

ANNUAL TOWN MEETING
MONDAY, APRIL 1, 2002

(1) Elizabeth Steele-Jeffers moved that the Town vote to waive the reading of the warrant.

Motion Carried

Len Stewart moved that permission to speak for Mr. Lester J. Murphy be taken separately.

Motion defeated.

(2) I move that the Town vote to grant permission to speak at the April 1, 2002 Annual Town Meeting to the following persons who are not registered voters of the Town of Provincetown:

Dennis Anderson, *Cape End Manor Interim CEO*;

Edward Boxer, *Acting PHS Principal*;

Dennis Clark, *Recreation Director*;

Chad DeLima, *Marine Superintendent*

Dale Fanning, *Director, Provincetown Heritage Museum*;

Patricia Fitzpatrick, *Tourism Director*

Dr. Colette Traylor, *Superintendent of Schools*

John W. Giorgio, Esq., and other attorneys of the firm of Kopelman & Paige, P.C., *Town Counsel*

Tony Jackett, *Shellfish Constable*;

Michelle Jarusiewicz, *Grant Administrator*;

Jack Longo and Wendy Janopolis, *on behalf of the Carrie A. Seaman Animal Shelter Board*;

Bruce T. Miller, *Director of Municipal Finance and Town Accountant*

Lester J. Murphy, *Attorney*

Patricia Pajaron, *Health Inspector*

William Rokicki, *Principal, Veterans Memorial Elementary School*;

Eileen Thomas, *Cape End Manor Administrator*

Motion Carried.

(3) Elizabeth Steele-Jeffers moved that on all matters to come before the April 1, 2002 Annual Town Meeting, requiring a two-thirds vote by statute, that a count need not be taken unless the vote so declared is immediately questioned by seven or more registered voters.

Motion Carried Unanimously

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

[Requested by the Board of Selectmen]

Elizabeth Steele-Jeffers moved that the Town vote to hear the reports of the Town Officials and Committees and to act thereon.

No reports were presented.

FY 2003 BUDGET ARTICLES

Article 2. FY 2003 Operating Budget. To see to if the Town will vote to raise and appropriate or transfer from available funds the sum of \$19,048,347 to fund operating budgets for the several Town departments for Fiscal Year 2003 in accordance with Chapter 9, section 1 of the Provincetown Charter, as follows:

<i>Division</i>	<i>FY 2002</i>	<i>FY 2003</i>	<i>%</i>
I. General Government	\$ 967,319	\$ 1,003,994	+3.8%
II. Finance	4,651,565	5,723,446	+23.0%
III. Public Safety	2,437,600	2,577,458	+5.7%

IV. Public Works	1,854,403	1,827,664	-1.4%
V. Public Services	3,176,603	3,789,062	+19.3%
VI. Public Schools	4,093,771	4,126,724	+0.8%
<i>Total Divisions I-VI</i>	\$17,181,262	\$19,048,347	+10.9%

or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS, AS FOLLOWS:

<i>Budget</i>	<i>Actual FY 2001</i>	<i>Adjusted FY 2002</i>	<i>Selectmen FY 2003</i>	<i>FinCom FY 2003</i>	<i>% 02-03</i>
I. GENERAL GOVERNMENT					
113 Elections & Town Meetings					
Expenses	\$9,146	\$6,132	\$8,569	\$8,569	40%
122 Board of Selectmen					
Personal Services	34,535	38,652	38,652	38,652	
Expenses	<u>6,353</u>	<u>7,400</u>	<u>8,200</u>	<u>8,200</u>	
<i>sub-total</i>	<i>40,888</i>	<i>46,052</i>	<i>46,852</i>	<i>46,852</i>	1.7%
123 Town Manager					
Personal Services	161,797	179,834	179,834	179,834	
Expenses	<u>6,662</u>	<u>8,068</u>	<u>8,100</u>	<u>8,100</u>	
<i>sub-total</i>	<i>168,459</i>	<i>187,902</i>	<i>187,934</i>	<i>187,934</i>	0%
151 Legal Services	110,000	120,000	120,000	120,000	0%
156 Administration	56,939	56,656	61,480	61,480	9%
	<i>funded by Land Bank</i>				
157 Land Bank	<i>Fund</i>				
Maintenance		11,713	13,548	13,548	
Housing		26,029	27,007	27,007	
Debt Service		<u>203,000</u>	<u>171,522</u>	<u>171,522</u>	
<i>sub-total</i>	<i>108,821</i>	<i>240,742</i>	<i>212,078</i>	<i>212,078</i>	-12%
161 Town Clerk					
Personal Services	54,913	57,428	58,622	58,622	
Expenses	<u>10,093</u>	<u>10,364</u>	<u>10,364</u>	<u>10,364</u>	
<i>sub-total</i>	<i>65,006</i>	<i>67,792</i>	<i>68,986</i>	<i>68,986</i>	1.8%
169 Licensing					
Personal Services	30,077	31,640	31,640	31,640	
Expenses	<u>7,857</u>	<u>12,200</u>	<u>12,505</u>	<u>12,505</u>	
<i>sub-total</i>	<i>37,934</i>	<i>43,840</i>	<i>44,145</i>	<i>44,145</i>	0.7%
171 Conservation Commission					
Expenses	3,222	1,454	1,584	1,584	8.9%
173 Housing Partnership		1,000	1,000	1,000	0%
174 LCP Implementation		1,820	1,865	1,865	2.5%
175 Planning Board	1,305	2,142	2,192	2,192	2.3%
176 Zoning Board of Appeals					
Expenses	1,943	2,253	2,453	2,453	8.9%
179 Historical Commission					
Expenses	1,145	1,632	1,672	1,672	2.5%
499 Cable Advisory Commission			55,250	55,250	
I. General Government	\$773,265	\$967,319	\$1,003,994	\$1,003,994	3.8%

II. FINANCE

131 Finance Committee

Expenses	\$3,301	\$3,450	\$5,100	\$5,100	
Reserve Fund	<u>0</u>	<u>35,000</u>	<u>35,000</u>	<u>35,000</u>	
<i>sub-total</i>	<i>3,301</i>	<i>38,450</i>	<i>40,100</i>	<i>40,100</i>	<i>4.3%</i>

135 Town Accountant (DMF)

Personal Services	121,812	132,910	138,349	138,349	
Expenses	<u>15,930</u>	<u>26,200</u>	<u>32,100</u>	<u>32,100</u>	
<i>sub-total</i>	<i>137,742</i>	<i>159,110</i>	<i>170,449</i>	<i>170,449</i>	<i>7.1%</i>

136 Management Information Systems Coordination

Personal Services	35,484	38,110	38,110	38,110	
Expenses	<u>915</u>	<u>102,883</u>	<u>94,248</u>	<u>94,248</u>	
<i>sub-total</i>	<i>36,399</i>	<i>140,993</i>	<i>132,358</i>	<i>132,358</i>	<i>-6%</i>

141 Board of Assessors (DMF)

Personal Services	104,250	110,000	114,663	114,663	
Expenses	<u>13,713</u>	<u>27,522</u>	<u>23,006</u>	<u>23,006</u>	
<i>sub-total</i>	<i>117,963</i>	<i>137,522</i>	<i>137,669</i>	<i>137,669</i>	<i>0%</i>

145 Treasurer/Collector (DMF)

Personal Services	98,238	112,144	112,471	112,471	
Expenses	<u>24,896</u>	<u>43,543</u>	<u>43,500</u>	<u>43,500</u>	
<i>sub-total</i>	<i>123,134</i>	<i>155,687</i>	<i>155,971</i>	<i>155,971</i>	<i>0%</i>

710 Debt Service 1,183,002 935,528 1,738,709 1,738,709 86%

820 Tax Title 12,919 10,000 50,000 50,000 400%

910 Retirement/Benefits/Insurance

Expenses	<u>2,828,169</u>	<u>3,074,275</u>	<u>3,231,048</u>	<u>3,231,048</u>	<i>5.1%</i>
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II. Finance **\$4,442,628** **\$4,651,565** **\$5,656,304** **\$5,656,304** ***22%*****III. PUBLIC SAFETY**

210 Police

Personal Services	\$1,138,887	\$1,246,175	\$1,337,785	\$1,337,785	
Expenses	<u>134,466</u>	<u>86,100</u>	<u>90,700</u>	<u>90,700</u>	
<i>sub-total</i>	<i>1,273,353</i>	<i>1,332,275</i>	<i>1,428,485</i>	<i>1,428,485</i>	<i>7.2%</i>

211 Police Station 79,950 23,500 39,000 39,000 66%

220 Fire (DRM)

Personal Services	185,383	209,129	236,748	236,748	
Expenses	<u>107,784</u>	<u>104,523</u>	<u>110,167</u>	<u>110,167</u>	
<i>sub-total</i>	<i>293,167</i>	<i>313,652</i>	<i>346,915</i>	<i>346,915</i>	<i>11%</i>

231 Ambulance Service 24,500 26,950 29,645 29,645 10%

240 Inspections (DRM)

Personal Services	143,383	104,006	104,006	104,006	
Expenses	<u>21,961</u>	<u>21,950</u>	<u>22,450</u>	<u>22,450</u>	
<i>sub-total</i>	<i>165,344</i>	<i>125,956</i>	<i>126,456</i>	<i>126,456</i>	<i>0.4%</i>

241 Director of Regulatory Management

Personal Services	43,460	108,954	112,848	112,848	
Expenses	<u>475</u>	<u>11,100</u>	<u>6,650</u>	<u>6,650</u>	
<i>sub-total</i>	<i>43,935</i>	<i>120,054</i>	<i>119,498</i>	<i>119,498</i>	<i>-0.5%</i>

291 Emergency Management

Personal Services	1,200	1,200	1,200	1,200	
Expenses	<u>260</u>	<u>250</u>	<u>250</u>	<u>250</u>	
<i>sub-total</i>	<i>1,459</i>	<i>1,450</i>	<i>1,450</i>	<i>1,450</i>	<i>0%</i>
294 Harbor Committee					
Expenses	1,140	1,625	1,638	1,638	<i>0.8%</i>
295 Harbormaster/MacMillan Wharf					
Personal Services	96,082	99,945	84,802	84,802	
Expenses	<u>36,730</u>	<u>34,500</u>	<u>22,520</u>	<u>22,520</u>	
<i>sub-total</i>	<i>132,813</i>	<i>134,445</i>	<i>107,322</i>	<i>107,322</i>	<i>-20%</i>
296 Shellfish					
Personal Services	27,448	28,868	30,710	30,710	
Expenses	<u>6,704</u>	<u>6,510</u>	<u>6,570</u>	<u>6,570</u>	
<i>sub-total</i>	<i>34,152</i>	<i>35,378</i>	<i>37,280</i>	<i>37,280</i>	<i>5.4%</i>
299 Parking	<i>funded by Parking Fund</i>				
Personal Services	229,419	280,540	282,469	282,469	
Expenses	<u>32,558</u>	<u>41,775</u>	<u>57,300</u>	<u>57,300</u>	
<i>sub-total</i>	<i>261,977</i>	<i>322,315</i>	<i>339,769</i>	<i>339,769</i>	<i>5.4%</i>
III. Public Safety	<u>\$2,311,790</u>	<u>\$2,437,600</u>	<u>\$2,577,458</u>	<u>\$2,577,458</u>	<i>5.7%</i>

IV. PUBLIC WORKS

192 Buildings & Grounds (DPW)					
Personal Services	\$382,336	\$374,636	\$390,297	\$390,297	
Expenses	<u>201,503</u>	<u>208,621</u>	<u>200,923</u>	<u>200,923</u>	
<i>sub-total</i>	<i>583,839</i>	<i>583,257</i>	<i>591,220</i>	<i>591,220</i>	<i>1.4%</i>
421 Administration (DPW)					
Personal Services	171,203	145,068	129,827	129,827	
Expenses	<u>184,059</u>	<u>167,916</u>	<u>189,799</u>	<u>189,799</u>	
<i>sub-total</i>	<i>355,261</i>	<i>312,984</i>	<i>319,626</i>	<i>319,626</i>	<i>2.1%</i>
422 Highway (DPW)					
Personal Services	212,366	234,438	240,773	240,773	
Expenses	<u>41,338</u>	<u>33,717</u>	<u>42,950</u>	<u>42,950</u>	
<i>sub-total</i>	<i>253,704</i>	<i>268,155</i>	<i>283,723</i>	<i>283,723</i>	<i>5.8%</i>
423 Snow & Ice					
Personal Services	32,294	26,590	34,397	34,397	
Expenses	<u>19,293</u>	<u>23,000</u>	<u>22,920</u>	<u>22,920</u>	
<i>sub-total</i>	<i>51,587</i>	<i>49,590</i>	<i>57,317</i>	<i>57,317</i>	<i>16%</i>
431 Solid Waste/Recycling					
Personal Services	217,712	268,964	290,973	290,973	
Expenses	<u>97,273</u>	<u>107,853</u>	<u>107,980</u>	<u>107,980</u>	
<i>sub-total</i>	<i>314,985</i>	<i>376,817</i>	<i>398,953</i>	<i>398,953</i>	<i>5.9%</i>
439 Waste Disposal	270,550	263,600	176,825	176,825	<i>-33%</i>
IV. Public Works	<u>\$1,829,927</u>	<u>\$1,854,403</u>	<u>\$1,827,664</u>	<u>\$1,827,664</u>	<i>-1.4%</i>

V. PUBLIC SERVICES

511 Health/Conservation Agent (DRM)					
Personal Services	\$46,694	\$73,748	\$86,249	\$86,249	
Expenses	<u>44,670</u>	<u>10,620</u>	<u>10,840</u>	<u>10,840</u>	
<i>sub-total</i>	<i>91,365</i>	<i>84,368</i>	<i>97,089</i>	<i>97,089</i>	<i>15%</i>

512 Public Health/Nurse					
Personal Services	13,424	13,332	12,784	12,784	
Expenses	<u>18,795</u>	<u>31,437</u>	<u>31,455</u>	<u>31,455</u>	
<i>sub-total</i>	<i>32,218</i>	<i>44,769</i>	<i>44,239</i>	<i>44,239</i>	<i>-1.2%</i>
513 Board of Health	1,470	1,997	1,997	1,997	0%
525 Cape End Manor					
Personal Services			1,934,258	<i>FinCom Reserves</i>	
Expenses			<u>778,339</u>	<i>Recommendation</i>	
<i>sub-total</i>	<i>0</i>	<i>2,157,794</i>	<i>2,712,597</i>		<i>26%</i>
541 Council on Aging					
Personal Services	113,840	116,803	124,228	124,228	
Expenses	<u>9,547</u>	<u>9,685</u>	<u>10,033</u>	<u>10,033</u>	
<i>sub-total</i>	<i>123,387</i>	<i>126,488</i>	<i>134,261</i>	<i>134,261</i>	<i>6.1%</i>
543 Veterans Services					
Personal Services	8,129	9,800	9,800	9,800	
Expenses	<u>8,676</u>	<u>19,143</u>	<u>18,885</u>	<u>18,885</u>	
<i>sub-total</i>	<i>16,805</i>	<i>28,943</i>	<i>28,685</i>	<i>28,685</i>	<i>-0.9%</i>
610 Library					
Personal Services	131,415	139,298	145,310	145,310	
Expenses	<u>43,526</u>	<u>56,328</u>	<u>63,591</u>	<u>63,591</u>	
<i>sub-total</i>	<i>174,941</i>	<i>195,626</i>	<i>208,901</i>	<i>208,901</i>	<i>6.8%</i>
620 Administration	6,862	2,500	2,500	2,500	0%
630 Recreation Department					
Personal Services	93,920	107,594	110,707	110,707	
Expenses	<u>12,237</u>	<u>12,500</u>	<u>12,700</u>	<u>12,700</u>	
<i>sub-total</i>	<i>106,157</i>	<i>120,094</i>	<i>123,407</i>	<i>123,407</i>	<i>2.8%</i>
651 Beautification Cte	<i>funded by Tourism Fund</i>				
Expenses	3,658	10,000	10,250	10,250	2.5%
671 Heritage Museum	15,033	19,800	19,800	19,800	0%
672 Art Commission	1,631	9,700	14,450	14,450	49%

699 Tourism <i>funded by Tourism Fund</i>					
Coordination/Support	62,618	65,264	75,804	75,804	
Marketing	75,142	110,825	119,029	119,029	
Municipal Projects	121,961	112,760	100,000	100,000	
Promotional Events	<u>50,094</u>	<u>85,675</u>	<u>96,053</u>	<u>96,053</u>	
<i>sub-total</i>	<i>309,815</i>	<i>374,524</i>	<i>390,886</i>	<i>390,886</i>	<i>4.4%</i>
V. Public Services	\$883,343	\$3,176,603	\$3,789,062	\$1,076,465	19%

VI. PUBLIC SCHOOLS

300 Provincetown Public Schools					
Total	3,942,634	4,060,913	4,074,936	4,074,936	0.3%
310 Cape Cod Regional Tech High					
Expense	<u>53,362</u>	<u>32,858</u>	<u>51,788</u>	<u>51,788</u>	58%
VI. Public Schools	\$3,995,996	\$4,093,771	\$4,126,724	\$4,126,724	0.8%

OPERATING BUDGET SUMMARY

I. General Government	\$773,265	\$967,319	\$1,003,994	\$1,003,994	3.8%
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II. Finance	4,442,628	4,651,565	5,656,304	5,656,304	22%
III. Public Safety	2,311,790	2,437,600	2,577,458	2,577,458	5.7%
IV. Public Works	1,829,927	1,854,403	1,827,664	1,827,664	-1.4%
V. Public Services	883,343	3,176,603	3,789,062	1,076,465	19%
<i>Subtotal, I-V</i>	<i>\$10,240,952</i>	<i>\$13,087,491</i>	<i>\$14,854,481</i>	<i>\$12,141,884</i>	<i>14%</i>
VI. Public Schools	3,995,996	4,093,771	4,126,724	4,126,724	0.8%
Total, I-VI	\$14,236,948	\$17,181,262	\$18,981,205	\$16,268,608	10%

Article 2. FY 2003 Operating Budget.

Division I. General Government.

FINANCE COMMITTEE RECOMMENDS 6-0-0

BOARD OF SELECTMEN RECOMMENDS 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$603,982, and transfer from the Land Bank fund the sum of \$212,078, for a total of \$816,060, to fund operating budgets for the several Town departments for Fiscal Year 2003 under budget Division I, General Government.

Motion Carried.

Division II. Finance

FINANCE COMMITTEE RECOMMENDS 6-0-0

BOARD OF SELECTMEN RECOMMENDS 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$5,433,506 and transfer from Free Cash the sum of \$222,798 for a total of \$5,656,304 to fund operating budgets for the several Town departments for Fiscal Year 2003 under budget Division II, Finance.

Motion Carried.

Article 2. FY 2003 Operating Budget.

Division III. Public Safety

FINANCE COMMITTEE RECOMMENDS

BOARD OF SELECTMEN RECOMMENDS 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$2,228,689, transfer from the Parking Fund the sum of \$339,769, and transfer from the Municipal Waterways Fund the sum of \$9,000, for a total of \$2,577,458, to fund operating budgets for the several Town departments for Fiscal Year 2003 under budget Division III, Public Safety.

Motion Carried.

Article 2. FY 2003 Operating Budget.

Division IV. Public Works

FINANCE COMMITTEE RECOMMENDS

BOARD OF SELECTMEN RECOMMENDS 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$1,765,042, and transfer from Overlay Surplus the sum of \$62,622, for a total of \$1,827,664 to fund operating budgets for the several Town departments for Fiscal Year 2003 under budget Division IV, Public Works.

Motion Carried.

Article 2. FY 2003 Operating Budget.

Division V. Public Services

FINANCE COMMITTEE RESERVES RECOMMENDATION 6-0-0

BOARD OF SELECTMEN RECOMMENDS 4-0-0

Elizabeth Steele-Jeffers moved the Town vote to raise and appropriate the sum of \$3,387,926, and transfer the sum of \$401,136 from the Tourism Fund for the Beautification and Tourism budgets, for a total of \$3,789,062 to fund operating budgets for the several Town departments for Fiscal Year 2003 under budget Division V, Public Services.

Motion Carried.

Article 2. FY 2003 Operating Budget.

Division VI. Public Schools - motion 1

FINANCE COMMITTEE RECOMMENDS 6-0-0

SCHOOL COMMITTEE RECOMMENDS 5-0-0

Terese Nelson moved that the Town vote to raise and appropriate the sum of \$4,074,936 to fund the 300 Provincetown Public Schools budget for Fiscal Year 2003.

Motion Carried.

Article 2. FY 2003 Operating Budget.

Division VI. Public Schools - motion 2

FINANCE COMMITTEE RECOMMENDS 6-0-0

BOARD OF SELECTMEN RECOMMENDS 4-0-0

Terese Nelson moved that the Town vote to raise and appropriate the sum of \$51,788 to fund the 310 Cape Cod Regional Technical High School budget for Fiscal Year 2003.

Motion Carried.

Article 2. FY 2003 Operating Budget

Bottom Line.

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$17,545,869; transfer from Free Cash the sum of \$222,798; transfer from Overlay Surplus the sum of \$62,622; transfer from the Parking Fund the sum of \$339,769; transfer from the Tourism Fund the sum of \$401,136; transfer from the Municipal Waterways Fund the sum of \$9,000; and transfer from the Land Bank \$212,078 for a total of \$18,793,272, to fund operating budgets for the several Town departments for Fiscal Year 2003 in accordance with Chapter 9, section 1 of the Provincetown Charter.

Motion Carried.

Article 3. FY 2003 Enterprise Funds. To see to 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 2003:

440 Wastewater Enterprise Fund	<i>FY 2002</i>	<i>FY 2003</i>	<i>%</i>	
Enterprise Fund Costs	\$240,328	\$1,184,235		FINANCE COMMITTEE RECOMMENDS
General Fund Costs	<u>25,000</u>	<u>100,000</u>		
TOTAL COSTS	\$265,328	\$1,284,235		
TOTAL REVENUES	\$588,390	\$1,284,235	384%	[Requested by the Town Manager and the Board of Selectmen]
SURPLUS/(DEFICIT)	\$323,062	\$0		

FINANCE COMMITTEE RECOMMENDS

450 Water Enterprise Fund	<i>FY 2002</i>	<i>FY 2003</i>	<i>%</i>	Article 3. FY 2003 Enterprise Funds.
Enterprise Fund Costs	\$1,089,397	\$1,217,634		Item 1. 440 Wastewater Enterprise Fund:
General Fund Costs	<u>164,498</u>	<u>170,000</u>		
TOTAL COSTS	\$1,253,895	\$1,387,634		
TOTAL REVENUES	\$1,253,895	\$1,387,634	10.7%	FINANCE COMMITTEE RECOMMENDS: 6-0-0
SURPLUS/(DEFICIT)	\$0	\$0		

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise from wastewater receipts the sum of \$1,184,235, and appropriate in the General Fund the sum of \$100,000, for a total of \$1,284,235, for the operation of the Wastewater Enterprise Fund for Fiscal Year 2003.

Motion Carried.

Article 3. FY 2003 Enterprise Funds.

Item 2. 450 Water Enterprise Fund:

FINANCE COMMITTEE RECOMMENDS:

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise from water receipts the sum of \$1,217,634, and appropriate in the General Fund the sum of \$170,000, for a total of \$1,387,634, for the operation of the Water Enterprise Fund for Fiscal Year 2003.

Motion Carried.

Article 4. *FY 2003 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 2003 Capital Improvements Program submitted in accordance with Chapter 9, section 2 of the Provincetown Charter as follows:

1. *Replace Fire Engine 193:* \$250,000 to be expended under the direction of the Board of Selectmen, Town Manager, and Board of Fire Engineers for the replacement of Fire Engine 193, and costs related thereto;

FINANCE COMMITTEE RECOMMENDS: 7-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

Elizabeth Steele-Jeffers moved that the Town vote to appropriate and borrow the sum of \$250,000 to be expended under the direction of the Board of Selectmen, Town Manager, and Board of Fire Engineers for the replacement of Fire Engine 193, and costs related thereto; and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(9), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor.

Motion Carried. Declared 2/3rd Vote.

2. *Fire Department Breathing Apparatus:* \$30,000 to be expended under the direction of the Board of Fire Engineers for breathing apparatus with radios for the Fire Department, and costs related thereto;

FINANCE COMMITTEE RECOMMENDS: 7-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$30,000 to be expended under the direction of the Board of Fire Engineers for breathing apparatus with radios for the Fire Department, and costs related thereto.

Motion Carried.

3. *Police Vehicles:* \$63,000 to be expended under the direction of the Chief of Police for replacement of two police vehicles, and costs related thereto;

FINANCE COMMITTEE RECOMMENDS: 7-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-1-0

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$63,000 to be expended under the direction of the Chief of Police for replacement of two police vehicles, and costs related thereto.

Barbara Rushmore moved to amend Article 4 Item 3 to purchase 2 regular cruisers and not SUVs.

Amendment Defeated.

Motion carried as Moved. Declared 2/3rds Vote.

4. *Police Station Building/HVAC Improvements:* \$28,000 to be expended under the direction of the Chief of Police for improvements to the Provincetown Police Station, including HVAC system, and costs related thereto;

FINANCE COMMITTEE RECOMMENDS: 7-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-2-0

Elizabeth Steele-Jeffers moved that the Town vote to appropriate and borrow the sum of \$28,000 to be expended under the direction of the Chief of Police for improvements to the Provincetown Police Station, including HVAC system, and costs related thereto; and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(3A), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore.

Motion Carried. Declared 2/3rd Vote.

5. *Marine Department Patrol Boat:* \$102,000 to be expended under the direction of the Town Manager and the Marine Superintendent for a patrol boat for the Marine Department, and costs related thereto;

FINANCE COMMITTEE RECOMMENDS: 6-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

HARBOR COMMITTEE RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to appropriate and borrow the sum of \$102,000 to be expended under the direction of the Town Manager and the Marine Superintendent for a patrol boat for the Marine Department, and costs related thereto; and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(9), of the General Laws, or any other enabling authority, and to

issue bonds or notes of the Town therefor.

Motion Carried. Declared 2/3rd Vote.

6. Grace Gouveia Building Plumbing and Electric Repairs: \$35,000 to be expended under the direction of the Director of Public Works for plumbing and electric repairs to the Grace Gouveia Building, and costs related thereto;

FINANCE COMMITTEE RECOMMENDS: 7-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

Elizabeth Steele-Jeffers moved that the Town vote to appropriate and borrow the sum of \$35,000 to be expended under the direction of the Director of Public Works for plumbing and electric repairs to the Grace Gouveia Building, and costs related thereto; and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(3A), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor.

Motion Carried. Declared 2/3rd Vote.

7. Town MIS/Computer Replacement Program: \$38,000 to be combined with the unexpended balance appropriated under Article 5, Item 3 of the April 2, 2001 Annual Town Meeting, to be expended under the direction of the Town Manager and the MIS Coordinator for the program for continued replacement of computer equipment for Town departments, and costs related thereto;

FINANCE COMMITTEE RECOMMENDS: 7-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$38,000 to be combined with the unexpended balance appropriated under Article 5, Item 3 of the April 2, 2001 Annual Town Meeting, to be expended under the direction of the Town Manager and the MIS Coordinator for the program for continued replacement of computer equipment for Town departments, and costs related thereto.

Motion Carried.

8. Street & Sidewalk Repairs: \$25,000 to be combined with the unexpended balance appropriated under Article 5, Item 4 of the April 2, 2001 Annual Town Meeting, to be expended under the direction of the Town Manager and the Director of Public Works for continuation of the road and sidewalk repair program, and costs related thereto;

FINANCE COMMITTEE RECOMMENDS: 7-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$25,000 to be combined with the unexpended balance appropriated under Article 5, Item 4 of the April 2, 2001 Annual Town Meeting, to be expended under the direction of the Town Manager and the Director of Public Works for continuation of the road and sidewalk repair program, and costs related thereto.

Motion Carried.

9. Drainage Repair & Maintenance: \$10,000 to be expended under the direction of the Director of Public Works for drainage repair and maintenance, and costs related thereto;

FINANCE COMMITTEE RECOMMENDS: 7-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$10,000 to be expended under the direction of the Director of Public Works for drainage repair and maintenance, and costs related thereto.

Motion Carried.

10. Fleet Replacement Plan: \$58,000 to be expended under the direction of the Town Manager and the Director of Public Works for purchase two pick-up trucks for the Department of Public Works, and costs related thereto;

FINANCE COMMITTEE RECOMMENDS: 7-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

Elizabeth Steele-Jeffers moved that the Town vote to appropriate and borrow the sum of \$58,000 to be expended under the direction of the Town Manager and the Director of Public Works for purchase two pick-up trucks for the

Department of Public Works, and costs related thereto; and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 7(9), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor;

Motion Carried. Declared 2/3rd Vote.

11. DEP Water Management Permit/New Source Development: \$350,000 to be expended under the direction of the Town Manager and the Director of Public Works for DEP Water Management Act permitting and new source development, and for costs incidental and related thereto;

FINANCE COMMITTEE RECOMMENDS: 7-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

WATER & SEWER BOARD RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to appropriate and borrow the sum of \$350,000 to be expended under the direction of the Town Manager and the Director of Public Works for DEP Water Management Act permitting and new source development, and for costs incidental and related thereto; and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 8(3A), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor.

Motion Carried. Declared 2/3rd Vote

12. Automated Meter Reading: \$250,000 to be expended under the direction of the Town Manager and the Director of Public Works for automated meter reading equipment for the Provincetown Water System, and for costs incidental and related thereto;

FINANCE COMMITTEE RECOMMENDS: 7-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

WATER & SEWER BOARD RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to appropriate and borrow the sum of \$250,000 to be expended under the direction of the Town Manager and the Director of Public Works for automated meter reading equipment for the Provincetown Water System, and for costs incidental and related thereto; and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 8(7A), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor.

Motion Carried. Declared 2/3rd Vote.

13. Water Service Upgrades: \$110,000 to be expended under the direction of the Town Manager and the Director of Public Works for water service upgrades, including those arising during the sewer construction project, and for costs incidental and related thereto;

FINANCE COMMITTEE RECOMMENDS: 7-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

WATER & SEWER BOARD RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to appropriate and borrow the sum of \$110,000 to be expended under the direction of the Town Manager and the Director of Public Works for water service upgrades, including those arising during the sewer construction project, and for costs incidental and related thereto; and that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44, Section 8(7C), of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor;

Motion Carried. Declared 2/3rd Vote.

Article 5. FY 2003 Revolving Accounts. To see if the Town will vote to continue for FY 2003 the following revolving accounts established pursuant to MGL C.44, §53E½: (1) Preservation of Town Hall Auditorium: to allow receipts from the rental and custodial fees charged for the public use of Town Hall Auditorium to be segregated into a special account; and with funds therefrom, up to a limit of \$20,000 annually, to be expended for the repair, updating and refurbishing of the Town Hall Auditorium under the direction of the Town Manager and Board of Selectmen; (2) Shellfish Grants: to allow receipts from Shellfish Grants to be segregated into a special account; and with funds therefrom, up to a limit of \$2,500 annually, to be expended under the direction of the Shellfish Warden and the Board of Selectmen for the purpose of shellfish seeding, cultivation on public shellfish areas; and (3) Sales of Vaccines: to allow receipts from sales of vaccines to be segregated into a special account; and with funds therefrom, up to a limit of \$10,000 annually, to be expended for purchase of vaccines under the direction of the Director of Public Health and the Town Manager; or to take any other action relative thereto.

FINANCE COMMITTEE RECOMMENDS: 5-0-0**BOARD OF SELECTMEN RECOMMENDS: 4-0-0**

Elizabeth Steele-Jeffers moved THAT THE town vote to approve Article 5 as printed in the warrant.

Motion Carried.**PERSONNEL MATTERS**

Article 6. Amendments to Personnel By-law/Classification and Compensation Plan. To see if the Town will vote as follows:

1. **Schedule A:** to amend Schedule A, "Permanent Full and Part-time Non-Union Positions," of the Classification and Compensation Plan of the Town, to implement the recommendations of the MMA Consulting Group's pay and classification study, effective July 1, 2002, as follows:

Grade	<i>FY 2002 Rates</i>		<i>Proposed FY 2003</i>		<i>Proposed Classifications</i> Positions
	Minimum	Maximum	Minimum	Maximum	
21	\$74,014	\$85,305	\$82,896	\$93,836	Town Manager <i>[Exempt per MGL C.41, §108N]</i>
20	62,724	74,014	70,251	81,415	<i>no positions assigned</i>
19	59,455	70,156	66,590	77,172	Chief of Police <i>[Exempt per MGL C.41, §108O]</i> Director of Public Works
18	56,355	66,499	63,118	73,149	Cape End Manor Administrator
17	53,417	63,032	59,827	69,335	Director of Municipal Finance Water/Wastewater Superintendent
16	50,632	59,746	56,708	65,721	Police Staff Sergeant
15	47,992	56,631	53,751	62,294	Assistant Town Manager
14	45,276	53,425	50,709	58,768	CEM Director of Clinical Services
13	42,714	50,402	47,840	55,442	Director of Regulatory Management Deputy Director of Public Works
12	40,296	47,549	45,132	52,304	Building Commissioner Health Agent/Conservation Agent
11	38,377	45,284	42,982	49,812	Principal Assessor Human Services/Council on Aging Director Library Director Marine Superintendent
10	36,549	43,128	40,935	47,441	Collector Deputy Town Accountant DPW Project Coordinator MIS Coordinator Treasurer
9	34,809	41,074	38,986	45,181	Parking Administrator Recreation Director Tourism Director

					Town Clerk
8			36,779	42,624	Health Inspector
	32,838	38,749			Library Operations Director
					Local Building Inspector
					Permit Coordinator
					COA Outreach Coordinator
7			34,698	40,212	Electrical Inspector/Deputy Bldg Inspector
	30,980	36,556			Licensing Agent
6			33,715	39,074	Secretary to the Town Manager
	30,103	35,522			Secretary to the Board of Selectmen

and further, to raise and appropriate the sum of \$75,000 to fund raises for FY 2003 for management employees in accordance with the performance appraisal system adopted pursuant to Section 4-1 of the Personnel By-law, said sum reflecting both a 2.65% increase in the Consumer Price Index and a 2.2% step raise increase for which union employees are eligible;

2. **Schedule B:** to amend Schedule B, "Fire Department Positions," effective July 1, 2002, as requested by the Board of Fire Engineers, as follows:

Annual Stipends for Reimbursement of Expenses

<u>Position</u>	<u>Current</u>	<u>Proposed</u>
Deputy Fire Chief.	\$5,000.	\$6,000
District Fire Chief/Engineer...	1,800...	2,000
Firefighter...	450.....	600
Fire Auxiliary....	225.....	275
Fire Captain (<i>additional stipend</i>).....	335.....	450
Fire Lieutenant (<i>additional stipend</i>).....	215.....	275
House Steward (<i>additional stipend</i>).....	580...	1,000
Oil Inspector	1,680...	1,747
Rescue Captain (<i>additional stipend</i>).....	630...	1,000
Rescue Lieutenant (<i>additional stipend</i>).....	525.....	800
Rescue Steward (<i>additional stipend</i>)...	1,160...	1,600
Rescue Training Officer (<i>additional stipend</i>).....	315...	1,500

Annual Salary

<u>Position</u>	<u>Current</u>
Fire Chief	\$18,000 \$22,500

Non-Firefighter Positions - Hourly Wages +3%

<u>Position</u>	<u>Current</u>	<u>Proposed</u>
EMT-A .	\$15.45.	\$15.91
EMT-Intermediate...	16.74...	17.24
EMT-Paramedic...	18.54...	19.10
Stand-by	13.62...	14.03
Safety Inspections...	13.62...	14.03

3. **Schedule C:** to amend Schedule C, "Seasonal and Part-time Non-Union Positions," by applying a 4.0% salary schedule adjustment effective July 1, 2002, as follows:

Proposed Position Classifications		<i>Actual</i>	<i>Proposed</i>
Hourly Rates of Pay		<i>FY 2002</i>	<i>FY 2003</i>
L	Parking Lot Technical Manager	\$14.02	\$14.58
	Property Inspector (Assessors)	[K] 13.62	14.58
K	Assistant Harbormaster with police powers	13.62	14.16
	Police Officer, Summer/Auxiliary	13.62	14.16
J	Seasonal Recreation Swimming Instructor	13.23	13.76
I	Parking Meter Collection/Repair	12.97	13.49
H	Police Matron	12.60	13.10
	Police Summer Dispatcher	12.60	13.10
G	Parking Department Clerk	12.36	12.85

F Assistant Harbormaster w/o police powers	12.00	12.48
Parking and Traffic Officers	12.00	12.48
Parking Lot Assistant Technical Manager	12.00	12.48
Parking Meter Enforcement	12.00	12.48
Secretary, On-call Relief	12.00	12.48
Transfer Station Laborer	12.00	12.48
E Veterans Agent	11.78	12.25
D Library Circulation Aide	11.44	11.90
Parking Lot Attendant/Out-booth/Floater	11.44	11.90
C Barrels & Grounds Laborer	11.11	11.55
Restroom/Building Custodian	11.11	11.55
Seasonal Recreation Supervisor	11.11	11.55
B <i>No Positions Assigned</i>	10.90	11.34
A Council on Aging Cook	10.69	11.12
Parking Lot Attendant/In-booth	10.69	11.12
Seasonal Recreation Aides	10.69	11.12
Annual Stipends		
Emergency Management Director	1,200.00	
Gas Inspector	5,000.00	
Plumbing Inspector	5,000.00	

and to raise and appropriate the sum of \$16,726 and transfer \$9,519 from the Parking Fund, for a total of \$26,245, for raises for positions contained on Schedule C for FY 2002; or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS: 5-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to approve Article 6 as printed in the warrant.

Motion Carried.

ZONING BY-LAW AMENDMENTS – PART I

Article 7. Zoning Amendment/ Section 1100, Establishment of Districts. To see if the Town will vote to amend the Provincetown Zoning By-laws to change the titles of certain existing zoning districts as follows:

- (a) change Class B- Residential District ("B") to: Residential District 1 ("Res1")
- (b) change Class G - Residential District ("G") to: Residential District 2 ("Res2")
- (c) change Class W - Residential District ("W") to: Residential District 3 ("Res3")
- (d) change Class W-B- Residential District ("WB") to: Residential -Business District ("ResB")
- (e) change Class P - Commercial District ("P") to: General Commercial District ("GC")
- (f) change Class R - Commercial District ("R") to: Village Center Commercial District ("VCC")
- (g) change Class S - Seashore District ("S") to: Seashore District ("S")
- (h) change Class M - Public Use District ("M") to: Municipal District ("M")

and by substituting the new titles or abbreviations for the corresponding existing titles or abbreviations wherever the existing titles or abbreviations appear in the Zoning By-law and on the "Provincetown Zoning Districts" map, or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

FINANCE COMMITTEE HAS NO RECOMMENDATION

PLANNING BOARD RECOMMENDS 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

Anne Howard moved that the Town vote to approve Article 7 as printed in the warrant.

Barbara Rushmore moved to amend Article 7 by replacing "Village" with "Town" in (f).

Amendment Carried.

Motion as Amended Carried. Declared 2/3rd Vote.

Article 8. *Zoning Amendment/ Section 1110, Establishment.* To see if the Town will vote to amend the Provincetown Zoning By-laws, Section 1110 Establishments by deleting the Section 1110 in its entirety and inserting the following:

1110 Establishment. To accomplish the purposes of this chapter, the Town of Provincetown is hereby divided into zoning districts as shown on the map entitled "Provincetown Zoning Districts", dated April 1, 2002, which map and all explanatory matter thereon is hereby made a part of this By-law. Those districts are as follows:

Residential Districts

Res1, Residential District 1
 Res2, Residential District 1
 Res3, Residential District 1
 ResB, Residential -Business District

Commercial Districts

VCC, Village Center Commercial
 GC, General Commercial

Other Districts

S, Seashore District
 M, Municipal District

Overlay Districts

Harborfront Overlay District
 High Elevation Protection District
 Class "A, V, and A-O Flood Area
 Water Resource District

or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

FINANCE COMMITTEE HAS NO RECOMMENDATION

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

Anne Howard moved that the Town vote to approve Article 8 as printed in the warrant with the following changes: Under Residential Districts, Res2, change "Residential District 1" to "Residential District 2" and under Residential Districts, Res3, change "Residential District 1" to "Residential District 3" And in the last sentence under Overlay District, to substitute the phrase, "Water Resource District" with "Highway Corridor Overlay District", and to change VCC to TCC.

Motion Carried. Declared 2/3rd Vote.

Article 9. *Zoning Amendment, Section 1110, Establishment, Zoning Map.* To see if the Town will vote to adopt a new zoning map, dated April 1, 2002 to replace the current zoning map dated April 6, 1999, as amended, said new zoning map to show the district boundaries as established by the Town up and through April 1, 2002, or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

FINANCE COMMITTEE HAS NO RECOMMENDATION

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

Anne Howard move that the Town vote to approve Article 9 as written in the warrant with change of VCC to TCC.

Motion Carried, Declared 2/3rd Vote.

Article 10. *Zoning Amendment, Article I, insert new section 1130, Purposes of Zoning Districts.* To see if the Town will vote to amend the Provincetown Zoning By-laws, Article I, District Regulations, by inserting the following new section:

1130 Purposes of Zoning Districts

The purposes of the zoning districts shall be as follows:

Res1: to provide for less dense residential development in the town's outlying areas.

Res2: to provide for high density residential development in the east and west sections of town adjacent to the downtown waterfront area.

Res3: to provide for high density residential development in the downtown and other appropriate areas.

ResB: to provide for mixed use development while retaining the existing scale and character of the residential neighborhood.

VCC: to provide for dense commercial development in the downtown area consistent with the historic village

character and pedestrian environment.

GC: to provide for small-scale commercial and industrial uses outside the central downtown area while maintaining pedestrian scale development and accessibility, maintaining or enhancing landscaping, minimizing visibility of parked automobiles, and avoiding creation of hazards or congestion.

S: to provide for further preservation and development of the Cape Cod National Seashore in accordance with the purposes of the Act of Congress of August 7, 1961 and to provide for uses that do not conflict with the regulations governing the Seashore and are not incompatible with the character of the park.

M: to provide for necessary governmental functions and public facilities and services on town owned land. or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

FINANCE COMMITTEE HAS NO RECOMMENDATION

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

Anne Howard move that the Town vote to approve Article 10 as written in the warrant with change of VCC to TCC.

Motion Carried, Declared 2/3rd Vote.

Article 11. Zoning Amendment/Introductory Statements. To see if the Town will vote to amend the Provincetown Zoning By-laws by inserting statements of purpose or introductory statements as follows:

- (a) Insert the word "Purpose." at the beginning of the Zoning By-law's introductory statement on page 1, and insert the following sentence at the end of the statement: *In addition, these Zoning By-laws are adopted to promote and implement the goals, objectives, and policies of Provincetown's Local Comprehensive Plan and to manage future growth and development in accordance with that plan.*
- (b) Add to Section 3000 Commercial Business (retail and wholesale) and Industrial Development the following new section:
3010 Purpose: The purpose of this section is to provide regulations for new commercial business and industrial development and to establish the application procedure and requirements for site plan review for such uses and structures in order to further the intent of the Zoning By-laws and the Local Comprehensive Plan and to ensure that new development and redevelopment which may have significant impacts upon abutting land, the Town, or any neighborhood, is designed in a manner that complies with the Zoning By-laws and addresses other community needs including the provision of adequate parking and traffic management, preservation of community character, and protection of the environment.
- (c) Add to Section 3100 Dwelling Units and Commercial Accommodations the following new section:
3190 Purpose: The purpose of this section is to provide regulations for new multi family dwellings, commercial accommodations, and conversions of such structures and to establish the application procedure and requirements for site plan review of such structures in order to further the intent of the Zoning By-laws and the Local Comprehensive Plan and to ensure that new development and redevelopment which may have significant impacts upon abutting land, the Town, or any neighborhood is designed in a manner that complies with the Zoning By-laws and addresses other community needs including the provision of adequate parking and traffic management, preservation of community character, and protection of the environment. In addition, this section provides regulations for time share or related use.
- (d) Add to Section 3600 Harborfront Regulations the following new section:
3650 Purpose: The purpose of this section is to regulate the uses permitted in the harborfront area in order to promote appropriate waterfront activities and efficient use of the harbor frontage while minimizing adverse impacts to pedestrian and visual access and protecting harbor water quality.
- (e) Insert the following introductory paragraph to **Article V, Definitions:**
 For the purpose of these By-laws certain terms and words shall have the meaning given herein, unless a contrary meaning is required or specifically prescribed. Words used in the present tense shall include future; plural includes the singular; the words building, structure, lot, land or premises shall be construed as though followed by the words "or any portion thereof," and the word shall is always mandatory and not merely directory. Terms and words not defined herein but defined in the state building code shall have the meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meanings given by a dictionary of construction terms if defined therein; or, if not, by a standard unabridged dictionary of the English language. For definitions of certain terms specifically related to telecommunications uses and flood area provisions, refer to Article X Wireless Telecommunications Towers and Facilities and Section 3300 Class A, V, and A-O" Flood Area Provisions, respectively.

or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

FINANCE COMMITTEE HAS NO RECOMMENDATION**BOARD OF SELECTMEN RECOMMENDS: 3-1-0**

Anne Howard moved that the Town vote to approve Article 11 as written in the warrant with the following change: Substitute the first word, "Insert" on (e), with: "Delete the sentence at the beginning of Article V, Definitions and insert".

Motion Carried, Declared 2/3rd Vote.

Town Manager and Board of Selectmen broke into song – "Stand By Your Man"

Article 12. *Zoning Amendment, Consolidation of Definitions.* To see if the Town will vote to amend the Provincetown Zoning By-laws by deleting Section A. Definitions from Article VIII, Growth Management and inserting the Article VIII Section A. definitions alphabetically into Article V, Definitions, or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

FINANCE COMMITTEE HAS NO RECOMMENDATION**PLANNING BOARD RECOMMENDS: 3-0-0****BOARD OF SELECTMEN RECOMMENDS: 3-1-0**

Anne Howard moved that the Town vote to approve Article 12 as written in the warrant.

Motion Carried. Declared 2/3rd Vote.

Anne Howard moved to postpone consideration on Article 13 and Article 14 until after action has been taken on Article 36.

Motion Carried.

Article 13. *Zoning Amendments, Article V Definitions, Deletions.* To see if the Town will vote to amend the Provincetown Zoning By-laws by deleting the following four definitions from Article V, Definitions: Completed Application, Fast Order Food Establishment, Outdoor Vending Machine, and Sufficiently Started, or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

FINANCE COMMITTEE HAS NO RECOMMENDATION

Anne Howard moved that the Town vote to amend the Zoning By-law as printed in the warrant under Article 13 with the following change; delete the word Order.

Motion Carried. Declared 2/3rd Vote.

Article 14. *Zoning Amendments, Article V Definitions.* To see if the Town will vote to amend the Provincetown Zoning By-laws by amending the following definitions in Article V, Definitions:

- (a) Affordable Housing: Insert the phrase "*For the purposes of Growth Management,*" at the beginning of the first sentence.
- (b) Applicant: Insert the phrase "*For the purposes of Growth Management,*" at the beginning of the first sentence.
- (c) Building height: Amend the current definition as follows: "Building height: ~~shall mean~~ the vertical distance between the highest point of the roof and the natural mean grade. ~~The height shall be determined by a measurement as measured from~~ the natural grade at the four (4) furthest corners of the structure to the height of the highest point of the roof, ~~then~~ and dividing the aggregate number of these heights by four (4); ~~the resulting number (height) shall not exceed the current height restriction as specified in Section 1320. To determined the applicable natural grade, which may not be artificially heightened to raise the elevation of a structure, the critical topographical data (to the same detail as that required by the Board of Health) shall be provided as required by the Building Inspector. Height limitations shall not apply to chimneys, TV antennae with poles of ten (10) feet or less, or spires, cupolas and widow walks that do not enclose more than thirty five (35) square feet of floor space or exceed ten (10) feet in height or occupy more than five (5) percent of the roof area"~~
- (d) Camp: Insert the word *Campground*, so that the heading reads: "Camp/Campground".
- (e) Camper: substitute "*manufactured*" for "mobile" in the last sentence.
- (f) Dormer: Amend the current definition as follows: "Dormer: a *framed* structure, either gable, shed or eyebrow

style, which projects from a sloping roof and *has its own roof and sides*. and usually contains a window. ~~Dormers shall have a minimum pitch of 4:12. No part of a dormer shall extend above the ridge height of the roof from which it projects,~~"

- (g) Floor Area: Delete "shall mean" and substitute "*interior*" for "exterior". Add the following sentence to end of definition: "*For the purposes of computing floor area for half story, any portion of the floor area measuring less than five (5) feet from the finished floor to the finished ceiling shall not be included in the computation of floor area.*"
- (h) Fast Food Order Establishment: Delete the word "Order" from heading and substitute "*engaged primarily in*" for "whose primary business is" in the first sentence.
- (i) Growth Limitation Goal: Insert "*Growth Management*," prior to "Section E".
- (j) Growth Management Allocation Permit: Insert "*Growth Management*" prior to "Section D".
- (k) Half story: Amend the current definition as follows: "Half-story: a partial story under a gable or hip roof, *excluding mansard and gambrel roofs*, the wallplates of which on a least two directly opposite sides are not more than three (3) feet above the floor of such story. ~~For the purposes of determining the number of stories specified in the Dimensional Requirements of the Zoning By law, please refer to the definition of Story~~" (*See also definition of Story.*)"
- (l) Home Occupation: Amend the current definition as follows: "Home Occupation: ~~shall mean~~ a business or profession engaged in within a dwelling *or accessory structure thereto* by a ~~resident thereof as a use accessory thereto~~, *member of the household residing in the dwelling unit, clearly incidental and secondary to the use of the dwelling unit for residential purposes. See Section 3500 Home Occupation.*"
- (m) Manufactured Home: Delete the last sentence and insert "*See Section 3400 Manufactured Homes and Campers.*"
- (n) Retail Sales or Service, Neighborhood: Amend current definition as follows: "~~Retail Sales or Service, Neighborhood Retail Sales or Service: shall mean premises~~ An establishment having not more that 3,000 square feet gross floor area, ~~chiefly devoted to~~ *primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, periodicals, limited household supplies, hardware convenience sales and service such as variety, grocery, or drug stores supplies, or laundry services, but not including liquor or gasoline sales,*"
- (o) Seats: Substitute the word "*waitron*" for "waitress"
- (p) Story: Amend the current definition by deleting "shall mean" from the first sentence and deleting the second sentence: "(Half-story shall mean a partial story under a gable roof, the wallplates of which on at least two directly opposite sides are not more than three (3) feet above the floor of such story.)"
- (q) Structure: Amend the current definition as follows: "Structure: ~~shall mean a~~ any combination of materials assembled, constructed or erected ~~such as a building or attachment thereof or a combination of materials assembled at a~~ *that requires fixed location on the ground or attached to something having location on the ground*, including swimming pools having a capacity of 4,000 gallons or more, ~~and retaining walls which retain supporting more than four feet of unbalanced soil material, platforms, towers, dish antennae, masts for radio antennae, windmills or wind generators, and decks,~~ but not including flagpoles, paving, *temporary structures such as tents and canopies*, palletized patios, or fences which do not exceed 6 feet above the property grade. ~~Temporary structures such as tents and canopies shall not exceed allowed lot coverage (see definition) or setbacks and shall not be construed to constitute a permanent structure or an addition thereto. The word "structure" shall be construed where the context requires, as though followed by the words, "or part or parts thereof" Palletized patios shall mean a combination of materials assembled, constructed or erected which is not fixed to assembled materials, to a structure or to the ground and whose assembled components are no larger than 8 feet long by 4 feet wide by 6 inches high. Palletized patios shall be at or near grade~~"

or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

FINANCE COMMITTEE HAS NO RECOMMENDATION

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

Anne Howard moved to amend the Zoning By-law as printed in the warrant under Article 14 with the following changes;

Restore the last sentence of subsection c

Restore the last sentence of subsection f

Fast Order Food Establishment: insert the "phrase establishment engaged primarily in" following the words "Fast

Order Food Establishment.”

Delete the proposed change to the existing definition of Home Occupation.

In (q) delete the second to last sentence which begins with the words “palletized patios shall mean...”

Elizabeth Steele-Jeffers moved to indefinitely postpone Article 14.

Motion Defeated.

Motion Carried as Moved. Declared 2/3rd Vote.

COMMUNITY PRESERVATION

Article 15. Home Rule Petition: Substitute Community Preservation Act for Cape Cod Land Bank Act in Provincetown; Adoption of By-law. To see if the Town will vote as follows:

WHEREAS, under Article 8 of the April 2, 2001 Special Town Meeting the voters authorized the filing of home rule legislation in an attempt to make the Cape Cod Open Space Land Acquisition Act (the “Land Bank”), a more perfect fit for our community by allowing us to better address affordable housing and open space needs within the limits of the Land Bank's 3% percent property tax surcharge, and

WHEREAS, the resulting bill, House Bill No. 4144, would (1) allow the Town to increase from 10% to 35% the percentage of Land Bank funds to be used for affordable housing; and (2) allow the Town to use Land Bank funds to maintain all of its Town-owned open space properties, and not simply those acquired with Land Bank funds; and

WHEREAS, the Legislature has thus far failed to enact House Bill No. 4144 due to opposition by some to Provincetown further amending the Land Bank Act;

WHEREAS, the Town of Provincetown finds that it cannot afford to add the 3% surcharge from accepting also the Community Preservation Act, Chapter 267 of the Acts of 2000, on top of the Land Bank's 3% surcharge; and

WHEREAS, the Town of Provincetown finds that the Community Preservation Act, which provides that no less than 10% of its proceeds to be expended each on open space, housing, and preservation, is a better fit for Provincetown than the Land Bank; and

WHEREAS, the voters of the Town of Provincetown wish to be given the opportunity to replace the Land Bank Act with the Community Preservation Act;

THEREFORE, the Town votes to authorize the Board of Selectmen to request that the Town's representative in the General Court file a home rule petition for a special act entitled, "An Act Authorizing the Town of Provincetown to Substitute the Community Preservation Act for the Cape Cod Open Space Land Acquisition Act," to read as follows:

SECTION 1. Notwithstanding section 4A of chapter 4 of the general laws or of any other general or special law or by-law to the contrary, the town of Provincetown (the “town”) hereby revokes its acceptance of chapter 293 of the acts of 1998, otherwise known as the Cape Cod Open Space Land Acquisition Act (the “Land Bank Act”), and accepts sections 3 through 7 inclusive of chapter 44B of the general laws, otherwise known as the Community Preservation Act (the “CPA”). In Provincetown, the CPA will be funded by an additional surcharge of 3% on the annual tax levy on real property and by matching funds provided by the commonwealth. The following exemption from such surcharge, permitted under section 3(e) of the CPA, will apply: property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the town. The CPA will take effect in the town on July 1 of the fiscal year following acceptance of the voters of this act. The surcharge percentage and exemption initially applicable in the town may be altered in accordance with the provisions of the CPA.

SECTION 2. Notwithstanding any general or special law or by-law to the contrary, all acts and proceedings with respect to the Land Bank Act taken by the town at its annual and special town meetings since November 3, 1998, and all actions taken pursuant thereto, are hereby ratified, validated and confirmed. Any matching funds which are due to be given to the town based on collection by the town of the excise mandated by the Land Bank Act for any fiscal year prior to the year in which the CPA takes effect shall be given to the town. Upon acceptance of this act, such funds, and all other funds in the town's Land Bank Fund, will be transferred to the town's Community Preservation Fund, and shall be available for appropriation by the town in accordance with the provisions of the CPA. The debt service on any borrowing authorized by

the town pursuant to the provisions of section 7 of the Land Bank Act shall be repayed out of the Community Preservation Fund. It shall not be required that the community preservation committee created by by-law recommend that 10% of the funds transferred from the Land Bank Fund to the Community Preservation Fund be spent or set aside for each of the three purposes of the Act. However, in accordance with the provisions of the CPA, the community preservation committee will be required to recommend that 10% of the funds collected after the CPA takes effect in the town be spent or set aside for each of the three purposes of the CPA.

SECTION 3. This act shall be submitted to the voters of said town at the next annual or special town election occurring more than 35 days after the passage of this act, or at a special town election called for the purpose, whichever occurs first, in the form of the following question which shall be placed upon the official ballot to be used at said election: "Shall an act passed by the general court in the year 2002 entitled, 'An Act authorizing the Town of Provincetown to Substitute the Community Preservation Act for the Cape Cod Open Space Land Acquisition Act', be accepted?" Town counsel will prepare a summary of this act and the CPA, as required by section 3(f) of the CPA, which will appear below the ballot question. If a majority of the votes cast in answer to said question is in the affirmative, then sections 1 and 2 of this act shall thereupon take effect, but not otherwise.

SECTION 4. This act shall take effect upon its passage.

The General Court may only make clerical or editorial changes of form to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the general court. The Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; and further, that the Town vote to amend the General By-laws by adding a new section,

5-14. Community Preservation Committee By-law

5-14-1. Membership of the Committee. There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to the provisions of G.L., c.44B, §5. The composition of the committee, the appointing authority and the term of office for the committee members shall be as follows: (1) One member of the Conservation Commission as designated by the Commission; (2) One member of the Historical Commission as designated by the Commission; (3) One member of the Planning Board as designated by the Board; (4) One member of the Recreation Commission, as designated by the Commission; (5) One member of the Housing Authority as designated by the Authority; (6) Four individuals to be appointed by the Board of Selectmen. Each member of the Committee shall serve for a term of three years or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier; provided, however, that two of the Board of Selectmen's appointees shall be appointed for initial terms of three years, one appointee shall be appointed for an initial term of two years, and the final appointee shall be appointed for an initial term of one year. Should any of the officers and commissions, boards, or committees who have appointing authority under this by-law be no longer in existence for whatever reason, the Board of Selectmen shall appoint a suitable person to serve in their place. Any member of the Committee may be removed for good cause in accordance with Section 10-2-1 of the Town Charter.

5-14-2. Duties

5-14-2-1. The community preservation committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the department of public works, and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one annual public informational hearing, or more at its discretion, on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.

5-14-2-2. The community preservation committee shall make recommendations to the Town Meeting for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

5-14-2-3. The community preservation committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with

community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

5-14-2-4. In every fiscal year, the community preservation committee must recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund in each of the following areas for (a) open space (not including land for recreational use), (b) historic resources; and (c) community housing.

5-14-3. Requirement for a quorum and cost estimates. The community preservation committee shall comply with the provisions of the Open Meeting Law, G.L. c.39, §23B. The committee shall not meet or conduct business without the presence of a majority of the members of the community preservation. The community preservation committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the committee's anticipated costs.

5-14-4. Amendments. This by-law may be amended from time to time by a majority vote of the Town Meeting, consistent with the provisions of G.L. c.44B.

5-14-5. Severability. In case any section, paragraph or part of this by-law is for any reason declared invalid or unconstitutional by any court, every other section, paragraph or part shall continue in full force and effect.

5-14-6. Effective Date. Provided that a special act of the General Court entitled, "An Act authorizing the Town of Provincetown to Substitute the Community Preservation Act for the Cape Cod Open Space Land Acquisition Act" is accepted by the voters of the Town at a special or annual Town election, this by-law shall take effect upon approval by the Attorney General of the Commonwealth, and after all requirements of G.L. c.40, §32 have been met.

to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS: 7-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

PLANNING BOARD RECOMMENDS: 4-1-0

LOCAL HOUSING PARTNERSHIP RECOMMENDS 3-0-0

CONSERVATION COMMISSION DOES NOT RECOMMEND: 5-0-0

HISTORICAL COMMISSION RECOMMENDS 4-0-0

HOUSING AUTHORITY RECOMMENDS 5-0-0

RECREATION COMMISSION RECOMMENDS 4-0-0

Keith A. Bergman moved that the Town vote to approve Article 15 as printed in the warrant.

Motion Carried.

Article 16. Land Bank Funds. To see if the Town will vote to withdraw HR 4144 and HR4145 from the legislative process in order to return the Land Bank Funds to its original use for land acquisition, and to accept the Community Preservation Act with the intention of designating the maximum amount allowable of its income for affordable housing; or take any other action relative thereto.

[Requested by Robin Q. Evans and others]

FINANCE COMMITTEE DOES NOT RECOMMEND: 6-0-0

BOARD OF SELECTMEN DOES NOT RECOMMEND: 4-0-0

PLANNING BOARD DOES NOT RECOMMEND: 4-0-0

HISTORICAL COMMISSION DOES NOT RECOMMEND 4-0-0

CONSERVATION COMMISSION RECOMMENDS: 4-0-1

Celine Gandolfo moved to indefinitely postpone Article 16 at Annual Town Meeting 2002.

Motion Carried.

Article 17. Town Planner. To see if the Town will vote to raise and appropriate the sum of \$63,100 to defray the salary, benefits, and associated costs to establish and fund the position of Town Planner to be classified under Schedule A of the Personnel By-law Classification and Compensation Plan; or to take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee, Board of Health, Zoning Board of Appeals, Harbor Committee, Local Housing Partnership, Open Space Committee]

FINANCE COMMITTEE RECOMMENDS: 5-1-1

BOARD OF SELECTMEN DOES NOT RECOMMEND: 3-1-0

PLANNING BOARD RECOMMENDS: 4-0-0

BOARD OF HEALTH RECOMMENDS: 4-0-0

HARBOR COMMITTEE RECOMMENDS: 4-0-0

HISTORICAL COMMISSION RECOMMENDS 4-0-0

HOUSING AUTHORITY RECOMMENDS 5-0-0

Anne Howard moved that the Town vote to approve Article 17 with the following change:

To see if the Town will vote to raise and appropriate the sum of \$53,820 to defray the salary, benefits, and associated costs to establish and fund the Grade 10 position of Town Planner, whose duties shall include those of the affordable housing specialist envisioned in the home rule petition for an Affordable Housing Trust Fund filed by Article 6 of the April 2, 2001 Special Town Meeting; or to take any other action relative thereto.

Motion Carried. YES 64 NO 60

Wednesday Night Decisions

Allan Gallant moved to reconsider Article 17.

Motion defeated. YES 82 NO 107

Article 18. *Survey of Historic Resources.* To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the sum of \$10,000 for the purpose of updating and completing the Town's survey of historic resources, to be expended under the direction of the Town Manager, Historic District Study Committee, and the Department of Regulatory Management; or to take any other action relative thereto.

[Requested by Leonard C. Stewart and others]

FINANCE COMMITTEE RECOMMENDS: 5-0-0

BOARD OF SELECTMEN: 3 in favor, 2 opposed

HISTORICAL COMMISSION RECOMMENDS: 5-0-0

Len Stewart moved that the Town vote to raise and appropriate the sum of \$10,000 for the purpose of updating and completing the Town's survey of historic resources, to be expended under the direction of the Town Manager, Historic District Study Committee, and the Department of Regulatory Management;

Motion Carried.

Article 19. *Preservation of Greenway.* To see if the Town will vote as follows: Whereas: that portion of the Massachusetts Highway Department land which has not been discontinued to Provincetown for road and sewer purposes constitutes a major component of the Provincetown Greenway, therefore, the Town directs the Board of Selectmen to seek to acquire any Massachusetts Highway or other state land only for conservation purposes, and to place a conservation restriction on any land so acquired to be held by the Provincetown Conservation Trust, consistent with other Town-held conservation lands; or to take any other action relative thereto.

[Requested by Anne L. Malicoat and others]

FINANCE COMMITTEE DOES NOT RECOMMEND: 6-0-0

BOARD OF SELECTMEN DOES NOT RECOMMEND: 3-0-1

MANOR BOARD OF DIRECTORS DOES NOT RECOMMEND: 5-0-0

BOARD OF HEALTH DOES NOT RECOMMEND 4-0-0

COUNCIL ON AGING DOES NOT RECOMMEND 4-0-0

PLANNING BOARD DOES NOT RECOMMEND: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to indefinitely postpone action on Article 19.

Motion Carried.

Article 20. *By-law to Protect All Public Water Sources in Provincetown* To see if the Town will vote to create a Town by-law that would protect proven public water resources within the town from any action whether private

or public that would threaten or endanger either the quality or availability of the water within these areas. This includes all areas tested or proven or otherwise known to have value or potential as public water supply. This also includes watershed areas abutting or surrounding the actual pump site within the distance normally understood to be inside the cone of influence of the pump site. To be subject to approval and review by Water and Sewer Board, Conservation Commission, and water department superintendent; or to take any other action relative thereto.

[Requested by Paul Tasha and others]

FINANCE COMMITTEE DOES NOT RECOMMEND: 6-0-0

BOARD OF SELECTMEN DOES NOT RECOMMEND: 3-0-1

MANOR BOARD OF DIRECTORS DOES NOT RECOMMEND: 5-0-0

BOARD OF HEALTH DOES NOT RECOMMEND 3-0-1

COUNCIL ON AGING DOES NOT RECOMMEND 4-0-0

PLANNING BOARD DOES NOT RECOMMEND: 3-0-1

Elizabeth Steele-Jeffers moved that the Town vote to indefinitely postpone action on Article 20.

Motion Carried.

Article 21. *Preservation of Water Resource District.* To see if the Town will vote to continue to protect our valuable water resources and maintain our sole Water Resource District as so voted at Town Meeting in 1991, and, accordingly, direct the Selectmen not to seek to amend the zoning or other regulations applicable to the Water Resource District, or take any action relative thereto.

[Requested by Paul Tasha and others]

FINANCE COMMITTEE DOES NOT RECOMMEND: 6-0-0

BOARD OF SELECTMEN DOES NOT RECOMMEND: 4-0-0

MANOR BOARD OF DIRECTORS DOES NOT RECOMMEND: 5-0-0

BOARD OF HEALTH DOES NOT RECOMMEND 3-0-1

COUNCIL ON AGING DOES NOT RECOMMEND 4-0-0

PLANNING BOARD DOES NOT RECOMMEND: 3-0-1

Elizabeth Steele-Jeffers moved that the Town vote to indefinitely postpone action on Article 21.

Motion Carried.

Article 22. *Collaborative Interests/Development of Regional Healthcare Campus in Another Town.* To see if the Town will vote to direct the Board of Selectmen to explore collaborative interests in the renovation, operation and funding of the Cape End Manor or in the development of a regional healthcare campus for the elderly, located in a larger town closer to hospitals and skilled medical labor, with nearby towns such as Truro and Wellfleet, or to take any other action relative thereto.

[Requested by Paul Tasha and others]

FINANCE COMMITTEE DOES NOT RECOMMEND: 6-0-0

BOARD OF SELECTMEN DOES NOT RECOMMEND: 3-0-1

MANOR BOARD OF DIRECTORS DOES NOT RECOMMEND: 5-0-0

BOARD OF HEALTH DOES NOT RECOMMEND 3-0-1

COUNCIL ON AGING DOES NOT RECOMMEND 4-0-0

PLANNING BOARD DOES NOT RECOMMEND: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to indefinitely postpone action on Article 22.

Motion Carried.

Article 23. *Feasibility of Reconstructing Cape End Manor at Current Site – \$40,000.* To see if the Town will vote as follows: Whereas: a large number of townspeople are not in favor of privatization of the Cape End Manor and would like to see the Manor continue to provide care to the elderly at its present location; and Whereas: full information has not been provided to the public on the option of continuing the Cape End Manor at its present location, with or without renovations, Therefore, the Town will vote to raise and appropriate or borrow or transfer from available funds the \$40,000 amount to be expended by the Board of Selectmen to obtain a thorough and objective analysis of the feasibility of continuing to operate the Cape End Manor at 100 Alden Street, with or without renovations, and report its findings to the public. Said analysis shall be undertaken with the assistance of an independent, professional healthcare expert who has no current or future interest in the Manor or any proposed new healthcare facility or campus, or take any action thereto. *[Requested by Paul Tasha and others]*

FINANCE COMMITTEE DOES NOT RECOMMEND: 6-0-0

BOARD OF SELECTMEN DOES NOT RECOMMEND: 3-0-1

MANOR BOARD OF DIRECTORS DOES NOT RECOMMEND: 5-0-0

BOARD OF HEALTH DOES NOT RECOMMEND 4-0-0

COUNCIL ON AGING DOES NOT RECOMMEND 4-0-0

PLANNING BOARD DOES NOT RECOMMEND: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to indefinitely postpone action on Article 23.

Motion Carried.

ZONING BY-LAW AMENDMENTS – PART II

Article 24. *Zoning Amendments, Article V Definitions, New Definition for Building.* To see if the Town will vote to amend the Provincetown Zoning By-laws, Article V, Definitions by adding the following definition: 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 as defined in this By-laws., or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Anne Howard moved that the Town Vote to approve Article 24 as printed in the warrant.

Motion Carried. Declared 2/3rd Vote

Article 25. *Zoning Amendments, Article V Definitions, New Definition for Change of Use.* To see if the Town will vote to amend the Provincetown Zoning By-laws, Article V, Definitions by adding the following definition: *Change of Use: For zoning purposes, an alteration of a principal or accessory structure or use of a lot.,* or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Anne Howard moved that the Town vote to approve Article 25 as printed in the warrant.

Alix Ritchie moved that the Change of Use: should read “an alteration of THE USE of a principal or accessory structure or use of a lot”

Amendment Carried.

Motion as Amended Carried. Declared 2/3rd Vote.

Article 26. *Zoning Amendments, Article V Definitions, New Definition for Natural Grade.* To see if the Town will vote to amend the Provincetown Zoning By-laws, Article V, Definitions by adding the following definition: *Natural Grade: the existing grade or elevation of the ground surface prior to human-made alteration. To determine the applicable natural grade, which may not be artificially heightened to raise the elevation of a structure, the critical topographical data shall be provided as required by the Building Inspector.,* or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Anne Howard moved that the Town vote to approve Article 26 as printed in the warrant.

Motion Carried. Declared 2/3rd Vote.

Article 27. *Zoning Amendments, Article V Definitions, New Definition for Palletized Patio.* To see if the Town will vote to amend the Provincetown Zoning By-laws, Article V, Definitions by adding the following definition: Palletized patio: A combination of materials assembled, constructed or erected which is not fixed to assembled materials, to a structure or to the ground and whose assembled components are no larger than 8 feet long by 4 feet wide by 6 inches high. Palletized patios shall be at or near grade., or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0
FINANCE COMMITTEE HAS NO RECOMMENDATION

Anne Howard moved that the Town vote to approve Article 27 as printed in the warrant.

Motion Carried. Declared 2/3rd Vote.

Article 28. *Zoning Amendments, Article V Definitions, New Definition for Retaining Wall.* To see if the Town will vote to amend the Provincetown Zoning By-laws, Article V, Definitions by adding the following definition: *Retaining Wall: A wall or similar structure used at a grade-change to retain or restrain lateral forces of soil or other material, or take any other action relative thereto.*

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0
BOARD OF SELECTMEN RECOMMENDS: 3-1-0
FINANCE COMMITTEE HAS NO RECOMMENDATION

Anne Howard moved that the Town vote to approve Article 28 with the following amendment: "insert the word *unbalanced*, following the words *lateral forces of*, so that it reads as follows:

Retaining Wall: "a wall or similar device used at a grade change to retain or restrain lateral forces of *unbalanced* soil or other material.

Motion Carried. Declared 2/3rd Vote.

Article 29. *R. Zoning Amendments, Article V Definitions New Definition for Temporary Structure.* To see if the Town will vote to amend the Provincetown Zoning By-laws, Article V, Definitions by adding the following definition: *Temporary structure: A structure without any foundation or footing and removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. Temporary structures such as tents and canopies shall not exceed allowed lot coverage (see definition) and setbacks, except when such structures are in use for a period not exceeding seven days. Temporary structures shall not be construed to constitute a permanent structure or addition thereto, or take any other action relative thereto.*

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0
BOARD OF SELECTMEN RECOMMENDS: 3-1-0
FINANCE COMMITTEE HAS NO RECOMMENDATION

Anne Howard moved that the Town vote to approve Article 29 as printed in the warrant.

Motion Carried. Declared 2/3rd Vote.

Article 30. *Zoning Amendments, Article V Definitions, New Definition for Use.* To see if the Town will vote to amend the Provincetown Zoning By-laws, **Article V, Definitions** by adding the following definition: *Use: Any purpose for which a lot, building, or other structure or tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land, or take any other action relative thereto.*

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0
BOARD OF SELECTMEN RECOMMENDS: 3-1-0
FINANCE COMMITTEE HAS NO RECOMMENDATION

Anne Howard moved that the Town Vote to approve Article 30 as written in the warrant.

Motion Carried. Declared 2/3rd Vote.

Article 31. *Zoning Amendments, Article V Definitions, Accessory Building or Use.* To see if the Town will vote to amend the Provincetown Zoning By-laws Article V, Definitions by amending the definition of Accessory Building or Use as follows: "~~shall mean a building or use~~ *A structure or use which is customarily incidental to and subordinate in area, extent, and purpose to that of the principal structure or use and is located on the same lot with the principal building or use except therewith. If such use or structure occupies more than 30% of the floor area occupied by the principal structure or use or 50% of the lot area is occupied by such the principal structure or use, it shall no longer be considered accessory.*" or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0

**BOARD OF SELECTMEN RECOMMENDS: 3-1-0
FINANCE COMMITTEE HAS NO RECOMMENDATION**

Ellen Battaglini moved that the Town vote to approve Article 31 to be amended as follows:

After the word "or" and before "50%" in the last sentence, add the words: "more than", then delete the word "principal".

Motion Carried. Declared 2/3rd Vote.

Article 32. Zoning Amendments, Article V Definitions. Artist's Studio. To see if the Town will vote to amend the Provincetown Zoning By-laws Article V, Definitions by amending the definition of Artist's Studio as follows: ~~shall be a structure to be used for the creation of works of art including literature, paintings, sculpture, original limited edition graphic arts and photographs created by individual artists on a single piece basis; Work space for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art of craft; it may include a bathroom but not a kitchen and is not to be used as a dwelling unit, guest unit or commercial accommodation. For an accessory use artist studio, such unit may be included within "home occupation" as defined in this By-laws.~~ or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

**PLANNING BOARD RECOMMENDS: 3-0-0
BOARD OF SELECTMEN RECOMMENDS: 3-1-0
FINANCE COMMITTEE HAS NO RECOMMENDATION**

Ellen Battaglini moved that the Town vote to indefinitely postpone Article 32.

Motion Carried. Declared 2/3rd Vote.

Article 33. Zoning Amendments, Article V Definitions, Boarding, Lodging or Tourist Home. To see if the Town will vote to amend the Provincetown Zoning By-laws Article V, Definitions by amending the definition of Boarding, Lodging or Tourist Home as follows: ~~shall mean~~ A dwelling with a managing family resident on the premises, plus accommodations, with or without meals, rented to more than ~~two~~ three but fewer than twenty persons, or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

**PLANNING BOARD RECOMMENDS: 3-0-0
BOARD OF SELECTMEN RECOMMENDS: 3-1-0
FINANCE COMMITTEE HAS NO RECOMMENDATION**

Ellen Battaglini moved that the Town vote to approve Article 33 as printed in the warrant.

Motion Carried. Declared 2/3rd Vote.

Article 34. Zoning Amendments, Article V Definitions, Story. To see if the Town will vote to amend the Provincetown Zoning By-laws Article V, Definitions by amending the definition of Story as follows:

That portion of a building included between the upper surface of the floor and the upper surface of the floor or roof next above it. For the purposes of determining the number of stories specified in the Dimensional Requirements of the Zoning By-laws, the following restrictions shall apply:

a. ~~A half story or full story of a building may be roofed by a dormer covering up to thirty (30) percent of the floor area. For the purposes of computing floor area, any portion of the floor area measuring less than five (5) feet from the finished floor to the finished ceiling shall not be included in the computation of floor area. If the top story of a building is roofed by a dormer covering fifty (50) percent or more of the floor area, it shall be considered a full story.~~

b. Cellars, basements, and/or foundation work shall not be considered a story unless used for a principal use or the walls of which extend more than an average of ~~4'6" (one foot six inches)~~ 3'6" (three feet six inches) on all *pertinent* sides from the finished grade. ~~Crawl spaces with a height less than four (4) feet and with unfinished floors shall not be considered a story. Single or two car garages built below finished grade shall not be included in the computation provided that the top of the garage door frame does not extend more than 4'6" (one foot six inches) above the finished grade on either immediate side of the garage.~~

c. Floor area under a gambrel or mansard roof shall be considered a full story.",

or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0

**BOARD OF SELECTMEN RECOMMENDS: 3-1-0
FINANCE COMMITTEE HAS NO RECOMMENDATION**

Ellen Battaglini moved Article 34 as printed in the warrant.

Motion Carried. Declared 2/3rd Vote.

Article 35. Zoning Amendment, Section 1320, Dimensional Schedule. To see if the Town will vote to amend the Provincetown Zoning By-law, Section 1320 Dimensional Schedule as follows: Amend the current Dimensional Schedule which reads as follows:

	Residential			Commercial		Seashore	Public Use
	B	G	W W-B	R	P ₂	S	M
Requirements							
Min. Lot Area (square feet)	8,000	5,000	5,000	5,000	7,000	120,000	--
Min. Lot Frontage (linear feet)	50	50	50	50	70	--	--
Min. Front Yard (feet)	30	20 ¹	20 ¹	10	30	50	--
Min. Side Yard (feet)	15	6	6	5 ²	15	25	--
Min. Rear Yard (feet)	20	15 ¹	10 ¹	10	25	25	--
Max. Lot Coverage (%)	40	40	40	40	40	--	--
Max. Building Height (number of stories) (Refer to Story in Definitions)	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2
Max. Height Given The Following Roof Types							
Shed, flat, semi-circular, half gable, half hip, gambrel and salt-box roofs (feet)	23	23	23	23	23	23	23
Mansard (feet)	28	28	28	28	28	28	28
4 ¹ / ₁₂ Hip and gable roofs with a pitch of at least 4/12 (feet)	33	33	33	33	33	33	33
Harborfront setback (see above)							

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.

2. May be reduced to zero with a party wall (jointly owned by owner or abutting properties) meeting the requirements of the State Building Code, provided that access to the rear of the property is maintained for emergency vehicles.

3. Residential uses shall comply with requirements of the Residential W District.

4. No existing gable roof shall be replaced with a different roof configuration without a Special Permit from the Board of Appeals which shall specifically address, in addition to the requirements of Section 4330, the solar access available to neighboring structures (reference MGL Chapter 637), and public safety including Fire Department facilities.

by replacing it with the following Dimensional Schedule:

	Residential	Commercial	Seashore	Public
--	-------------	------------	----------	--------

	Res1	Res2	Res3 ResB	VCC	CB ³	S	Use M
Requirements							
Min. Lot Area (square feet)	8,000	5,000	5,000	5,000	7,000	120,000	--
Min. Lot Frontage (linear feet)	50	50	50	50	70	--	--
Min. Front Yard (feet)	30	20 ¹	20 ¹	10	30	50	--
Min. Side Yard (feet)	15	6	6	5 ²	15	25	--
Min. Rear Yard (feet)	20	15 ¹	10 ¹	10	25	25	--
Max. Lot Coverage (%)	40	40	40	40	40	--	--
Max. Number of Stories ⁴ (Refer to Story in Definitions)	2 ½	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2	2 1/2
Max. Building Heights ⁵							
Hip and gable roofs with a pitch of at least 4/12 (feet)	33	33	33	33	33	33	33
Mansard roofs (feet)	28	28	28	28	28	28	28
All other roof types (feet)	23	23	23	23	23	23	23
Harborfront setback (see above)							

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.

2. May be reduced to zero with a party wall (jointly owned by owner or abutting properties) meeting the requirements of the State Building Code, provided that access to the rear of the property is maintained for emergency vehicles.

3. Residential uses shall comply with requirements of the Res3 District.

4. For the number of stories allowed in High Elevation District, see Section 3900 High Elevation District.

5. Height limitations shall not apply to chimneys, TV antennae with poles of ten (10) feet or less, or spires, cupolas and widow walks that do not enclose more than thirty-five (35) square feet of floor space or exceed ten (10) feet in height or occupy more than five (5) percent of the roof area.

or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Ellen Battaglioni moved that the Town vote to approve Article 35 as printed in the warrant with the following change:

Change the title in the amended table from "CB³" to "GC³".

Motion Carried. Declared 2/3rd Vote.

Machines and Section 2450, Sound Amplification in their entirety, or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Ellen Battaglini moved that the Town vote to approve Article 36 as printed in the warrant with the following change: After the phrase "in their entirety," add "and to remove G8 and a and b and their uses" from the table in Section 1250 Permitted Accessory Uses, and renumber the remaining uses accordingly.

Motion Carried. Declared 2/3rd Vote.

Anne Howard moved to take up Article 13 and 14.

Article 37. Zoning By-law Amendment. Overlay District Section. To see if the Town will vote to amend the Provincetown Zoning By-laws, Article I, District Regulations by inserting a new section heading to read: "Section 1500, Overlay Districts", or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Ellen Battaglini moved that the Town vote to approve Article 37 as printed in the warrant.

Motion Carried. Declared 2/3rd Vote.

Article 38. Zoning By-law Amendment. Roof Pitch. To see if the Town will vote to amend the Provincetown Zoning By-laws, Article VII, Design Standards, Section 7101 C. Roof Pitch by: (a) inserting the following new subsection: "2. Dormers. Dormers shall have a minimum pitch of 4:12. No part of a dormer shall extend above the ridge height of the roof from which it projects." and (b) by renumbering the existing subsection "2" to "3", or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Ellen Battaglini moved that the Town vote to approve Article 38 as printed in the warrant.

Motion Carried. Declared 2/3rd Vote.

Article 39. Zoning By-law Amendment. Roof Configuration. To see if the Town will vote to amend the Provincetown Zoning By-laws, Article VII, Design Standards, Section 7101 Roof Pitch by inserting a new subsection D as follows: "D. Roof Configuration. No existing gable roof shall be replaced with a different roof configuration without a Special Permit from the Board of Appeals which shall specifically address, in addition to the requirements of Section 4330, the solar access available to neighboring structures (reference MGL Chapter 637), and public safety including Fire Department facilities." or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Ellen Battaglini moved that the Town vote to approve Article 39 as printed in the warrant.

Motion Carried. Declared 2/3rd Vote.

Article 40. Zoning By-law Amendment: Adult Entertainment. To see if the Town will vote to amend the Provincetown Zoning By-laws, Article V, Definitions, by revising the definition of Adult Entertainment Uses by deleting paragraph (e) thereof, which currently reads as follows: "(e) Establishment which displays live nudity for its patrons, any establishment which provides live entertainment for its patrons, which includes the display of nudity, as term is defined in section thirty-one of chapter two hundred and seventy-two of the Massachusetts General Laws." and further, by renumbering paragraphs (f) and (g) as (e) and (f), respectively; or take any other action relative thereto.

*[Requested by the Board of Selectmen]***PLANNING BOARD RECOMMENDS: 3-0-0****BOARD OF SELECTMEN: 2 in favor, 2 opposed****FINANCE COMMITTEE HAS NO RECOMMENDATION**

Elizabeth Steele-Jeffers moved to indefinitely postpone Article 40.

Motion Defeated.

Dr. Cheryl Andrews moved that the Town vote to approve Article 40 as printed in the warrant.

Motion Defeated. YES 15 NO 146**GENERAL BY-LAW AMENDMENTS**

Article 41. *General By-law Amendment - Clothing Optional.* To see if the Town will vote to amend Section 13-2-10 and 13-2-11 of the Town's General By-laws by adding: "*except in areas designated clothing optional by a Town Meeting vote.*" Currently they read as follows:

13-2-10. Swimming in the nude. No person shall swim or bathe unclothed in any of the waters adjacent to, or open to the public within the Town.

13-2-11. Indecent exposure. No person shall indecently expose his or her body in public in such a manner as to be visible to persons of the opposite sex or to children.

or take any other action relative thereto.

*[Requested by David Atkinson and others]***BOARD OF SELECTMEN RECOMMENDS: 3-1-0****FINANCE COMMITTEE HAS NO RECOMMENDATION****CONSERVATION COMMISSION DOES NOT RECOMMEND: 4-0-1****PLANNING BOARD RECOMMENDS: 2-0-2**

David Atkinson moved that the Town vote to approve Article 41 as printed in the warrant.

Motion Carried.

Article 42. *Clapps Pond Beach/Clothing Optional.* To see if the Town will vote to designate the beach area at Clapps Pond as clothing optional; or take any other action relative thereto.

*[Requested by David Atkinson and others]***BOARD OF SELECTMEN DOES NOT RECOMMEND: 3-1-0****FINANCE COMMITTEE HAS NO RECOMMENDATION****CONSERVATION COMMISSION DOES NOT RECOMMEND: 4-0-1****PLANNING BOARD HAS NO RECOMMENDATION**

David Atkinson moved that the Town vote to approve Article 42 as printed in the warrant.

Motion Defeated.

Article 43. *Clothing Optional on Town-owned Beach.* To see if the Town will vote to designate the section of Town owned harbor beach between Court Street and Atlantic Avenue as clothing optional; or take any other action relative thereto.

*[Requested by David Atkinson and others]***BOARD OF SELECTMEN DOES NOT RECOMMEND: 3-1-0****FINANCE COMMITTEE HAS NO RECOMMENDATION****CONSERVATION COMMISSION DOES NOT RECOMMEND: 4-0-1****PLANNING BOARD DOES NOT RECOMMEND: 4-0-0****HARBOR COMMITTEE DOES NOT RECOMMEND: 5-0-0**

David Atkinson moved that the Town vote to approve Article 43 as printed in the warrant.

Motion Defeated.

Article 44. *Resolution Against Public Nudity.* To see if the Town will vote as follows: Whereas: The Town in 1998 passed a By-law restricting displays of live nudity; Whereas: This By-law was approved by the State Attorney General and is the Law; Whereas: A majority of people in Town do not want naked men or women on display for money here; Whereas: Our year-round people walk past most of our commercial establishments daily, they are all within 300 feet of the nearest residence; Whereas: We wish to protect our children and people who are offended by nakedness; Whereas: We do not object to statues or painting depicting the human form, but wish to prevent commercial exploitation of human nudity in any guise; Therefore: the Town votes to adopt the following Resolution: "We do not want public nudity in Provincetown. We want the Department of Regulatory Management to enforce all our By-laws. We want the Selectmen to back this enforcement with legal action if necessary;" or to take any other action relative thereto.

[Requested by Barbara Rushmore and others]

**BOARD OF SELECTMEN DOES NOT RECOMMEND: 3-1-0
FINANCE COMMITTEE HAS NO RECOMMENDATION**

Barbara Rushmore moved Article 44 as printed in the warrant.

Motion Defeated.

Article 45. *General By-law: Remove Malfunctioning Alarm Systems.* To see if the Town will vote to provide the Police Department with the necessary by-law to remove vehicles or vessels which are causing excessive noise due to a malfunctioning alarm system by approving a new addition to the General By-Laws in the form of Section 13 Subsection 2-6-3, as follows:

13-2-6-3 In addition to the non-criminal disposition penalty stated above, any 'stationary vehicle' or 'vessel' who violates 13-2-6-1 for a period of sixty (60) minutes or more, or whose vehicle is determined to be malfunctioning by an officer of the Provincetown Police Department, shall have said vehicle or vessel removed to a location where the source of the noise can be extinguished. The cost of removal and extinguishing of the source of the offending noise shall be paid by the owner or claimant of the offending vehicle."

and to amend Section 13 Subsection 2-6-2, to read as follows:

13-2-6-2 Noise caused or suffered by persons on premises. No person present in or about any building, dwelling, premises, shelter, *stationary vehicle*, boat or conveyance (or any part thereof), other than that section of any establishment licensed under G.L.c.138, shall cause, suffer, or countenance any loud, unnecessary, excessive, or unusual noise, regardless of its nature, source, or manner of production or reproduction, to be audible at a distance of fifty (50) feet or more from the point of origin. A non-criminal disposition penalty will be assessed of fifty dollars (\$50) to the owner, sponsor and/or responsible party for each offense

or to take any other action relative thereto:

[Requested by Gary Delius and others]

**BOARD OF SELECTMEN RECOMMENDS: 4-0-0
FINANCE COMMITTEE HAS NO RECOMMENDATION
HARBOR COMMITTEE RECOMMENDS: 5-0-0**

Gary Delius moved that the Town vote to approve Article 45 as printed in the warrant.

Motion Carried.

Article 46. *General By-law: Demolition Delay Permit.* To see if the Town will vote to amend the Provincetown General By-law by adding a new subsection to 11-1. Building permits and inspections, to read as follows:

11-1-5. Demolition Delay Permit.

11-1-5-1. PURPOSE

The purpose of this ordinance is to protect from demolition historically significant buildings which reflect the historical, cultural or architectural heritage of the Town of Provincetown, and to encourage the owners of such buildings to explore and develop acceptable alternatives to demolition such as preservation, restoration, or relocation.

11-1-5-2. DEFINITIONS

As used in this bylaw, the following words and terms, unless the context requires otherwise, shall have the following meanings:

2.1 "Building" - any combination of materials forming a shelter for persons, animals or property.

2.2 "Commission" - The Provincetown Historical Commission until such time as the Town of Provincetown adopts a local Historic District Commission pursuant to MGL C.40C, at which time the local historic district

commission shall be the "Commission" as used in this bylaw.

2.3 "Building Official" - Inspector of Buildings – Building Commissioner, or his designee.

2.4 "Demolition" - Any act of destroying, elimination, pulling down, razing or removing a building or any portion thereof, or starting the work of any such act with the intention of completing the same.

2.5 "Person" - any actual person, firm, partnership, association or corporation.

2.6 "Significant Building" - any building, or portion thereof which is not subject to regulation under the provisions of MGL C.40C, or regulations under the Cape Cod Commission Act as a Development of Regional Impact, and is over 50 years of age and:

(a) is associated with one or more historic persons or events contributing to the cultural, political, economic, or social history of the Town of Provincetown; or

(b) is historically or architecturally important (in terms of period, style, method of building construction, or association with a famous architect or builder) either by itself or in the context of a group of buildings.

11-1-5-3. PROCEDURE

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

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

3.3 The Commission, within seven (7) business days of the receipt of the application shall determine the significance of said building. When said building is determined to be a significant building, in accordance with the criteria set forth in Section 2.6, the Commission shall notify in writing the Building Official, the Town Clerk, and by certified mail to the owner of record as indicated on the application.

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

3.5 The Commission shall notify the applicant, the Building Official and the Town Clerk within ten (10) days from the close of the public hearing, if the Commission determines that the demolition of the significant building would not be detrimental to the historical, cultural or architectural heritage of the Town. The Building Official may, subject to requirements of the State Building Code and any other applicable laws, bylaws, rules and regulations, issue the demolition permit.

3.6 The Commission shall notify the applicant, the Building Official and the Town Clerk within ten (10) days from the close of the public hearing if the Commission determines that the demolition of the significant building would be detrimental to the historical, cultural or architectural heritage of the Town. No demolition permit may be issued until least twelve (12) months after the date of such determination by the Commission.

3.7 The Building Official may issue a demolition permit for the significant building which is the subject of said hearing prior to the expiration of the twelve (12) month delay period after receipt of written determination by the Commission that the Commission is satisfied that the owner has made a good faith effort to find an alternative use for the building that will result in its preservation. Alternatives to demolition include, but are not limited to, incorporation of the building into the future development of the site; adaptive re-use of the building; utilization of financial incentives to rehabilitate the building; seeking a new owner willing to purchase and preserve, restore, or rehabilitate the building; or moving or relocating the building.

11-1-5-4. EMERGENCY DEMOLITION In the event that the Building Official determines or is asked to consider the condition of a building which was wholly or in part constructed 50 or more years ago, the Chair of the Historical Commission or designee shall be notified to accompany the Building Official during the inspection. If the Chair of the Historical Commission or designee makes an initial determination that the said building is or may be a Significant Building within the meaning of this bylaw, the Building Official shall pursue all reasonable courses of action to prevent emergency demolition of such building including, but not limited to, requiring the owner to secure it against further damage or danger to the public. Nothing in this bylaw shall restrict the Building Official from immediately ordering the demolition of unsafe structures in accordance with the provisions of MGL C.143.

11-1-5-5. NON-COMPLIANCE

5.1 Whoever violates any provision of this bylaw shall be penalized by a fine of not more than three hundred (\$300) dollars, each day of violation shall constitute a separate offense.

5.2 The Commission and the Building Official are each authorized to institute any and all proceedings in law or equity as they deem necessary to obtain compliance with the requirements of this bylaw to prevent a violation thereof.

5.3 No building permit shall be issued with respect to any premises upon which a significant building has been voluntarily demolished in violation of this bylaw, or any building has been voluntarily demolished prior to

application for a demolition permit and review by the Commission pursuant to this bylaw, for a period of two years after the date of the completion of such demolition. As used herein, "premises" includes the parcel upon which the demolished significant building was located.

11-1-5-6. APPEALS. Any person aggrieved by a determination of the Commission may, within twenty (20) days after filing of the notice of determination by the Commission with the Building Inspector and Town Clerk, appeal to the Superior Court of Barnstable County. The court shall hear all pertinent evidence and shall annul the determination of the Commission if it finds the decision of the Commission to be unsupported by the evidence or to exceed the authority of the Commission or may remand the case for further action by the Commission or make such other decree, as justice and equity shall require.

11-1-5-7. SEVERABILITY. If any section, paragraph or part of this bylaw be for any reasons declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force and effect; or take any other action relative thereto.

[Requested by Ardis Markarian and others]

BOARD OF SELECTMEN DOES NOT RECOMMEND: 2-1-1

FINANCE COMMITTEE HAS NO RECOMMENDATION

PLANNING BOARD RECOMMENDS: 4-0-0

HISTORICAL COMMISSION RECOMMENDS: 4-0-0

Eric Dray moved to approve Article 46 as written, with the following revisions:

1. Add the word "at" before "least" in the second sentence of Section 3.6.
2. Substitute "six (6) month(s)" for "twelve(12)months(s)" where it appears in the article.
3. Add after Section 3.7 the following: "3.8 The provisions of this bylaw must be satisfied, including expiration of a delay period if imposed, before a building permit or other regulatory applications can be submitted to the Department of Regulatory Management for new construction on the premises. As used herein, "premises" includes the parcel upon which the building to be demolished is located.

Motion Carried.

ZONING BY-LAW AMENDMENTS – PART III

Article 47. Zoning - Article VIII Growth Management By-law, Purpose. To see if the Town will vote to amend the Provincetown Zoning By-laws, Article VIII, Growth Management By-law by deleting the "Whereas" clauses in the preamble to the Article and substituting therefor a new section entitled 8100. Purpose to read as follows:

8100. Purpose: The purpose of this Article is to maintain the rate of development in the Town at a level which will allow the Town to provide in a planned and rational manner adequate public services and facilities to meet the needs of its current and future population without overburdening the Town's natural resources or the capacities of existing and planned public facilities, particularly with respect to provision of potable water, wastewater disposal, and solid waste disposal. The regulations provided in this Article are designed to effectuate the purposes of zoning in :

- facilitating adequate provision of water, drainage, sewerage, and other public health safety and welfare requirements;
- protecting and enhancing the character of the community and its historical and natural resources; and
- ensuring that the rate of development does not overly burden the capacity of the Town to absorb the costs of meeting water, sewerage and waste disposal service demands in light of both fiscal constraints and limited availability of natural resources;

while at the same time, encouraging affordable housing development and minimizing hardship to persons of limited incomes who live, or may choose to live, in the town.,

or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 2 in favor, 2 opposed

BOARD OF HEALTH RECOMMENDS: 3-0-1

FINANCE COMMITTEE HAS NO RECOMMENDATION

Richard Olson moved that the Town vote to approve Article 47 as printed in the warrant.

Motion Carried. Declared 2/3rd Vote.

Article 48. Zoning - Renumbering Growth Management By-Law B. Applicability. To see if the Town will vote to amend the Provincetown Zoning By-laws, Article VIII, Growth Management By-law, by renumbering the fourth, fifth and sixth paragraphs in Section B from "1" "2" and "3" to "2" "3" and "4" respectively, or take any other action relative thereto.

[Requested by the Planning Board ,Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

BOARD OF HEALTH RECOMMENDS: 3-0-1

FINANCE COMMITTEE HAS NO RECOMMENDATION

Richard Olson moved that the Town vote to indefinitely postpone Article 48.

Motion Carried.

Article 49. Zoning - Growth Management By-law. Reference change. To see if the Town will vote to amend the Provincetown Zoning By-laws by substituting the phrase "Article V" for the phrase "Section A", or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

BOARD OF HEALTH RECOMMENDS 3-0-1

FINANCE COMMITTEE HAS NO RECOMMENDATION

Richard Olson moved that the Town vote to approve Article 49 as printed in the warrant with the following change:

After the word "By-laws" insert, ",Article VIII, Section B, paragraph 3"

Motion Carried. Declared 2/3rd Vote.

Article 50. Zoning - Growth Management By-law. Deletion of Prior Zoning Board of Appeals Approval. To see if the Town will vote to amend the Provincetown Zoning By-laws by deleting the following phrase from Article VIII, Growth Management By-law, Section B. Applicability, 1. Paragraph two: "; and no special permit or variances shall be granted authorizing construction of a new structure or the enlargement, renovation or alteration of an existing structure, and no special permit or variance shall be issued authorizing any new use or any change, intensification, expansion, or alteration of an existing use" or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

BOARD OF HEALTH RECOMMENDS: 3-0-1

FINANCE COMMITTEE HAS NO RECOMMENDATION

Richard Olson moved that the Town vote to approve Article 50 as printed in the warrant.

Motion Carried. Declared 2/3rd Vote.

Article 51. Zoning - Growth Management By-law. Private Well Exemption. To see if the Town will vote to amend the Provincetown Zoning By-laws, Article VIII, Growth Management By-law, by deleting the existing Section B. 3 c. and substituting therefor the following new Section B. 3 c.: "c. A single family dwelling where the owner is the resident and the dwelling unit uses a private well suitable for drinking. Said structure shall not be permitted to connect to the Town's water system." or take any other action relative thereto.

[Requested by the Planning Board ,Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

BOARD OF HEALTH RECOMMENDS: 3-0-1

FINANCE COMMITTEE HAS NO RECOMMENDATION

Richard Olson that the Town vote to approve Article 51 as printed in the warrant with the following change:

Change "B.3c." to "B.4c" in the article.

Rick Ridley moved to amend Article 51

Amendment Carried.

Motion as Amended Defeated.

Alix Ritchie moved to lay 51 on the table until Article 52.

Motion Carried.

Alix Ritchie moved to take Article 51 off the table.

Motion Carried.

Rick Holland moved to amend the amendment to add "should such source become either unpotable and or depleted, such property owner can, at his or her own expense, connect to a Town water system.

Amendment Defeated.

Article 52. Zoning - Growth Management By-law. Procedure. To see if the Town will vote to amend the Provincetown Zoning By-laws Article VIII, Growth Management By-law, Section C. Procedure, by (a) adding the following sentence to paragraph 1.: "For purposes of such application, statutory appeal periods relative to said permits, variances, special permits, determinations and/or orders of conditions, need not have expired without appeals having been taken in order for the Permit Coordinator to determine that an application for a Growth Management Allocation Permit is completed.", and (b) by deleting paragraph 3. in its entirety and (c) by renumbering existing paragraph "4." to "3.", or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

BOARD OF HEALTH RECOMMENDS: 3-0-1

FINANCE COMMITTEE HAS NO RECOMMENDATION

Richard Olson moved Article 52 as printed in the warrant.

Motion Carried. Declared 2/3rd Vote.

Article 53. Zoning - Growth Management By-law. Table of Use Categories and Priorities. To see if the Town will vote to amend the Provincetown Zoning By-laws, Article VIII, Growth Management By-law by deleting the Table of Use Categories and Priorities in its entirety and replacing it with the following new table:

TABLE OF USE CATEGORIES AND PRIORITIES

GENERAL USE CATEGORY 1

- 1a Multi-family dwelling projects that consist of 100% affordable housing
- 1b Two-family dwelling projects that consist of 100% affordable housing
- 1c Single-family dwelling projects that consist of 100% affordable housing

GENERAL USE CATEGORY 2

- 2a1 Multi-family dwellings projects that consist of 50%-99% affordable housing
- 2a2 Two-family dwellings projects that consist of 50%-99% affordable housing
- 2a3 Single-family dwelling projects that consist of 50%-99% affordable housing
- 2b1 Multi-family dwelling projects that consist of 25%-49% affordable housing
- 2b2 Two-family dwelling projects that consist of 25%-49% affordable housing
- 2b3 Single-family dwelling projects that consist of 25%-49% affordable housing

GENERAL USE CATEGORY 3

- 3a1 Single-family dwelling, one per lot
- 3a2 Single-family dwelling, two per lot, each in a separate structure
- 3a3 Single-family dwelling, three or more per lot, each in a separate structure
- 3b1 Two-family dwelling, one per lot
- 3b2 Two-family dwelling, two-per lot, each in a separate structure
- 3b3 Two-family dwelling, three or more per lot, each in a separate structure
- 3c Manufactured Home developments
- 3d Cluster development
- 3e All other new residential uses, or expansions or alterations to existing residential structures or uses, that result in increased Title 5 flow.

GENERAL USE CATEGORY 4

- 4a Nursing Home, Office and Artist's Studio as defined in this by-law
- 4b Boarding, Lodging or Tourist Homes

4c Hotel, Motel, Inn, Camp, Cabin

4d Restaurant and Bar

4e All other uses, expansions or alterations to existing structures or uses and any change in use or increase in posted occupant load that results in increased Title 5 Design Flow.

or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

BOARD OF HEALTH RECOMMENDS: 3-0-1

FINANCE COMMITTEE HAS NO RECOMMENDATION

Richard Olson moved that the Town vote to approve Article 53 as printed in the warrant with the following change: In General Use Category 1, delete 1a, 1b and 1c in their entirety and insert, "1. Residential Projects with 100% Affordable Housing Units."

And after "General Use Category 2" and before "2a1 Multi-family dwellings projects that consist of 50%-99% affordable housing", insert the words: "The non-affordable housing components of project existing of:"

Motion Carried. Declared 2/3rd Vote.

Anne Howard and others moved to reconsider Article 53.

Motion Carried.

Anne Howard moved that the Town vote to approve Article 53 as printed in the warrant with the following change: In General Use Category 1, delete 1a, 1b and 1c in their entirety and insert, "1. Affordable Housing Units."

And after "General Use Category 2" and before "2a1 Multi-family dwellings projects that consist of 50%-99% affordable housing", insert the words: "The non-affordable housing components of project existing of:"

Motion Carried. Declared 2/3rd Vote.

Article 54. Zoning - Growth Management By-law. Growth Limitation Goal Allocation. To see if the Town will vote to amend the Provincetown Zoning By-laws, Article VIII, Growth Management By-law by deleting Section E. Growth Limitation Goal Allocation, 1 and 2. in their entirety and replacing with the following:

1. Initially, 13,200 gpd shall be allotted for assignment for Use Category 1. Thereafter, all unassigned gallonage remaining at the end of each calendar year for General Use Categories 1, 2, 3, and 4 shall be allotted for assignment in the next calendar year for Use Category 1.
2. The Growth Limitation Goal shall be allocated for categories 2, 3 and 4 each year as follows:
 - (a.) 1870 gpd shall be allocated in near equal quarterly allotments for assignment under General Use Category 2.
 - (b.) 1100 gpd shall be allocated annually in May for assignment under General use Category 3.
 - (c.) 700 gpd shall be allocated annually in November for assignment under General Use Category 4.

or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN DOES NOT RECOMMEND: 3-1-0

BOARD OF HEALTH RECOMMENDS: 3-0-1

FINANCE COMMITTEE HAS NO RECOMMENDATION

Richard Olson moved that the Town vote to approve Article 54 as printed in the warrant with the following changes: In item 2, (a), delete the words: "in near equal quarterly allotments";

In item 2 (b), delete the words: "annually in May";

And in item 2 (c), delete the words: "annually in November".

Motion Carried. Declared 2/3rd Vote.

Alix Ritchie and others moved to reconsider Article 51.

Motion to Reconsider Defeated. YES 54 NO 111

GENERAL BY-LAW AMENDMENTS – PART II

Article 55. *General By-laws, Schedule A Fines for Zoning Violations.* To see if the Town will vote to amend the General By-laws by amending the fine schedule for Provincetown Zoning By-laws in Schedule A of said General By-laws to read as follows: "**Provincetown Zoning By-laws:** 1st offense, \$50.00, 2nd offense, \$150.00, 3rd offense, \$300.00"; or to take any other action relative thereto.

[Requested by the Planning Board]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Richard Olson moved that the Town vote to approve Article 55 as printed in the warrant with the following change:

Delete: "2nd offence, \$150.00, 3rd offence, \$300.00" and insert in it's place: "2nd offense, \$100.00, 3rd offense, \$200.00, 4th offense, \$300"

Motion Carried. Declared 2/3rd Vote.

Article 56. *General By-law Amendment – Special Town Meeting Warrant.* To see if the Town will vote as follows: Whereas: Petitions for all articles to be voted in Town Meetings must be in 30 days before the meeting starts; Whereas: The Selectmen have given at least a week-long period before the Warrant closes for the Annual Town Meeting; Whereas: When the Selectmen call a Special Town Meeting, the Warrant is open for a shorter period, although they require ten times more signatures on these petitions; Therefore: the Town votes the following By-Law: "There shall be at least a one week open period for the submission of petitions before the closing of the Warrant for a Special Town Meeting"; or to take any action relative thereto.

[Requested by Barbara Rushmore and others]

FINANCE COMMITTEE DOES NOT RECOMMEND: 5-0-0

BOARD OF SELECTMEN DOES NOT RECOMMEND: 3-1-0

Barbara Rushmore moved that the Town vote to approve Article 56 as printed in the warrant.

Motion Defeated.

CHARTER AMENDMENTS

Article 57. *Charter Amendment: 6 p.m. Start Time for Sessions of Town Meeting.* To see if the Town will vote to instruct its representative in the General Court to file a home rule petition for a special act to read as follows:

SECTION 1. The Charter of the Town of Provincetown which is on file in the office of the Archivist of the Commonwealth as provided in Section 12 of Chapter 43B of the General Laws is hereby amended by amending the following section from Chapter 2, Article 3, section 2-3-1, to read as follows:

2-3-1 The annual town meeting shall be held on the first Monday in April of every year and shall be called to order at 6:00 p.m. for the purpose of transacting all business of the annual town meeting except the election of such officers and the determination of such matters as are required by law to be elected or determined by ballot.

SECTION 2. This act shall take effect upon its passage.

The General Court may only make clerical or editorial changes of form to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the general court. The Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or to take any other action relative thereto.

[Requested by the Council on Aging]

FINANCE COMMITTEE RECOMMENDS: 5-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

CHARTER ENFORCEMENT COMMISSION HAS NO RECOMMENDATION

COUNCIL ON AGING RECOMMENDS: 4-0-0

Brunetta Wolfman moved that the Town vote to approve Article 57 as printed in the warrant.

Motion Carried.

Article 58. *Home Rule Petition/Amendment to the Provincetown Charter/Conduct of the Town Meeting.* To see if the Town will vote to instruct its representative in the General Court to file a home rule petition for a special act to read as follows:

SECTION 1. The Charter of the Town of Provincetown which is on file in the office of the Archivist of the Commonwealth as provided in Section 12 of Chapter 43B of the General Laws is hereby amend by amending

Chapter 2, Section 3, Article 9 to read as follows:

2-3-9 The order of consideration of articles as printed in the warrant, shall be determined by lottery as provided for in Section 18 of "Town Meeting Times: A Handbook of Parliamentary Law" by Johnson, Trustman, and Wadsworth, third edition. Exceptions limited to: 1. Annually recurring Town fiscal and personnel articles. 2. The Moderator may declare that, because of legal, fiscal, or unusual circumstances, certain articles must be considered before or after other articles;

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

[Requested by Allen R. Gallant and others]

FINANCE COMMITTEE DOES NOT RECOMMEND: 5-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

CHARTER ENFORCEMENT COMMISSION HAS NO RECOMMENDATION

Allan Gallant moved that the Town vote to approve Article 58 as printed in the ATM warrant.

Motion Defeated.

TOWN BOARDS

Article 59. Dissolve Heritage Museum Board of Directors. To see if the Town will vote to rescind its vote under Article 8 of November 12, 1975 Special Town Meeting which established the Heritage Museum Board of Directors; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

FINANCE COMMITTEE HAS NO RECOMMENDATION

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to approve Article 59 as printed in the warrant.

Motion Carried.

PROPERTIES AND WAYS

Article 60. Conservation Restriction on Tax Title Property in Return for Abatement of Back Taxes Owed: 74 Harry Kemp Way. To see if the Town will vote to authorize the Board of Selectmen and Conservation Commission to accept and approve a perpetual conservation restriction on property owned by the Provincetown Academy of Performing Arts and Museum, Inc. (a/k/a The Provincetown Theatre Company), at 74 Harry Kemp Way (Map 13-2-034-B) which is in tax title, and as consideration therefor, to authorize the Board of Assessors and the Commissioner of the Department of Revenue to approve the abatement of outstanding property taxes and interest; or to take any other action relative thereto.

[Requested by Jeff Donaldson-Forbes and others]

FINANCE COMMITTEE DOES NOT RECOMMEND: 5-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

BOARD OF ASSESSORS DOES NOT RECOMMEND: 4-0-0

PLANNING BOARD HAS NO RECOMMENDATION

Jeff Donaldson-Forbes moved that the Town indefinitely postpone Article 60.

Motion Carried.

Article 61. Acquisition of Tax Title Property in Return for Abatement of Taxes Owed – Lot 2, Bayberry Lane. To see if the Town will vote to authorize the Board of Selectmen to acquire for general municipal purposes the property at Lot 2 Bayberry Lane (Map 02-3-016), an unbuildable 4.36-acre property abutting Shankpainter Pond, which is in tax title, and as consideration therefor, to authorize the Board of Assessors and the Commissioner of the Department of Revenue to approve the abatement of outstanding property taxes and interest to the date title passes to the Town; or to take any other action relative thereto.

[Requested by the Board of Selectmen]

FINANCE COMMITTEE DOES NOT RECOMMEND: 5-0-0

BOARD OF SELECTMEN: 2 in favor; 2 opposed

BOARD OF ASSESSORS DOES NOT RECOMMEND: 4-0-0

PLANNING BOARD RECOMMENDS 3-0-0

Elizabeth Steele-Jeffers moved that the Town vote to approve Article 61 as printed in the warrant.

Motion Defeated.

Article 62. *Accept Lay Out of Town Landing Over "Cart Road" between 145 and 147 Commercial Street.* To see if the Town will vote to pursuant to MGL C.88,§14 to accept the lay out of a common landing extending from Commercial Street to the Harbor, located between Nos. 145 and 147 Commercial Street over a strip of land shown as "Cart Road" on a plan dated January 3, 1983 by William N. Rogers, recorded in the Barnstable County Registry of Deeds at Book 369, Page 67, and on file in the Office of the Town Clerk; and further to see if the Town will vote to authorize the Board of Selectmen to acquire, if necessary, the fee interest or a lesser interest in said strip of land by gift, purchase or eminent domain for purposes of a common landing, and to appropriate therefore the sum of one dollar (\$1); or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Harbor Committee]

FINANCE COMMITTEE HAS NO RECOMMENDATION

BOARD OF SELECTMEN RECOMMENDS: 2-0-2

PLANNING BOARD RECOMMENDS: 3-0-0

HARBOR COMMITTEE RECOMMENDS 4-0-0

Elizabeth Steele-Jeffers moved that the Town indefinitely postpone Article 62.

Motion Carried.

Article 63. *Non-profit Animal Shelter: Authorize Lease of Town-owned Property.* To see if the Town will vote as follows: WHEREAS, the Town of Provincetown is in need of an animal shelter; and WHEREAS, there has been historical support by the citizens of Provincetown for an animal shelter; and WHEREAS, there was an animal shelter in operation from approximately 1954 through 1966 on Snail Road; and WHEREAS, in recognition of the support and need for such a facility, the Board of Selectmen formed a Shelter Committee in 1971, and subsequently allowed an animal shelter building to be located at the DPW garage site; and WHEREAS, that shelter was built and operated by volunteers and with private funding in the 1970s; and WHEREAS, in years when there was no shelter in operation, the work of such a facility was carried on in the private homes of compassionate residents to the best of their abilities; and WHEREAS, there is currently a 501(c)(3) animal shelter organization raising funds for the construction of an animal shelter to serve the Lower Cape, and the operation costs will be funded from services provided and continued fund raising programs; and WHEREAS, Town Meeting approval is required for any lease of town owned property for a duration of greater than 10 years;

THEREFORE, the Town votes, pursuant to MGL C.40,§54, to authorize the Board of Selectmen to enter into a lease of greater than 10 years on town owned property to be designated by the Board of Selectmen, said property to be used as a non-profit animal shelter; or to take any action relative thereto.

[Requested by Susan Wasson and others]

FINANCE COMMITTEE RECOMMENDS: 5-0-0

BOARD OF SELECTMEN RECOMMENDS: 5-0-0

CONSERVATION COMMISSION RECOMMENDS: 5-0-0

PLANNING BOARD RECOMMENDS: 4-0-0

BOARD OF HEALTH RECOMMENDS: 4-0-0

Susan Wasson moved that the Town vote to approve Article 63 as printed in the warrant.

Motion Carried Unanimously.

Article 64. *Ban Use of Exotic Animals for Public Entertainment.* To see if the Town will vote to ban the display (including, but not limited to, animal acts and performances, animal rides and competitive animal races) of Wild or Exotic animals for public entertainment or amusement in circuses, carnivals or similar entities on property owned by the town of Provincetown, on Town owned property under lease or on private property; or take any other action relative thereto.

[Requested by Sheila Benzer and others]

FINANCE COMMITTEE HAS NO RECOMMENDATION

BOARD OF SELECTMEN DOES NOT RECOMMEND: 3-1-0

BOARD OF HEALTH RECOMMENDS: 2-1-1

PLANNING BOARD HAS NO RECOMMENDATION

Sheila Benzer moved that the Town vote to approve Article 64 as printed in the warrant.

Motion Carried.

OTHER FINANCIAL ARTICLES

Article 65. *FY 2003 Human Services Grant Program.* To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$45,980 to be expended under the direction of the Board of Selectmen, to fund grants to assist non-profit agencies and organizations to maximize available resources to meet needs identified by the community by providing services to local residents, particularly those of low- and moderate-income and those who are uninsured or underinsured, as follows:

Cape Cod Human Services.. \$500
 Consumer Assistance Council..... 250
 Elder Services of Cape Cod & Islands..... 250
 Gosnold . 13,000
 H.O.W./Helping Our Women... 4,500
 Independence House, Inc.... 4,310
 Interfaith Council for the Homeless 1,330
 Legal Services for Cod Cape & Islands... 4,000
 Lower Cape Outreach Council, Inc.... 3,500
 Lower Cape Community Coalition. 1,540
 Mass A-Peal..... 400
 Outer Cape Health Services. 2,500
 Provincetown AIDS Support Group... 6,500
 Sight Loss Services, Inc..... 400
 Soup Kitchen in Provincetown... 3,000

or to take any other action relative thereto.

*[Requested by the Human Services Committee,
the Board of Selectmen, and the Town Manager]*

FINANCE COMMITTEE RECOMMENDS: 5-0-0

BOARD OF SELECTMEN RECOMMENDS: 2-1-1

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$45,980 to be expended under the direction of the Board of Selectmen, to fund grants to assist non-profit agencies and organizations to maximize available resources to meet needs identified by the community by providing services to local residents, particularly those of low- and moderate-income and those who are uninsured or underinsured, as printed in the warrant.

Motion Carried.

Article 66. *Street Lights \$10,000.* To see if the Town will vote as follows: Whereas: Our street light fixtures have always been rented, but we could own them at half the cost; Whereas: Other towns on the Cape have done this; Therefore: the Town votes to raise and appropriate or transfer from available funds, the sum of \$10,000 to start this program, by buying from the electric utility some of our street lights to see if the savings are appreciable enough to offset the bulb-changing and replacement cost; or take any other action relative thereto.

[Requested by Barbara Rushmore and others]

FINANCE COMMITTEE RECOMMENDS: 5-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

Barbara Rushmore moved Town vote to raise and appropriate the sum of \$10,000 to start this program, by buying from the electric utility some of our street lights to see if the savings are appreciable enough to offset the bulb-changing and replacement cost.

Motion Carried.

Article 67. *Tree Warden \$2,000.* To see if the Town will vote as follows: Whereas: It is difficult for nature or man to plant trees in sand and have them thrive; Whereas: Our Town trees are almost a miracle; Whereas: In the past, Provincetown has a Tree Warden, as mandated by State Law; Whereas: The Tree Warden position today is part of the duties of our DPW Director. With the Wharf Project, the Sewer, the Dump Closure, the Swap Shop Project, the Manor, the Library, the Heritage Museum, the MPL Waterfront Park restoration, the Cemetery upgrade, as well as roads, sidewalks, water supply, garbage pick-up, etc. to occupy his attention; Therefore: I move to see if the Town will

vote to raise and appropriate or transfer from available funds, the sum of \$2,000 to hire a Tree Warden for Provincetown, chosen by the Selectmen; or to take any other action relative thereto.

[Requested by Barbara Rushmore and others]

FINANCE COMMITTEE RECOMMENDS: 5-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

Barbara Rushmore moved that the Town vote to raise and appropriate the sum of \$2,000 to hire a Tree Warden for Provincetown, chosen by the Town Manager.

Motion Carried.

Article 68. Provincetown Youth Hockey - \$3,000. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$3,000 for the support of the Provincetown Youth Hockey program; or to take any other action relative thereto.

[Requested by Joy Reis and others]

FINANCE COMMITTEE RECOMMENDS: 6-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

Elizabeth Steele-Jeffers moved that the Town vote to raise and appropriate the sum of \$3,000 for the support of the Provincetown Youth Hockey program.

Motion Carried.

ZONING BY-LAW AMENDMENTS – PART IV

Article 69. Zoning - Growth Management By-law. Deletion of Expiration Criteria. To see if the Town will vote to amend the Provincetown Zoning By-laws, Article VIII, Growth Management By-law by deleting Section F. Expiration of Allocation Permits in its entirety and by relettering existing Section "G." to "F.", or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Richard Olson moved that the Town vote to approve Article 69 as printed in the warrant.

Motion Carried. Declared 2/3rd Vote.

Article 70. Zoning By-law Amendment. Reorganize and Renumber Zoning By-Laws. To see if the Town will vote to amend the Provincetown Zoning By-laws by re-ordering and re-numbering the provisions of the By-laws as follows:

Article V Definitions-becomes-**Article 1 Definitions**

Article I District Regulations-becomes-**Article 2 Districts and District Regulations**

Section 1100 Establishment of Districts-becomes-**Section 2100 Establishment of Districts**

1110 Establishments-becomes-**2110 Establishments**

1130 Purpose -becomes-**2120 Purposes of Zoning Districts**

1120 Divided Lots-becomes-**2130 Divided Lots**

Section 1400 Seashore District-becomes-**Section 2200 Seashore District**

Section 1500 Overlay Districts-becomes-**Section 2300 Overlay Districts**

Section 3600 Harborfront Regulations-becomes-**2310 Harborfront Regulations**

3650 Purpose-becomes-**2311 Purpose**

3610 Applicability -becomes-**2312 Applicability**

3620 Allowed Uses-becomes-**2313 Allowed Uses**

3621 Special Permit Uses-becomes-**2314 Special Permit Uses**

3630 Special Permit Uses-becomes-**2315 Waterfront Special Permit Uses**

3640 Prohibited uses-becomes-**2316 Prohibited Uses**

Section 3900 High Elevation District-becomes-**2320 High Elevation District**

Section 3300 Class " A, V, and A-O" Flood Area Provisions-becomes-**2330 "A, V, and A-O" Flood Area Provisions**

3310 Elevation -becomes-**2331 Elevation**

3311 Mechanical and Utility Equipment-becomes-**2332 Mechanical and Utility Equipment**

3312 Start of Construction-becomes-**2333 Start of Construction**

3313 Enclosures Below a Structure's Lowest Floor-becomes-**2334 Enclosures Below a Structure's Lowest Floor**
 3320 Code References-becomes -**2335 Code References**
 3321 Use of Available Flood Data -becomes-**2336 Use of Available Flood Data**
 3330 "V" Zones-becomes-**2337 "V" Zones**
 3340 Manufactured Homes-becomes-**2338 Manufactured Homes**
 3350 Variances-becomes-**2339 Variances**
 3351-becomes-**A. in 2339**
 a in 3351-becomes-**1. in 2339 A.**
 b in 3351-becomes-**2. in 2339 A.**
 c in 3351-becomes-**3. in 2339 A.**
 3352-becomes-**B. in 2339**
 3353-becomes-**C. in 2339**
 3354-becomes-**D. in 2339**
 3360 Other Laws-becomes-**2340 Other Laws**
 Article IX Water Resource District-becomes-**Section 2350 Water Resource District**
 Section IX-1 Findings-becomes-**2351 Findings**
 IX-1-1-becomes-**A. in 2351**
 IX-1-2-becomes-**B. in 2351**
 IX-1-3-becomes-**C. in 2351**
 IX-1-4-becomes-**D. in 2351**
 IX-1-5-becomes-**E. in 2351**
 Section IX-2 Water Resource District-becomes-**2352 Water Resource District Objectives**
 Section IX-3 Use Regulations-becomes-**2353 Use Regulations**
 IX 3-2 Special Permit Uses-becomes-**A. Special Permit Uses in 2353**
 a. in IX-3-2-becomes-**1. in 2353 A.**
 b. in IX-3-2-becomes-**2. in 2353 A.**
 c. in IX-3-2-becomes-**3. in 2353 A.**
 d. in IX-3-2-becomes-**4. in 2353 A.**
 IX 3-3 Prohibited Uses-becomes-**B. Prohibited Uses in 2353**
 Section IX-4 Special Permits-becomes-**2354 Special Permits**
 IX-4-1 Special Permit Granting Authority-becomes-**A. Special Permit Granting Authority in 2354**
 IX-4-2 Review by Other Town Agencies-becomes-**B. Review by Other Town Agencies in 2354**
 IX-4-3 Special Permit Criteria-becomes-**C. Special Permit Criteria in 2354**
 IX-4-4 Submittals-becomes-**D. Submittals in 2354**
 Section IX-5 Design and Operating Guidelines-becomes-**2355 Design and Operating Guidelines**
 IX-5-1 Safeguards-becomes-**A. Safeguards in 2355**
 IX-5-2 Locations-becomes-**B. Locations in 2355**
 IX-5-3 Disposal-becomes-**C. Disposal in 2355**
 IX-5-4 Drainage-becomes-**D. Drainage in 2355**
 Section IX-6 Violations-becomes-**2356 Violations**
 Section IX-7 Definition: Toxic or Hazardous Materials-becomes-**2357 Definition: Toxic or Hazardous Materials**
 Section IX-8 Lands Protected By This By-law-becomes-**2358 Lands Protected By This By-law**
 Section 1200 Use Regulations-becomes-**Section 2400 Use Regulations**
 1210 Application -becomes-**2410 Applications**
 1220 More Than One Use-becomes-**2420 More Than One Use**
 1230 Symbols-becomes-**2430 Symbols**
 1240 Permitted Principal Uses-becomes -**2440 Permitted Principal Uses**
 1250 Permitted Accessory Uses-becomes-**2450 Permitted Accessory Uses**
 1260 Special Permit Requirements-becomes-**2460 Special Permit Requirements**
 Section 2300 Parking Requirements-becomes-**2470 Parking Requirements**
 2310 Applicability -becomes -**2471 Applicability**
 2320 All Districts-becomes-**2472 All Districts**
 2330 Certain Districts-becomes-**2473 Certain Districts**
 2340 Egresses-becomes-**2474 Egresses**
 Section 1300 Dimensional Requirements-becomes-**Section 2500 Dimensional Requirements**
 1310 General -Is omitted-
 1311 Applicability-becomes-**2510 Applicability**

1312 Statutory Exemption-becomes-**2520 Statutory Exemption**
 1313 Isolated Lot Exemption-becomes-**2530 Isolated Lot Exemption**
 1314 Harbor Setback -becomes-**2540 Harbor Setback**
 1315 Two Buildings per Lot-becomes-**2550 Two Buildings Per Lot**
 1320 Dimensional Schedule -becomes-**2560 Dimensional Schedule**
 Article II General Requirements-becomes-**Article 3 General Regulations**
 Section 2100 Nonconformancy-becomes-**Section 3100 Nonconformancy**
 2110 Changes, Extensions or Alterations-becomes-**3110 Changes, Extensions or Alterations**
 2120 Restoration-becomes-**3120 Restoration**
 2130 Abandonment-becomes-**3130 Abandonment**
 Section 2200 Sign Regulation -becomes-**Section 3200 Sign Regulation**
 2210 Administration and Enforcement-becomes-**3210 Administration and Enforcement**
 2211 Inspector of Buildings-becomes-**3211 Inspector of Buildings**
 2212 Registration of Signs-becomes-**3212 Registration of Signs**
 2213 Length of Time Given for Compliance-becomes-**3213 Length of Time Given for Compliance**
 2220 General Regulations-becomes-**3220 General Sign Regulations**
 2221 -becomes-**3221**
 2222 -becomes-**3222**
 2223 -becomes-**3223**
 2224 -becomes-**3224**
 2225 -becomes-**3225**
 2226-becomes-**3226**
 2227 -becomes-**3227**
 2230 Sign Size-becomes-**3230 Sign Size**
 2240 Multiple Signs-becomes-**3240 Multiple Signs**
 2250 Temporary and Political Signs-becomes-**3250 Temporary and Political Signs**
 2260 "Open For Business"-becomes-**3260 "Open For Business"**
 Article VII Design Standards -becomes-**Section 3300 Design Standards**
 Section 7000 Purpose-becomes-**3310 Purpose**
 Section 7100 Applicability-becomes-**3320 Applicability**
 7101 Roofs-becomes-**3330 Roofs**
 A, B, C and D under 7101-becomes-**as A, B, C and D under 3330 Roofs**
 7102 Building Scale-Becomes-**3340 Building Scale**
 Section 2400 Environmental Controls-Becomes-**Section 3400 Environmental Controls**
 2410 Nuisances-becomes-**3410 Nuisances**
 2420 Outside Display-becomes-**3420 Outside Display**
 2440 Illumination-becomes-**3430 Illumination**
 2441 Overspill-becomes-**3431 Overspill**
 2442 Standards-becomes-**3432 Standards**
 2443 Special Permit-becomes-**3433 Special Permit**
 Article III Special Requirements-becomes-**Article 4 Special Regulations**
 Section 3000 Commercial Business (retail and wholesale) and Industrial Development-becomes-**Section 4000 Commercial Business (retail and wholesale) and Industrial Development**
 Section 3010 Purpose-becomes -**4010 Purpose**
 3020 Yards-becomes-**4020 Yards**
 3030 Lot Coverage-becomes-**4030 Lot Coverage**
 3040 Green Area-becomes-**4040 Green Area**
 3050 Plan Review-becomes-**4050 Plan Review**
 3051 Procedure-becomes-**4051 Procedure**
 3052 Consideration-becomes-**4052 Consideration**
 3053 Design Standards-becomes-**4053 Design Standards**
 3054 Parking-becomes-**4054 Parking**
 Section 3100 Dwelling Units and Commercial Accommodations -becomes-**Section 4100 Dwelling Units and Commercial Accommodation**
 Section 3190 Purpose -becomes-**4110 Purpose**
 3110 Lot Area-becomes-**4120 Lot Area**
 3120 Yards-becomes-**4130 Yards**

3130 Lot Coverage-becomes-**4140 Lot Coverage**
 3140 Green Area-becomes-**4150 Green Area**
 3150 Plan Review-becomes-**4160 Plan Review**
 3151 Procedure-becomes-**4161 Procedure**
 3152 Consideration-becomes-**4162 Consideration**
 3153 Design Standards-becomes-**4163 Design Standards**
 3160 Utilities-becomes-**4170 Utilities**
 3170 Auto Reception-becomes-**4180 Auto Reception**
 3180 Time Share or Related Use-becomes-**4190 Time Share or Related Use**
 Section 3200 Cluster Development-becomes-**Section 4200 Cluster Development**
 Section 3400 Manufactured Homes and Campers-becomes-**Section 4300 Manufactured Homes and Campers**
 3410 Permitted Occupancy -becomes-**4310 Permitted Occupancy**
 3420 Manufactured Home Parks-becomes-**4320 Manufactured Home Parks**
 3430 Campgrounds-becomes-**4330 Campgrounds**
 Section 3500 Home Occupation-becomes-**Section 4400 Home Occupation**
 Section 3700 Inland Wetland Areas-becomes-**Section 4500 Inland Wetland Areas**
 Section 3800 Street Trees-becomes-**Section 4600 Street Trees**
 Article IV Administration-becomes-**Article 5 Administration**
 Section 4100 Enforcement-becomes-**Section 5100 Enforcement**
 4110 Responsibility-becomes-**5110 Responsibility**
 4120 Compliance Certification-becomes-**5120 Compliance Certification**
 4130 Conformance-becomes-**5130 Conformance**
 4140 Penalty-becomes-**5140 Penalty**
 Section 4200 Board of Appeals-becomes-**Section 5200 Board of Appeals**
 4210 Establishment-becomes-**5210 Establishment**
 4220 Powers-becomes-**5220 Powers**
 4221 -becomes-**5221**
 4222 -becomes-**5222**
 4223 -becomes-**5223**
 4224 -becomes-**5224**
 4225 -becomes-**5225**
 4230 Public Hearings-becomes-**5230 Public Hearings**
 Section 4300 Special Permits-becomes-**Section 5300 Special Permits**
 4310 Special Permit Granting-becomes-**5310 Special Permit Granting**
 4320 Public Hearings-becomes-**5320 Public Hearings**
 4330 Consideration-becomes-**5330 Consideration**
 4331 Development Impact Statements-becomes-**5331 Development Impact Statements**
 4340 Expiration-becomes-**5340 Expiration**
 Section 4400 Other Regulations-becomes-**Section 5400 Other Regulations**
 Section 4500 Validity-becomes-**Section 5500 Validity**
 Article VIII Growth Management By-law-becomes-**Article 6 Growth Management By-law**
 8100 Purpose -becomes-**Section 6100 Purpose**
 B. Applicability-becomes -**Section 6200 Applicability**
 C. Procedure-becomes-**Section 6300 Procedure**
 D. Priorities-becomes-**Section 6400 Priorities**
 Table of Use Categories and Priorities-becomes-**Section 6500 Table of Use Categories and Priorities**
 E. Growth Limitation Goal Allocations-becomes-**Section 6600 Growth Limitation Goal Allocations**
 F. Expiration of Allocation-becomes-**Section 6700 Expiration of Allocation**
 G. Scope and Validity of the By-law-becomes-**Section 6800 Scope and Validity of the By-law**
 Article X Wireless Telecommunication Towers and Facilities-becomes-**Article 7 Wireless Telecommunication Towers and Facilities**
 Section 10010 Legislative Intent/History-becomes-**Section 7010 Legislative Intent/History**
 Section 10020 Purposes-becomes-**Section 7020 Purposes**
 Section 10030 Consistency with Federal Laws-becomes-**Section 7030 Consistency with Federal Laws**
 Section 10040 Definitions and Word Usage-becomes-**Section 7040 Definitions and Word Usage**
 Section 10050 Exempted Wireless Telecommunications Uses-becomes -**Section 7050 Exempted Wireless telecommunications Uses**

Section 10060 Prohibition of Teleports-becomes-**Section 7060 Prohibition of Teleports**

Section 10070 General Requirements-becomes-**Section 7070 General requirements**

Section 10080 Application Requirements-becomes-**Section 7080 Application Requirements**

Section 10090 Approval Criteria and Required Findings-becomes-**Section 7090 Approval Criteria and Required Findings**

Section 10100 Provision of Independent Consultants-becomes-**Section 7100 Provision of Independent Consultants**

Section 10110 Monitoring and Evaluation of Compliance-becomes-**Section 7110 Monitoring and Evaluation of Compliance**

Section 10120 Removal Requirements-becomes-**Section 7120 Removal Requirements**

Section 10130 Indemnification, Insurance and Fees-becomes-**Section 7130 Indemnification, Insurance and Fees**

Section 10140 Term of Special Permit-becomes-**Section 7140 Term of Special Permit**

Section 10150 Severability Clause-becomes-**Section 7150 Severability Clause**

Article VI Amendments-becomes -**Appendix A Amendments**

and to make such further reordering and renumbering changes as necessitated as a result of Town Meeting action amending the town zoning By-laws under earlier articles presented at this town meeting or take any other action relative thereto.

[Requested by the Planning Board, Local Comprehensive Plan Implementation Committee]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Richard Olson moved that the town vote to approve ATM Article 70 with the following changes:

After "Section 1400 Seashore District becomes Section 2200 Seashore District",

Insert: "Section 1410, Prohibited Actions becomes Section 2210 Prohibited Actions" and

"Section 1420 Variances becomes Section 2220 Variances"

After "c in 3351 becomes 3. in 2339A.", insert "d in 3351 becom and

"Section 1420 Variances becomes Section 2220 Variances"

After "c in 3351 becomes 3. in 2339A.", insert "d in 3351 becomes 4. in 2339 A."

Delete the entire Article IX and any reference throughout the Zoning By-laws and after "3360 Other Laws becomes 2340 Other Laws", insert: "Article XI Highway Corridor Overlay Districty becomes Section 2350 Highway Corridor Overlay District", and "11010 Purposes becomes 2351 Purposes", and "11020 District Boundaries becomes 2352 District Boundaries", and "11030 Permitted Uses becomes 2353 Permitted Uses", and "11031 becomes (a)", and "11032 becomes (b)", and "11040 HCOD Dimensional Regulations becomes 2354 Dimensional Regulations", and "11050 Parking Standards becomes 2355 Parking Standards", and "11060 HCOD Definitions becomes 2356 HCOD Definitions."

After "Section 3700 Inland Wetlands Areas becomes Section 4500 Inland Wetland Areas", insert: "Section 3710 Purpose becomes Section 4510 Purpose" and "Section 3720 Applicability becomes Section 4520 Applicability" and "Section 3730 Allowed Uses becomes Section 4530 Allowed Uses".

After "E. Growth Limitation Goal Allocations becomes Section 6600 Growth Limitation Goal Allocations", delete "F. Expiration of Allocation becomes Section 6700 Expiration of Allocation" and "G. Scope and Validity of the By-law becomes Section 6800 Scope and Validity of the By-law" and insert in their place: "F. Scope and Validity of the By-law becomes Section 6700 Scope and Validity of the By-law.

Motion Carried. Declared 2/3rd.

Article 71. Zoning - Article 2, Section 2450, Permitted Accessory Uses To see if the Town will vote to amend the Provincetown Zoning By-laws, **Article 2, Districts and District Regulations**, Section 2450, Permitted Accessory Uses by (a) inserting G14, Utility/Garden Shed (120 sq. ft. max.) to the existing Permitted Accessory Use Table, Yes in all districts except District S and adding corresponding footnote 1 and (b) by inserting G15, Utility/Garden Shed (96 sq. ft. max.) to the existing Permitted Accessory Use Table, B/A in all districts except District S and District M and adding corresponding footnote 2.

		Res1	Res2	Res3 ResB	VCC	GC	S	M
G.	PERMITTED ACCESSORY USES							
G 14	Utility/Garden Shed (120 sq. ft. max.) ¹	YES	YES	YES	Yes	Yes	NO	Yes
G 15	Utility/Garden Shed (96 sq. ft. max.) ²	B/A	B/A	B/A	B/A	B/A	NO	NO

1. A utility/garden shed shall not exceed 120 square feet, nor exceed 9 feet in height from the finished floor to the roof ridge of a gable or gambrel roof or 7 feet to the highest point of any other roof configuration. The lowest point of the shed shall not be elevated more than 6 inches above the highest point of the natural grade within its footprint.
2. Special Permits may be granted by the Zoning Board of Appeals for the installation of utility/garden sheds that meet at least 50% of the side and/or rear yard setback requirements of the district in which the property is located (Article 2, Section 2560) and at least 50% of building separation requirements (Article 2, Section 2550). Such Special Permits shall only be issued following a Public Hearing wherein the Zoning Board of Appeals determines that the installation of said shed cannot meet the current front, side and/or rear yard setback and building separation requirements. The benefits derived from the issuance of a permit shall outweigh any adverse effects such as hazard, congestion and environmental degradation. The shed shall not exceed 96 square feet, nor exceed 9 feet in height from the finished floor to the roof ridge for a gable or gambrel roof or 7 feet to the highest point of any other roof configuration. The lowest point of the shed shall not be elevated more than 6 inches above the highest point of the natural grade within its footprint. Doors and windows shall not face or open into an area of the standard side and rear yard setbacks of the district in which the shed is located.

or take any other action relative thereto.

[Requested by the Planning Board]

PLANNING BOARD RECOMMENDS: 3-0-0

BOARD OF SELECTMEN RECOMMENDS: 3-1-0

FINANCE COMMITTEE HAS NO RECOMMENDATION

Richard Olson moved that the Town vote to approve Article 71 with the following change: The reference to "G14" should be changed to "G13," and the reference to "G15" should be changed to "G14."

Motion Carried. Declared 2/3rd Vote.

Article 72. Zoning By-law Amendment/Outdoor Display: To see if the Town will vote to amend the Zoning By-laws, Article 2420, Outside Display, with the addition of section "E", under exceptions, so that residents and businesses can more easily participate in the Provincetown Business Guilds "Monumental Yard Sale" Weekend; to read as follows:

E. The displaying and selling of commodities (excluding food and beverage) by businesses and residents during the weekend (Saturday and Sunday) of the "Monumental Yard Sale", which shall be under the sponsorship of a local businesspersons' organization. "The Monumental Yard Sale" will occur annually during the weekend prior to Memorial Day weekend.

No displays or sales shall take place within or upon public land, sidewalks or roadways. Displays and sales shall only appear upon property of the participants, whether jointly or independently. Displays and sales shall not impede pedestrian traffic or cause concerns for the public's safety.

or take any other action relative thereto.

[Requested by Rob Tosner and others]

PLANNING BOARD RECOMMENDS: 4-0-0

BOARD OF SELECTMEN DOES NOT RECOMMEND: 3-0-1

FINANCE COMMITTEE HAS NO RECOMMENDATION

Rob Tosner moved that the Town vote to approve Article 72 as printed in the warrant.

Motion Carried. Declared 2/3rd Vote.

Article 73. *Apply Shuttle Funds to Reduce the FY 2003 Tax Rate.* To see if the Town will vote to apply \$45,830 in funds in the FY 2003 699 Tourism budget, for subsidy of the summer shuttle, to reduce the Fiscal Year 2003 property tax levy for regional transit authority charges for said shuttle in FY 2002, or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS: 5-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

VISITOR SERVICES BOARD RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town vote to approve Article 73 as printed in the warrant.

Motion Carried.

Article 74. *Stabilization Fund Appropriation.* To see if the Town will vote to raise and appropriate the sum of \$100,000, to establish a Stabilization Fund pursuant to MGL C.40,§5B, or to take any other action relative thereto.

[Requested by the Finance Committee]

FINANCE COMMITTEE RECOMMENDS: 5-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

William Dougal moved that the Town vote to approve Article 74 as printed in the warrant.

Motion Carried.

Article 75. *Use of Parking Funds to Reduce the FY 2003 Tax Levy.* To see if the Town will vote to transfer a sum of money from Parking Funds to reduce the Fiscal Year 2003 property tax levy, as provided by Chapter 790 of the Acts of 1981, or to take any other action relative thereto.

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

FINANCE COMMITTEE RECOMMENDS: 5-0-0

BOARD OF SELECTMEN RECOMMENDS: 4-0-0

Elizabeth Steele-Jeffers moved that the Town will vote to transfer the sum of \$1,750,000 from Parking Funds to reduce the Fiscal Year 2003 property tax levy, as provided by Chapter 790 of the Acts of 1981.

Motion Carried.