

**TOWN OF PROVINCETOWN  
SPECIAL TOWN MEETING – MONDAY, OCTOBER 23, 2023  
PROVINCETOWN TOWN HALL, AUDITORIUM, 260 COMMERCIAL ST,  
PROVINCETOWN, MA 02657**

The Town Moderator declared a quorum at 6:00 pm and called the Monday, October 23, 2023 Special Town Meeting convened in the Town Hall Auditorium at 260 Commercial St, Provincetown, MA 02657.

Provincetown Color Guard presented the Colors.

*Preliminary Motions offered by the David Abramson, Chair of the Select Board:*

**MOTION:** David Abramson moved that the Town vote to waive the reading of the warrant.  
**Motion passed. 6:08 pm**

**MOTION:** David Abramson moved that the Town vote to grant permission to speak at the October 23, 2023 Special Town Meeting to the following persons who are not registered voters of the Town of Provincetown:

John Giorgio, Esq., and other attorneys of the firm of KP Law, P.C., Town Counsel;  
Amy Kwesell, Esq., and other attorneys of the firm of KP Law, P.C., Town Counsel;  
Cheri Ruane, Vice President, Weston and Sampson

Shannon Corea, Executive Assistant to the Town Manager;  
Scott Fahle, Principal Assessor;  
Linda Fiorella, Licensing Agent;  
James Golden, Chief of Police;  
Gregory Hennick, Police Lieutenant;  
Beau Jackett, Director of Management Information Systems;  
Michelle Jarusiewicz, Housing Specialist & Grant Administrator;  
Melyssa Millett, Environmental Planner/Conservation Agent;  
Brandon Motta, Recreation Director  
Elizabeth Paine, Town Clerk  
Sherry Prada, Public Works Deputy Director;  
Nick Robertson, Town Accountant  
Lezli Rowell, Health Director  
Cody Salisbury, Water Superintendent  
James Vincent, Public Works Director  
Patricia Miller, President - Provincetown Part-Time Resident Tax Payer Associates

**Motion passed. 6:08 pm**

**MOTION:** David Abramson moved that on all matters to come before the October 23, 2023 Special Town Meeting, requiring a two-thirds vote by statute, that a count need not be taken unless the vote so declared is immediately questioned by seven or more registered voters.

**Motion passed. 6:08 pm**

**MOTION:** David Abramson moved that notwithstanding the requirements for a public hearing on each warrant article contained in Section 2-3-g of the Town Charter, Town Meeting may consider and act on all articles on the warrant for this Town Meeting.

**Motion passed. 6:08 pm**

***Article 1. Prior Year Bills.*** To see what sum the Town will vote to raise and appropriate or transfer from available funds for the purpose of paying prior year unpaid bills; or to take any other action relative thereto.

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

**MOTION:** I move that the Town vote to transfer \$10,908.82 from 910 Employee Benefits and Other Insurance to pay the following unpaid bills from fiscal year 2023:

<i>Health Department</i>	<i>Carol Bishop</i>	<i>\$1,260.00</i>
<i>Provincetown Airport</i>	<i>Open Sesame</i>	<i>\$1,038.25</i>
<i>Provincetown Schools</i>	<i>Precision Translations</i>	<i>\$320.00</i>
<i>Provincetown Schools</i>	<i>UMASS Chan Medical School</i>	<i>\$181.73</i>
<i>Provincetown Schools</i>	<i>Bright Steps Behavior Innovations</i>	<i>\$373.75</i>
<i>Provincetown Schools</i>	<i>Bright Steps Behavior Innovations</i>	<i>\$546.25</i>
<i>Public Works Department</i>	<i>Eversource</i>	<i>\$558.34</i>
<i>Public Works Department</i>	<i>John F. Noon</i>	<i>\$115.00</i>
<i>Public Works Department</i>	<i>Autozone</i>	<i>\$304.46</i>
<i>Public Works Department</i>	<i>Cape &amp; Vineyard Electric</i>	<i>\$3,032.36</i>
<i>Public Works Department</i>	<i>Cape &amp; Vineyard Electric</i>	<i>\$357.10</i>
<i>Public Works Department</i>	<i>Cape &amp; Vineyard Electric</i>	<i>\$1,101.70</i>
<i>Public Works Department</i>	<i>ARDEN</i>	<i>\$1,442.44</i>
<i>Public Works Department</i>	<i>ARDEN</i>	<i>\$277.44</i>
	<i>Total</i>	<i>\$10,908.82</i>

**I move that the Town vote to approve Article 1 as appearing in the Town Meeting Booklet on Page 9.**

VOTES		Yes	No	Abs	Report by:
	Motion/Report				Alex Morse
Select Board	Recommends	5	0	0	None
Finance Committee	Recommends	8	0	0	None

Requires a nine-tenths vote.

**Motion passed with a nine-tenths vote at 6:10 pm.**

**Article 2. Establish a Provincetown Municipal Airport Enterprise Fund.** To see if the Town will vote to accept the provisions of General Laws Chapter 44, Section 53F ½ establishing the Provincetown Municipal Airport as an Enterprise Fund effective for the Fiscal Year beginning July 1, 2024; and further to transfer any balance remaining in the Fiscal Year 2023 Airport Revenue Account on July 1, 2024, to the Airport Enterprise Fund; or to take any other action relative thereto.

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

**MOTION: I move that the Town vote to approve Article 2 as printed in the warrant.**

<i>VOTES</i>		<i>Yes</i>	<i>No</i>	<i>Abs</i>	<i>Report by:</i>
	<i>Motion/Report</i>				<i>Alex Morse</i>
<i>Select Board</i>	<i>Recommends</i>	<i>5</i>	<i>0</i>	<i>0</i>	<i>None</i>
<i>Finance Committee</i>	<i>Recommends</i>	<i>8</i>	<i>0</i>	<i>0</i>	<i>None</i>

*Requires a majority vote.*

**Motion passed by a majority at 6:11 pm.**

**Article 3. Establish a Receipts Reserved for Appropriation Ambulance Fund.** To see if the Town will vote pursuant to the provisions of Massachusetts General Laws Chapter 40, Section 5F, to create a Receipts Reserved for Appropriation Ambulance Fund beginning in Fiscal Year 2024, to defray the cost, including maturing debt and interest, of acquiring, establishing, maintaining, purchasing, hiring and operating ambulance services; or to take any other action relative thereto.

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

**MOTION: I move that the Town vote to approve Article 3 as printed in the warrant.**

<b>VOTES</b>		<b>Yes</b>	<b>No</b>	<b>Abs</b>	<b>Report by:</b>
	<b>Motion/Report</b>				<b>Alex Morse</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Board of Health</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>

**Requires a majority vote.**

**Motion passed by a majority at 6:12 pm.**

**Article 4. Funding for Motta Field Design Development & Construction Documents.** To see if the Town will vote to raise and appropriate, borrow, or transfer from available funds, \$250,000 to fund the design and development costs of the Motta Field Master Plan on the property located at 25 Winslow Street, which such land is dedicated for active recreation purposes under the provisions of Massachusetts General Law Chapter 45, Section 3, including all costs incidental or related thereto; or to take any other action relative thereto.

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

**MOTION - I move that the Town vote to transfer \$250,000 from the Capital Stabilization Fund to be expended under the direction of the Town Manager to pay for the design and development costs of the Motta Field Master Plan, and costs related thereto.**

VOTES		Yes	No	Abs	Report by:
	<b>Motion/Report</b>				<b>Alex Morse</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Recreation Commission</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Board of Health</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>School Committee</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Planning Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>

Requires a two-thirds vote.

Motion passed by a two-thirds vote at 6:15 pm.

**Article 5. Capital Funding for Transfer Station Trash Trailers.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$250,000 to be expended under the direction of the Town Manager or Public Works Director for the replacement of two trash trailers at the Provincetown Transfer Station; or to take any other action relative thereto.

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

**MOTION: I move that the Town vote to transfer \$250,000 from 2021 Annual Town Meeting Article 10-4 Library Exterior Repair and Paint to be expended under the direction of the Town Manager for the replacement of two trash trailers at the Provincetown Transfer Station, and cost related thereto.**

VOTES		Yes	No	Abs	Report by:
	<b>Motion/Report</b>				<b>Alex Morse</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Board of Health</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>

Requires a two-thirds vote.

Motion passed with a two-third vote at 6:18 pm.

**Article 6. Eversource Easement for Transformer at Police Station on Jerome Smith Road**

To see if the Town will vote to authorize the Select Board to grant to NStar Electric Company dba Eversource Energy and/or other utility company an easement or easements for overhead lines for distribution of electricity, and lines for control, relay, and communication purposes over, across, upon, and under and over a portion or portions of the Town owned property located at 2 Jerome Smith Road, identified on the Assessors Map 8-1 as Parcel 013, on such terms and conditions as the Select Board deems appropriate; or to take any other action relative thereto.

*[Requested by the Select Board]*

**MOTION: I move the Town vote to approve Article 6 as printed in the warrant.**

VOTES		Yes	No	Abs	Report by:
	<i>Motion/Report</i>				<i>Alex Morse</i>
<i>Select Board</i>	<i>Recommends</i>	5	0	0	<i>None</i>
<i>Board of Health</i>	<i>Recommends</i>	5	0	0	<i>None</i>

*Requires a two-thirds vote.*

**Motion Passed with a Two-Thirds Vote at 6:20 pm.**

**Article 7. Capital Funding for 3 Jerome Smith Site Readiness and Preparation.** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$200,000 to be expended under the direction of the Town Manager for the removal of the old septic system at 3 Jerome Smith Road in preparation for the Community Builders housing project; or to take any other action relative thereto.

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

**MOTION: I move that the Town vote to transfer \$40,000 from the Capital Stabilization Fund, with the remaining expenses to be covered by grant funds, to be expended under the direction of the Town Manager to pay for the septic removal and site readiness of 3 Jerome Smith Road, and costs related thereto.**

VOTES		Yes	No	Abs	Report by:
	<b>Motion/Report</b>				<b>Alex Morse</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Board of Health</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Community Housing Council</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Year-Round Housing Trust</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Planning Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>

**Requires a two-thirds vote.**

**Motion passed with a two-thirds vote at 6:22 pm.**

**Article 8. Acquisition of 22, 22R and 24 Nelson Avenue.** To see if the Town will vote to appropriate \$2,035,000, or any other amount, to pay costs of acquiring the parcels of land located at 22/22R and 24 Nelson Avenue, identified on the Assessors Map 9-2 as Parcels 12-A, 13, 14, and for the payment of all costs incidental and related thereto, and to determine whether this amount shall be raised by borrowing or otherwise and to authorize the Select Board to acquire said parcels by purchase, gift, and/or eminent domain for affordable and/or community housing purposes and for the purpose of conveyance; and further to authorize the Select Board to convey or lease said parcels, such acquisitions and conveyances to be on such terms and conditions and for such consideration as the Select Board shall determine to be in the best interests of the Town; or take any other action relative thereto.

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

**MOTION:** I move that the Town appropriate \$2,035,000, to pay costs of purchasing the parcels of land located at 22/22R and 24 Nelson Avenue and for the payment of all costs incidental and related thereto, for housing and any other municipal purposes, and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow said amount under and pursuant to G.L. c. 44, §7(1) or any other enabling authority, and to issue bonds or notes of the Town therefor, and to authorize the Select Board to acquire said parcels by purchase, gift, and/or eminent domain for affordable and/or community housing purposes and for the purpose of conveyance, and, further, to authorize the Select Board to convey or lease said parcels, such acquisitions and conveyances to be on such terms and conditions and for such consideration as the Select Board shall determine to be in the best interests of the Town.

VOTES		Yes	No	Abs	Report by:
	<b>Motion/Report</b>				<b>Alex Morse</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Community Housing Council</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Year-Round Housing Trust</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Board of Health</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Planning Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>

Requires a two-thirds vote.

Motion passed with a two-thirds vote at 6:28 pm.

**Article 9. Declaration of Surplus of Property Located at 26 Shank Painter Road and 15 Browne Street.** To see if the Town will vote to transfer the care, custody, control, and management of the following described parcels of land from the board or officer that currently has custody of the land to the Select Board for affordable and/or community housing purposes and for the purpose of conveyance, and, further, to authorize the Select Board to convey or lease said parcels for the purpose of creating affordable and/or community housing thereon, all on such terms and conditions as the Select Board shall determine to be in the best interests of the Town; the land being all or a portion of Assessors Map No.7-2, Parcel No. 68, located at 26 Shank Painter Road, and Assessors

Map No. 7-2, Parcel No. 70, located at 15 Browne Street, and commonly known as the Former Police Station; or to take any other action relative thereto.

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

**MOTION:** *I move the Town vote to approve Article 9 as printed in the warrant.*

<b>VOTES</b>		<i>Yes</i>	<i>No</i>	<i>Abs</i>	<i>Report by:</i>
	<i>Motion/Report</i>				<i>Alex Morse</i>
<i>Select Board</i>	<i>Recommends</i>	<i>5</i>	<i>0</i>	<i>0</i>	<i>None</i>
<i>Community Housing Council</i>	<i>Recommends</i>	<i>5</i>	<i>0</i>	<i>0</i>	<i>None</i>
<i>Year-Round Housing Trust</i>	<i>Recommends</i>	<i>5</i>	<i>0</i>	<i>0</i>	<i>None</i>
<i>Board of Health</i>	<i>Recommends</i>	<i>5</i>	<i>0</i>	<i>0</i>	<i>None</i>
<i>Planning Board</i>	<i>Recommends</i>	<i>5</i>	<i>0</i>	<i>0</i>	<i>None</i>
<i>Provincetown Housing Authority</i>	<i>Recommends</i>	<i>3</i>	<i>0</i>	<i>0</i>	<i>None</i>

*Requires a two-thirds vote.*

**Motion passed by a Two Thirds vote at 6:52 pm.**

***Article 10. Declaration of Surplus of Property Located at 288A Bradford Street.*** To see if the Town will vote to transfer the care, custody, control, and management of the following described parcel of land from the board or officer that currently has custody of the land to the Select Board for affordable and/or community housing purposes and for purpose of conveyance, and, further, to authorize the Select Board to convey or lease said parcel, subject to compliance with G.L. c.30B, for the purpose of creating affordable and/or community housing thereon on such terms and conditions as the Select Board shall determine to be in the best interests of the Town; the land being all or a portion of Assessors Map No.15-3, Parcel No. 101, located at 288A Bradford Street; or to take any other action relative thereto.

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

**MOTION:** *I move the Town vote to approve Article 10 as printed in the warrant.*

<b>VOTES</b>		<b>Yes</b>	<b>No</b>	<b>Abs</b>	<b>Report by:</b>
	<b>Motion/Report</b>				<b>Alex Morse</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Community Housing Council</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Year-Round Housing Trust</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Board of Health</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Planning Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Provincetown Housing Authority</b>	<b>Recommends</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>None</b>

**Requires a two-thirds vote.**

**Motion passed by a Two Thirds vote at 7:05 pm.**

**Article 11. General Bylaw Amendment – Prohibitions Related To Short-Term Rental Of Residential Properties.** To see if the Town will vote to amend the Provincetown General By-Laws by adding a new Section 13-8 entitled: Prohibitions Related to Short-Term Rental of Residential Properties, as set forth below:

13-8. Prohibitions Related to Short-Term Rental of Residential Properties.

13-8-1. Purpose and Intent. This bylaw is enacted pursuant to the Town’s Home Rule Authority and the authority set forth in General Laws c. 64G, §14 and is intended to:

- (1) provide for an orderly process for identifying, registering, and regulating Short-Term Rentals within the Town so as to ensure that such Short-Term Rentals do not create or cause any nuisance conditions within the Town.
- (2) Protect the time-honored tradition of home rentals in Provincetown and preserve economic opportunities through Short-Term Rentals for persons to keep their homes, now and into the future, so they may afford to live either full-time or part-time in Provincetown;
- (3) avoid adverse impacts on the local economy stemming from a loss of existing Short Term Rental revenue, including rooms excise tax revenue, and visitor spending.
- (4) prohibit additional corporate ownership and discourage investment-only ownership of residential properties for the exclusive purpose of operating them as Short-Term Rentals rather than housing for either full-time or part-time residences.
- (5) reduce the neighborhood churn caused by numerous turnovers of occupancy of Short-Term Rentals in residential neighborhoods.
- (6) limit the conversion of residential units to Short-Term Rentals which has had the deleterious effect of removing residential units from the available year-round rental housing stock.
- (7) protect the existence of year-round residences and the quiet and peace of the Town by preventing unwarranted commercialization from encroaching therein, including commercialization caused by the misuse of single-family residences. Fractional ownership, interval and time share units have similar character as commercial hotels, motels, lodges, and other commercial occupancy uses due to their transient nature and multiple short-term occupancies. Such commercial or quasi-commercial use is inappropriate in residential areas due to the increased traffic generation and multiple occupancies disturbing the peace and quiet of residential neighborhoods.

13-8-2. Definitions.

For purposes of this Chapter, the following terms shall have the definitions indicated.

13-8-2-1. “Corporation”. All businesses and charitable entities required to file Articles of Incorporation and Annual Reports with the Massachusetts Secretary of State or an equivalent agency of another state, pursuant to G.L. c. 156D, § 2 or G.L. c. 180, §4, respectively.

13-8-2-2. “Owner”. Any person who alone, or severally with others, has legal or equitable title or beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee or person appointed by the courts. An Owner can be a single person, a marital unit, a group of people, LLC, or a Trust. The Owner may also be referred to as the operator, or the Host.

13-8-2-3. “Short-Term Rental”. The rental of a whole or a portion of a residential or secondary dwelling unit, in exchange for payment, as residential accommodations for not more than thirty



consecutive days, excluding a Hotel, Motel, or Lodging House or Tourist Home for Transient Guests as defined in Massachusetts General Laws Chapter 64G.

13-8-2-4. “Time Share, Interval or Fractional Ownership Unit.” Any Dwelling Unit which is owned by a limited liability company, corporation, partnership, or other joint ownership structure in which unrelated persons or entities own, sell, purchase or otherwise for consideration create or acquire any divided property interest including co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are subject to, or subsequently bound by any agreement limiting the right or functional ability of interest holders or their designees to occupy or use the property to their respective interests or any other agreement which limits interest holders’ or their designees’ use of the property to fractional reservations through stay limitations of any duration. Such use is established by any of the following elements:

- (1) co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are openly advertised, marketed, or offered for sale and sold individually at separate times;
- (2) centralized or professional management;
- (3) reservation systems;
- (4) maximum or minimum day limits on each interest holder’s occupancy or use of the property; or
- (5) management agreements or fees reflective of interval use or ownership, irrespective of whether the agreement may be cancelled individually or by any party.

13-8-3. Prohibitions.

13-8-3-1. Registration Requirement. No dwelling unit or part thereof may be offered as a Short-Term Rental within the Town of Provincetown unless it is operated in accordance with a Short-Term Rental Certificate issued by the Board of Health and is in compliance with regulations issued by the Board of Health, and is registered with the Commonwealth of Massachusetts Department of Revenue in accordance with applicable laws.

13-8-3-2. *Reserved.*

13-8-3-3. Corporate Ownership. Short-Term Rentals are prohibited in dwelling units owned by a corporation. Short-Term Rentals are permitted in dwelling units owned by an LLC, Trust, or S Corporation only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration.

13-8-3-4. Affordable Housing Dwelling Units. Short-Term rentals are prohibited in dwelling units designated as affordable or otherwise income-restricted, which are subject to an affordability restriction or are otherwise subject to housing or rental assistance under local, state, or federal programs or law.

13-8-3-5. Time Share, Fractional and Interval Ownership Units. No Fractional Ownership, Interval or Time Share unit may engage in Short-Term Rental activities or be eligible to receive a Certificate of registration for such unit; except that this section shall not apply to the creation of mortgages, liens, easements or other similar interests encumbering the residential property as a whole to secure a loan or for any other legitimate purposes; and this section shall not apply to non-commercial groups, such as families, partnerships, associations, or trusts with divided interests or agreements in which the real estate is held and transferred within the family, partnership, association or trust, as opposed to sold in fractional or divided interests on the open market.

13-8-3-6. Protection for Existing Short-Term Rentals. Any person or other legal entity, including Corporations, LLC’s, Trusts, and S Corporations, which hold a current Long-Term Rental Certificate

issued prior to January 1, 2023 and/or a Short-Term Rental Certificate issued after January 23, 2023 on the effective date of this bylaw may continue to engage in Short-Term Rentals in accordance with the existing Rental Certificate, until the dwelling unit is transferred or conveyed, or the Rental Certificate is not renewed or is revoked by the Board of Health.. If a property is bequeathed to a person or other beneficiary through a will, trust, or other instrument, the new owner may continue to engage in Short-Term Rental activities in accordance with this section.

#### 13-8-4. Regulations.

13-8-4-1. Regulations and Fees. The Board of Health may promulgate regulations to carry out and enforce the provisions of this bylaw, and may, subject to the approval of the Select Board, set fees for the issuance of Rental Certificates for Short-Term Rentals.

#### 13-8-5. Penalties and Enforcement.

13-8-5-1. Enforcement Options. Whoever violates any provision of this bylaw, or a regulation promulgated hereunder may be penalized by indictment or on complaint brought in the district court. The Town may seek to enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

13-8-5-2. Non-Criminal Disposition. Whoever violates any provision of this bylaw, or a regulation promulgated hereunder may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, section 21D and the Town's non-criminal disposition by-law (Chapter 2). If non-criminal disposition is elected, then any person who violates any provision of this bylaw or regulation shall be subject to a penalty in the amount of one hundred dollars (\$100) for the first offense; two hundred dollars (\$200) for the second offense; and three hundred dollars (\$300) for a third and subsequent offense. Each day or portion thereof shall constitute a separate offense. The Board of Health or its agent, or any police officer of the Town, shall be the enforcing authority.

13-8-5-3. Suspension of a Rental Certificate. If a notice of violation of this bylaw or any regulation promulgated hereunder or other order is issued to the Owner of a dwelling unit operated as a Short-Term Rental by the Board of Health or its designee, after a Rental Certificate is issued, the Board of Health, after a hearing, may suspend for a period of time determined by the Board of Health or revoke said Rental Certificate until the violation has been cured or otherwise resolved. Multiple violations by any Owner may, at the discretion of the Board of Health and after a hearing, disqualify that Owner from obtaining a Rental Certificate for a period of up to three years.

13-8-5-4. Civil Penalty. In accordance with G.L. c. 64G, §14(v), the Town may assess a civil penalty not to exceed \$5,000 for any violation of this bylaw or a regulation issued hereunder. Each day a violation continues shall be considered a separate offense.

#### 13-8-6. Severability.

If any provision in this chapter shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

Or to take any other action relative thereto.

*[Requested by the Select Board]*

**MOTION: I move that the Town vote to amend the Provincetown General Bylaw as printed in the warrant under Article 11.**

VOTES		Yes	No	Abs	Report by:
	<b>Motion/Report</b>				<b>Alex Morse</b>
<b>Select Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Finance Committee</b>	<b>Recommends</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Community Housing Council</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Board of Health</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Provincetown Authority</b>	<b>Housing Recommends</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>None</b>

Speaker Brian Belauzentis proposed an amended proposal – Move to amend Article 11 to clarify that roommates are not covered by this bylaw and delete “or portion” 13-8-2-3 and to delete criminal provision and large civil penalty and delete 13-8-5-1 and 13-8-5-4.

**Amendment fails.**

**Requires a majority vote.**

**Motion passed by a majority vote at 7:22 pm.**

***Article 12. General Bylaw Amendment – Prohibitions Related To Short-Term Rental Of Residential Properties – Additional Regulations.*** To see if the Town will vote to amend the Provincetown General By-Laws by adding a new Section 13-8 entitled: Prohibitions Related to Short-Term Rental of Residential Properties, as set forth below:

13-8. Prohibitions Related to Short-Term Rental of Residential Properties.

13-8-1. Purpose and Intent. This bylaw is enacted pursuant to the Town’s Home Rule Authority and the authority set forth in General Laws c. 64G, §14 and is intended to:

- (1) provide for an orderly process for identifying, registering, and regulating Short-Term Rentals within the Town so as to ensure that such Short-Term Rentals do not create or cause any nuisance conditions within the Town.
- (2) Protect the time-honored tradition of home rentals in Provincetown and preserve economic opportunities through Short-Term Rentals for persons to keep their homes, now and into the future, so they may afford to live either full-time or part-time in Provincetown;
- (3) avoid adverse impacts on the local economy stemming from a loss of existing Short Term Rental revenue, including rooms excise tax revenue, and visitor spending.
- (4) prohibit additional corporate ownership and discourage investment-only ownership of residential properties for the exclusive purpose of operating them as Short-Term Rentals rather than housing for either full-time or part-time residences.
- (5) reduce the neighborhood churn caused by numerous turnovers of occupancy of Short-Term Rentals in residential neighborhoods.
- (6) limit the conversion of residential units to Short-Term Rentals which has had the deleterious effect of removing residential units from the available year-round rental housing stock.

(7) protect the existence of year-round residences and the quiet and peace of the Town by preventing unwarranted commercialization from encroaching therein, including commercialization caused by the misuse of single-family residences. Fractional ownership, interval and time share units have similar character as commercial hotels, motels, lodges, and other commercial occupancy uses due to their transient nature and multiple short-term occupancies. Such commercial or quasi-commercial use is inappropriate in residential areas due to the increased traffic generation and multiple occupancies disturbing the peace and quiet of residential neighborhoods.

#### 13-8-2. Definitions.

For purposes of this Chapter, the following terms shall have the definitions indicated.

13-8-2-1. “Corporation”. All businesses and charitable entities required to file Articles of Incorporation and Annual Reports with the Massachusetts Secretary of State or an equivalent agency of another state, pursuant to G.L. c. 156D, § 2 or G.L. c. 180, §4, respectively.

13-8-2-2. “Owner”. Any person who alone, or severally with others, has legal or equitable title or beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee or person appointed by the courts. An Owner can be a single person, a marital unit, a group of people, LLC, or a Trust. The Owner may also be referred to as the operator, or the Host.

13-8-2-3. “Short-Term Rental”. The rental of a whole or a portion of a residential or secondary dwelling unit, in exchange for payment, as residential accommodations for not more than thirty consecutive days, excluding a Hotel, Motel, or Lodging House or Tourist Home for Transient Guests as defined in Massachusetts General Laws Chapter 64G.

13-8-2-4. “Time Share, Interval or Fractional Ownership Unit.” Any Dwelling Unit which is owned by a limited liability company, corporation, partnership, or other joint ownership structure in which unrelated persons or entities own, sell, purchase or otherwise for consideration create or acquire any divided property interest including co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are subject to, or subsequently bound by any agreement limiting the right or functional ability of interest holders or their designees to occupy or use the property to their respective interests or any other agreement which limits interest holders’ or their designees’ use of the property to fractional reservations through stay limitations of any duration. Such use is established by any of the following elements:

- (1) co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are openly advertised, marketed, or offered for sale and sold individually at separate times;
- (2) centralized or professional management;
- (3) reservation systems;
- (4) maximum or minimum day limits on each interest holder’s occupancy or use of the property; or
- (5) management agreements or fees reflective of interval use or ownership, irrespective of whether the agreement may be cancelled individually or by any party.

#### 13-8-3. Prohibitions.

13-8-3-1. Registration Requirement. No dwelling unit or part thereof may be offered as a Short-Term Rental within the Town of Provincetown unless it is registered with the Board of Health and in compliance with regulations issued by the Board of Health and is registered with the Commonwealth of Massachusetts Department of Revenue in accordance with applicable laws.

13-8-3-2. Limitation on Number of Short-Term Rentals. An Owner may register to operate only two

dwelling units as Short-Term Rentals. If a person owns or is listed as a manager and/or is an agent for three or more dwelling units, that person must choose only two units to be registered as Short-Term Rentals. No person shall have more than two legal or equitable title or beneficial interest in dwelling units used for Short-Term Rentals except as provided for above. An Owner may hire a property management company to list and manage Short-Term Rentals, but the registration must be in the Owner's name.

13-8-3-3. Corporate Ownership. Short-Term Rentals are prohibited in dwelling units owned by a corporation. Short-Term Rentals are permitted in dwelling units owned by an LLC, Trust, or S Corporation only when every shareholder, partner, or member of the legal entity is a natural person, as established by documentation provided by the applicant at the time of registration.

13-8-3-4. Affordable Housing Dwelling Units. Short-Term rentals are prohibited in dwelling units designated as affordable or otherwise income-restricted, which are subject to an affordability restriction or are otherwise subject to housing or rental assistance under local, state, or federal programs or law.

13-8-3-5. Time Share, Fractional and Interval Ownership Units. No Fractional Ownership, Interval or Time Share Dwelling Unit may engage in Short-Term Rental activities or be eligible to receive a Certificate of Registration for such unit; except that this section shall not apply to the creation of mortgages, liens, easements or other similar interests encumbering the residential property as a whole to secure a loan or for any other legitimate purposes; and this section shall not apply to non-commercial groups, such as families, partnerships, associations, or trusts with divided interests or agreements in which the real estate is held and transferred within the family, partnership, association or trust, as opposed to sold in fractional or divided interests on the open market.

13-8-3-6. Protection for Existing Short-Term Rentals. Any person or other legal entity who holds a current Certificate of Registration on the effective date of this bylaw may continue to engage in Short-Term Rentals in accordance with the existing Certificate of Registration, until the dwelling unit is transferred or conveyed, or the certificate of registration is not renewed. If a property is bequeathed to a person or other beneficiary through a will, the new owner may continue to engage in Short-Term Rental activities in accordance with this section.

#### 13-8-4. Regulations.

13-8-4-1. Regulations and Fees. The Board of Health may promulgate regulations to carry out and enforce the provisions of this bylaw, and may, subject to the approval of the Select Board, set fees for the issuance of Certificates of Registration for Short-Term Rentals.

#### 13-8-5. Penalties and Enforcement.

13-8-5-1. Enforcement Options. Whoever violates any provision of this bylaw, or a regulation promulgated hereunder may be penalized by indictment or on complaint brought in the district court. The Town may seek to enjoin violations thereof through any lawful process, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

13-8-5-2. Non-Criminal Disposition. Whoever violates any provision of this bylaw, or a regulation promulgated hereunder may be penalized by a noncriminal disposition process as provided in Massachusetts General Laws, Chapter 40, section 21D and the Town's non-criminal disposition by-law (Chapter 2). If non-criminal disposition is elected, then any person who violates any provision of this bylaw or regulation shall be subject to a penalty in the amount of one hundred dollars (\$100) for the first offense; two hundred dollars (\$200) for the second

offense; and three hundred dollars (\$300) for a third and subsequent offense. Each day or portion thereof shall constitute a separate offense. The Board of Health or its agent, or any police officer of the Town, shall be the enforcing authority.

13-8-5-3. Suspension of Certificate of Registration. If a notice of violation of this bylaw or any regulation promulgated hereunder or other order is issued to the Owner of a dwelling unit operated as a Short-Term Rental by the Board of Health or its designee, after a Certificate of Registration is issued, the Board of Health, after a hearing, may suspend for a period of time determined by the Board of Health or revoke said Certificate of Registration until the violation has been cured or otherwise resolved. Multiple violations by any Owner may, at the discretion of the Board of Health and after a hearing, disqualify that Owner from obtaining a Certificate of Registration for a period of up to three years.

13-8-5-4. Civil Penalty. In accordance with G.L. c. 64G, §14(v), the Town may assess a civil penalty not to exceed \$5,000 for any violation of this bylaw or a regulation issued hereunder. Each day a violation continues shall be considered a separate offense.

13-8-6. Severability.

If any provision in this chapter shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

In the event that the motion under this Article and the previous Article are approved, the Town Clerk is hereby authorized to publish the bylaw incorporating the substantial changes in both articles.

Or to take any other action relative thereto.

*[Requested by the Select Board]*

**MOTION:**

*[If Article 11 passes]:*

***I move that the Town vote to amend the Provincetown General Bylaw by adding a new section 13-8-3-2 as printed in the warrant under Article 12.***

*[If Article 11 does not pass]:*

***I move to indefinitely Postpone Article 12.***

VOTES		Yes	No	Abs	Report by:
	<i>Motion/Report</i>				<i>Alex Morse</i>
<i>Select Board</i>	<i>Recommends</i>	5	0	0	<i>None</i>
<i>Finance Committee</i>	<i>Recommends</i>	6	1	1	<i>None</i>
<i>Community Housing Council</i>	<i>Recommends</i>	5	0	0	<i>None</i>
<i>Year-Round Housing Trust</i>	<i>Not Recommend</i>	3	2	0	<i>None</i>
<i>Board of Health</i>	<i>Recommends</i>	5	0	0	<i>None</i>
<i>Provincetown Housing Authority</i>	<i>Recommends</i>	3	0	0	<i>None</i>

*Requires a majority vote.*

**Motion passed by a majority vote at 7:39 pm.**

**Article 13. Zoning Bylaw Amendment - Ban on Fractional Ownership.** To see if the Town will vote to amend the Provincetown Zoning By-Laws by adding a new Section 4195, entitled: Time Share, Interval and Fractional Ownership Units, as set forth below:

**Time Share, Fractional and Interval Ownership Units:**

1. **Findings and Purpose.** The purpose of this section is to preserve and protect limited housing stock in the Town from the market pressures attendant to time share, interval and fractional ownership uses and to protect neighborhoods from the impacts of such uses.
  - a. Fractional ownership, interval and time share units have similar character as commercial hotels, motels, lodges, and other commercial occupancy uses due to their transient nature and multiple short-term occupancies. Such commercial or quasi-commercial use is inappropriate in residential areas due to the increased traffic generation and multiple occupancies disturbing the peace and quiet of residential neighborhoods.
  - b. The needs of transient occupants are averse to the interests sought to be protected and preserved in residential neighborhoods, because commercial uses for transient occupants may sacrifice other values critical to residential neighborhoods.
  - c. The Town deems it necessary and appropriate to protect the existence of year-round residences and the quiet and peace of the Town by preventing unwarranted commercialization from encroaching therein, including commercialization caused by the misuse of single-family residences.
2. **Definition.**
  - a. Time Share, Interval or Fractional Ownership Unit. Any Dwelling Unit which is owned by a limited liability company, corporation, partnership, or other joint ownership structure in which unrelated persons or entities own, sell, purchase or otherwise for consideration create or acquire any divided property interest including co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are subject to, or subsequently bound by any agreement limiting the right or functional ability of interest holders or their designees to occupy or use the property to their respective interests or any other agreement which limits interest holders' or their designees' use of the property to fractional reservations through stay limitations of any duration. Such use is established by any of the following elements:
    1. co-ownership or fractional or divided estates, shares, leaseholds, or memberships which are openly advertised, marketed, or offered for sale and sold individually at separate times.
    2. centralized or professional management.
    3. reservation systems.
    4. maximum or minimum day limits on each interest holder's occupancy or use of the property; or
    5. management agreements or fees reflective of interval use or ownership, irrespective of whether the agreement may be cancelled individually or by any party.

**3. Prohibition of fractional ownership, interval, and time share units.**

The use of any dwelling unit in the Town as a fractional ownership, interval or time share unit is prohibited in all zoning districts.

- a. Exceptions.

1. This section shall not be deemed to preclude the creation of mortgages, liens, easements or other similar interests encumbering the residential property as a whole to secure a loan or for any other legitimate purposes.
2. This section shall not apply to non-commercial groups, such as families, partnerships, associations, or trusts with divided interests or agreements in which the real estate is held and transferred within the family, partnership, association or trust, as opposed to sold in fractional or divided interests on the open market.

**4. Severability.**

If any section, subsection, sentence, clause or phrase of this section is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this section.

Or to take any other action relative thereto.

*[Requested by the Select Board]*

**MOTION:**

**I move that the Town vote to amend the Provincetown Zoning Bylaw as printed in the warrant under Article 13.**

VOTES		Yes	No	Abs	Report by:
	<b>Motion/Report</b>				<b>Alex Morse</b>
<b>Planning Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Select Board</b>	<b>Recommends</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Community Housing Council</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Year-Round Housing Trust</b>	<b>Not Recommend</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>None</b>
<b>Board of Health</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Provincetown Authority</b>	<b>Housing Recommends</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>None</b>

**Requires a two-thirds vote.**

**Motion passed by a Two Thirds vote at 7:45 pm.**

*Article 14. Zoning Bylaw Amendment – Accessory Dwelling Units. (Deletions shown in strike-through and new text shown as underlined.)* To see if the Town will vote to amend the Provincetown Zoning Bylaws, Article 2 Districts and District Regulations, Section 2450 Permitted Accessory Uses as follows:

**2450 Permitted Accessory Uses**

Footnotes

6. One accessory dwelling unit may be allowed in the Res1 Zoning District, for a total of two dwelling units per lot; and in Res2 Zoning District for a total of three dwelling units per lot; and in the Res3, ResB, TCC and GC Zoning Districts when the lot area limits the number of dwelling units to one or two, and there are no more dwelling units on the lot than the



number allowed under this Bylaw, for a total of no more than ~~three~~ four dwelling units per lot. All accessory dwelling units shall ~~meeting~~ the following criteria: the accessory dwelling unit is ~~deed-restricted for year-round rental only~~ cannot be used for Short-Term Rentals, i.e. rentals of 31 days or less, as defined by the Massachusetts Department of Revenue; it is limited in size to 600 square feet if it is a free-standing dwelling unit or 40% of the gross floor area if it is located within ~~the~~ a principal residence or accessory to a principal commercial unit; and shall remain under the same ownership as the principal residence or principal commercial unit, such that the accessory dwelling unit cannot be converted into a condominium, cannot be divided onto a separate lot from the principal unit, nor be under separate ownership from the principal dwelling.

or to take any other action relative thereto.

*[Requested by the Planning Board]*

**MOTION:**

**I move that the Town vote to amend the Provincetown Zoning Bylaw as printed in the warrant under Article 14.**

VOTES		Yes	No	Abs	Report by:
	<b>Motion/Report</b>				<b>Alex Morse</b>
<b>Planning Board</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Select Board</b>	<b>Recommends</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>None</b>
<b>Community Housing Council</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Year-Round Housing Trust</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Board of Health</b>	<b>Recommends</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>None</b>
<b>Provincetown Authority</b>	<b>Housing Recommends</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>None</b>

Requires a two-thirds vote.

Motion passed by a Two Thirds vote at 7:47 pm.

Motion to dissolve the Special Town Meeting by Alex Morse.  
 October 23, 2023 Special Town Meeting dissolved at 7:48 pm