Cod Regional Technical High School Capital Assessment.** To see if the Town will vote to raise and appropriate or transfer from available funds \$148,371 to fund the Town of Provincetown's FY2020 capital assessment for the CCRTHS; or to take any other action relative thereto.

*[Requested by the Select Board and the Town Manager]*

**Explanation of Article 4:** This article funds the cost of Provincetown's share of the FY2020 capital assessment for the new Cape Cod Regional Technical High School building.

**Article 5. FY 2020 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 2020:

	FY 2019	FY 2020	% change
6001 Water Enterprise Fund			
Enterprise Fund Costs	\$2,524,206	\$2,556,600	1.3%
General Fund Costs	398,184	298,638	-25.0%
<b>TOTAL COSTS</b>	<b>\$2,922,390</b>	<b>\$2,855,238</b>	<b>-2.3%</b>
6002 Wastewater Enterprise Fund			
Enterprise Fund Costs	\$4,391,287	\$3,898,266	-11.2%
General Fund Costs	150,056	112,542	-25.0%
<b>TOTAL COSTS</b>	<b>\$4,541,343</b>	<b>\$4,010,808</b>	<b>-11.7%</b>

or to take any other action relative thereto.

*[Requested by the Select Board and the Town Manager]*

**Explanation of Article 5:** This article funds both the Water and Wastewater Enterprise Budgets.

**Article 6. Police Station Supplemental Funding.** To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds a sum of money to fund the supplemental construction cost for the Provincetown Police Station Project on the site located at 16 Jerome Smith Road, including all costs incidental or related thereto; or to take any other action relative thereto.

*[Requested by the Select Board, the Finance Committee and the Town Manager]*

**Explanation of Article 6:** This motion appropriates supplemental construction costs and authorizes additional borrowing for the Police Station on the site located at 16 Jerome Smith Road. This project was approved at the April 2017 ATM article #8-1.

A preliminary design for the new police station on Jerome Smith Road has been completed and geotechnical analysis of the site has been performed. Given the presence of high ground water a full foundation as originally depicted on a concept design presented at Town Meeting would not be feasible to construct. A two story building on a slab was the preferred method for the building.

The Building Committee along with staff worked with the design team to fine tune the building program ensuring we meet all State building regulations while satisfying the critical needs of the Police Department. The latest preliminary design is about 300 sq.ft. more than the concept design presented at Town Meeting but still under the 14,000 sq.ft. threshold the Building Committee had set.

*Preliminary cost estimates are considerably higher than originally estimated as a result of a strong economy, construction material cost increase, and underestimated construction costs during the conceptual design phase. The Building Committee has worked with the design team to value engineer the project to reduce the probable project cost.*

*The Town has invested a significant amount of money over the years towards building a new police facility knowing the longer things get delayed the higher the cost is going to be. The Police Department has outgrown the current facility and that is not going to change. The Town needs a new police headquarters and further delay will only result in higher costs down the road.*

**Article 7. Alteration of Layout of Route 6.** To see if the Town will vote to accept the altered layout of a portion of Route 6 as a public way, as heretofore altered by the Select Board, to exclude from the layout of said way the parcel of land shown as "Lot 1 131,166+ SF. (3.01+ Ac.)" on a plan entitled "Route 6 Alteration and Division Plan," dated October 1, 2018, prepared by Coastal Engineering Co., on file with the Town Clerk, and to transfer the care, custody, and control of the aforesaid discontinued parcel from the Select Board for public way purposes to the Select Board for general municipal purposes, including, without limitation, for police station purposes, and, further, to authorize the Select Board to take said parcel by eminent domain for said purposes and for the purpose of clearing the Town's title thereto, if applicable; or to take any other action relative thereto.

*[Requested by the Select Board and the Town Manager]*

**Explanation of Article 7:** *This article will alter the public way of Route 6 to create the lot needed to build the police station. Currently the land where the leaching field and Jerome Smith Parking lot are located is partly Town-owned land and partly on the Route 6 Right-of-way, which the Town also owns. This action will clean up the lot lines so that the project can be consistent with zoning regulations.*

**Article 8. OPEB Funding.** To see if the Town will vote to raise and appropriate, or transfer from available funds \$280,000 to fund a contribution to the OPEB trust fund; or to take any other action relative thereto.

*[Requested by the Town Manager and the Select Board]*

**Explanation of Article 8:** *This article will transfer \$280,000 to the Town's Other Post Employment Benefit (OPEB) Trust Fund and will help the Town work towards reducing the outstanding OPEB liability.*

**Article 9. Community Preservation Budget for FY 2020.** To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2020 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. \$79,395 for Open Space;
  - B. \$476,368 for Community Housing;
  - C. \$79,395 for Historic Resources;

2. Debt Service Appropriations: Part 2
  - A. \$198,175 for Community Housing debt service;
  - B. \$45,488 for Open Space debt service;
  - C. \$156,269 for Historic Preservation debt service;
3. Grant Requests Appropriations: Part 3
  - A. Community Housing - \$7,500 for the Cape Housing Institute, a training and education program through the Community Development Partnership (CDP), and said funds to be spent under the direction of the Town Manager subject to a grant agreement between the Town and the CDP.
  - B. Community Housing - \$175,000 for a Buy-Down Assistance Program through the Provincetown Housing Office, and said funds to be spent under the direction of the Town Manager.
  - C. Community Housing - \$25,000 for the Community Housing Office, including a full-time Housing Specialist.
  - D. Community Housing - \$40,000 for the preservation of the Foley House at 214 Bradford Street and said funds to be spent under the direction of the Town Manager subject to a grant agreement between the Town and the Housing Authority.
  - E. Historic Preservation - \$2,500 for the restoration of an original quadrant map and said funds to be spent under the direction of the Town Manager.
  - F. Open Space/Recreation - \$32,805 for the reconstruction of garden beds and fencing at B-Street Gardens and said funds to be spent under the direction of the Town Manager.
  - G. Open Space/Recreation - \$30,000 for reconstruction of the playground at VMCC.
  - H. Administrative Expenses - \$20,000 for CPA administrative expenses; or to take any other action relative thereto.

*[Requested by the Community Preservation Committee]*

**Explanation of Article 9:** *As required, the Town annually sets aside funds from new revenue into the various CPA categories including 10% for open space/recreation, 10% for historic preservation, 60% for affordable housing, and 20% into the non-designated category which can be used for any of the categories. The debt service is the annual payment for past activities funded through borrowing.*

**Article 10. Rescind Prior Community Preservation Act Authorization.** To see if the Town will vote to rescind the authorization of \$100,000 for the preservation of the former Community Center at 46 Bradford Street as authorized under 2017 ATM Article 7-3C; or to take any other action relative thereto.

*[Requested by the Community Preservation Committee]*

**Explanation of Article 10:** *Due to the outstanding private support from the local community members and Provincetown's philanthropic community, the Commons was able to raise enough funds for the planned restoration work, instead of using the CPA grants funds that were previously awarded. These funds will now be available to be re-allocated to other community preservation projects.*

**Article 11. Funding for Economic Development Committee.** To see if the Town will vote to raise and appropriate \$26,000 with \$1,000 for Committee expenses and \$25,000 in funds available to be awarded in grants to develop increased year-round economic

opportunities. Grants shall be subject to approval by the Select Board. Committee Mission Statement: Encourage initiatives to which the Town of Provincetown might grant funding that will increase year-round economic opportunities for Provincetown citizens without creating adverse impacts on the character of our community or our natural environment; or to take any other action relative thereto.

*[Requested by the Select Board]*

**Explanation of Article 11:** *This article provides the Economic Development Committee with funds to provide grants to individuals and/or businesses that are working to create a year-round economy in Provincetown. As the mission statement reads, the goal is to encourage initiatives to which the Town of Provincetown might grant funding that will increase year-round economic opportunities for Provincetown citizens.*

**Article 12. Transfer from Overlay Surplus.** To see if the Town will vote to transfer \$120,000 from Overlay Surplus to reduce the FY2020 tax rate; or to take any other action relative thereto.

*[Requested by the Select Board]*

**Explanation of Article 12:** *The Board of Assessors performed a review of the overlay accounts in July 2018 and voted an overlay surplus of \$120,000, which makes it an available fund. Town meeting vote is required to appropriate the overlay surplus for any lawful purpose per MGL c.59 sec. 23 & 25.*

**Article 13. FY 2020 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 2020 Capital Improvements Program submitted in accordance with Chapter 6, Section 6 of the Provincetown Charter as follows, provided that one or more of the appropriations listed below may be contingent on a Proposition 2½ capital outlay or debt exclusion ballot question:

A. Fire Department Fire Truck - \$550,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of a fire engine; and costs related thereto.

**Explanation of Article 13A:** *Our replacement plan is 20 years for a commercial chassis pumper; in keeping with NFPA and OSHA guidelines that rural commercial chassis pumpers should be replaced every 20 years.*

B. Fire Department Main Station Generator - \$125,000 to be expended under the direction of the Town Manager and the Board of Fire Engineers for the replacement of the generator in the Main Fire Station; and costs related thereto.

**Explanation of Article 13B:** *This project is an overdue replacement. The generator at the main station is 27 years old and repairmen have recently told us that it should be replaced. We will be replacing with a 130 KW Diesel Generator in a Stainless Steel Housing, and a new transfer switch.*

C. Pier Infrastructure Maintenance - \$200,000 to be expended under the direction of the Town Manager and the Provincetown Public Pier Corporation for the Maintenance and Improvement Program for MacMillan Pier; and costs related thereto.

**Explanation of Article 13C:** This is the 3rd year of a 5 year program to address maintenance items identified in the Bourne Engineering comprehensive report and conditions survey dated September 23, 2016. This article funds continuing replacement of fender piles in the commercial fishing berths and ice machine area of the Tee. We also allocate funds for electrical repairs and other identified maintenance.

- D. Police Vehicle Fleet Replacement - \$169,431 to be expended under the direction of the Town Manager and the Chief of Police for the purchase of two police vehicles and equipment pursuant to the Police Fleet Replacement Plan and one Animal Control vehicle; and costs related thereto.

**Explanation of Article 13D:** This is a request to purchase TWO 2019 or current model Ford Police Utility Interceptors and ONE special services vehicle for use by Animal Control.

- E. Public Works Building Maintenance Plan, Library/Fire Station 4 Generator - \$145,000 to be expended under the direction of the Town Manager and the Director of Public Works to install an emergency generator to serve the Provincetown Library and Fire Station #4, and costs related thereto.

**Explanation of Article 13E:** Fire House #4 provides critical operations during emergency events within the downtown area. The facility currently has no stand-by power supply and must be manually operated when power is lost. This affects response time and hampers rescue and support operations. The electrical service will also have to be upgraded to current code as part of the generator installation. After the storms of 2018 and the resulting power outages, it was discussed that the Library should be equipped with a generator to serve as a warming/cooling station for the public. The sprinkler system that services the Library also requires constant power to maintain adequate air pressure to keep it in a dry state to prevent freezing. \$145,000 is the estimated cost to supply a 120KW diesel fuel powered generator, all the necessary switch gear electrical upgrades, and installation labor to provide standby power for both buildings.

- F. Public Works Vehicle Fleet Replacement - \$110,000 to be expended under the direction of the Town Manager and the Director of Public Works for the purchase of a vacuum excavator trailer with pipe jetting capabilities to replace a 1981 International Catch Basin Truck; and costs related thereto.

**Explanation of Article 13F:** For the purchase of a vacuum excavator trailer with pipe jetting capabilities to replace a 1981 International Catch Basin Truck

- G. Public Works Building Maintenance Plan - \$395,000 to be expended under the direction of the Town Manager and the Director of Public Works for exterior repairs including the preparation and painting of Town Hall, VMCC, MPL Bathrooms, and the Central Vacuum Pump Station and for the repair and replacement of the flat roof at the VMCC; and costs related thereto.

**Explanation of Article 13G:** The Town Hall and the buildings at the MPL are showing exterior damage that will worsen if continued to be left unattended. The Library (FY2021) and the VMCC are at a point for repainting before severe exterior damage begins to occur.

*Putting these necessary repairs off will jeopardize already improved assets at the building as well as increasing project costs.*

- H. Shank Painter Road Reconstruction - \$320,000 to be expended under the direction of the Town Manager and the Director of Public Works to fund the design and specifications for the reconstruction of Shank Painter Road / Route 6 Intersection Project; and costs related thereto.

***Explanation of Article 13H:*** *To improve a deficient multi-modal roadway to ensure safe transportation for all users as the primary gateway to our community.*

- I. Court Street Drainage and Repair - \$150,000 to be expended under the direction of the Town Manager and the Director of Public Works to fund the design of a pump station to mitigate the flooding of Court Street; and costs related thereto.

***Explanation of Article 13I:*** *This project will provide safer pedestrian and vehicular travel along Court Street and prevent potential flooding damages to nearby businesses.*

- J. Public Works Demolition of the Former VFW Building - \$90,000 to be expended under the direction of the Town Manager and the Director of Public Works for the demolition of the building and grounds at 3 Jerome Smith Road, known as the former VFW Building; and costs related thereto.

***Explanation of Article 13J:*** *Removing the building will allow us to proceed with future plans for the site and will allow the Town to use the entire site for parking until construction begins on the site.*

- K. Council on Aging Transport Van - \$35,000 to be expended under the direction of the Town Manager and the Director of the Council on Aging for the replacement of the Council on Aging transport van; and costs related thereto.

***Explanation of Article 13K:*** *The COA has offered door-to-door transportation to residents 60+ years of age to medical appointments Cape-wide for almost two decades. This program is especially designed for people who require individual transport due to physical or cognitive limitations. We currently have a 6-passenger 2008 Toyota Sienna with 76,000 miles. The COA also leases (free) a wheelchair lift-equipped, 12-passenger bus that is used daily for scheduled group excursions (shopping, recreation and cultural outings) as well as medical appointments on regular trips to Hyannis. The new vehicle will also be used as a back-up for more popular events on our bus as well as for food deliveries and other special services.*

- L. Marine Department Shoreline Protection Projects - \$50,000 to be expended under the direction of the Town Manager for funding and grant requests for beach nourishment and shoreline protection projects; and costs related thereto.

***Explanation of Article 13L:*** *This is a continuation of work done to map areas prone to flooding from storms, identify critical infrastructure and implement mitigation measures. This article provides additional funding to be used directly, or as a local match for grant opportunities, to continue the permitting and installation of a natural barrier to flooding at the inundation pathways at Gosnold Street Town Landing in Town Center, and to pursue other*

*opportunities for beach nourishment. This augments the \$200,000 approved at Spring 2018 Town Meeting, which was partially used to secure a state coastal resilience grant for the Gosnold Street dune project.*

M. 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 applying for various grants that may become available; and costs related thereto.

**Explanation of Article 13M:** *Our stormwater system has undergone substantial improvements over the past several years resulting in fewer beach closures and overall less flooding. However, many more needed repairs still exist and continual maintenance is of prime concern. Stormwater infrastructure repair will generally take place during road reconstruction activities and in support of the Roadway Maintenance Plan. In recent years and continuing today, we use a portion of the stormwater funding to map our stormwater infrastructure using GIS technology. This database provides us with attributes information on our existing infrastructure which allows us to better forecast projected costs and develop a long term capital program. Appropriating a sum of money for drainage repairs should be a high priority for our coastal community given our proximity to sea level and lack of open space for stormwater retention. By having an established capital program we have been able to secure grant funding by having matching funds available for award. We used stormwater funding to successfully apply to the MassWorks Grant Program for which we received \$1.96 Million in grant funding to reconstruct Commercial Street using porous pavement.*

N. DPW Street, Sidewalk & Bike Path Maintenance and Repair - \$60,000 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.

**Explanation of Article 13N:** *This recurring CIP article is used every year to address costs associated with the preservation, repair, and replacement of sidewalks, curbing, roadway painting, potholes, and recent bike trail improvements. This request is used for more routine repairs outside of roadway resurfacing projects funded from the Roadway Maintenance Plan or projects outside of reconstruction projects such as we have seen on Commercial Street.*

O. Public Works Fuel Dispensary System - \$50,000 to be expended under the direction of the Town Manager and the Director of Public Works to replace the fuel dispensary at the highway garage and the supporting software used by DPW administration; and costs related thereto.

**Explanation of Article 13O:** *The Public Works Department is responsible for the fuel dispensary system that is utilized by several Town departments including the Regional Transit Authority, Lower Cape Ambulance and the Airport. The existing fuel management system is nearly 10 years old and we are no longer able to receive technical support.*

P. Public Works Town Owned Properties Facility Plan - \$50,000 to be expended under the direction of the Town Manager and the Director of Public Works for the development of a Facility Plan to prepare for and manage existing Town-owned buildings; and costs related thereto.

**Explanation of Article 13P:** *The facilities plan for identified Town owned property will include a condition review, a plan for efficient management of existing buildings, the contents of these buildings and development of a maintenance plan.*

Q. Public Works Building Maintenance Plan, HVAC Expansion at Town Hall - \$250,000 to be expended under the direction of the Town Manager and the Director of Public Works to expand the capacity of the current air conditioning and associated operating system within Town Hall; and costs related thereto.

**Explanation of Article 13Q:** *This project will provide a comfortable building environment for all users and accommodate the expanding summer use of the auditorium.*

R. Water Department-Fleet Replacement - \$40,000 to be expended under the direction of the Town Manager and the Water Superintendent for the replacement of a Water Department pickup truck pursuant to the Water Fleet Replacement Plan; and costs related thereto.

**Explanation of Article 13R:** *This request is to replace a 2007 Ford F-250 utility service truck with approximately 90K miles used for distribution system operations. This truck carries necessary tools and parts for water service and main repairs, and parts for meter service and repairs. The intent is to purchase a similar truck on an F-350 chassis.*

S. Water Department Asbestos Cement Water Main Replacement - \$500,000 to be expended under the direction of the Town Manager and the Water Superintendent to fund the replacement or rehabilitation of asbestos cement water pipes; and costs related thereto.

**Explanation of Article 13S:** *Approximately half of the water system (107,000 linear feet or 20 miles) is comprised of asbestos cement (AC) pipe installed between the mid-1950s and mid-1970s. The American Water Works Association estimates AC pipe lifespan at approximately 75 years. A recent assessment on various AC pipe segments throughout the system revealed several pipe segments have suffered significant structural degradation. Maintains integrity of the distribution system, improves water quality, and in some circumstances enhances fire flows.*

T. Water Department Knowles Crossing Building Renovation - \$1,400,000 to be expended under the direction of the Town Manager and the Water Superintendent for the engineering and design services and construction for a full scale building renovation and reconstruction; and costs related thereto; or to take any other action relative thereto.

*[Requested by the Select Board and Town Manager]*

**Explanation of Article 13T:** *The original Knowles Crossing pumping station, built over 100 years ago, is in need of reconstruction/renovation. The building is a critical storage space for Water Department vehicles, equipment, and necessary distribution system parts inventory.*

**Article 14. Ground Lease for Eversource Battery Project.** To see if the Town will vote to transfer the care, custody and control of a portion of the parcel of land located at 90 Race Point Road shown as Assessor's Map 9-2, Parcel 24, and described in a deed recorded with the Barnstable County Registry of Deeds in Book 12449, Page 25, from the Select Board currently

held for waste transfer station purposes to the Select Board for waste transfer station purposes and energy services and for the purpose of leasing, and further to authorize the Select Board to lease to NSTAR Electric Company d/b/a Eversource Energy or other utility company for a period of up to 45 years a portion or portions of such parcel for the purposes of constructing, owning, operating and maintaining a battery storage facility and providing energy services to the Town, and further to authorize the Select Board to grant such access, utility and/or other easements related thereto in, on and under said parcel of land, all on such terms and conditions, and for such consideration, as the Select Board deems appropriate, or take any vote or votes in relation thereto.

*[Requested by the Select Board and Town Manager]*

**Explanation of Article 14:** This article would authorize the Select Board to enter into a lease with Eversource to construct, operate, and maintain a community battery on a portion of the Town's Transfer Station property. The battery would provide temporary power in the event of a power outage. The facility would consist of an 8,000± sq. ft. structure containing two lithium-ion battery units, which would store a total of 25 megawatts of electricity. The batteries would be charged by a connection to the local power grid. In the event of a power outage, they would discharge the stored power directly to the grid, providing backup power for up to 3 hours during peak, summer conditions, and up to 10 hours in non-peak conditions, to the approximately 11,000 customers between Provincetown and the substation in Wellfleet. Eversource anticipates that it will cut in half the number of power outages. The lease would be for a term of 25 years, with the option for two 10-year extensions. Eversource would make an annual rent payment to the Town and would pay real estate taxes (or would make a payment in lieu of taxes) on the facility. The article also authorizes the Select Board to grant necessary easements for access and underground utilities related to the project.

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#### PETITIONED ARTICLES

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**Article 15. Petitioned Article – Non-Binding Resolution – Anti-Idling Resolution.**

To see if the Town will vote to support the increased awareness and enforcement of the Massachusetts State Law (MGL, Chapter 90, Section 16A, and regulation CMR 7.11) limiting the idling of motor vehicles to a period of five minutes. Such support will encourage our local law enforcement officers to increase their efforts to remind drivers of the state law and to enforce the law where applicable; encourage the involvement of the Town Board of Health and Health Department to further awareness and compliance; and encourage the Department of Public Works to support these goals in Town-related vehicle operations. Such support will also take the form of promoting a voluntary posting of the law at all businesses providing parking for five or more vehicles and at appropriate Town-owned locations, such posting to be prominent and visible; or to take any other action relative thereto.

*(Requested by Dennis Minsky and others)*

**Article 16. Petitioned Article – Resolve Providing for the Creation of a Special Commission Relative to the Seal and Motto of the Commonwealth.**

To see if the Town will vote to adopt the following resolution:

Whereas the history of the State of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists on their shores in 1620, and helped them to survive starvation during the settler's first winters on their land;

Whereas members of the Native Nation for whom the State of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, April of 1623, the naked Colonial broadsword brandished over the head of the Native man on the Massachusetts State FLAG / State SEAL, is copied from Myles Standish's own broadsword;

Whereas the belt binding the Native's cloak on the FLAG / SEAL is modeled after a belt worn by Metacomet, known to the English as King Philip, who was among the Wampanoag Leaders who resorted to mutually destructive war in 1675 - 1676 in defense of Native Lands against Euro - Colonist encroachment;

Whereas the proportions of the body of the Native man in the FLAG / SEAL were taken from a Native skeleton kept in Winthrop: the bow modeled after a bow taken from a Native man shot and killed by Colonists in Sudbury in 1665, and his feature's taken from a photograph of an Ojibwe chief from Great Falls, Montana, considered to be a "fine Native specimen" although not from Massachusetts;

Whereas the 400th. Anniversary of the Landing of Euro - Colonists at Plymouth Plantation, which gave rise to the long chain of genocidal wars and deliberate policies of Cultural destruction against Native Nations of this continent, is approaching in the year 2020, affording every citizen of the Commonwealth a chance to reflect upon this history and come to a new awareness of a better relationship between the descendants of the Euro - Colonists immigrants and the Native Nations of these shores;

And Whereas Native Americans have long suffered the many abuses of racism, the appropriation of their symbols for public schools and sports teams, the diminution and pollution of their Ancestral Land and the encroachment of their cultural life ways;

Therefore, we the Voters of the Town of PROVINCETOWN, support the Bill introduced by State Representative Byron Rushing, Bill #H-1707 calling for an investigation by a special commission, including members of the legislature and representatives of the Native Nations of Massachusetts, to recommend changes to the STATE FLAG and STATE SEAL of the Commonwealth"; or to take any other action relative thereto.

*(Requested by Pastor Brenda L. Haywood and others)*

**Article 17. Petitioned Article – Non-Binding Resolution – Increased Provincetown Tree Protection.**

To see if the Town will vote to support a non-binding resolution increasing protection of our native trees. Such protection would be achieved by considering the hiring of a professionally qualified Tree Warden, perhaps on a consulting basis, aided by a volunteer committee.

This resolution, proposing the guidance of a professional Tree Warden, would complement the existing tree by-law and add protections to our existing zoning by-laws, extending protection beyond those trees shading the public way, including but not limited to Heritage trees. The Tree Warden would ensure that engineering, geological and environmental studies where trees are located would be professionally conducted. Prior to any building requiring the removal of trees on public or private land, permit seekers would be required to prove necessity.

This non-binding resolution, if accepted by Town Meeting, would serve as a way to

aid Town boards and committees with tree destruction before them. No top expertise is now available to the Conservation Commission, the Zoning Board of Appeals in the course of site-plan reviews, the Tree Committee or the Planning Board, unlike other towns and cities that employ a U.S. Forestry-accredited Warden. This resolution would result in future zoning bylaws to extend tree protections in our fragile, built-on-shifting-sand Town, for our safety.

This non-binding resolution will thus serve to fulfill our Emergency Planning and Management Goal of employing an "integrated, all-hazards approach for prevention / mitigation, preparedness, response and recovery planning for the Town," by addressing fresh-water flooding as well as sea-level rise at the shore"; or to take any other action relative thereto.

*(Requested by Sherry Dranch and others)*

**Article 18. Petitioned Article – General Bylaw Amendment: Chapter 13 Prohibited Activities – Public Health Smoking Ban on Town-Owned Properties** (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown General Bylaws by amending Chapter 13 as follows:

13-2-23. Smoking is prohibited in all places designated in Massachusetts General Laws Chapter 270, Section 22, on town-owned properties, vehicles, and offices, and on all Town-owned beaches."; or to take any other action relative thereto.

*(Requested by Tracy Kachtick-Anders and others)*

**Article 19. Petitioned Article – General Bylaw Amendment: Chapter 13 Prohibited Activities – Public Health Smoking Ban on Properties managed by Housing Authority and Year Round Housing Trust** (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown General Bylaws by amending Chapter 13 as follows:

13-2-23. Smoking is prohibited in all places designated in Massachusetts General Laws Chapter 270, Section 22, on properties managed by the year-round trust and the housing authority (if they receive funds or services from the town of Provincetown such as garbage and recycling pick-up) and on all Town-owned beaches." or to take any other action relative thereto.

*(Requested by Tracy Kachtick-Anders and others)*

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**TOWN BOARD ARTICLES**

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**Article 20. Land Bank – Expenses.** To see if the Town will vote to appropriate from the Land Bank Fund established under Chapter 293 of the Acts of 1998 the sum of \$191,288 to be expended under the direction of the Open Space Committee and the Town Manager for the following amounts for FY2019 and FY2020:

	FY2019	FY2020	Total
Debt Service Principal	\$55,000	\$35,000	\$90,000
Debt Service Interest	2,338	950	3,288
Maintenance	20,000	30,000	50,000
Acquisition Related Costs	18,000	30,000	48,000
<b>Total</b>	<b>\$95,338</b>	<b>\$95,950</b>	<b>\$191,288</b>

or to take any other action relative thereto.

*[Requested by the Town Manager and Open Space Committee]*

**Explanation of Article 20:** *FY2020 is the last year of the Land Bank Fund. This article includes Land Bank expenditures for debt service, maintenance and acquisition related expenditures for FY2019 and FY2020. Land Bank debt service will be paid in full with the FY2020 debt service payment. Up to 3% of Land Bank funds may be used for maintenance and improvement to property purchased with Land Bank Funds. Land Bank acquisition related funds allow the Open Space Committee to do the required due diligence prior to any open space purchase including pre-acquisition costs, closing and other costs associated with acquisitions or potential acquisitions (including but not limited to title searches and appraisals). In addition, the Town is required to update the Open Space and Recreation Plan by October 2019 to remain eligible for grant funds, which is also paid from acquisition related costs.*

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## GENERAL BYLAW AMENDMENT ARTICLES

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**Article 21. General Bylaw Amendment: Chapter 12 Wetlands Protection Bylaw –** *(Deletions shown in strike-through and new text shown as underlined.)* To see if the Town will vote to amend the Provincetown General Bylaws by amending Chapter 12 as follows:

### 12. WETLANDS PROTECTION BYLAW

#### 12-1. Introduction.

The purpose of this bylaw is to protect the foreshores, wetlands, water resources, and adjoining land areas in the Town of Provincetown by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon resource area values, including but not limited to the following: public or private water supply, groundwater quantity and quality, flood control, erosion and sedimentation control, storm damage prevention including coastal storm flowage, water quality, water pollution control, ~~erosion and sedimentation control~~, fisheries, shellfish, wildlife habitat, rare species habitat including rare plant species, agriculture, aquaculture, and recreation values, deemed important to the Town (collectively, the "resource area values protected by this bylaw"). This bylaw is intended to utilize the Home Rule authority of the Town to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Massachusetts Wetlands Protection Act (G.L. Ch. 131, §40) and Regulations thereunder (310 CMR 10.00).

#### 12-2. Jurisdiction.

Except as permitted by the Conservation Commission or as provided in this bylaw, no person shall commence to remove, fill, dredge, build upon, degrade, or discharge into, or otherwise alter the following resource areas: any freshwater or coastal wetlands; vegetated and unvegetated wetlands (both Bordering and Isolated); marshes; flats; wet meadows; bogs; swamps; vernal pools; banks; reservoirs; lakes; ponds of any size; rivers; streams; creeks; beaches; dunes; estuaries; the ocean; lands under water bodies; ~~lands subject to flooding or inundation by groundwater or surface water; lands subject to tidal action, coastal storm flowage, or flooding;~~ any and all areas protected by the Massachusetts Endangered Species Act (MESA) and as defined by the Natural Heritage and endangered Species Act Program (NHESP); and the one-hundred (100) foot Buffer Zone to any of the

aforementioned resource areas or lands abutting any of the aforesaid resource areas as set out in §12-7; lands subject to flooding or inundation by groundwater or surface water; and lands subject to tidal action, coastal storm flowage, or flooding (collectively the "resource areas protected by this bylaw"). Said resource areas shall be protected whether or not they border surface waters.

In the event that the Commission determines that an activity occurring beyond the limit of jurisdiction noted above is likely to have, is having or has had a significant effect on the wetlands values of a resource area, the Commission may require the filing of a Notice of Intent or a Request for Determination of Applicability for that activity.

In determining whether a resource area is subject to the provisions of this bylaw, the origin of the wetland, whether natural or manmade, is not a relevant factor.

*And*

12-5-2. Public Hearing. The Commission shall conduct a public hearing on any permit application or RFD, with written notice given at the expense of the applicant, not less than five business days prior to the hearing, in a newspaper of general circulation in the municipality. The Commission shall commence the public hearing 21 days from its posted deadline for filing applications, upon receipt of a completed permit application or RFD unless an extension is authorized in writing by the applicant. The Commission shall issue its permit or determination in writing within 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant. The Commission in an appropriate case may combine its hearing under this bylaw with the hearing conducted under the Wetlands Protection Act (G.L. Ch.131 §40) and Regulations (310 CMR 10.00) or to take any other action relative thereto.

*[Requested by the Conservation Commission]*

**Explanation of Article 21:** *This article would revise Chapter 12 of the Provincetown General Bylaws, the Wetlands Protection Bylaw, to make some "housekeeping" revisions, such as deleting duplicative references and changing the deadline to publish legal notices of public hearings in the Banner to five days prior to the hearing, which is consistent with the legal notice requirements of the state's Wetlands Protection Act and with those of other Town regulatory boards. The proposed revisions would also remove activities within the 100-foot buffer zone of the "100-year" floodplain from the Commission's jurisdiction. The 100-foot buffer zone to other resource areas protected by the bylaw, such as coastal dunes and beaches, ponds, salt marshes, and vegetated wetlands, would remain. The buffer zone protects wetlands from adverse impacts of construction and development in close proximity to wetlands.*

*These adverse impacts from construction and use include erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The limit of the "100-year" floodplain is the upper boundary of the area which is projected to have a 1% chance of flooding in any given year. These limits are shown on FEMA flood maps and are a function of the topography of the land and the extent of projected flooding. The Conservation Commission reviews activities within floodplains to make sure that they would not worsen the extent or effects of flooding on neighboring properties. Activities on properties which are adjacent to flood zones, but which are above the extent of flooding, would not have adverse impacts on the floodplain than activities in areas below the extent of flooding would. Therefore, there are no performance standards that the Commission could impose on activities outside the floodplain, and to subject owners of properties that*

are adjacent to, but not within, the floodplain to Conservation Commission review would impose an unnecessary regulatory burden on such property owners.

**Article 22. General Bylaw Amendment: Chapter 6 - Revolving Fund Bylaw (Small Scale Climate Change Resiliency Revolving Fund).** (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote pursuant to the provisions of G.L. c.44, §53E½, to amend the General Bylaws by inserting a new revolving fund, as follows:

6-10. Revolving Funds.

6-10-1. There are hereby established in the Town of Provincetown pursuant to the provisions of G.L. c.44, §53E½, the following Revolving Funds:

Program or Purpose	Representative or Board Authorized to Spend	Department Receipts
<u>Small Scale Climate Change Resiliency Revolving Fund to provide materials and equipment (such as rainwater collection barrels, composters, shade trees, bat houses and other pollinator-encouraging equipment) for resale and to provide grants to residents and businesses wishing to make small scale changes on their property to prepare for climate change like rain gardens and other stormwater drainage solutions.</u>	<u>Town Manager and Director of Public Works</u>	<u>Receipts from resale of materials and equipment</u>

Or to take any other action relative thereto.

*[Requested by the Town Manager]*

**Explanation of Article 22:** Creation of a Small Scale Climate Change Resiliency Revolving Fund to establish a program that uses bulk purchasing methods to provide materials and equipment (such as rainwater collection barrels, composters, shade trees, bat houses and other pollinator-encouraging equipment) for resale and provide grants to residents and businesses wishing to make small scale changes on their property to prepare for climate change like rain gardens and other stormwater drainage solutions.

**Article 23. General Bylaw Amendment: Chapter 8 Licensing and Regulations of Businesses – Licensing of Marijuana Establishments** (*Deletions shown in strike-through and new text shown as underlined.*) To see if the Town will vote to amend the Provincetown General Bylaws by amending Section 8-3 as follows:

8-3. Public hearing and notification requirements.

The granting of all new and all modifications or expansions of seasonal and annual licenses issued pursuant to G.L. c. 138, §12, G.L. c.140, §2 or G.L. c. 140, §183A, and G.L. c 94G, respectively, including common victualer, innholder, retail package store, entertainment and food vendor licenses, shall be subject to the following conditions:

1. That the application be considered at a public hearing advertised for two weeks in a newspaper of general circulation in Provincetown, the first publication to be at least 14 days prior to the hearing date, and that said notice be appropriately posted in Town Hall;
2. That the application shall include a plan showing the specific area of the proposed usage;

3. That the abutters be notified by certified mail of the application or modification within 3 days of the first publication date;
4. That the licensing authority consider whether the social, economic or other benefits of the proposal for the neighborhood or town outweigh any adverse effects such as hazard, congestion or environmental degradation; and
5. That the costs of the application, hearing, and notification process be covered by the application fee; or to take any other action relative thereto.

*[Requested by the Town Manager]*

**Explanation of Article 23:** *MGL Chapter 94G is the Chapter within Mass General Law that regulates marijuana establishments. By adding Chapter 94G to General Bylaw Section 8-3, the Provincetown Licensing Board is authorized to issue an annual business license, pursuant to a public hearing, for all marijuana establishments.*

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**ZONING BYLAW AMENDMENT ARTICLES**

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**Article 24. Zoning Bylaw Amendment: Divided Lots.** *(Deletions shown in strike through and new text shown as underlined.)* To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Section 2130, Divided Lots, as follows:

2130 Divided Lots. When a boundary line between zoning districts divides a lot in single ownership, each portion of the lot shall be governed by the use and dimensional requirements of the zoning district in which each portion of the lot is located. Lots located in part in another municipality shall be regulated as if entirely within Provincetown; or to take any other action relative thereto.

*[Requested by the Planning Board]*

**Explanation of Article 24:** *This amendment clarifies the treatment of lots that are located within two different zoning districts. While this change is consistent with the Town's local practice and case law, this clarification may avoid future litigation and provides clear guidance to property owners and developers.*

**Article 25. Zoning Bylaw Amendment: Formula Business Regulated District.** *(Deletions shown in strike-through 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 2360 Formula Business Regulated District as follows:

2360 Formula Business Regulated District.

2362 Purpose

3. Regulated Uses. The proposed use of any building or structure for a Formula Business establishment shall require both a Special Permit from the Zoning Board of Appeals; and a site plan approval of the Planning Board as well as the business license. or to take any other action relative thereto.

*[Requested by the Planning Board]*

**Explanation of Article 25:** *This amendment is a permit streamlining measure that removes the redundant board review for Formula Regulated Businesses. Currently the bylaw requires applicants to get Zoning Board and Planning Board approval, even when the*

site plan review criteria do not apply. For instance, if an existing retail store on Commercial Street is converted to a formula business, yet has no impact to the exterior of the building or no site disturbance, then site plan review would not be required. If any improvements did exist that did trigger site plan review pursuant to Article 4, then Planning Board approval would still be required.

**Article 26. Zoning Bylaw Amendment: Definitions – Parking Lot.** (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 1, Definitions and Article 2 Section 2440 Permitted Principal Uses as follows:

Parking Lot/Garage. An open air, ground level lot or enclosed area/structure used to park cars that is not appurtenant to a principal use.

And to amend: 2440 Permitted Principal Uses

		Residential			Commercial		Sea-shore	Public Use
		Res1	Res2	Res3 ResB	TCC	GC	S	M
<b>B.</b>	<b>Business</b>							
B7	Parking lots/garages	NO	BA <sup>11</sup>	BA <sup>11</sup>	BA <sup>11</sup>	BA <sup>11</sup>	NO	NO

Footnotes

11. Special Permit to be granted only after a Public hearing and approval of the Building Inspector, the Fire Department and the Police Department.  
or to take any other action relative thereto.

[Requested by the Planning Board]

**Explanation of Article 26:** This amendment distinguishes parking that is a principal use from parking that is appurtenant to another use on the site. Under the current definition, any parking area in excess of the minimum requirement would qualify as a "parking lot" and thus require a Special Permit from the Zoning Board of Appeals.

**Article 27. Zoning Bylaw Amendment: Special Permits.** (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Section 5300 Special Permits as follows:

Section 5300 Special Permits

5340 Expiration. Special Permits shall lapse ~~twenty-four months~~ three years following grant thereof (plus such time required to pursue or await the determination of an appeal referred to in Sec. 17, Ch. 40A, G.L.) if a substantial use thereof or construction has not sooner commenced except for good cause as determined by the ~~Board of Appeals~~ Special Permit Granting Authority; or to take any other action relative thereto.

[Requested by the Planning Board]

**Explanation of Article 27:** This amendment recognizes changes in State Law implemented under Chapter 219 of the Acts of 2016 that extend the time period to act on a Special Permit from 2 years to 3 years. This could be relevant for Provincetown due to our Growth Management regulations and multiple layers of permitting that are often required.

**Article 28. Zoning Bylaw Amendment: Special Permit Modifications.** (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Section 5300 Special Permits, as follows:

5350 Amendments and Minor Modifications to a Special Permit

An amendment, modification, or clarification to an approved Special Permit that does not represent a substantive change of the findings or conditions of approval of the project may be administered by a notation to the file based on a finding by a super majority vote of the Special Permit Granting Authority at a public meeting. Any amendment, modification, or clarification that represents a substantive change of the findings or conditions of approval of the project shall require a new Special Permit with notice to abutters pursuant to MGL c40A § 11; or to take any other action relative thereto.

*[Requested by the Planning Board]*

**Explanation of Article 28:** *The amendment seeks to streamline the permitting process to allow the Planning Board and Zoning Board the ability to approve minor modifications and/or clarifications to an approved Special Permit without submitting a new application and spending a month or more to obtain approval. Currently the bylaw would require a new application with all the requirements of the original application even for insignificant changes to a project. The board would need to vote by super majority that the proposed change is not substantial. Case law has held that a change may be made without adhering to notice requirements in G.L. c. 40A, § 11 if the change is...an inadvertent or clerical error; or not a substantive amendment which changes the result of an original decision, such as granting relief different from the original decision.*

**Article 29. Zoning Bylaw Amendment: Site Plan Review.** (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 4 Special Regulations, Section 4000 Site Plan Review as follows:

Section 4000. Site Plan Review (SPR)

4040 Amendments and Minor Modifications to a Site Plan

An amendment, modification, or clarification to an approved Site Plan that does not represent a substantive change of the findings or conditions of approval of the project may be administered by a notation to the file based on a finding by a majority vote of the Planning Board at a public meeting. Any amendment, modification, or clarification that represents a substantive change of the findings or conditions of approval of the project shall require a new Site Plan Review with notice to abutters pursuant to MGL c40A § 11; or to take any other action relative thereto.

*[Requested by the Planning Board]*

**Explanation of Article 29:** *The amendment seeks to streamline the permitting process to allow the Planning Board the ability to approve minor modifications and/or clarifications to an approved Site Plan Review without submitting a new application and spending a month or more to obtain approval. Currently the bylaw would require a new application with all the requirements of the original application even for insignificant changes to a project. The Planning Board would need to vote by super majority that the proposed change is not substantial. Case law has held that a change may be made without adhering to notice requirements in G.L. c. 40A, § 11 if the change is an inadvertent or clerical error or not a*

*substantive amendment which changes the result of an original decision, such as granting relief different from the original decision.*

**Article 30. Zoning Bylaw Amendment: Dimensional Requirements.** (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulation Section 2560 Dimensional Schedule as follows:

2560 Dimensional Schedule

Requirements	Residential			Commercial		Seashore Public Use	
	Res1	Res2	Res3 ResB	TCC	GC <sup>3</sup>	S	M
Min. Lot Area (square feet)	16,000	5,000	5,000	5,000	7,000	120,000	--
Min. Lot Frontage (linear feet)	100	50	50	50	70	--	--
Min. Front Yard (feet)	30	20 <sup>1</sup>	20 <sup>1</sup>	10 <sup>1</sup>	10	50	--
Min. Side Yard (feet)	15	6	6	5 <sup>2</sup>	10	25	--
Min. Rear Yard (feet)	20	15 <sup>1</sup>	10 <sup>1</sup>	10	25	25	--

Footnotes

1. Or, if smaller, the average of the setbacks of the buildings on the lots thereto on either side, a vacant lot being counted as though occupied by a building set back the minimum required distance. or to take any other action relative thereto.

*[Requested by the Planning Board]*

**Explanation of Article 30:** *This amendment allows properties in the Town Center Commercial zone to extend their buildings to the average setback of the properties on either side. This is currently allowed in the other two zones along Commercial Street, the Res 2 and Res 3 zones. Commercial Street is developed by properties that sit on and along the street line, often within the required front yard setback. The intent of the setback average is to allow structures to maintain a consistent street wall which is traditional to the Town's historic development pattern and is widely accepted as good urban design.*

**Article 31. Zoning Bylaw Amendment: Growth Management.** (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 6, Growth Management Bylaw as follows:

Section 6500 Table of Use Categories and Priorities

2d4 Any project that consists of ~~20%~~ 10% - 32.9% affordable and/or community housing units granted under the Inclusionary and Incentive Zoning Bylaw; ~~gallons shall be allocated in phases so that 1/2 of the total gallons are allocated the first year after a Special Permit is granted under the Inclusionary and Incentive Zoning Bylaw, and the remainder are allocated the second year~~

2d2 Any project that consists of ~~10% - 19.9%~~ affordable and/or community housing units; ~~gallons shall be allocated in phases so that 1/3 of the total gallons are allocated the first year after a Special Permit is granted under the Inclusionary and Incentive Zoning Bylaw,~~

the second 1/3 are allocated the second year and the remainder are allocated the third year; or to take any other action relative thereto.

[Requested by the Planning Board]

**Explanation of Article 31:** *This amendment removes provisions of the Growth Management by-law that require Inclusionary Zoning projects to be built in phases. While these provisions intend to favor projects that are developed solely as affordable housing, they make the construction of Inclusionary Zoning projects either more difficult or impossible as multi-unit buildings cannot be constructed in phases. Additionally the Town has a significant Growth Management reserve for all projects under Category 2, meaning that this provision is unnecessary.*

**Article 32. Zoning Bylaw Amendment: Density Schedule.** (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 4, Special Regulations as follows:

4120 Density Schedule The total lot area must equal at least the square feet/unit as derived from the following schedule: (Provided however, that building permits issued prior to April 1, 1986 shall be governed by (editor's note: old numbering Article III, Section 3110) Article 4, Section 4120 prior to amendment of this section at the 1986 Annual Town Meeting)

Dwelling Units	Number of Units Proposed	Number of Square Feet/Unit Required
First	1-4 <u>1-8</u>	2,500 <u>1,500</u>
For the next	6 (5-10) <u>9-15</u>	3,000 <u>2,500</u>
For the next	6 (11-16) <u>16-25</u>	3,500 <u>3,000</u>
For the next	9 (17-25)	4,500
Beyond 25	26 or more	5,000 <u>4,500</u>

or to take any other action relative thereto.

[Requested by the Planning Board]

**Explanation of Article 32:** *This amendment returns the Town's allowed residential density to what was in place before the mid-1980s. The current requirements conflict with the traditional development pattern of the Town as much of the Town was developed prior to the 1980s. This will also allow more properties to take advantage of the Town's Inclusionary Zoning by-law, which would in turn produce affordable and community housing units at no cost to the Town. This amendment alters neither the size nor design of buildings as it does not change dimensional requirements, Scale By-law review, High Elevation Protection review, or Historic District Commission review. It also does not change requirements for Special Permits or Site Plan Review, which ensure that projects are designed to be compatible with the neighborhood.*

**Article 33. Zoning Bylaw Amendment: Density Schedule, Commercial Accommodations.** (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 4, Special Regulations as follows:

4120 Density Schedule. The total lot area must equal at least the square feet/unit as derived from the following schedule: (Provided however, that building permits issued prior to April 1,

1986 shall be governed by [editor's note: old numbering Article III, Section 3110] Article 4, Section 4120 prior to amendment of this section at the 1986 Annual Town Meeting).

Commercial Accommodations <sup>1</sup>	Number of Units Proposed	Number of Square Feet/Unit Required
First	1-10	500
For the next	11-20	750
For the next	21-30	1,000
For the next	31-40	1,500
For the next	41 units and beyond	2,000

<sup>1</sup> May be waived by Special Permit from the Planning Board.  
or to take any other action relative thereto.

[Requested by the Planning Board]

**Explanation of Article 33:** *This amendment recognizes that one size does not fit all for commercial accommodations, which encompass everything from B&Bs to large hotels to dormitory housing. This schedule also does not line up with existing commercial accommodation properties in Town. The Town continues to lose commercial accommodation rooms, and this change may allow some properties to expand and remain economically viable. This by-law requires a public hearing process to allow the Planning Board to determine how many inn, hotel, or dormitory rooms would be allowed at a given site. This amendment alters neither the size nor design of buildings as it does not change dimensional requirements, Scale By-law review, High Elevation Protection review, or Historic District Commission review. It also does not change requirements for Special Permits or Site Plan Review, which ensure that projects are designed to be compatible with the neighborhood.*

**Article 34. Zoning Bylaw Amendment: Dimensional Requirements.** (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2, Districts and District Regulation Section 2560 Dimensional Schedule as follows:

Requirements	Residential			Commercial		Seashore Public Use	
	Res1	Res2	Res3 ResB	TCC	GC <sup>3</sup>	S	M
Max. Lot Coverage (%)	40	40	40	<del>40</del> <u>60</u>	40	--	--

And delete in its entirety:

~~4140 Lot Coverage Buildings shall not cover more than 40% of the total lot area.  
or to take any other action relative thereto.~~

[Requested by the Planning Board]

**Explanation of Article 34:** *This amendment recognizes that the current lot coverage requirements for the Town Center Commercial zone are inconsistent with the Town's historical pattern of development. An analysis of TCC parcels from Masonic Place in the west to Freeman Street in the east shows an average lot coverage of 58% and a median lot coverage of 59%. This change recognizes that reality, would make make a significant number of these properties conforming, and would allow new development to be consistent with the character of the TCC zone.*

**Article 35. Zoning Bylaw Amendment: Green Area.** (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 4, Special Regulations as follows:

4150 Green Area. A minimum of 30% of every lot, regardless of size, shall be reserved for green areas. This requirement may be altered or waived by Special Permit from the Planning Board; or to take any other action relative thereto.

[Requested by the Planning Board]

**Explanation of Article 35:** *This amendment allows greater flexibility during regulatory reviews of properties that do not meet the green area requirements of the by-laws. Many properties do not meet this requirement as alterations to planted areas generally do not require building permits. This also means that it is very difficult to track when and how non-conformities were created. As this often becomes an issue during Site Plan Review, the Planning Board is designated as the permit granting authority.*

**Article 36. Zoning Bylaw Amendment: Definitions – Campground/Tiny Houses.** (Deletions shown in strike-through and new text shown as underlined.) To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 1, Definitions and Article 4, Special Regulations as follows:

**Building.** A structure having a roof and supported by columns or walls for shelter or enclosure of persons, animals, property or an activity; such structure does not include camper Recreational Vehicles as defined in this By-laws.

**Camper Recreational Vehicle** shall mean a vehicle, eligible to be registered and insured for highway use, designed to be used as a temporary dwelling for travel, recreational and vacation purposes, but not for permanent residence. Includes equipment commonly called 5th wheels, independent travel trailers, dependent travel trailers, tent trailers, pickup campers, motor homes, converted buses, tiny houses on wheels, and other equipment, but not manufactured homes.

*And to amend:*

Section 4300 Manufactured Homes and ~~Campers~~ Recreational Vehicles

4310 Permitted Occupancy. Manufactured homes may be occupied only in a campground or manufactured home park and subdivision. ~~Campers~~ Recreational Vehicles may be occupied only within a licensed campground.

4330 Campgrounds. Campgrounds shall conform to the following minimum requirements:

- Lot area minimum of 10 acres, but not less than 7,500 square feet per campsite.
- Each rental plot shall have an area of not less than 2,500 square feet and a width of not less than 40 feet in its smallest dimension.
- If each plot is not serviced with water and sanitary drainage, common sanitary facilities shall be provided.
- No unit for overnight occupancy shall be placed within 100 feet of a street line or 40 feet of any other lot line.
- ~~No unit shall be occupied for more than six months in any twelve-month period.~~

or to take any other action relative thereto.

[Requested by the Planning Board]

**Explanation of Article 36:** *This amendment updates the terminology used to define RVs, recognizes that "Tiny Houses on Wheels" are legally classified as RVs, and removes provisions related to the use of RVs. While these use requirements would be removed, other federal, state, and local regulations remain in place including potential review by the Town's Board of Health. These other regulatory bodies may be better situated to determine the suitability of RVs for longer-term habitation.*

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## CONSENT AGENDA

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

***The Consent Agenda for the Annual Town Meeting includes Articles 37 through 42.***

**Article 37. 0.5% Real Estate Transfer Fee - A Home Rule Petition.** To see if the Town will vote to authorize the Select Board 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 Select Board approves amendments thereto prior to enactment by the General Court, and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

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

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

Section 2. The following transfers of real property interests shall be exempt from the real estate transfer fee:

A. First time homebuyers who live in the home for at least 5 years. A lien shall accompany the deed stating that "There is running with the land a lien equal to the amount of fee exempted,

plus accumulated interest and penalties until such time as all conditions of this sub-section are met.”

B. Transfers to the government of the U.S., the Commonwealth, the Town of Provincetown and any of their instrumentalities, agencies or sub-divisions, such as the Provincetown Housing Authority.

C. Transfers made without additional consideration to confirm, correct, modify or supplement a transfer previously made.

D. Transfers of convenience with consideration under \$100 which include: name change, into trusts, out of trust, etc.

E. Transfers to any charitable organization as defined in Clause 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 Select Board and the Town Manager]*

**Explanation of Article 37:** *This article seeks an annual reaffirming vote in support of the Home Rule Petition currently pending at the State Legislature to impose a 0.5% Real Estate Transfer Fee. State Representative Sarah Peake has recommended that the same language be voted on once again at this year's Town Meeting to reinforce its intent as the Home Rule Petition makes its way up the legislative channels of the State House.*

**Article 38. Cape Cod Greenhead Fly Control District Assessment.** To see if the Town will vote to raise and appropriate \$1,439 for Greenhead Fly Control as authorized by Section 24, Chapter 252 of the General Laws; and to authorize the Town Treasurer to pay said appropriation into the State Treasury; or to take any other action relative thereto.

*[Requested by the Select Board and the Town Manager]*

**Explanation of Article 38:** *A Town Meeting vote is required to fund this Cape Cod Greenhead Fly Control District assessment of \$1,439.*

**Article 39. Amendments to Personnel Bylaw/Classification and Compensation Plan.** (*Deletions shown in strike-through and new text shown as underlined.*) 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, 2020, by replacing

the existing compensation plan with the following new compensation plan as adopted by the Personnel Board;

Grade	Compensation Range		FY2020		Position
	FY2019				
					Town Manager [exempt MGL C.41,§108N] Chief of Police [exempt MGL C.41,§108O]
14	\$97,004	- \$120,053	\$98,481	- \$122,516	Finance Director DPW Director
13	\$89,818	- \$111,677	\$91,516	- \$113,910	Staff Lieutenant Assistant Town Manager
12	\$83,544	- \$103,874	\$85,215	- \$105,951	<u>no positions assigned</u>
11	\$77,709	- \$96,638	\$79,263	- \$98,571	Building Commissioner MIS Director Water Superintendent Town Engineer DPW Deputy Director
10	\$72,287	- \$89,862	\$73,733	- \$91,659	Principal Assessor <u>Health Director</u> <u>Pier Manager</u>
9	\$67,237	- \$83,632	\$68,582	- \$85,304	DPW Operations Director <del>Health Director</del> Library Director Town Clerk Planner Tourism Director <u>Harbormaster</u> <u>Facilities Manager</u>
8	\$62,538	- \$77,774	\$63,789	- \$79,329	MIS Analyst COA Director Town Collector Town Treasurer Deputy Emergency Manager / Transportation Coordinator <u>Environmental Planner/Cons Agent</u> <u>Zoning Enforcement /Code Enforcement</u> <u>Airport Director</u>
7	\$58,167	- \$72,309	\$59,330	- \$73,755	Recreation Director
6	\$54,101	- \$67,325	\$55,182	- \$68,672	Exec. Assistant to Town Manager / Project Administrator Local Building Inspector <del>Conservation Agent</del> <u>Assistant Tourism Director</u> Health Agent Payroll and Employee Benefits Manager Assistant Town Accountant

5	\$50,319 - \$62,582	\$51,325 - \$63,834	Assistant Library Director Licensing Agent Secretary to the Select Board Exec. Assistant to Police Chief Parking Administrator MIS Technician Pier Office Manager
4	\$46,738 - \$58,167	\$47,736 - \$59,330	Permit Coordinator Assistant Tourism Director
3	\$43,543 - \$54,166	\$44,414 - \$55,249	COA Outreach Coordinator Principal Accounting Clerk
2	\$40,504 - \$50,363	\$41,314 - \$51,370	no positions assigned
1	\$37,688 - \$46,844	\$41,248 - \$47,781	no positions assigned

Schedule B: To amend Schedule B, "Fire Department Positions," effective July 1, 2019, as requested by the Board of Fire Engineers, as follows:

*Annual Stipends for Reimbursement of Expenses*

<i>Annual Salary:</i>	FY19 Current	FY20 Proposed	% change
Fire Chief	\$57,750	\$59,225	3.0%
<i>Positions</i>			
1 <sup>st</sup> Deputy Fire Chief	\$16,500	\$17,000	3.0%
2 <sup>nd</sup> Deputy Fire Chief	\$13,200	\$13,600	3.0%
District Fire Chief/Engineer	\$6,600	\$6,800	3.0%
Firefighter	\$800	\$800	0.0%
Fire Auxiliary	\$400	\$400	0.0%
Fire Captain	\$1,250	\$1,250	0.0%
Fire Lieutenant	\$500	\$800	60.0%
Engine Steward	\$880	\$880	0.0%
Station Steward	\$1,100	\$1,100	0.0%
Ladder Steward	\$1,300	\$1,300	0.0%
LaFrance Steward	\$500	\$500	0.0%
Oil Inspector	\$1,747	\$1,747	0.0%
Rescue Steward	\$3,600	\$3,600	0.0%
Rescue Captain	\$3,000	\$3,000	0.0%
Rescue Lieutenant	\$1,500	\$1,500	0.0%
Rescue Training Officer	\$3,000	\$3,000	0.0%
Radio Officer	\$800	\$800	0.0%
Air Officer	\$1,500	\$1,500	0.0%

Summer Standby Coordinator	\$4,000	\$4,000	0.0%
Infection Control Officer	\$800	\$800	0.0%
<i>Non-Firefighter Positions</i>			
First Responders	\$25.00/hr	\$25.00/hr	0.0%
EMT-Basic	<b>\$26.18/hr</b>	<b>\$26.97/hr</b>	<b>3.0%</b>
EMT-Intermediate	<b>\$28.16/hr</b>	<b>\$29.00/hr</b>	<b>3.0%</b>
EMT-Paramedic	<b>\$30.90/hr</b>	<b>\$31.83/hr</b>	<b>3.0%</b>
Standby	\$25.00/hr	\$25.00/hr	0.0%
Safety Inspections	\$20.00/hr	\$20.00/hr	0.0%
Rescue Squad Participation (per quarter)	\$250	\$250	0.0%

Schedule C: To amend Schedule C, "Seasonal and Part-time Non-Union Positions," effective July 1, 2019, as follows:

<u>Grade</u>	<u>Actual FY 2019</u>	<u>Proposed FY 2020</u>	<u>Proposed Position Classifications</u>
T	New	\$24.13	Summer/On-Call Telecommunicator
N	\$20.72	\$21.13	Police Summer/On-call Dispatcher Special Needs Coordinator Seasonal Deputy Harbormaster
M	\$20.11	\$20.51	Code Compliance Officer COA Cook/Meal Coordinator
L	\$19.55	\$19.94	Parking Lot Technical Manager Returning Pier Maintenance Assistant Property Inspector (Assessors)
K	\$19.00	\$19.38	Assistant Harbormaster with police powers Returning Seasonal Assistant Harbormaster Returning Pier Office Assistant Police Officer, Summer/Auxiliary
J	\$18.44	\$18.81	No Positions Assigned
I	\$18.11	\$18.47	Parking Meter Collection/Repair COA Program Coordinator COA Transport Driver Pier Maintenance Assistant - First Year On-call van Driver
H	\$17.57	\$17.92	Police Matron
G	\$17.24	\$17.58	No Positions Assigned
F	\$16.74	\$17.07	Assistant Harbormaster w/o police powers Seasonal Assistant Harbormaster - First Year Pier Office Assistant - First Year Parking and Traffic Officers Parking Lot Assistant Technical Manager Parking Meter Enforcement Part-time Clerical Secretary, On-call Relief Transfer Station Laborer
E	\$16.43	\$16.76	Part-time Library Circulation Aide Special Need Counselor

D	\$15.96	\$16.28	On-call Library Circulation Aide Parking Lot Attendant/Out-booth/Floater
C	\$15.49	\$15.80	Barrels & Grounds Laborer Restroom/Building Custodian Seasonal Recreation Supervisor
B	\$15.20	\$15.50	<i>No Positions Assigned</i>
A	\$14.96	\$15.26	Parking Lot Attendant/In-booth Seasonal Recreation Aides <u>After School Recreation Aides</u> <u>COA Program Assistant</u>

or to take any other action relative thereto.

*[Requested by the Town Manager]*

**Explanation of Article 39:** *Schedule A is for full and part-time non-union positions that are included in the compensation plan. This year's plan does not include a cost of living wage increase. Schedule A does not set a salary or the rate of pay for Town employees, but rather sets the salary range for each job classification.*

*Schedule B is for Fire Department positions and increases are requested by the Board of Fire Engineers.*

*Schedule C is for non-union seasonal and part-time staff and provides for a 2% increase at all levels.*

**Article 40. Expenditures from the Tourism Fund.** To see if the Town will vote to transfer from the Tourism Fund the sum of \$750,000 to be expended under the direction of the Select Board 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. \$140,000 for coordination/support of the Visitor Services Board and the Tourism Department, and costs related thereto;
2. \$350,000 for marketing, and costs related thereto;
3. \$50,000 for municipal projects, and costs related thereto;
4. \$200,000 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 Select Board and the Visitor Services Board]*

**Explanation of Article 40:** *This article transfers \$750,000 from the Tourism Fund to cover the cost associated with the Tourism Office pursuant to the Five-Year Financial Plan for Tourism Fund Expenditures proposed by the Visitor Services Board and approved by the Select Board each year. Tourism funds are generated by 35% of the room occupancy tax.*

**Article 41. FY 2020 Human Services Grant Program.** To see if the Town will vote to raise and appropriate the sum of \$77,377 to be expended under the direction of the Select Board, 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	\$8,000
Cape Cod Children's Place	\$6,500

Cape Cod Dispute Resolution Center	\$1,777
Church of the Holy Spirit/Food4Kids Program	\$2,500
Consumer Assistance Council	\$600
Gosnold on Cape Cod	\$5,000
Helping Our Women	\$8,500
Independence House	\$7,000
Lower Cape Outreach Council, Inc.	\$6,500
Outer Cape Health Services	\$10,000
Soup Kitchen in Provincetown	\$7,000
South Coast Counties Legal Services	\$5,000
Total	<u>\$77,377</u>

or to take any other action relative thereto.

*[Requested by the Select Board and the Human Services Committee]*

**Explanation of Article 41:** *In this article, the Human Services Committee recommends funding totaling \$77,377, an increase of \$627 or .8 % of the amount approved for Fiscal Year 2019. These grants support 13 agencies that are actively providing services to Town residents of all ages, particularly those most in need.*

**Article 42. FY2020 Revolving Fund Spending Limits.** To see if the Town will vote to establish spending limits for FY 2020 for the following revolving funds established pursuant to MGL Chapter 44, Section 53E½:

1. Preservation of Town Hall Auditorium: up to a limit of \$125,000 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 Select Board;
2. Shellfish Grants: up to a limit of \$2,500 annually, to be expended under the direction of the Shellfish Warden and the Harbormaster for the purpose of shellfish seeding and cultivation on public shellfish areas;
3. B-Street Garden: 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: 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: 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: 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. Tree Fund Revolving Account: up to a limit of \$10,000 annually, for planting of trees on public lands and in the public way and other costs related to planting costs to be expended under the direction of the Town Manager;
8. Facilities and Grounds Rental Revolving Fund: 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 Select Board and the Town Manager]*

**Explanation of Article 42:** *This article authorizes the annual spending limits of eight existing and one new revolving fund. Under Massachusetts General Law the Town's residents must renew their authorization of revolving accounts spending limits each year.*

**SELECT BOARD**  
**TOWN OF PROVINCETOWN**  
Cheryl Andrews, Chairman  
Robert Anthony, Vice-Chairman  
Louise Venden  
Lise King  
John Golden

A TRUE COPY, ATTEST:  
Darlene Van Alstyne  
Town Clerk  
Date of publishing:

Provincetown Select Board  
**AGENDA ACTION REQUEST**  
Monday, March 11, 2019

2

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## PUBLIC STATEMENTS

Requested by: Select Board

Action Sought: Open

### Proposed Motion(s)

Three (3) minutes maximum. Select Board Members do not respond during Public Statements.

### Additional Information

### Board Action

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

## BOARD MEMBER'S STATEMENTS

Requested by: Select Board

Action Sought: Open

### Proposed Motion(s)

*Motions may be made and votes may be taken.*

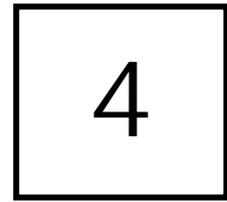
- **Lise King**
- **Louise Venden**
- **Robert Anthony**
- **John Golden**
- **Cheryl Andrews**

### Additional Information

### Board Action

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

Provincetown Select Board  
**AGENDA ACTION REQUEST**  
Monday, March 11, 2019



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## JOINT MEETING/PRESENTATIONS

None

Requested by: n/a

Action Sought: n/a

Proposed Motion(s)

**Discussion dependent. Votes may be taken.**

Additional Information

- 

Board Action

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



**Provincetown Select Board**  
**AGENDA ACTION REQUEST**  
**Monday, March 11, 2019**

**5A**

# **SELECT BOARD APPOINTMENT**

Year Round Market Rate Rental Housing Trust

**Requested by:** Town Clerk Darlene Van Alstyne

**Action Sought:** Interview

## **Proposed Motion(s)**

Discussion Dependent

## **Additional Information**

- See attached applications: Michela Carew-Murphy & Douglas Cliggot
- Douglas Cliggot is scheduled to be interviewed on March 22, 2019
- Appointing Authority Ends: March 23, 2019

## **Board Action**

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



TOWN OF PROVINCETOWN

Application for Town Board Membership

Name: Michela Carew-Murphy  
Please type or print

Resident Address: 99 Commercial St Provincetown, MA 02657

Mailing Address (if different): \_\_\_\_\_

Telephone #: 617-909-5763 Work # (508) 4871279

Email address: michela.carew.murphy@gmail.com

Please consider this as my application for  membership [ ] reappointment on the following Town Board(s).  
(Please list order of preference.)

1. Planning
2. Year Round Housing Trust
3. ZBA

Listed below are the applicant's skills, experience, background, or other factors which would contribute to these committees:

HDC alternate, economics + legal background  
year round resident

I hereby certify that I am a resident of the Town of Provincetown.

[Signature] 02.25.19  
Signature of Applicant Date

**TO THE APPLICANT: FILE COMPLETED FORM WITH THE TOWN CLERK**

<p>Town Clerk Certification: Applicant is a registered voter:  <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><u>[Signature]</u>  Name of Town Clerk</p>	<p>This application will remain on file in the Town Clerk's Office for 364 days from the date received.  Application Termination Date: <u>2.24.2020</u></p>
---	---

Date Received by Board of Selectmen

Date Received by Town Clerk

RECEIVED  
BOS  
FEB 25 2019  
CC: BOS/TM/ATM

RECEIVED  
FEB 25 2019  
TOWN CLERK



TOWN OF PROVINCETOWN

Application for Town Board Membership

Name: DOUGLAS CLIGGOTT  
Please type or print

Resident Address: 2 Creek End Hill Road Provincetown, MA 02657

Mailing Address (if different): \_\_\_\_\_

Telephone #: 508 487 2918 Work # ( ) \_\_\_\_\_

Email address: dcliggott@gmail.com

Please consider this as my application for  membership  reappointment on the following Town Board(s).  
(Please list order of preference.)

1. Year-round Market Fair Rental Housing Trust
2. \_\_\_\_\_
3. \_\_\_\_\_

Listed below are the applicant's skills, experience, background, or other factors which would contribute to these committees:

former Finance Comm.tee service 25 years  
experience in financial services asset  
management. currently teaching Finance  
and Money + Banking at UMass Amherst

I hereby certify that I am a resident of the Town of Provincetown.

Doug Cliggott 28 Feb 2019  
 Signature of Applicant Date

**TO THE APPLICANT: FILE COMPLETED FORM WITH THE TOWN CLERK**

Town Clerk Certification: Applicant is a registered voter: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>[Signature]</u> Name of Town Clerk	This application will remain on file in the Town Clerk's Office for 364 days from the date received. Application Termination Date: _____
---	---

Date Received by Board of Selectmen

**RECEIVED**  
**BOS**  
**FEB 28 2019**  
**CC: BOS/TM/ATM**

Date Received by Town Clerk

**RECEIVED**  
**FEB 28 2019**  
**TOWN CLERK**

Year-Round Rental Housing Trust Board of Trustees				
	First	Last	Position	Term End
1	TD	12/12/18	Regular	12/31/19
2	Nathan	Butera	Vice Chair	12/31/19
3	RA	1/23/19	Regular	12/31/21
4	Christopher	Andrews	Regular	12/31/21
5	Kevin	Mooney	Chair	12/31/20



**Provincetown Select Board**  
**AGENDA ACTION REQUEST**  
**Monday, March 11, 2019**

**5B**

# SELECT BOARD APPOINTMENT

Planning Board

**Requested by:** Town Clerk Darlene Van Alstyne

**Action Sought:** Interview

## Proposed Motion(s)

Discussion Dependent

## Additional Information

- See attached applications: Michela Carew-Murphy and Ross Zachs
- Ross Zachs is scheduled to be interviewed on March 22, 2019
- Appointing Authority Ends: April 22, 2019

## Board Action

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



TOWN OF PROVINCETOWN

Application for Town Board Membership

Name: Michela Carew-Murphy  
Please type or print

Resident Address: 99 Commercial St Provincetown, MA 02657

Mailing Address (if different): \_\_\_\_\_

Telephone #: 617-909-5763 Work # (508) 487-1279

Email address: Michela.carew.murphy@gmail.com

Please consider this as my application for  membership [ ] reappointment on the following Town Board(s).  
(Please list order of preference.)

1. Planning
2. Year Round Housing Trust
3. ZBA

Listed below are the applicant's skills, experience, background, or other factors which would contribute to these committees:

HDC alternate, economics + legal background  
year round resident

I hereby certify that I am a resident of the Town of Provincetown.

[Signature]  
Signature of Applicant

02-25-19  
Date

**TO THE APPLICANT: FILE COMPLETED FORM WITH THE TOWN CLERK**

<p>Town Clerk Certification: Applicant is a registered voter:  <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><u>[Signature]</u> Name of Town Clerk</p>	<p>This application will remain on file in the Town Clerk's Office for 364 days from the date received.          Application Termination Date: <u>2-24-2020</u></p>
--	---

Date Received by Board of Selectmen

Date Received by Town Clerk

RECEIVED  
BOS  
FEB 25 2019  
CC: BOS/TM/ATM

RECEIVED  
FEB 25 2019  
TOWN CLERK



# TOWN OF PROVINCETOWN

## Application for Town Board Membership

Name: Ross Zachs

Please type or print

Resident Address: S2 Creek Rd, #5 Provincetown, MA 02657

Mailing Address (if different): Box 1315, Provincetown

Telephone #: 860 841-8866 Work # ( ) \_\_\_\_\_

Email address: ROSSZACHS1@gmail.com

Please consider this as my application for [ ] membership [ ] reappointment on the following Town Board(s).  
(Please list order of preference.)

1. Planning Board
2. \_\_\_\_\_
3. \_\_\_\_\_

Listed below are the applicant's skills, experience, background, or other factors which would contribute to these committees:

1) Training to be a home inspector in Mass. Passed national exam and completed classes requirements.

2) Completed several construction projects in both Provincetown and Truro. Planned and was husband's project but attended the board meeting. Also board and permit meetings in Truro.

I hereby certify that I am a resident of the Town of Provincetown. see Book.

[Signature] 3/4/19  
 Signature of Applicant Date

**TO THE APPLICANT: FILE COMPLETED FORM WITH THE TOWN CLERK**

Town Clerk Certification: Applicant is a registered voter. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>[Signature]</u> Name of Town Clerk	This application will remain on file in the Town Clerk's Office for 364 days from the date received. Application Termination Date: <u>3.3.2020</u>
---	---

Date Received by Board of Selectmen **RECEIVED**  
**BOS**  
**MAR 07 2019**  
 CC: BOS/TM/ATM

Date Received by Town Clerk **RECEIVED**  
**MAR 04 2019**  
**TOWN CLERK**

Planning Board			
	First	Last	Position Term End
1	Jason P.	Potter	12/31/21
2	JG 2/22/19		12/31/21
3	Paul C.	Graves	12/31/19
4	Brandon	Quesnell	12/31/20
5	David	Abramson	Chair 12/31/19
Alt	John R.	Peters-Campbell	12/31/21
Alt	Shane	Landry	12/31/21



**Provincetown Select Board  
AGENDA ACTION REQUEST  
Monday, March 11, 2019**

**6A**

**VSB MARKETING GRANTS**

Discussion continued from February 25, 2019

**Requested by:** Chair Cheryl Andrews

**Action Sought:** Discussion

**Proposed Motions**

Discussion Dependent/Votes May Occur

**Additional Information**

- At the February 25, 2019 Joint VSB/BOS meeting, Chair Andrews proposed holding a discussion amongst the BOS before approving Matching Grants

**Board Action**

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



# MEMO

TO: David Panagore

FROM: Nina Cantor

RE: Matching Marketing Grants

DATE: March 6, 2019

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As requested, the following is the history and current information of the Tourism Fund Matching Marketing Grant Program:

## **Matching Marketing Grants (formerly Institutional and Co-Op grants)**

### **Purpose of Matching Marketing Grants**

Tourism funds are to be used to provide marketing through advertising placement and the creation and production of other forms of marketing for the purpose of enhancing the economic base of Provincetown's tourism industry.

Actual funding is to be used for the organizations marketing purposes throughout the fiscal year which help support the efforts of bringing **new** visitors to Town as well as promoting **re-visitation**. Applicants are asked to consider expanding advertising efforts outside of Town, as well as placing paid ads and boosting ads on social media sites. Funding includes the creation ads, press releases, digital media and social media platforms, website development, etc.

### **The History**

#### Institutional Grants:

From FY2011 through FY18 the Center for Coastal Studies, Fine Arts Work Center, Provincetown Art Association and Museum, the Pilgrim Monument and Provincetown Museum, and the Provincetown Theater all applied for grants (by filling out an application). Through FY2017, these were reimbursable grants.

In FY2018, the process was changed so that each organization received a Matching Marketing Grant but an application was still required. For FY 2019, an application was no longer required and each organization was granted \$5,000 (matching marketing).

#### Co-Op Grants

The grants for the Provincetown Business Guild and the Provincetown Chamber of Commerce historically were Matching Marketing Grants. Applications were never required.

Project Name	Awarded FY '19	Requested Awarded FY '18	Requested Awarded FY '17	Requested Awarded FY '16	Requested Awarded FY '15	Requested Awarded FY '14
Center for the Coastal Studies	\$5,000	\$5,000 / \$5,000	\$5,000 / \$4,000	\$5,000 / \$5,000	N/A	N/A
FAWC	\$5,000	\$5,000 / \$5,000	\$5,000 / \$4,000	\$5,000 / \$4,000	\$5,000 / \$3,250	\$5,000 / \$3,500
PAAM	\$5,000	\$7,500 / \$5,000	\$5,000 / \$4,000	\$5,000 / \$5,000	\$32,500 / \$9,000	\$20,000 / \$8,000
PMPM	\$5,000	\$9,350 / \$5,000	\$9,000 / \$4,000	\$8,850 / \$5,000	\$8,000 / \$3,500	\$7,750 / \$3,500
Provincetown Theater	\$5,000	\$20,000 / \$5,000	\$20,000 / \$4,000	\$20,000 / \$5,000	\$20,000 / \$5,000	N/A

PBG Matching Co-op	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
Chamber Matching Co-op	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000

#### Current FY2020 Matching Marketing Grants

The purpose of fine-tuning the grant program for FY20 was to be more structured, transparent, and all applicants treated equally. There are organizations that contribute to enhancing the economic base of Provincetown's tourism industry but were not eligible to apply for funding simply because they do not produce events. The new application process will also help with community understanding of how the program works as well as alleviate some of the administrative process.

For FY20, the following were incorporated into the Matching Marketing Grant Applications:

- All applicants must fill out an application
- All applicants must include their organizational/company budgets
- All applicants must include additional funding efforts through grants, sponsorships or in-kind
- Applications need to include a general marketing plan

(The Tourism office presented to the VSB and Select Board the updates in July 2018).

#### Additional Information about Matching Marketing Grants:

Items for up to a 50% match include:

- Advertising efforts
- Communications efforts – press releases, radio, video production, website development
- Creating, boosting or placing paid ads on social media sites
- The creation and execution of collateral (Brochures, event calendars, etc.)

**Funds NOT reimbursable include** design or execution of fundraising solicitations (annual appeals); Stationery, letterhead, business cards, etc.; Hotels, meals, and travel is not reimbursable.

Should you have any questions or need additional information, please feel free to reach out to me.



Provincetown Select Board  
**AGENDA ACTION REQUEST**  
Monday, March 11, 2019

6B

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APPOINTMENT OF LIAISONS

Stellwagen Bank Advisory Committee

Requested by: Select Board Louise Venden

Action Sought: Elect Board Liaisons

Proposed Motion(s)

**MOVE that the Select Board vote to appoint Louise Venden as Liaison to Stellwagen Bank Advisory Committee, for a term of one (1) year commencing immediately.**

Additional Information

- Position was previously held by Tom Donegan

Board Action

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



**Provincetown Select Board**  
**AGENDA ACTION REQUEST**  
**Monday, March 11, 2019**

**7A**

**POLICE STATION SUPPLEMENTAL FUNDING**

**Requested by:** Town Manager David B. Panagore

**Action Sought:** Discussion

**Proposed Motion(s)**

Discussion Dependent/Votes May Occur

**Additional Information**

- Town Manager Panagore's memo is attached.

**Board Action**

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

TO: Select Board

FR: David B. Panagore

RE: Police Station

DT: March 11, 2019

This memorandum details reasons leading to a request for a Town-wide ballot authorizing a Proposition 2 ½ Debt Exclusion for the supplemental funding required to complete the construction of the new Police Station.

As we are all aware, the estimates for the proposed new Police Station have come in over budget and approximately \$4M of supplemental funding is required to move the project forward. We have budgeted approximately \$1.1M from free cash towards this \$4M cost. The next step is determining the method of financing the remaining roughly \$3M. The Finance Committee has placed an article on the Town Meeting warrant to fund the remaining costs through existing and new revenues without resulting in any additional property tax. This memo provides the various pieces of information and perspectives that have led to this request that the Select Board approve a ballot question to authorize this additional funding source beyond the existing and new revenues.

Here are a few salient points that I believe impact this discussion:

- At the 2016 ATM, with a vote of 206 to 35, Town Meeting authorized \$8.6m towards a new Police Station. Subsequently, a debt exclusion to fund this cost was passed at the Town-wide election with a vote of 539 to 202.
- Actual construction bids for the work will be received on March 27<sup>th</sup>, so our discussion at the April 1<sup>st</sup> Town Meeting will be based on real numbers not the estimates we are currently using.
- Looking at the impact on taxpayers, the elimination of the Land Bank 3% surcharge will more than offset a potential tax increase to fund these supplemental Police Station costs.
- Each additional year that the project is postponed equals an estimated additional \$600,000/year in increased costs.
- While this project has been under consideration for nearly a decade, the need for a new Police Station has remained constant.

Regarding the approach by the Finance Committee, our existing and potential new revenues should allow us to cover the cost in approximately five (5) years with no long term financing required. If the new revenues come in far below any estimate, the capital stabilization fund, if dedicated to this project, could cover the costs within five (5) years. However, as the amount of new revenue is not known at this time, and there is no track record so the revenues streams won't be known for a year, possibly more, I am requesting additional fiscal protection so that we as a Town eliminate a risk while maximizing our options.

As to new revenues, the marijuana tax is currently estimated to generate \$120,000 to \$250,000 annually. As to the expansion of the room tax to include short term rentals, some suggest additional tax receipts up to \$600,000 to \$1,000,000 by FY21 when fully implemented. However, these remain estimates. Please note that all room tax dollars are currently allocated among the following four categories:

Wastewater Enterprise Fund	13%
Capital Improvement Stabilization Fund	25%
Tourism Fund	35%
General Fund	27%

The new room tax revenues generated by the expansion to cover short term rentals will follow the same formula. While the statutory allocation will need to be re-examined once the new revenue trend is established, in the short term, between the capital stabilization and general fund, roughly 50% of the additional revenue would be readily available each year.

As to the request for an override, my recommendation is one of fiscal prudence. The Proposition 2 ½ debt exclusion is not required to make the project happen, but it eliminates a risk in an otherwise important and necessary project. Authorizing and making available the debt override allows us greater flexibility in the budget process for the next few years. The other option of not passing it on the ballot may require harder choices between competing priorities, an override for such priorities or a delay by a year or two of a capital item if new revenues are not substantial.

Determinations on funding sources for ongoing obligations, such as this supplemental funding for a proposed new Police Station, are made in and through the annual budget process. The annual budget process establishes our priorities and appropriations are made, which will include determining which source of funds would be allocated towards the costs. For example, during next year's budget process, we would examine our existing and new revenues and calculate our free cash available while examining our capital plan to determine funding sources. That would then be reviewed by the Select Board, the Finance Committee and finally set before Town Meeting.

Certain powers and actions require a Town-wide ballot. In this instance, a Town-wide vote is required when a Proposition 2 ½ override is being requested. In this instance, the vote would be one that authorizes a method of financing on a project approved by Town Meeting. A debt exclusion override if passed can only be used to assist in financing the police station.

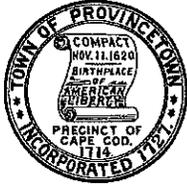
A Proposition 2½ debt exclusion question may only be placed before the voters at a regular or special municipal election by a two-thirds vote of the Town's "local appropriating authority", which by statute is defined as the Select Board. The Department of Revenue has determined that the required vote is two-thirds of the members present and voting. If there are four members present, a vote of 3-1 is required. If there are five members, a vote of 4-1 is required.

The Town of Provincetown is facing many needs and challenges. This is a time of change and we've been charged with moving the community forward, completing the projects that have dragged on for years, while in the years ahead we must as well address housing and climate change. While we work through and agree upon our work plans, we need to build our reserves and complete unfinished business, so we can clear the table and focus on a tighter agenda.

Form of the Vote:

*Shall the Town of Provincetown be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the bonds issued in order to provide supplemental funding for the Provincetown Police Station Project on the site located at 16 Jerome Smith Road, including all costs incidental and related thereto?*

I ask the consideration of the Select Board in this matter and look forward to your discussion.



**Provincetown Select Board  
AGENDA ACTION REQUEST  
Monday, March 11, 2019**

7B

## 2019 PARKING SEASON

Opening and closing of paid parking season

**Requested by:** Town Manager David B. Panagore

**Action Sought:** Discussion

**Proposed Motions**

Discussion Dependent/Votes May Occur

**Additional Information**

- Starting in 2017, the Select Board approved the waving of the parking fees for the month of April 2017
- This will be the third season of free parking in April
- 4-1-2 No-parking and 4-6-1 General provisions regulations will still begin on April 1, see attached
- 7-1-1 Free Structure is attached
- Tourism promotes regionally as part of their radio ad marketing
- Town of Provincetown Parking Season outline is attached.

**Board Action**

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

**4-1-2 NO PARKING**

Commercial Street Parking Ban<sup>22</sup> Parking shall be prohibited at all times on Commercial Street between Pearl Street and Central Street from April 1st, to October 31st, each year, Street Sweeping<sup>23</sup> on Commercial Street shall take place each year from Memorial Day weekend to Columbus Day weekend.

**4-6-1 GENERAL PROVISIONS<sup>61</sup>**

All unloading zones along Commercial Street, as designated in these regulations, and signed as such along said Commercial Street, shall be in effect and enforced April 1st, through October 31st, during the hours of 8:00am to 6:00pm daily, except for Sundays.

**7-1-1 FEE STRUCTURE<sup>115</sup>**

The fee structure for the MacMillan Pier Lot and Grace Hall Lot shall be as follows:

MacMillan Pier Parking Lot: 0 to 10 hours @ \$3.50 an hour, Maximum of \$35 for 24 hours

Grace Hall Parking Lot: 0 to 10 hours @ \$2.50 an hour, Maximum of \$25 for 24 hours<sup>116</sup>

## Town of Provincetown Parking Season 2019 Proposal

### January

- Parking department will order Provincetown parking permits for the season

### March

- Parking office will open on Monday the last full week of March to begin selling parking permits

### April 1<sup>st</sup>

- Commercial Street parking ban goes into effect

### April 15<sup>th</sup>

- Previous year's Provincetown parking permits end

### May 1<sup>st</sup>

- Parking Enforcement begins in Provincetown
- Paid parking begins in Provincetown
- Kiosk open and mechanical parking meters are installed
- Street Sweep on Commercial Street begins the Tuesday following Memorial Day

### October 31<sup>st</sup>

- Parking lots paid parking ends at 11:59 pm
- Kiosk and mechanical meters-paid parking ends at 11:59pm
- Enforcement ends at 11:59pm



**Provincetown Select Board**  
**AGENDA ACTION REQUEST**  
**Monday, March 11, 2019**

**7C**

**TOWN MANAGER'S REPORT**

Administrative Updates

**Requested by:** Town Manager David B. Panagore

**Action Sought:** Discussion

**Proposed Motion(s)**

Discussion dependent – votes may be taken.

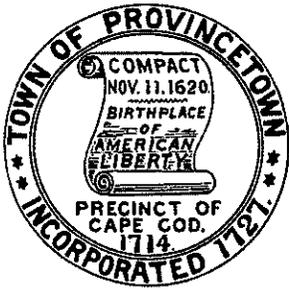
**Additional Information**

Please See attached documents:

- Town Manager's Report

**Board Action**

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



## TOWN MANAGER

# Memo

**To:** The Select Board  
**From:** David B. Panagore, Town Manager  
**Date:** March 6, 2019  
**Re:** Town Manager's Report

---

This report is for the period February 23<sup>rd</sup>, through March 6<sup>th</sup>, 2019

1. General

Contracts:

Provincetown DPW Facility Master Plan Study and Partial Schematic Design with Weston & Sampson for \$120,000

2. Meetings and/or Conferences

February 23<sup>rd</sup> – Coffee Hour at the Library with Residents

February 25<sup>th</sup> – Select Board Meeting

February 27<sup>th</sup> – Department of Housing and Community Development (DHCD) Housing Choice Initiative at the Statehouse

February 27<sup>th</sup> – Lower and Outer Cape Beach Safety and Shark Issues Meeting at the Statehouse with Senator Julian Cyr and Representative Sarah Peake

March 1<sup>st</sup> – Select Board Meeting

March 4<sup>th</sup> – Radio Interview with NEXT New England RE: Rural Broadband

3. Personnel Matters

New Building Inspector - On March 4<sup>th</sup>, the Town of Provincetown welcomed James Nickerson as the new Local Building Inspector. Mr. Nickerson is a native Cape Codder who worked as a private contractor throughout the Cape, and has widespread knowledge of building codes, regulations, and executions. Mr. Nickerson replaced Dave Rowell, who left the Town in February, and will be an asset to the Community Development team (*Community Development – Building Division*).

Open Positions:

Emergency Management and Transportation Coordinator

Entry Level Police Officer

Highway Skilled Laborer

Seasonal Pier Corporation Positions

Seasonal Parking Department Positions  
Seasonal Fire Department Positions  
Seasonal DPW Positions  
Seasonal Police Officers and Summer Community Service Officers  
On-Call Telecommunicators

#### 4. Department Update

*This bi-weekly update provides an update of recent town department activity. Key items are highlighted in bold.*

##### **Meetings of Note**

Building Inspectors District Meeting: The Building Commissioner attended the Cape and Islands Building Officials monthly meeting in Hyannis. The topics discussed during these meetings are specific to issues that the Cape and Islands deal with directly as opposed to State wide Building concerns. The meeting, held February 26, 2019, was related to Historic Buildings and Structures in the Floodplain and detail of review processes (*Community Development – Building Division*)

Comprehensive Economic Development Strategy (CEDS): The Town Planner and Project Administrator attended stakeholder workshops on February 26, 2019 and February 28, 2019 as part of the Cape Cod Commission's CEDS plan development. The CEDS plan allows Cape communities to qualify for grants from the federal Economic Development Administration, and participation by Town Staff ensures that our interests are represented in the final plan (*Community Development – Planning Division*).

MUNIS Best Practices: The MIS analyst and Finance Director visited the Town of Yarmouth's finance department on March 6<sup>th</sup> to observe implementation and reporting options for the Utility Billing and Payroll MUNIS modules (*Finance Department*).

##### **Goal 1-Economic Development**

*Support efforts to improve residential quality of life*

**Battle of the Badges: Sunday March 10<sup>th</sup>, at 2pm, at the High School gymnasium, will mark the 7<sup>th</sup> annual Battle of the Badges. Police and Fire Departments will square off against each other in a friendly competitive basketball game in hopes to take back to their respective station the coveted Battle of the Badge's plaque. Each year the Recreation Department organizes this game, with the help of the Provincetown Parents Teachers Association (PTA), to fundraise for items that Provincetown Schools students need. The PTA collects admission at the door (\$5 for adult and \$2 for children), and they administer the funds. Previous proceeds have gone to new sports team uniforms and this year**

**the proceeds of this game will go to benefit the Provincetown Schools 7<sup>th</sup> and 8<sup>th</sup> grade trip to Costa Rica. This great event is possible thanks to the Police for and Fire departments who are willing to donate their time for this charity event (*Recreation Department*).**

**Adult Dodgeball:** The Recreation Department created an Adult Dodgeball League that will run until March 26<sup>th</sup>. There are currently 4 teams, require each team to have at least two men and two women, and have a maximum of 9 players per team. This program, free of charge, has 30 people competing in dodgeball on Tuesday nights, and is of minimal cost to the town. In an effort to build more adult activities in the evening during the offseason, the department will build off this initial program and keep rolling into other nontraditional sports which all can participate (*Recreation Department*).

**Special Town Election:** The Town Clerk's office ran a successful Election, many thanks to staff and volunteer support. The Election results were sent the Secretary of the Commonwealth. The annual town report was finalized and sent to print on March 5<sup>th</sup>. The reports will be available the last week of March prior to the start of Town meeting (*Town Clerk*).

**Healthy Aging-Cape Cod (HA-CC) Age-Friendly Initiative:** The deadline for the aging survey, the first step of the regional assessment process, was March 1<sup>st</sup>. The data will now be analyzed by HA-CC and shared with the Town later in the spring. The second step is a checklist that identifies areas of strength and challenges in town along 8 domains. The COA Director and Town Planner are working together to engage Town Departments, Committees, and the community-at-large on input for this task (*Council on Aging*).

**Community Health Network Area (CHNA) Presentation:** CHNA 27 -Cape Cod is a regional coalition of public, non-profit and private sector groups working together to build healthier communities. The topic of their March 14<sup>th</sup> meeting will be "Councils on Aging: What Do They Do?" COA Directors, including Provincetown, will present an overview of shared mission and scope followed by an opportunity for each to highlight special programs or events. This is an opportunity to network and increase visibility for the Town of Provincetown's program (*Council on Aging*).

**Program Highlights:** The Provincetown Senior Center offers about 190 programs and services annually. Some of the most popular and innovative recent offerings include a Women's Radical Aging Group, Weaving, Grace Note Ukulele Group, a Healthy Brain series, FAWC Poetry Class, Music Salon and monthly documentary and classic movies (in addition to the weekly current film offering) Please consider attending one of these events (*Council on Aging*).

## **Goal 2- Housing**

*Enforce policies that create housing opportunities while maintaining Town character*

VFW: Advertising for proposals from consultants for the development and community engagement process for both the VFW and the current police station site on Shank Painter Road proposals are due March 14<sup>th</sup>, 2019. This critical step is necessary to determine the best options for the site (*Housing and Economic Development Division*).

*Increase Community Housing availability*

**Harbor Hill: Progress continues on Building 5, and a lottery was held on February 27, 2019, for the first round of applicants who submitted their paperwork this past fall. As the units in Building 5 become available, they will be offered to appropriate households based on targeted income, household size, and need for accessibility. The targeted date to offer the 6 units available in Building 5 is in April. The invitations for bids for General Contractors to complete the renovations on Buildings 4,6, and 7 are due March 7, 2019, following a formal extension request. Additional lotteries will be held as the remaining building's renovations are complete. Opportunities for residents to apply for residency will be publicized as work progresses on site (*Housing and Economic Development Division*).**

## **Goal 3-Built and Natural Environment**

*Promote Policies and programs that protect and sustain the natural environment, and our community's way of life*

Zoning Articles: The Planning Board issued notice for its hearing March 14<sup>th</sup> on zoning articles. The Planning Board Chair and the Town Planner discussed the proposed changes on the Town Talk Radio Show on WOMR on March 1<sup>st</sup>, and detailed presentations are being developed to provide greater understanding to the general public (*Community Development – Planning Division*).

Bas Relief: Invitation for bids for the restoration of the Cyrus Dalin tablet and park are due March 7, 2019. A briefing for interested contractors was conducted on February 25, 2019. Once acceptable bids are received and vetted, the Town anticipates work to start on site later this spring (*Housing and Economic Development Division*).

Commercial Street Reconstruction: Highway Department is preparing to move forward with the fourth phase of Commercial Street Reconstruction. Construction bids were due on February 19<sup>th</sup>, a contractor awarded the contract, and construction is anticipated to begin in the middle of March (*Department of Public Works*).

Highway Department: Highway personnel continue to be called out for snow and ice operation. Administrative staff is finalizing the bid documents for the Bradford/Standish Street improvements in front of the Gulf Station and the Alden Street parking lot, which will be advertised in the Central Register as well as the Town website (*Department of Public Works*).

*Promote efforts to improve our streetscapes and intersections for safety and convenience of pedestrians, bicycles, and vehicles*

Buildings & Grounds: The Building / Grounds crew will continue to cut back the overgrowth along the property lines in the cemeteries, the interior painting of the bathrooms at the MPL and Firehouse #2, preparatory work for the clean agent fire systems at the server locations, and general maintenance throughout town. We are waiting for the delivery of the new Automatic Transfer Switch for the VMCC generator which will be installed as soon as it is received, finalizing the purchase of the standby generator, the exhaust fan for the VMCC kitchen, and the VMCC roof coating bid. We are also working on the repairs to the slate roof at Town Hall, as well as getting a contractor to repair the front façade (*Department of Public Works*).

*Support efforts to bring forward a local comprehensive plan for the use of all Town owned land*

Local Comprehensive Plan: The Planning Department has begun distributing paper copies of the online survey it created to aid in the development of the plan, with a positive early response rate. An additional mailing will be sent to all voters in the coming weeks. Drafting of the plan continues, and comments from the survey will be used to adjust the framework established by the copious planning outreach already done as part of the update process (*Community Development – Planning Division*).

#### **Goal 4-Community Engagement and Communications**

*Develop and sustain existing programs and community forums that foster education on issues of public concern*

New Police Station: The Building Committee will host a Question and Answer session regarding the proposed Police Station at the Council on Aging in the VMCC Building on Thursday March 21<sup>st</sup> at 10 AM. The public is encouraged to attend (*Department of Public Works*).

*Use the Town Library as a resource, continue to invite and encourage community engagement through outreach and programing*

Food For Fines: During January and February 50 patrons donated over 180 food and personal care items in place of their fines. Five patrons regained full use of their library account as a result. The items were then donated to SKIP and HOW. The Library will offer this program again in April (*Library*).

Binge Boxes are here! The Library now offers "binge boxes," which are a collection of DVDs packaged together for a two week circulation surrounding one topic or theme. The themes include, "The American West," "Cape Cod," "Provincetown," "Writers with Writer's Block," and "Marvel Phase 1." Each box comes with a complimentary bag of microwave popcorn (*Library*).

4<sup>th</sup> Annual Moby Dick Read Aloud Marathon: Planning for the annual marathon has begun at the Library, with staff looking for willing readers. Interested parties please contact Brittany Taylor [btaylor@provincetow-ma.gov](mailto:btaylor@provincetow-ma.gov). This is a special year for this event as 2019 marks the 200<sup>th</sup> anniversary of Herman Melville's birth (*Library*).

Improve public access to Government through and updated Town website Website: Content migration will be complete as of March 8, 2019, at which time Town staff will be given access to the staging area where the new site resides. Once this happens, our consultant will be scheduling a follow-up session with Select Board members Louise Venden and Cheryl Andrews to review the site while it is still in the staging area. If other Select Board members are interested in participating as well, please contact Erin Ellis, Project Administrator, to set up a time to meet with the consultant. We are expecting to go live by the third week in April (*Management Information Systems Department*).

#### **Goal 5-Emergency Planning and Management**

*Effectively prepare the community, through the use of emergency planning efforts and training*

Water Department DPW staff attended a Confined Space Entry training class hosted in Provincetown on March 4<sup>th</sup>. This training was submitted for approval to the Board of Drinking Water Operators for issuance of certified Training Contact Hours necessary to maintain Drinking Water Operator licensure (*Department of Public Works*).

*Ensure that business continuity and system recovery plans are in place, so that recovery efforts can begin immediately after the emergency, ensuring return of normal activities*

Courtesy Float: On February 9<sup>th</sup>, one of the chains that hold the courtesy float in place between pilings got stuck in a hole below the low water line. This was caused by galvanic corrosion, and when the float was pinned underwater, the whalers or sides of the dock cracked in half. Once the chain was freed, it was determined that the dock will require repair. This work is something which the Pier Staff is both familiar with and can accomplish with materials on hand, as well as complete prior to opening for the season (*Harbormaster*).

*Propose zoning and other regulatory bylaws to improve public safety and emergency preparedness*

**Resilient Provincetown (Municipal Vulnerability Preparedness) Plan: The MVP Workshop** has been scheduled for Friday, March 15<sup>th</sup>, starting at 8am, at the Provincetown Center for Coastal Studies. This workshop is

an essential part of the MVP certification for the Town, and needs input from the community. Outreach to Town boards and civic organizations continue, with the goal of having at least 60 people attend (*Community Development – Conservation*).

## Goal 6- Government, Operations, and Finance

### Government and Operations

*Support organizational excellence*

**Town Meeting:** On March 1<sup>st</sup> the Select Board finalized the warrant for Town Meeting. The Finance Department continues to work on creating motions and Town Meeting Books in preparation of Town Meeting on April 1<sup>st</sup> (*Finance Department*).

### Finance

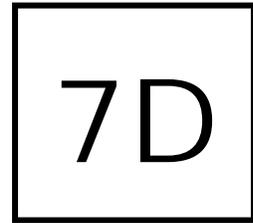
*Enforce strong financial policies and internal controls to improve transparency and to continue Provincetown on a secure and stable financial path*

**Payroll:** With an unexpected vacancy in our payroll division, the finance department is taking the opportunity to reorganize and develop best practices as well as create centralized on boarding and off boarding processes (*Finance Department*).

**MUNIS MIS** has been working closely with the Finance and Water Departments to implement the utility billing module. Steady progress has been made over the past few weeks during the conversion process from the legacy system, discussed in the February 5<sup>th</sup> update, to the virtual machine. A printable water invoice is now available in the MUNIS interface in preparation for the next billing cycle (*Management Information Systems Department*).

**Library:** MIS has been working with Library staff to come up with a plan for mobile printing and implementing options for credit card payment. Currently, Library patrons are required to use one of the public computer terminals in order to print. Payment is facilitated through a vending option that only accepts bills and coins. Research is being done to find potential solutions that will offer a credit card reader, as well as online payments (*Management Information Systems Department*).

Provincetown Select Board  
**AGENDA ACTION REQUEST**  
Monday, March 11, 2019



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## CONTRACT REPORT

### Updates

Requested by: Town Manager David Panagore

Action Sought: Discussion

### Proposed Motion(s)

**Discussion dependent – votes may be taken.**

### Additional Information

Notification to the Select Board that Grant Approvals and Contracts listed below are set to be executed by the Town Manager. Please let me know if you have any questions.

Attached Contracts will not be printed to save on paper but available for viewing upon request of the Secretary to the Select Board.

- \$120,000 Provincetown DPW Facility Master Plan Study and Partial Schematic Design with Weston & Sampson for \$120,000

### Board Action

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



**Provincetown Select Board  
AGENDA ACTION REQUEST**

**Monday, March 11, 2019**

**8**

**MINUTES OF THE SELECT BOARD'S MEETINGS**

**Requested by:** Select Board

**Action Sought:** Approval

**Proposed Motion(s)**

Move that the Select Board approve the minutes of:

February 25, 2019 5:00 pm (Special) [ ] as printed [ ] with changes so noted

February 25, 2019 6:00 pm (Regular) [ ] as printed [ ] with changes so noted

March 1, 2019 11:30 am (Regular) [ ] as printed [ ] with changes so noted

**Additional Information**

See attached minutes.

**Board Action**

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

**TOWN OF PROVINCETOWN – SELECT BOARD  
MEETING MINUTES  
JOINT MEETING WITH VSB  
MONDAY – FEBRUARY 25, 2019 – 5:00 PM  
JUDGE WELSH ROOM - 260 COMMERCIAL STREET**

Chair Cheryl Andrews convened the open meeting at 5:00 PM noting the following attendees:  
Board of Selectmen members: Chair Cheryl Andrews, Vice Chairman Robert Anthony, Members John Golden, Lise King and Louise Venden

Excused:

Other attendees: Town Manager David Panagore, Tourism Director Anthony Fuccillo, Assistant Tourism Director Nina McCormack, Visitor Services Board Chair, Rick Murray, Visitor Services Board Vice Chair Lesley Marchessault, Visitor Services Board Members Andrea Sawyer, Jay Gurewitsch, Regina Cassidy and Susan Avellar.

Recorder: Elizabeth Paine

- 1. Joint Meeting with the Visitor Services Board: Review and consideration (Votes May Occur)**
  - A. FY2020 Event Marketing Grants**
  - B. FY2020 Matching Marketing Grants**

The Select Board asked the VSB to discuss some of the thought process that goes into how the VSB decides which events and matching grants receive money and how they decide the award amount that is given out. They also discussed some of the concerns that the Select Board brought up last summer; how to measure success, nonprofits verse profits, and amount of time VSB is administering the grant program.

The VSB explained how they view the application process and matrix presented by staff.

**MOTION: MOVE that the Select Board vote to approve 1-43, excluding 9 & 32.**

<u>No.</u>	<u>Event</u>	<u>FY20</u> <u>Recommended</u>	<u>No.</u>	<u>Event</u>	<u>FY20</u> <u>Recommended</u>
1	Improvincetown Provincetown Coastal	\$500	23	WOMR Benefit Film Series	\$750
2	Rowing Regatta Peregrine Theatre	\$1,500	24	Open in Provincetown	\$0
3	Ensemble Great Music on Sundays	\$2,200	25	Annual Halloween Ball	\$2,500
4	@5	\$2,200	26	Mr. New England Leather	\$2,700
5	Portuguese Festival	\$6,000	27	Canteen Holiday Market Outer Cape Chorale	\$1,250
6	Girl Splash	\$5,800	28	Concerts	\$2,000
7	Family Week	\$800	29	Holly Folly	\$6,500

8	Carnival Great Provincetown	\$3,600	30	First Light Provincetown	\$7,500
9	Schooner Regatta	\$6,000	31	Miss Gay MASS US of A	\$2,500
10	Paint the Race Provincetown Swim for	\$0	32	Women's Media Summit	\$2,300
11	Life	\$1,500	33	Jamaica On Film	\$500
12	Afterglow Festival	\$4,200	34	Single Women's Weekend	\$4,800
13	Cape Cod Classic	\$500	35	Twenty Summers Broto - Art, Science	\$1,750
14	TEDxProvincetown Provincetown Book	\$2,000	36	Collaboration	\$3,200
15	Festival	\$1,500	37	Cabaret Fest Provincetown Dance	\$3,200
16	Ptown Classic Women Flag Football Tournament	\$500	38	Festival	\$750
17	Tennessee Williams Theater Festival	\$8,500	39	Women of Color Weekend	\$5,500
18	End of the Earth Comedy Arts Festival	\$750	40	Provincetown Pride	\$10,000
19	Women's Week	\$8,750	41	Encaustic Conference	\$1,800
20	Fantasia Fair	\$2,500	42	WorldFest Provincetown Int'l Film	\$500
21	Day of the Dead Festival	\$1,500	43	Festival	\$17,000
22	Mates Leather Weekend	\$4,000			

**Matching Marketing  
Grants**

No.	<u>Organization</u>	<u>FY20 Recommended</u>
44	Center for Coastal Studies	\$4,500
45	Fine Arts Work Center	\$4,500
46	Pilgrim Monument & Provincetown Museum	\$2,700
47	Provincetown Art Assoc. & Museum	\$4,500
48	Provincetown Business Guild	\$15,000
49	Provincetown Chamber of Commerce	\$15,000
50	Provincetown LGBTQ Welcome & Resource Center	\$7,500
51	Provincetown Theater	\$4,500

**Motion: Louise Venden**

**Seconded: John Golden**

**5-0-0 Motion passed.**

**Move that the Select Board vote to approve 9 as presented**

**Motion: Lise King Seconded: Robert Anthony**

**4-0-0**

**Move that the Select Board vote to approve 32 as present**

**Motion: Cheryl Andrews Seconded: Louise Venden**

**4-0-0**

**Chair Andrews – we will take no action on 44 – 51.**

**Without objection Chair Andrews adjourned the meeting at 5:59 pm.**

Minutes transcribed by: Elizabeth Paine

Meeting can be viewed at:

<http://view.earthchannel.com/PlayerController.aspx?&PGD=provincetv&eID=1481>

**TOWN OF PROVINCETOWN – SELECT BOARD  
MEETING MINUTES – REGULAR MEETING  
FEBRUARY 25, 2019, 2019 6:00 PM  
TOWN HALL – JUDGE WELSH ROOM**

Chair Andrews convened the open meeting at 6:00 pm noting the following:

Select Board attending: Chair Cheryl Andrews, Vice Chair Robert Anthony, Members John Golden, Lise King and Louise Venden

Excused:

Other attendees: Town Manager David B. Panagore, Assistant Town Manager David Gardner, Select Board Secretary Elizabeth Paine

Recorder: Elizabeth Paine

***Consent Agenda – Approval without objection required for the following items:***

- A. *Treasurer Transfer – Recycling Gift Fund – approve the use of gifted funds to pay \$375.00 to Narrow Land, LLC for design and development expenses for the Provincetown Recycling and Renewable Energy Committee*
- B. *Treasurer Request – Fire Trucks – Determine maximum useful life of departmental equipment authorized by Article 10 of the April 2, 2018 special town meeting pursuant to M.G.L. c. 44§ 7(1)*
- C. *Refer proposed Zoning Bylaw amendments to the Planning Board, in accordance with M.G.L. c.40A §5.*
- D. *File vacancy notice with the town clerk for the 2019 Annual Election for such office(s): two (2) Select Board Vacancies for a three-year term, two (2) School Committee Vacancies for a three-year term, one (1) Housing Authority Vacancy for a three-year term, one (1) Board of Library Trustees Vacancy for a three-year term, one (1) Charter Compliance Commission Vacancy for a three-year term and one (1) Charter Compliance Commission Vacancy for a two-year term, in accordance with M.G.L. c.41 §10.*
- E. *Appoint Sue Jungi to the Recycling and Renewable Energy Committee as a regular member with a term ending of December 31, 2021*
- F. *Appoint David B. Panagore as the Provincetown Representative to the Cape Cod and Islands Water Protection Fund Management Board*
- G. *Appoint Timothy Famulare as the Provincetown Representative to the Barnstable County Coastal Resources Committee until replaced.*

**Without objection Chair Andrews waived the reading of the consent items and without objection they were approved unanimously by the Select Board.**

**1. Public Hearings:**

- A. **Public Hearing - Continued Public Hearing - November 19, 2018, December 10, 2018 and January 28, 2019 –Shank Painter Road/Route 6 Intersection - Reconstruction Project.**

DPW Director Richard Waldo was present along with Environmental Partners Jim Fitzgerald and Benny Hung, and Tom Curry with Mass DOT recap the last meeting and to answer follow up questions asked at the previous public hearing. Mr. Fitzgerald returned with 2012-2016 crash and traffic volume data. Another concern Mr. Fitzgerald address was alternative curb treatments. A discussion between the Board and the engineers ensued.

**PUBLIC INPUT:**

- Jay Gurewitsch – I want to thank the staff who has been working on this. I would continue to urge you to focus on the division of the pedestrians on the outer lanes, than the bike and cars.
- Rik Ahlberg – We love this project overall, we are in full support 1 way of bike lanes on either side of the road.

**MOVE that the Select Board authorize the DPW Director and engineers to move forward with the alternative 1b.**

**Motion: Louise Venden**

**Seconded: John Golden**

**VOTED**

**In Favor: 5**  
**Opposed: 0**  
**Abstain: 0**

Mr. Fitzgerald continued the presentations by talking about flooding and draining and redesigning the Route 6 and Shankpainter Road intersection.

**PUBLIC INPUT**

- Mark Del Franco – my recollection is that the new police station will have a route 6 intersection.
- Deb Trovato – I am firm believers that if it isn't broken, don't fix it.
- Duane Steele – we aren't playing chess, but I urge you to simplify. This is complexity we don't need. I don't want to see something grotesque like that on our landscape
- Rik Ahlberg – the bike committee strongly prefer option 2, as far as safely, option 2 is far safer. It would allow us to put something pretty. It is a great opportunity to fix a problem area. I would like to see it made safer with the roundabout option.
- Mary Jo Avellar – I am confused about the truck discussion, is this going to be a two-way rotary? I think right now everything is fine. I think in the last couple of year, there was a push to gentrify Provincetown. Now we are taking about putting sidewalks on Shank Painter road, we know they don't use them on Bradford.
- Jay Gurewitsch – I speak to support alternate 2 as I use the dog park frequently. Anything that can be done to help designate where people should be, will help sufficiently. For everything that I have read, where rotary works, is when you go from a highway to a neighborhood and I am firm believer in fax.
- Duane Steele – the abutters received no notice of this hearing. I think we are making it a little too complicated. I know you have approved what alternate you want, but I would really like to hear what the police and fire chief think about the 4 feet between emergency vehicles. When this road was built, there was nothing but one barn where the laundry mat is. This constant talk of an 80 ft. right-away is outdated. Now there are home and parking, but I hate to repeat what has already been said, but if it isn't broken don't fix it.

**SELECT BOARD INPUT**

- Cheryl Andrews – all the diagrams show the road diet to be altered. Does this mean that if we chose the roundabout, does this mean that the highway would only be this option? I would have to have clarity? If the board decides not to have the rotary does this mean we are automatically done. If the board choose to leave route 6 the way it is, would you still recommend the roundabout.
- John Golden – either way, you could handle traffic at the intersection regardless of what you do for the road diet.
- Lise King – as someone who rides their bike, down and across the highway, riding there is really scary. So many of our year-round resident live across the highway. There is no safe way to walk on Shank painter road. Looking at long term development, we are looking at safety concerns.
- Louise Vended – I think one of the things you had spoken about is the amount of bikes that use Bradford along Herring Cove. My hope is that if we improved bike traffic here, it would reduce the amount of traffic on Bradford. There is further construction at the VFW site, the old O'Malley site, and the old Police Station; I think there has been a hazard for bike traffic on that side of Bradford. These improvements would do us well, but I think if we have more data on the increase development at these locations would be important.
- Robert Anthony – I think we should continue the hearing. As far as shank painter and route 6, there are some things that concern me, making two-way traffic to herring cove. We will be drawing all the bicycling to route 6 to the intersection and where to we put them after. I think traffic signals would suffice.

- John Golden – the one thing I see is the fly way around the round about is that it comes right up to the dog park. They would be going 50 mph through the apron and then come to a stop for the dog park.

**Chair Andrews continued the public hearing to April 22, 2019**

**B. Joint Public Hearing with the Finance Committee – Proposed FY2020 Annual Budget, in accordance with c. 6 §4(g) of the Provincetown Charter.**

Finance Committee Chair Mark Hatch convened at 7:14, members Duane Steele, Mark Del Franco, Mark Bjorstrom and Richard Capelli were present.

Town Manager David P gave additional information on the changes to the budget since the last time the Select Board heard from it. A discussion ensued. There were no public comments made.

FINCOM is recess at 7:24 pm to move into Caucus Hall.

**2. Public Statements:**

- Kristen Walker – Director of the Provincetown Film society. We have enjoyed the support of the VSB for many years. We have gone from few day event to a year-round events. One of the events we will be putting forward is the Jamaican Festival,

**3. Select Board Member’s Statements:**

- **John Golden** – I really nothing to say, but Thank you for the people who put me here.
- **Lise King** – I would like to congratulate our newest board member. We are a community of 50% men and women, we have a growing minority population, and I would like to just encourage support of this. My previous comments were to point out there was an opening and encourage people to apply.
- **Louise Venden** – I would like to congratulate John on his election, I have seen his work and look forward to working with him. I also want to congratulate Michela on her campaign. My hope is that we will be able to continue to reach out to people of minority, to encourage their participation in the boards and committees. I worked on the FINCOM for 3 years being the only women; it is very difficult to get women to step up.
- **Robert Anthony** – I want to welcome John to the Board, I respect his common sense and his approach to solving problems on this board and he is going to be an asset.
- **Cheryl Andrews** – It feels great to have the full board, it is nice to have someone here with regulatory board experience that you bring, the number of years you have been in town and the years that you have been on that board. Two comments, the number of elective officials that have spoken online and in media, the number of people calling for his resignation, I have already added my name to call on the commissioner to resign. I do not feel it is as a board to reign, but I think if you wish to personally, you should add your name to it. We lost someone this month, David Murphy, for those of you who remember, brought the Harbor Plan to Town Meeting 20 meetings ago. He and Gwen had a sail boat, and he started taking me sailing, he changed my life, I got bite by the bug. Because of him, I bought a boat. What David did for our town, he was involved in the new design for the pier. He was one of those people that are easy to forget because he isn’t here.

**4. Joint meeting/Presentations:**

- A. Presentation by Eversource’s Director of Clean Energy Development Charlotte Ancel – continued from December 10, 2018, 90 Race Point Road (Transfer Station) – Eversource Community Battery presentation, to include the preliminary site plan, address health and safety concerns and review the permitting process and timeline.**

Environmental Planner Timothy Famulare was joined by Eversource’s team; Ms. Ancel, Brian Bosey, Colin Duncan and Bob Smith to talk about the Eversource Community Battery that would be constructed at 90 Race

Point Road. At the last meeting the Board entered into a lease agreement to begin the permitting process. Eversource came back to answer some of the questions the Board raised in December in regards to permitting, site plan and environmental health. Ms. Ancel discussed Eversource's intention for the project; improving reliability for the towns on the outer cape by over 50% while avoiding building poles and wires through 13 miles prominently in the Cape Cod National Seashore and avoiding environmental impact doing that. The presentation and discussion went over site design, environmental issues: safety, environmental impact of sound and EMF and operating demands.

**5. Appointments:**

**6. Requests:**

**A. Renewable and Recycling Energy Committee – Policy request. Ban the purchase by the Town of Provincetown of plastic water bottles under one gallon.**

Jay Gurewitsch was present for the meeting. Town Manager submitted an amended version. Chair Andrews asked that the policy is additionally amended to say, this policy excludes all town departments when engaged in public safety operations.

**MOVE that the Select Board approve Select Board Policy 2019-2-25 as amended.**

**Motion: Cheryl Andrews      Seconded: Robert Anthony**

**VOTED**

**In Favor:      5  
Opposed:      0  
Abstain:      0**

**B. Tourism Economic Activity Report Discussion**

Tourism Direct Anthony Fuccillo gave an overview of the tourism economic activity report. The report goes over economic indicators such as transportation, accommodations, attractions and activities. Most of these indicators are formulated from tax revenue as well as water and sewer use. The Board and Mr. Fuccillo discussed the data used for the report.

**C. Alteration of Layout for Route 6 to accommodate the Police Station Building Site**

Assistant Town Manager David Gardner present, this will allow the development of the lot at Jerome Smith.

**MOVE that the Select Board vote its intention to alter the layout of a portion of Route 6 as a public way to exclude from said layout the parcel of land shown as ““Lot 1 131,166± SF. (3.01± Ac.)” on a plan entitled “Route 6 Alteration and Division Plan,” dated October 1, 2018, prepared by Coastal Engineering Co., and that the Select Board forward the layout alteration plan to the Planning Board for its comments and recommendations pursuant to G.L. c. 41, §§ 81G and 81H.**

**Motion: Louise Venden      Seconded: John Golden**

**VOTED**

**In Favor:      5  
Opposed:      0  
Abstain:      0**

**D. Acceptance of bid for Sightseeing Vehicle Space RFP for Pedal Ptwn and approval of License Agreement**

Assistant Town Manager David Gardner is presented the proposal. Rik Ahlberg, the applicant, was present to discuss with the Board his business ideas. The board expressed their concerns about safety and having the agreement's terms be the same as other

RFP's in town for parking.

**MOVE that the Select Board vote accept the RFP bid submission for Pedal Ptown to operate a sightseeing vehicle / tour opportunity on the identified parking space located on Standish Street between Commercial Street and Bradford Street and move that the Select Board vote to approve the License Agreement with Pedal Ptown for the exclusive use of the sightseeing vehicle / tour opportunity parking space on Standish Street.**

**Motion: Lise King Seconded: John Golden**

**VOTED**

**In Favor: 5  
Opposed: 0  
Abstain: 0**

**E. Town Board and Committee Vacant Positions – monthly report from Town Clerk's Office**

Secretary Elizabeth Paine – brought this to the board's attention to draw the public's attention to current openings.

**F. March and April Select Board Meeting Schedule**

Secretary Elizabeth Paine – brought this to the board because of the addition of the Seashore Point forum happening on March 20, 2019 3:30 – 5:50 pm.

**G. Insertion of Articles for the April 1, 2019, Annual and Special Town Meeting Warrant pursuant to the Provincetown Charter c. 2§ 3(b)**

Assistant Town Manager David Gardner gave a brief overview; the warrants are still in their draft stages.

**Move that the Select Board vote to sponsor Article 3 of the STM as it is written**

**Motion: Louise Venden Second: John Golden**

The Board and Town Manager discussed the funding sources for the police station and the reason behind putting a ballot question forward verse not.

**9:55 pm LK moved to extend the meeting**

**RA seconded**

**5/0/0**

**Vote that the Select Board vote to insert the following article: 3, into the April 1, 2019 Special Town Meeting Warrant.**

**Motion: Louise Venden Seconded: John Golden**

**VOTED**

**In Favor: 3  
Opposed: 2(ca/lk)  
Abstain: 0**

**MOVE that the Select Board vote to insert all of the following articles as presented except STM 3: into the April 1, 2019, Special and Annual Town Meeting Warrants.**

**Motion: Louise Venden Seconded: John Golden**

**VOTED**

**In Favor: 5**

Opposed: 0  
Abstain: 0

7. **Town Manager / Assistant Town Manager:**

- A. **FY2020 Budget Adjustments**
- B. **Police Station Supplemental Financing**
- C. **Town Manager's Report**

Town Manager David B. Panagore gave a brief update one the Town Manger's report.

D. **Contract Report**

8. **Minutes:** Approve minutes of previous meetings.

**Motion:** Move that the Select Board approve the minutes of:  
February 11, 2019 6:00 pm (Regular) [ x ] as printed [ ] with changes so noted

**Motion:** Louise Venden **Seconded:** Robert Anthony

**VOTED**

**In Favor:** 5  
**Opposed:** 0  
**Abstain:** 0

9. **Closing Statements/Administrative Updates:**

- **John Golden** – thank you it has been fun
- **Lise King** – nothing further
- **Louise Venden** – thank you it has been a rousing evening.
- **Robert Anthony** – nothing but it has been interesting.
- **Cheryl Andrews** – We will be following up with the VSB, I shall schedule on the next meeting a discussion with just us.

Without objection the meeting was adjourned at 10:30 pm

Minutes transcribed by: Elizabeth Paine

Meeting can be viewed at: <http://view.earthchannel.com/PlayerController.aspx?&PGD=provincetv&eID=1481>

**TOWN OF PROVINCETOWN – SELECT BOARD  
MEETING MINUTES  
JOINT MEETING WITH VSB  
FRIDAY – MARCH 1, 2019 – 11:30 AM  
JUDGE WELSH ROOM - 260 COMMERCIAL STREET**

Vice Chair Robert Anthony convened the open meeting at 11:30 AM noting the following attendees:  
Board of Selectmen members: Vice Chairman Robert Anthony, Members John Golden and Lise King

Excused: Chair Cheryl Andrews and Member Louise Venden

Other attendees: Town Manager David Panagore, Assistant Town Manager David Gardner

Recorder: Elizabeth Paine

**1. Insert Articles in the April 1, 2019 Special Town Meeting Warrant. (Votes may be taken)**

Vice Chair Anthony recessed the meeting until 12, at which time the warrant would be closed.

Vice Chair resumed the meeting at 12:00 pm.

Vice Chair Anthony asked to reconsider the motion made Monday night to insert the Police Station funding to the Special Town Meeting. Town Manager Panagore and staff have moved all of the articles from the special into the annual and do not see a need to have a special town meeting for a single warrant item.

**Move that the Select Board reconsider inserting the police station funding article.**

**Motion: Robert Anthony    Seconded: Lise King**

**3-0-0**

**Move that the Select Board insert the police station funding article into the Annual Town Meeting.**

**Motion: Robert Anthony    Seconded: John Golden**

**3-0-0**

**2. Insert Articles in the April 1, 2019 Annual Town Meeting Warrant. (Votes may be taken)**

Asst. Town Manager Gardener reviewed the warrant with the Select Board.

**MOVE that the Select Board vote to insert the articles as printed, into the April 1, 2019 Annual Town Meeting Warrants**

For discuss:

Lise King – is this approach time to talk about the funding for the Police Station? What I am most concerned about is the construction of the plan to fund this project.

DP – this is just the insertion of the article. The funding sources will be placed in the motion. We will be waiting for the bid prices to come in as it will determine the funding sources. I am hoping to bring the board a memo a the next meeting to give an outline of that.

**Motion: Robert Anthony    Seconded: Lise King**  
**3-0-0**

**3. Close April 1, 2019 Special and Annual Town Meeting Warrants. (Votes may be taken)**

**4. Approve April 1, 2019 Special and Annual Town Meeting Warrants for Publication. (Votes may be taken)**

**MOVE that the Select Board vote to approve the warrants for the April 1, 2019 Special and Annual Town Meetings for posting and publication, as revised.**

**Motion: John Golden        Seconded: Lise King**  
**3-0-0**

**Without objection Vice Chair Anthony adjourned the meeting at 12:14 pm.**

Minutes transcribed by: Elizabeth Paine

Meeting can be viewed at:

<http://view.earthchannel.com/PlayerController.aspx?&PGD=provincetv&eID=1486>

## CLOSING BOARD MEMBERS' STATEMENTS

Requested by: Select Board

Action Sought: Approval

### Proposed Motion(s)

*Motions may be made and votes may be taken.*

- **Lise King**
- **Louise Venden**
- **Robert Anthony**
- **John Golden**
- **Cheryl Andrews**

### Additional Information

- .

### Board Action

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